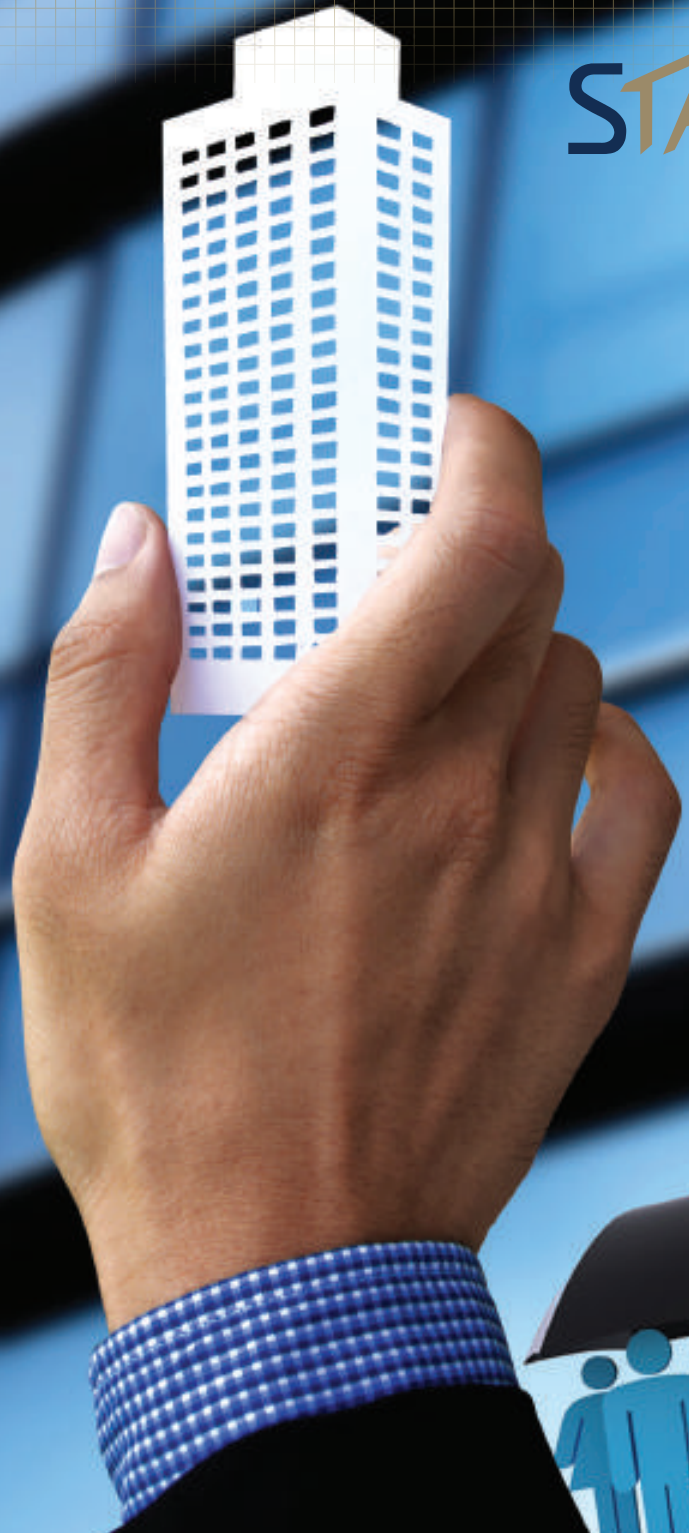


Guide to Law Number (11) Of 2021 on Land Register in Emirates of Ras Al Khaimah

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Law Number (11) Of 2021 on Land Register in Emirate of Ras Al Khaimah

Introduction

The UAE government has issued *Federal Law Number (11) of 2021*, which supersedes the former *Industrial Property Law Number (31) of 2006* on the Regulation and Protection of Patents, Industrial Drawings, and Designs. The *new Law* covers patents, utility models, industrial designs, and trade secrets in the UAE to protect industrial property and regulate the registration, use, exploitation, and assignment procedures to foster knowledge and innovation. On May 31, 2021, the new Law was published in the official gazette number (703 - Annex), and it will take effect six months after that date.

The following are the significant changes to the existing UAE law:

Article (1)

Unless the context of the text indicates otherwise, the following words and phrases shall have the meanings meant opposite each of them to carry out the provisions of this Law:

Emirate: Ras Al Khaimah

State: United Arab Emirates Emirate

Ruler: Ruler of Emirates

Council: Executive council of emirates

Department: Municipality department

Director: Director General of department

Sector: Land and properties sector

Administration: Registration administration in the sector

Article (4)

The property is divided into four categories based on who owns it:

- I. Government-owned land
- II. A private residence
- III, Property with Endowment



Article (6)

- I. On the off chance that an enrolled land unit is separated and every proprietor claims a part of it, the first cadaster will be supplanted by a few cadasters set up as per diagrams given by the equipped specialized power. Such division will be referenced and clarified in the first cadaster and discounted rather than removed from the register after the installment of expenses. Such division will be referenced and explained in the first cadaster and dismissed rather than removed from the record.
- II. If a building is divided into levels or flats, each level or apartment must have its sub-cadaster in the property land cadaster, and each level or flat must be registered in the owner's name.
- III. Shares of partners in common parts shall be recorded in joint ownerships and units sorted based on levels, flats, and real estate development areas, and such shares shall be calculated by dividing total areas of common parts by total net areas of sorted units multiplied by the net area of the unit.

Article (7)

If more than one unit has been merged and one of them is held by an accessory right in rem, that right will be extended to cover the new real estate unit without the right holder's agreement.

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*"Success in real estate starts
when you believe you are worthy of it."*

- Michael Ferrara

However, if an independent accessory protects each unit right in rem, the rights holders must consent to the merger. If a team with an accessory right in rem is sorted or divided, the accessory right in rem extends to all new real estate units.

Article (9)

The sector will be in charge of land registration, and it will accomplish the following things to that end:

- I. Keep detailed records of real estate properties.
- II. Conduct a full property assessment and keep it up to date.
- III. Prepare or approve ideal contract forms for real estate dispositions and other property rights that the Law determines.
- IV. Establish guidelines for document regulation, maintenance, and disposal.
- V. Establish guidelines for using computers in the process of saving and registering details of real estate dispositions and any other property rights established by Law.
- VI. Create, manage, supervise, and maintain a real estate database as the foundation for the National Information System.
- VII. Conduct research and publish magazines focusing on real estate market trends.
- VIII. Research into confirming precarious rights by a title deed following the council's rules.

Article (12)

Foreigners who are not nationals of the United Arab Emirates or citizens of Gulf Cooperation Council countries, whether natural or legal persons, are forbidden from obtaining ownership of built properties or vacant lands in the emirate for any cause other than inheritance.

This ban will apply to absolute ownership, bare ownership, and usufruct rights, with rents of more than fifty years being considered possession in the application of this Law. Any firm in which citizens of the UAE or Gulf Cooperation Council countries do not own at least 51 percent of the capital shall be considered a legal person for this article.

Article (13)

Foreigners may gain possession of built properties and vacant lands in the following circumstances, except for the prohibition outlined in the previous article:

- I. The Ruler's approval of foreigners' possession in regions designated by him.
- II. If the property is in the hands of a foreign government as the location of its diplomatic or consular mission or the residence of the mission's head, on the condition of reciprocity, or if the property is owned by one of the international agencies or organizations.

Article (18)

Only documents signed by the parties before the sector and issued by the person who has the power of disposal in the rights established in the register or judgments or resolutions issued by the relevant court may be used to update the data in the record. The sector may correct material errors in the register's details on its own or at the request of concerned persons, and the person whose rights were changed, removed, or corrected shall be notified of each entry, erasure, annotation, or correction, and all of this shall be included in the title deed. The resolution will determine the recording, altering, annotating, and correcting procedures from the Director.

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"The desire for carnal possession quickly cools, whereas the desire to own land never quits the heart of man "

- Gabriel Chevallier

Article (19)

Owners of real estate units must notify the sector within three months of any change to the unit, such as the addition of buildings or the establishment of essential details, or the modification or removal of the same, and a declaration containing the changes and license thereof must be attached to the notice, and the details of the register must be amended accordingly.

Article (21)

Each owner will obtain a copy of the cadaster, labeled "Title Deed," and if two or more people hold property jointly, each of them will receive a copy of the document in the name of all joint owners after paying a fee.

Article (25)

All dispositions that create determine, transfer, or remove any real estate accessory rights in rem, as well as final judgments that establish something similar, and assignment declarations for recording any of these rights, should be recorded. Non-recording will result in these rights not being subject to a legal argument among concerned persons or others.

Article (26)

Suppose the succession includes real estate rights in rem. In that case, the heir should register the heritage right by registering the deed that establishes the heritage right and succession lists that must include each heir's portion. Except within the limitations of his legal part in each unit, no disposition by the successor may be recorded under the terms of the preceding clause.

Article (29)

Annotation of cases in the register shall result in the plaintiff's right being a legal argument against those who have rights and details that serve their interests having been established in the register as the date of annotating in these cases. The period of the five years shall begin from the effective date of this Law for the final judgments existing. This right shall not be used as a legal defense against a third party who acquired his right in good faith before the annotation's occurrence.

Article (31)

- I. The following items should be included in the application for registration in the register: The topic of the application for registration.
- II. Information on each of the disposition parties, including his full name, surname, country, residence, phone number, and information from his ID or passport.
- III. The names and capacities of people who represent others, as well as the scope of their powers and supporting documentation.
- IV. The property's location, kind, landmarks, area, borders, and dimensions, as well as the subject matter of the registration application.
- V. Identify any real estate rights in rem owed to or against the property
- VI. If applicable, a price or other form of consideration
- VII. Documents proving ownership or right in rem, as well as the number and year of issue of the title deed, which is the subject of the registration application.

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"The land is the only thing in the world worth working for, worth fighting for, worth dying for, because it's the only thing that lasts."

- Margaret Mitchell



Within fifteen days from the date of submission, the application for registration in the register should be accompanied by a title deed or an equivalent document, as well as all papers and documents that support the details stated in the application, as determined by the executive regulation of this Law, and this period may be extended to similar periods if the concerned person provides an acceptable excuse and the registration application that does not meet the required document.

Article (32)

If the writing has not been recorded in the register within one year of its submission date because it does not meet the stipulated papers and procedures, the application will be crossed off; however, this period may be extended for another year only if the concerned person submits a request for extension at least two weeks before the expiry date and after payment of the determined fee.

Article (33)

If more than one application in respect of the same property has been submitted, these applications should be considered in order of registration precedence, and if the procedures of the earlier application failed to be completed due to a deficiency or fault in the details or papers, the concerned person should be notified to avoid this deficiency or fault within fifteen days from the date of receipt of the notice, otherwise, his application will take precedence.

Article (34)

A person who has had his application annotated to a complete statement for which he sees no reason, or whose application or precedence has been crossed off, may file a grievance with the Sector's Director within ten days of being notified of the resolution, provided that the states the reasons on which he relied in the grievance pleading. Examining the following applications in priority order will be halted until a reasoned decision on the grievance is provided within one week.

Article (35)

The final contract shall be formed on the form developed or approved by the sector once the application has completed all legal requirements for registration. After validating the parties' identities, the sector will certify their signatures in front of the sector. If the disposition is the subject of a judgment, the judgment's execution form should be included with the papers.

Article (37)

The developer must register the dispositions made before the implementation of this Law within sixty days of the Law's effective date, or his authority to sell units off-plan will be revoked for those units that have not been sold.

Article (39)

It is permissible to dispose of real estate units sold off-plan and registered in the initial land register by sale, mortgage, or other legal dispositions with the approval of the two contracting parties. It is prohibited for the developer to receive any fees on such units' sale, re-sale, or other legal dispositions, except for expenses received by the developer from third parties and approved by the sector.

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Article (40)

Developers must register finished projects in the land register with the sector as soon as they receive a performance certificate from the competent authorities, which includes registering units sold in the names of purchasers who have fulfilled their contractual duties.

Article (41)

Whoever unlawfully records a deed to usurp another person's property or gain a right in rem thereupon, or attempts to do so, shall be penalized by imprisonment and fine, or any combination of these two punishments, without infringing any other law.

Article (42)

Anyone who evades or attempts to evade the payment of fees imposed by this legislation is subject to a fine equal to double the required fee, provided that the fine is not less than 5,000 dirhams.

Article (44)

Competent authorities shall present the details and paperwork linked to registration procedures as soon as the Administration requests them, as well as when the Law requires them to be presented.

Article (48)

This Law shall take effect on the date of its enactment and publication in the Official Gazette. Ras Al Khaimah Ruler Saud Bin Saqr Bin Mohamed Al Qasimi We have issued this document on the fourteenth of Safar 1443H. G. corresponds to September 1 in the year 2021.

"The land knows you, even when you are lost"

- Robin Wall Kimmerer

Conclusion

Unless the context of the text indicates otherwise, the following words and phrases shall have the meanings indicated opposite each of them to carry out the provisions of this Law:

Emirate: Ras Al Khaimah

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ISBN 978 - 9948 - 22 - 445 - 7



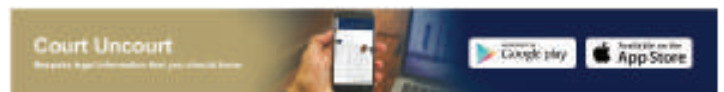
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