

Law No. (2) of 2009
On amending some rules of The Qatar Financial Center Law
issued by Law No . (7) of 2005

Unofficial English version prepared by the
Qatar Financial Centre Regulatory Authority

Publication note

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We, Hamad Bin Khalifa Al-Thani , Amir of The State of Qatar;

Having reviewed The Constitution; and
The Law No (7) of 2005 for The Qatar Financial Center; and
The Amiri Order No (1) of 2008 on The Reformation of The Council Of
Ministers, and
The Proposal of The Minister of Economy and Finance; and
The Draft Law presented by The Council of Ministers; and
After consulting The Shura Council;
Have decreed The following Law:

Article (1)

The Phrase (The Minister of Economy and Finance) shall replace The Phrase (The Minister Of Economy and Commerce) in Article (1) of The aforementioned Law for Qatar Financial Center. And The Phrase (Appeals Body) and its Definition in The same Article shall be replaced by The following Phrase and Definition:

The Regulatory Tribunal: The Regulatory Tribunal of The Qatar Financial Center as established by virtue of Article (8) of The QFC Law.

Article (2)

The following definition shall be added to the definitions in Article (1) of The aforementioned Qatar Financial Center Law:

The Civil and Commercial Court : The Civil and Commercial Court of The Qatar Financial Center, which includes The First Instance Circuit and The Appellate Circuit, as established by virtue of Article (8) of The QFC Law.

Article (3)

The provisions of Articles (8), (9), (14), (15), (16 Clauses 1, 3), (18), (19 Clause 2), (Schedule 1 Clause 5/4) of the aforementioned Qatar Financial Center Law shall be replaced by the following provisions:

Article (8):

“ The Regulatory Authority, The Regulatory Tribunal and The Civil and Commercial Court

1. Notwithstanding any provision to the contrary in this or any other Law or regulation The Regulatory Authority is hereby established for the purposes of regulating, licensing and supervising banking, financial and insurance-related businesses carried on in or from The QFC and, without prejudice to any provisions of this Law or Regulations of general application to persons establishing or carrying on any business in The QFC, The Regulatory Authority shall be the sole body with jurisdiction to regulate, license and supervise such activities. The Regulatory Authority is a body corporate owned by the State.
Subject to the provisions of this Law, including the provisions set out in Schedule 4, Regulations made with the consent of the Council of Ministers shall define the management, objectives, duties, functions, powers and constitution of The Regulatory Authority (including, without limitation, the exact activities which shall fall to be regulated, licensed and supervised by The Regulatory Authority) and such Regulations may only be varied or revoked with the consent of The Council of Ministers.
2. pursuant to This Law, A Tribunal Called " The Qatar Financial Center Regulatory Tribunal " is hereby established as set out in the following:
 - a. The Regulatory Tribunal shall consist of one or more circuits, each circuit shall be formed of three judges . The Tribunal shall exercise its jurisdiction as set out in the provisions of Schedule (5) replaced pursuant to Article(4) of this Law.
 - b. The Headquarter of The Regulatory Tribunal shall be in The QFC , and it may, whenever necessary, conduct its proceedings in any other place in The State.

c. The Regulatory Tribunal shall have the jurisdiction to hear Appeals raised by individuals and corporate bodies against decisions of The QFC Authority, The Regulatory Authority, and other QFC institutions.

3. Pursuant to This Law, A Court Called " The Civil and Commercial Court of The Qatar Financial Center " is hereby established as set out in the following:

- a. The Civil and Commercial Court shall be composed of one or more first instance circuit , and an appellate circuit, each circuit shall consist of three Judges. The circuits shall exercise their jurisdiction as set out in the provisions of Schedule (6) added by Article (5) of this Law.
- b. The Headquarter of The Civil and Commercial Court shall be in The QFC, and it may, whenever necessary, conduct its proceedings in any other place in The State.
- c. The First Instance Circuit of The Court shall have the jurisdiction to hear the following disputes:

c/1- Civil and commercial disputes arising from transactions, contracts, arrangements or incidences taking place in or from the QFC between the entities established therein.

c/2- Civil and commercial disputes arising between The QFC authorities or institutions and the entities established therein.

c/3- Civil and commercial disputes arising between entities established in The QFC and contractors therewith and employees thereof, unless the parties agree otherwise.

c/4- Civil and commercial disputes arising from transactions, contracts or arrangements taking place between entities established within The QFC and residents of The State, or entities established in the State but outside The QFC, unless the parties agree otherwise.

- d. The Appellate Circuit of The Civil and Commercial Court shall have the jurisdiction to hear appeals against decisions of The First Instance Circuit, as well as appeals against decisions of The Regulatory Tribunal. A member shall not sit in The Appeals Circuit to look over an appealed judgment if such member was a member of the circuit that originally issued the judgment.

4. The Regulatory Authority, The Regulatory Tribunal and The Civil and Commercial Court shall in fulfilling their respective objectives in accordance with this Law each have financial and administrative autonomy from The State, The QFC Authority, The QFC Institutions, and from each other, subject to the power of the Council of Ministers to appoint and remove board members of The Regulatory Authority, members of The Regulatory Tribunal, and members of The Civil and Commercial Court as described in Schedules (4) (5) and (6) respectively. Each of them shall be responsible for any obligations or liabilities arising out of the conduct of their respective activities (subject always to the immunity provided for in Article 16) and the State shall have no liability for their acts or omissions.
5. Each of The Regulatory Authority, The Regulatory Tribunal and The Civil and Commercial Court shall have an independent budget and the laws of the State regarding the general budget of the State and its ministries shall not apply thereto.
6. Subject to The Regulatory Authority, The Regulatory Tribunal and The Civil and Commercial Court having complied with their obligations under this Law and Regulations to prepare and submit their respective annual budgets, the State shall provide adequate funding directly to The Regulatory Authority, The Regulatory Tribunal and The Civil and Commercial Court independent from the budget of the QFC Authority. The Council of Ministers may direct The QFC Authority to provide funding out of its budget to The Regulatory Authority, The Regulatory Tribunal and The Civil and Commercial Court and also to provide support services provided it is satisfied that such arrangements will not compromise the independence of those bodies.
7. The Minister shall present the draft Regulations related to the Regulatory Authority, The Regulatory Tribunal and The Civil and Commercial Court , along with his comments to The Council of Ministers for approval.

The Council of Ministers may require such changes, modifications or additions as it thinks fit" .

Article (9):

“Power to make regulations

- 1- Each of The QFC Authority, The Regulatory Authority , The Regulatory Tribunal and The Civil and Commercial Court shall have the power to prepare and submit to The Minister its Regulations (or amendments, modifications to or repeal of the existing regulations) as it shall deem appropriate to achieve its respective objectives or to aid it to implement, carry out and enforce its powers and functions , including provisions for the determination and payment of compensation and fines in the event of breach of, or as otherwise provided in, any such Regulations. The Minister shall have power to enact such Regulations (save that the enactment of any Regulations referred to in Article (8) shall additionally require the consent of The Council of Ministers) as required by such Article) and, save as aforesaid, The Minister shall have power to enact amendments and modifications to and may repeal existing Regulations.

- 2- The Regulations may govern ,without limitation ,the matters set out in schedule (2) and may be written in such language as the Minister shall determine".

Article 14:

“Treatment of Surpluses

Any Income surpluses (whether budgeted for or not) realized by The QFC Authority, The Regulatory Authority, The Regulatory Tribunal and The Civil and Commercial Court may be retained by it, or returned to the State, as the QFC Authority, the Regulatory Authority, the Regulatory Tribunal and The Civil and Commercial Court (as appropriate) shall decide.

Any such surpluses may also be applied to the repayment of any indebtedness incurred by The QFC Authority, The Regulatory Authority, The Regulatory Tribunal and The Civil and Commercial Court (as appropriate) or to the creation of a general reserve and such other reserves as its board (or members in the case of the Regulatory Tribunal and The Civil and Commercial Court) may reasonably think fit".

Article (15):

“Accounting Requirements

1. Each of the QFC Authority, the Regulatory Authority and The Regulatory Tribunal and The Civil and Commercial Court shall be exempted from the control of the State Audit Bureau.
2. The financial year of each of the QFC Authority, The Regulatory Authority, The Regulatory Tribunal and The Civil and Commercial Court shall commence on the first day of January and end on the last day of December each year, save that the first financial year of each of them shall commence on the date this Law comes into force and shall end on the last day of December of the following year.
3. Each of The QFC Authority, The Regulatory Authority, The Regulatory Tribunal and The Civil and Commercial Court shall keep accounting records which are sufficient to show and explain its transactions and are such as to disclose with reasonable accuracy at any time its income and expenditure and assets and liabilities and financial position. As soon as reasonably practicable after the end of each financial year, each of The QFC Authority, The Regulatory Authority, The Regulatory Tribunal and The Civil and Commercial Court shall prepare its accounts in accordance with internationally accepted accounting principles and have them audited by independent auditors, being a firm of chartered accountants with an office in the State. The auditors shall report as to whether the relevant accounts show a true and fair view of the financial affairs of the body in question during the financial year in question and its assets and liabilities at the end of the year in question. The auditors shall report on such other matters as they may consider appropriate.
4. Each of The QFC Authority, The Regulatory Authority, The Regulatory Tribunal and The Civil and Commercial Court shall as soon as reasonably practicable after the end of each financial year send to the Council of Ministers a copy of its audited accounts and a report of its activities and when required such further reports as the Council of Ministers may require”.

Article (16 Clauses 1, 3):

“Liability of QFC Authority, The Regulatory Authority, The Regulatory Tribunal, The Civil and Commercial Court and QFC Institutions

- 1- Without prejudice to the provisions of Article 16 (2) and (3), The QFC Authority; The Regulatory Authority; The Regulatory Tribunal; The Civil and Commercial Court; all QFC institutions ; all the members of the Board of Directors of The QFC Authority including the Chairman and Director General; all the members of The Board of Directors of the Regulatory Authority; the chairman and Judges of The Regulatory Tribunal; the chairman and the judges of The Civil and Commercial Court; QFC position holders; the employees of the QFC Authority, The Regulatory Authority, The Regulatory Tribunal, the Civil and Commercial Court, and any QFC authority that may be later established, shall not be subject to any civil liability in relation to all acts or omissions done or omitted to be done or negligence in good faith during course of performing or trying to perform their duties, powers, responsibilities and tasks as prescribed in this Law or regulations, or provisions thereof."

- "3- The QFC Authority, The Regulatory Authority, The Regulatory Tribunal, The Civil and Commercial Court, or any QFC institutions, the heads, members and employees of those bodies, as the case may be, shall not be exempted from civil liability relating to any commercial contract to which any of those bodies is a party."

Article (18):

"Interaction with other laws

1. Save as provided in this Law, (including but not limited to Article 11) the criminal laws and sanctions of the State shall apply in The QFC. However the conduct of any business in the QFC in accordance with an approval, authorization or license issued under this Law and in compliance with the Regulations shall not constitute an offence or be a breach of any criminal or other law applicable in the State.

2. Without prejudice to clause (1) of this , (as opposed to the criminal matters) The QFC Authorities and Institutions shall exercise their activities in accordance with The QFC Laws and Regulations.
3. The QFC Laws and Regulations shall apply to The Contracts, Transactions and arrangements conducted by The entities established in, or operating from The QFC, with parties or Entities located in The QFC or in the State but outside The QFC , unless the parties agree otherwise.
4. Notwithstanding any provision to the contrary in any other law or regulations of the State, the QFC Authority shall have power to issue all visas, permits and other documents relating to or required for employment in or doing any business with or in, the QFC and such visas, permits and other documents shall be fully valid and implemented and accepted by all State authorities.
5. Notwithstanding any provision to the contrary in any other law or regulations of the State, the laws governing the rules, terms and conditions applicable to employees of the Civil Service of the State shall not apply to The QFC Authority, The Regulatory Authority, The Regulatory Tribunal, The Civil and Commercial Court, The QFC Institutions, and any of their respective employees. The QFC Authority, The Regulatory Authority, the Regulatory Tribunal, The Civil and Commercial Court, and the QFC Institutions shall each have the power to set their own internal regulations concerning the rules, terms and conditions applicable to their employees".
6. The QFC Authority, The Regulatory Authority, The Regulatory Tribunal, The Civil and Commercial Court, and any QFC Institutions shall not be subject to Tendering and Bidding Law as issued by Law No. (26) of 2005 or any laws replacing it."

Article (19 Clause 2):

- 2- All Board members of The QFC Authority and The Regulatory Authority, all members of The Regulatory Tribunal, The Civil and Commercial Court and The management of The QFC Companies Registration Office and all employees of, and persons acting under the direction of, the QFC Authority, the

Regulatory Authority, The Regulatory Tribunal, The Civil and Commercial Court or The QFC Institutions shall be deemed to be public officers/servants for the purposes of the application of the Criminal Law No. 11 of 2004 referred to above."

Schedule (1) Clause 5/4):

"5/4 : to prepare the annual budget of The QFC Authority for the purposes of funding the QFC activities, and the QFC Institutions and The Regulatory Authority, The Regulatory Tribunal and The Civil and Commercial Court to the extent directed by The Council of Ministers under Article 8(6) and to submit the same to the Minister for approval and to spend the funds received by the QFC Authority in such manner as it decides in the performance of the functions of the QFC Authority (including providing requisite funding to the QFC Institutions and The Regulatory Authority and the Regulatory Tribunal, The Civil and Commercial Court to the extent directed by The Council of Ministers under Article 8(6) under this Law".

Article (4)

The following Schedule shall replace Schedule No. 5 of the Qatar Financial Center Law."

Schedule No. 5
The Regulatory Tribunal

1. The Regulatory Tribunal shall consist of a chairman and a sufficient number of members.
2. The chairman and the members of The Regulatory Tribunal shall be of good character and not less than thirty years of age at the time of their appointment and shall have legal knowledge and experience.
3. The chairman and the members of The Regulatory Tribunal shall not be a member of The Board, The board of directors of The Regulatory Authority, The board of a QFC institution , or an employee of any of these bodies and if the chairman or any member of The Regulatory Tribunal become such a member or so employed shall automatically thereupon cease to be a chairman or a member of The Regulatory Tribunal .

4. The chairman and the members shall be appointed for a five-year renewable term. A decision of The Council of Ministers, upon the proposal of The Minister, shall determine the terms and conditions of their appointment.
5. The chairman and members of The Regulatory Tribunal shall enjoy the due independence and impartiality in performing their duties and neither The State, The Council of Ministers, The Chairman, The QFC Authority, The Regulatory Authority nor any other person or body may intervene in the course of their decisions.
6. The chairman and any member of The Regulatory Tribunal may be removed by a decision of The Council of Ministers if :
 - a. He becomes incapable through ill-health of effectively performing the duties of his office .
 - b. He is declared bankrupt.
 - c. He is convicted of a criminal offence or The Council of Ministers is satisfied that he has been guilty of a serious misconduct which, in either case, The Council of Ministers considers to be of a nature which warrants his removal from office.
7. The chairman and The members of the Regulatory Tribunal shall not have economic or financial interest of any kind with parties to a dispute.
8. Appeals against decisions made by any of The QFC authorities or institutions may be filled before The Regulatory Tribunal within (60) days from the date the decision is published in the respective gazette if available, or when the concerned party is legally notified as per a registered written notice .
9. If a petition is submitted to the concerned body that issued the relevant decision, the time limit mentioned in clause (8) shall be suspended. The QFC relevant entity that issued the decision must respond to the petitioner within (60) days of lodging the petition . If a 60-day period passes without response, the petition shall be deemed as though rejected. The period for the legal claim shall start on the date the explicit or implicit rejection of the challenge is recognized.
10. The appeal before The Regulatory Tribunal does not withhold the enforceability of the challenged decision, unless The Regulatory Tribunal, upon a motion based on a justifiable reason from the concerned party, decides 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 defense, 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 claim 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 institutions.
 13. Once The chairman 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 the year 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 is enforceable unless the Appellate Circuit of The Civil and Commercial Court decides otherwise, on a motion from the appellant party, for reasons the Appellate Circuit considers reasonable.
 16. The chairman 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 chairman of The Regulatory Tribunal shall manage its administrative and financial affairs and shall issue the necessary decisions to that effect.

Article (5)

A new Schedule No (6) shall be added to The Qatar Financial Center Law with the following provisions:

Schedule No. (6)

The Civil and Commercial Court

1. The Civil and Commercial Court shall consist of a chairman and a sufficient number of members.
2. The chairman and members of The Civil and Commercial Court shall be of good character and not less than thirty years of age at the time of their appointment and shall have legal knowledge and experience.
3. The chairman and the members of The Civil and Commercial Court shall not be a member of The Board, The board of directors of The Regulatory Authority, The board of a QFC institution , or an employee of any of these bodies and if the chairman or any member of The Civil and Commercial Court become such a member or so employed shall automatically thereupon cease to be a chairman or a member of The Civil and Commercial Court.
4. The chairman and the members shall be appointed for a five - years renewable term. A decision of The Council of Ministers, upon the proposal of The Minister, shall determine the terms and conditions of their appointment and remuneration.
5. The chairman and members of The Civil and Commercial Court shall enjoy the due independence and impartiality in performing their duties and neither The State, The Council of Ministers, The Chairman, The QFC Authority, The Regulatory Authority nor any other person or body may intervene in the course of their decisions.
6. The chairman and any member of The Civil and Commercial Court may be removed by a decision of The Council of Ministers if :
 - a. He becomes incapable through ill-health of effectively performing the duties of his office .
 - b. He is declared bankrupt.
 - c. He is convicted of a criminal offence or The Council of Ministers is satisfied that he has been guilty of a serious misconduct which, in either case, The Council of Ministers considers to be of a nature which warrants his removal from office.
7. The Chairman and the members shall not have economic or financial interest of any kind with parties to a dispute.
8. Without prejudice to Clause (1) of Article (18) of the QFC Law, The Civil and Commercial Court, with its First and Appellate Circuits,

shall apply The QFC Law and regulations issued by virtue of that Law, on the subject matter of the dispute, unless the parties have explicitly agreed to apply another law provided that such law is not inconsistent with the Public Order of The State.

9. Without prejudice to the previous clause, the Appellate Circuit of The Civil and Commercial Court shall apply the provisions of The QFC Law and regulations issued by virtue of that Law to appeals filed by individuals and corporate bodies against decisions of The Regulatory Tribunal.
10. Without prejudice to rights of the litigants in relation to defense, The Adversarial principle and equal protection, the first instance Circuit shall issue a decision within (90) days from the date the respondent received official notice of the claim, unless the nature of the claim requires one or several extensions.
11. The decision of the First Instance Circuit is enforceable unless the Appellate Circuit decides otherwise, on a motion from the appellant party and for reasons the Appellate Circuit considers reasonable.
12. The Appellate Circuit of The Civil and Commercial Court shall consist of the chairman of the Court and two members. Appeals against decisions made by The Regulatory Tribunal and the First Instance Circuit of The Civil and Commercial Court may be filed before the Appellate Circuit within sixty days from the date on which such decisions were issued.
13. Without prejudice to rights of the litigants in relation to defense, the Adversarial principle and equal protection, the Appellate Circuit shall issue a decisions within (90) days from the date the respondent receives official notice of the appeal, unless the nature of the claim requires one or several extensions.
14. The decisions of the Appellate Circuit are final and may not in anyway be appealed further.
15. Once The chairman and The members are appointed, The Civil and Commercial Court 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 approved by The Council of Ministers.
16. The provisions of the Civil and Commercial Procedures Law as issued by law no (13) of the year 1990 and amendments thereof , shall apply to the claims submitted before The Civil and Commercial Court, where The QFC Law and the rulebook and proceedings put in force by The Court by virtue of the previous clause, are silent on the concerned matter .

17. The chairman of The of Civil and Commercial Court shall appoint one of the judges of the Court as an enforcement judge, to issue execution orders within the boundaries of The QFC.
18. The chairman of The Civil and Commercial Court shall manage its administrative and financial affairs and shall issue the necessary decisions to that effect.

Article (6)

Any rule that is contrary to the rules of this Law is hereby repealed.

Article (7)

All Competent Authorities , each within its own field of competence , shall execute this law, and it shall be published in The Official Gazette. A certified English translation of this law is attached .

Hamad Bin Khalifa Al-Thani
Amir of The State of Qatar

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