

# Law No. 2 of 2009 Amending Certain Provisions of the Qatar Financial Centre (QFC) Law as Promulgated by Law No. 7 of 2005 2 / 2009

Number of Articles: 7

## Table of Content

Articles (1-7)

We, Hamad Bin Khalifa Al-Thani, Emir of the State of Qatar;  
Having perused the Constitution;  
Qatar Financial Centre Law as Promulgated by Law No. 7 of 2005;  
Emiri Order No. 1 of 2008 reshuffling the Council of Ministers;  
The proposal of the Minister of Economy and Finance;  
The Draft Law submitted by the Council of Ministers, and  
Having taken into consideration the Opinion of the *Shura* Council;  
Hereby promulgate the following:

## Articles

### Article 1

The expression "Minister of Economy and Finance" shall be replaced with the expression "Minister of Economy and Trade" as stated in Article 1 of the Qatar Financial Centre Law, referred to above. Also the expression "Appellate Authority" and its definition stated in the same Article shall be replaced with the following expression and definition:

"Regulatory Tribunal" means QFC Regulatory Tribunal formed under Article 8 of this Law.

### Article 2

The following definition shall be added to the definitions stipulated in Article 1 of the Qatar Financial Centre Law, referred to above:

"Civil and Commercial Court" means QFC Civil and Commercial Court, which includes the First Instance Circuit and the Appellate Circuit, formed under Article 8 of this Law.

### Article 3

### Article 4

Annex 5 of the Qatar Financial Centre Law shall be replaced with the following Annex:

#### **"Annex No. 5**

#### **QFC Regulatory Tribunal**

1. The Regulatory Tribunal shall consist of a Chairperson and a sufficient number of members.
2. Chairperson and members of the Regulatory Tribunal shall be of good character and not younger than thirty years of age. They shall have legal knowledge and experience.
3. Chairperson or a member of the Regulatory Tribunal may not be a member of the board, the RA board or board of any QFCA or be employed by any

of them. Chairperson or any member of the Regulatory Tribunal who violates this provision shall be dismissed from it.

4. Chairperson and the members shall be appointed for a term of five years, renewable, issued for their appointment and remuneration a decision by the Council of Ministers, upon the submission of the Minister.

5. Chairperson and members of the Regulatory Tribunal shall maintain independence in the performance of their duties. The State, Council of Ministers, Chairperson, QFCA, the RA or any other person may not intervene in the decision of them.

6. Chairperson and members of the Regulatory Tribunal may be dismissed by the Council of Ministers under the following circumstances:

6.1 Where they are unable to perform their duties due to ill-health.

6.2 Where they are declared bankrupt.

6.3 Where they are convicted of a criminal offence or the Council of Ministers is convince that they are guilty of a serious misconduct or they are of any other opinion that they should be dismissed.

7. The Chairperson or any member of the Regulatory Tribunal shall not have any economic or financial ties of any kind with the disputing parties.

8. The decisions of any authority or QFC bodies shall be appealed before the Regulatory Tribunal within sixty days from the date of publication in the issuing party releases "if any", or declaration of the person concerned by a registered letter.

9. The validity period mentioned in the previous item ceases with grievance to the issuing decision party, and it shall decide on the appeal within sixty days from the date of submission. Passing sixty days after submission the appeal without response from the issuing decision party considered as an implicit rejection, and time of lodging the claim shall be calculated from the explicit rejection date.

10. The appeal before the Regulatory Tribunal does not withhold the enforceability of the challenged decisions, unless the Regulatory Tribunal, upon a motion based on a justifiable reason from the concerned party, decisions to withhold the enforceability of the said decision until the subject matter of the dispute is decided.

11. Without prejudice to the rights of the litigants in relation to defence, the adversarial principle and equal protection, the Regulatory Tribunal shall issue a judgment within 90 days from the date the defendant receives official notice of the claim, unless the nature of the claims requires one or several extensions.

12. The Regulatory Tribunal shall apply the provisions of the QFC Law, the amendments thereof and the regulations issued by virtue of that law to the appeals against decisions of the QFC Authority, the Regulatory Authority or any QFC bodies.

13. Once the Chairperson and the members are appointed, the Regulatory Tribunal shall lay down its operational rulebook and proceedings in accordance with the provisions of this Law, the fundamental litigation principles and international best practices. Such rulebook and proceedings shall not be in effect until it is approved by the Council of Ministers.

14. The provisions of the Civil and Commercial Procedures Law as issued by Law No. 13 of 1990 and the amendments thereof, shall apply to the claims submitted before the Regulatory Tribunal, where the QFC Law, the rulebook and proceedings put in force by the Regulatory Tribunal by virtue of the previous clause are silent on the concerned matter.

15. The decision of the Regulatory Tribunal in enforceable unless the Appellate Circuit of the Civil and Commercial Court decides otherwise, on a motion from the appellate party, for reasons the Appellate Circuit considers reasonable.

16. The Chairperson of the Regulatory Tribunal shall appoint one of the judges of the tribunal as an enforcement judge, to issue execution orders within the boundaries of the QFC.

17. The Chairperson of the regulatory Tribunal shall manage its administrative and financial affairs and shall issue the necessary decisions to that effect."

## Article 5

The Annex No. 6 shall be added to the Qatar Financial Centre Law, referred to above, to be read as follows:

### **"Annex 6**

#### **The Civil and Commercial Court (CCC)**

1. The Civil and Commercial Court shall consist of a Chairperson and a sufficient number of members;

2. The CCC Chairperson and members shall be of good conduct and not younger than thirty years of age. They shall have legal knowledge experience;

3. CCC Chairperson or a member may not be a member of the board, the RA board or board of any QFCA or be employed by any of them. The CCC Chairperson or any member who violates this provision shall be dismissed therefrom;

4. The CCC Chairperson and the members shall be appointed for a term of five renewable years, issued for their appointment and remuneration a decision by the Council of Ministers upon the proposal of the Minister;

5. The CCC Chairperson and members shall maintain independence in the performance of their duties. The State, Council of Ministers, Chairperson, QFCA, the RA or any other person may not intervene in the decision thereof;

6. The CCC Chairperson and members may be dismissed by the Council of Ministers under the following circumstances:

6.1 If they are unable to perform their duties due to ill-health;

6.2 If they are declared bankrupt;

6.3 If they are convicted of a criminal offence or the Council of Ministers is convinced that they are guilty of a serious misconduct or they are of any other opinion that they should be dismissed;

7. The CCC Chairperson or any member of the Regulation Court shall not have any economic or financial ties of any kind with the disputing parties;

8. Subject to the provisions of clause 1 of Article 18 of QFC Law, the CCC's Trial and Appeals Chamber shall apply QFC law referred to and the regulations issued based thereon, on the subject of the dispute, unless the parties agree explicitly on the application of another, provided that is not inconsistent with the rules of public order and morality in the state;

9. Without prejudice to the provisions of the preceding item, the CCC Appeals Chamber shall apply the provisions of the QFC law and regulations issued pursuant thereof, on the subject of the dispute in the appeals filed by individuals and authorities on the judgments of the QFC Regulatory Tribunal;

10. Taking into account the rights of the defence, confrontation and equality between adversaries, the Trial Chamber shall decide in the case brought before it within (90) days from the date of the announcement of its paper to the defendant, unless the nature of the dispute needs to extend for a period or other periods;

11. The sentence of the Trial Chamber shall be enforceable, unless the Appeals Chamber of the Court decides to stop its implementation at the request of concerned persons, for reasonable grounds;

12. The CCC Appeals Chamber shall be presided by the CCC Chairperson and two of the members. The judgments of the QFC Regulatory Tribunal and the CCC Trial Chamber shall be appealed before the CCC Appeals Chamber within sixty days (60) from the date of issuance;
13. Without prejudice to the rights of the defence, confrontation and equality between adversaries, the Appeals Chamber shall decide in the appeal brought before it within (90) days from the date of the announcement of the appeal paper of the appellant against him, unless the nature of the dispute needs to extend for a further period or periods;
14. Judgments of the Appeals Chamber shall be final and not subject to appeal by any way of appeal;
15. The CCC shall regulate, immediately after the appointment of its chairperson and members, the work system and procedures used before it in the context of the provisions of this law, and taking into account the basic principles of litigation and the best international practices. Such rules and procedures shall only take effect after the approval of the Council of Ministers;
16. Save as otherwise a special provision is not provided for in this Law, or in the rules and procedures regulated by the Court in accordance with the provisions of the previous item, the provisions of the Civil and Commercial Procedure Law promulgated by Law No. 13 of 1990 and amendment thereto, shall be applied on the cases lodged before the CCC;
17. The CCC Chairperson shall appoint an execution judge to issue the execution orders within the QFC jurisdiction;
18. The CCC Chairperson shall hold the CCC management, conduct the administrative and financial affairs, and issue the necessary decisions to do so.”

---

## Article 6

Any provision that violates the provisions of this Law shall be rescinded.

---

## Article 7

All concerned authorities, each within its area of competence, shall implement this Law. This Law shall take effect upon the date of publication in the *Official Gazette*.