# Civil Marriage Law and its Effects in the Emirate of Abu Dhabi (Q & A)

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## **Introduction**

In 2021, Abu Dhabi issued a ground breaking family law (*Abu Dhabi Law No. 14 of 2021 Regarding Civil Marriage and its Effects*) specifically designed to assist the expatriate community.

In summary, the law provides a simple and effective mechanism for tourists and residents to get married in Abu Dhabi in accordance with civil principles as opposed to religious principles. It also introduced a number of landmark concepts in relation to family disputes such as no-fault divorce, joint custody (equal rights between parents) and a method for distributing assets when somebody dies without a Will.

Originally this Court was entitled 'Abu Dhabi Non-Muslim Family Court' however this was recently renamed as 'Abu Dhabi Civil Family Court' to better reflect the role and function of the Court which applies non-religious principles.

Since the introduction of this law, it has been widely publicized and well received, both nationally and internationally. The number of marriage and case registrations are rife and thus far, it has proven to be a great success. The purpose of this guide therefore is to provide answers to some of the most frequently asked questions to give the reader a better understanding of the law and its application.

## Q: Why was this law established?

A: Prior to the issuance of this new family law, Federal Law No. 28 of 2005 Regarding Personal Status was generally applied to family disputes, which is a law based on sharia law principles. It was possible to request the application of the law of the home country of the parties, but in practice this could be costly, time consuming and complex.

Accordingly, the legislator in the Emirate of Abu Dhabi recognized an increasing need to introduce a family law which was a better cultural fit for the expatriate community, particularly those who are non-Muslim

## Q: What are the objectives of this law?

A: In summary, the law strives to provide a modern and flexible judicial mechanism for the resolution of family disputes. It seeks to protect the rights of all individuals by providing family law principles that are in line with best international practices as well as an accessible and straightforward judicial process. One of its primary objectives is to protect the best of interests of children, which includes assisting them to maintain a relationship with both parent's post-separation, enhanced by the concept of joint custody.

## Q: Who does this law apply to?

**A:** The law applies to non-Muslim Citizens, UAE residents who are nationals of a country which does not apply the provisions of sharia law to family matters, if the marriage was held in a country which does not apply sharia law to family matters, and if the marriage was concluded in accordance with the provisions of civil marriage.

## Q: What is the definition of a civil marriage?

**A:** A civil marriage is the lawful union of a man and a woman, regardless of faith or nationality. It is regulated by Article 4 and 5 of the Civil Marriage Law No. 14 of 2021.

# Q: What are the key legal requirements for a civil marriage to take place?

A: First, it is important to be aware that it is possible for anyone to get married at Abu Dhabi Civil Family Court; this is regardless of nationality or religion. The only exemption is for UAE nationals who are Muslim. It is also important to note that tourists can get married here, so it is not limited to UAE residents. If one spouse is a Christian and the other is Muslim, it does not matter as religion is not a consideration.

In addition, there are several conditions that must be met before a civil marriage can be approved by Abu Dhabi Civil Family Court. The conditions are as follows:

- 1. The spouses must be at least 18 years of age. To prove this, each person must present a hard copy of their ID (Passport or Emirates ID) just before the marriage ceremony beings.
- **2.** Both spouses must explicitly consent to the marriage and confirm that no legal impediment to the marriage exists.
- **3.** Both spouses must sign a declaration form.
- **4.** The parties must not be first or second degree relatives.
- **5.** Both parties must be single. If either party was previously married, they must provide evidence that this marriage is no longer valid such as a divorce certificate or a death certificate.

# Q: What is the legal process to obtain a civil marriage?

**A:** The first step to obtain a civil marriage is to submit an application via the ADJD website.

There are two different service types available, namely, express service or regular service. The regular service is AED 300 and such application will be processed in approximately 10 working days. The couple will then be allocated a date and time for the marriage ceremony based on the next availability of the court. In contrast, the express service costs AED 2,500 and the application will be fast tracked and processed within 1 working day. The couple can then choose their preferred time and date for the marriage ceremony, in line with the courts opening hours.

The ceremony will take place at the ADJD Main Court Building, next to Zayed Sports City. The attendees can enter through Gate 5.

During the ceremony, a marriage notary will be present and the vows will be read to the couple in a pre-recorded voice over which is available in 7 different languages. The purpose of this is to ensure that the service is accessible to all. It also ensures that the couples truly understand and appreciate the commitment they are making to one another on this special occasion.

The couples can bring as many guests with them as they like although it is important to note that there are no requirements for them to bring witnesses as the notary themselves act as a witness to the ceremony. The couples can also bring a photographer and videographer if they wish to record their special day and can also choose to exchange rings and their own vows.

At the end of the ceremony, both parties will be required to sign the marriage certificate. Following this, we recommend that the couple obtain an official stamp from the Ministry of Foreign Affairs.

# Q: Does this law include any special provisions for divorce?

**A:** Yes- this law applies the concept of no fault divorce. This means that it is sufficient for one spouses to declare to the Court that they wish to end the martial relationship, without the need to explain to the court or justify the reasons for the breakdown of the marriage.

# Q: What are divorce procedures?

A: The first step to initiate a divorce is to file the no-fault divorce application. This can be completed through the ADJD website using the interactive case registration system or by visiting one of the typing centre's in Abu Dhabi. Either spouse may file the application for divorce. The other spouse will then be notified electronically (usually via SMS) and there will then be a case management session held via Webex which both parties must attend

When the case is fully prepared, it will be transferred to the judge and an electronic judgment will be issued after the first hearing.

It is important to note that if the divorcing parties have children together, joint custody will be automatically awarded.

# Q: What financial remedies are available after divorce?

**A:** After a divorce judgment has been issued, a (ex)wife may submit a post-divorce financial application to the Court (through the ADJD website or a typing centre) if she wishes to make a financial claim against her ex-husband. The judge will assess the financial position of both parties and an accounting expert may be appointed to assist the court, if required.

When the judge is making a determination regarding the outcome of the Case, he will consider the following factors in accordance with the law:

- 1. Number of years of marriage;
- 2. Age of the wife;
- **3.** The economic position of each spouse;
- **4.** Husband's participation in divorce by way of negligence, error or commission of an act that led to the divorce;
- **5.** Compensation from either spouse to the other for any material or moral damage caused to him/her as a result of the divorce;
- **6.** Financial damages suffered by either spouse as a result of unilateral divorce;
- 7. The father (ex-husband) shall pay the custody costs to the mother for a maximum period of two years, according to the findings of the accounting expert report;
- **8.** Whether the wife takes care of the children;

**9.** Alimony payments shall cease if the (ex) wife remarries.

It is worth noting that a new application to modify an alimony order may be filed every year if there is a change in circumstances for the parties.

## Q: What does the law say about child custody?

**A:** The law introduced a new concept called 'joint custody'. This means that both parents have equal rights and responsibilities to raise and care for a child upon separation. The default position is that it is in a child's best interests to maintain a relationship with both parents after divorce and the law aims to limit any impact the separation may have upon them.

It is possible for one parents to waive his/her right to joint custody and if the parties are not able to reach an amicable agreement in relation to the custody arrangements, they may submit an application to the court using the child custody dispute form. A court case should be regarded as a last resort and the parties are encouraged to try and reach an amicable solution with the best interests of their child at the forefront of their consideration when making the arrangements.

If one parent is seeking sole custody, they must explain to the court the reasons for this, including why the child is at a risk of harm, with supporting evidence.

Q: What does this law say about distribution of an estate after somebody dies?

**A:** Chapter 4 of the Law sets out the rules relating to Wills and Inheritance.

If the person who passed away has a registered Will, the heirs can apply for probate and the estate will be distributed in accordance with their wishes.

Alternatively, if someone dies intestate, which means that they pass away without having a registered Will, half of the estate shall pass to their spouse and the other half shall be divided equally among the children, regardless of gender. If the deceased does not have any children, then the estate shall be distributed equally between any living parents. If only one parent is living, the living parent shall be entitled to half of the estate and the remainder shall be shared equally between the siblings of the deceased. If there are no living parents, the estate shall be distributed equally between the siblings, regardless of gender.

# Q: How can a Will be registered in accordance with this law?

**A:** To register a Will, the person making the Will or their legal representative, can submit the application through the ADJD website. The application will then be reviewed and when approved, an appointment will be set for the person making the Will to attend online before the notary. The notarized Will shall then be registered in the Will registry.

Q: Under this law, do the parties need to attend family guidance before filing a case?

**A:** No, it is not a requirement for the parties to attend family guidance before filing a case before the Abu Dhabi Civil Family Court.

Q: When does the Abu Dhabi Civil Family Court have jurisdiction to adjudicate a family dispute?

A: The court is competent to hear civil family matters related to persons covered by the provisions of this law, when they have a domicile, residence, or current or former place of work in the Emirate, or if the property in dispute is located in the United Arab Emirates.

The jurisdiction of the Court is also maintained if the Respondent is a foreigner who has no domicile, residence or place of work in the Emirate, or if he does not have a known domicile or place of residence abroad, in the following circumstances:

- 1. Disputes related to civil marriages concluded in the Emirate.
- 2. Cases of civil divorce and its effects when the Emirate of Abu Dhabi is the place of residence, place of work, or domicile of either of the spouses.
- 3. If the defendant has a chosen domicile in the Emirate.
- 4. If the case is related to assets located in the Emirate or to the enforcement or distribution of an inheritance, legacy or a will registered therein.
- 5. If the wife is the claimant and has a domicile, workplace or residence in the Emirate.

- 6. If the case is related to alimony or financial rights arising from divorce, as long as the party seeking the alimony, the wife or the minor has a domicile in the Emirate.
- 7. If the claimant has a domicile, residence or place of work in the Emirate, but the defendant has no known domicile abroad, or if the domestic law is applicable to the case.
- 8. If one of the defendant's has a domicile, place of residence or place of work in the Emirate.

The court shall rule on its own initiative that it lacks jurisdiction if it becomes clear that it does not have jurisdiction to hear the case in accordance with the aforementioned provisions.

# **Abu Dhabi Civil Family Court Building**



# Form of Marriage Certificate

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Husband Name:				سم الزوج،	
Place of Birth:	Date of Birth:		څ الميالد:	كان الميلاد؛ تاري	
Nationality:	Passport no.		جواز السفر،	جنسية رقه	
Wife Name:				سم الزوجة	
Place of Birth:	Date of Birth:		څ الميلاد؛	. كان الميلاد:	
Nationality:	Passport no.		جواز السفر:	جنسية رقم	
Place of Marriage:	Date	of Marriage:	تاريخ الـزواج	.خان انعقاد الزواج:	
		توقیع موثق الـ stary signature	توقيـّغ الزوجـة Wife signature	توقیے الزوج Husband signature	
	-				

# Request to issue a birth certificate for foreigners





# **Prenuptial Agreement Form**



محكمــة أبـوظـبـى للأسـرة المدنيــة ABU DHABI CIVIL FAMILY COURT

## اتفاقيـة ما قبـل الـزواج PRE-NUPTIAL AGREEMENT

Disclaimer: This template is provided for informational purposes only. A marriage agreement is not mandatory and if you wish to use this template, we recommend that you seek independent legal advice.

إخلاء مسؤولية؛ تم إعداد هذه المادة للعلم فقط. إبرام اتفاقية زواج ليس أمرا إلزاميـا وإذا أردت استخدام هذا النمـوذج، ننصح ... بالسعى للحصول على مشورة قانونية مستقلة.

Note: This template has been generalized and should be amended to reflect your individual circumstances and wishes. It must be provided in English and Arabic and certified by a legal translator, if you wish for it to be notarised by ADJD.

€ 600 599 799 € 600 599 799 ⊠ info@adjd.gov.ae

This AGREEMENT is made in Abu Dhabi Civil Family Court on

**ملاحظة**؛ تم تعميم هذا النموذج وينبغي تعديله بحيث يعكس ظروفك ورغباتك الفردية. إذا كنت تريد عرضه للتوثيق من قبل دائرة القضاء، يجب تقديمه باللغتين العربية والإنجليزية وعليه ختم مترجم قانونى.

أبرمت هذه الاتفاقيـة في محكمـة أبوظبي لأسـرة المدنيـة بتاريـخ

جميــــ3 الحقـــوق محفـوظــة لـدائــرة القـضــاء في أبوظبـــي. 2023©

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by and between	ين		
PARTIES	الطرفان		
Party 1	الطرف الأول		
born on	المولود(ة) بتاريخ		
of nationality	الجنسية		
with passport number	رقم جواز السفر		
currently residing at	ومقيم(.ة) حاليًا في		
Party 2	الطرف الثاني		
born on	المولود(ة) بتاريخ		
of nationality	الجنسية		
with passport number	رقم جواز السفر		
currently residing at	ومقيم(ـــــــــــــــــــــــــــــــــــ		
of nationality with passport number currently residing at  Each of whom may be referred to individually as "Party	رقم جواز السفر		

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ADJD-NM0723-12-02

#### 5) Duration of Agreement

- 5.1 The terms of this Agreement may be reviewed by the Parties in the following circumstances:
  - i. Both Parties expressly agree to a variation;
  - Ten (10) years have elapsed from the date of the Marriage.
- 5.2 Any change in the terms mutually agreed by the Parties shall be reflected in a post-nuptial agreement to be duly executed by both Parties.

#### 6) Governing Law and Jurisdiction

- 6.1 This Agreement shall be governed by and construed in accordance with Abu Dhabi Law No. 14 of 2021 concerning Civil Marriage and its Effects in the Emirate of Abu Dhabi.
- 6.2 The Parties agree to submit any dispute, claim, petition, or application arising out of, or in connection with this Agreement, the Marriage or an eventual divorce to the exclusive jurisdiction of Abu Dhabi Court.

#### 5) مدة الاتفاقية

- 5.1 يجــوز للطرفيــن مراجعــة شــروط هـــذه الاتفاقيــة فــي الأحــوال التاليـــة:
- موافقة كلا الطرفين موافقة صريحة على إجراء تعديل؛
   انقضاء مدة عشر (10) سنوات من تاريخ الزواج.
- 5.2 يجب إبراز أي تغيير يطرأ على الأحكام التي سبق للطرفين الاتفاق عليها بشكل متبادل، في اتفاقية ما بعد الزواج التى يجب على الطرفين تنفيذها حسب الأصول.

#### 6) القانون الحاكم والاختصاص القضائي

- 6.1 تخضع هذه الاتفاقية وتُفسر وفقاً لقانــون أبوظبــي رقـم 14 لســنة 2021 بشــان الــزواج المدنــي وآثــاره فــي إمــارة أبوظبـــى.
- 6.2 يوافق الطرفان على عرض أي نزاغ أو مطالبة أو التجاس أو طلب ينشأ عن هذه الاتفاقية أو يكبون لـه علاقـة بهـا أو بالرواج أو بالطـاق المحتمـل، علـى الاختصـاص الحصـرى لمحكمة أبوظيـى

N WITNESS WHERE	л,			رل.	ىھاداً على ما تقد
The parties have signed this agreement in the presence of an attestation officer.  Attestation Officer Name				ع الطرفان هذه الاتفاقية أمام الموثق.	
			بوثق		
	Signature			التوقيع	
SIGNED by Party 1					وقيع الطرف الأول
Name					ютп
	Signature			التوقيع	
SIGNED by Party 2					قيع الطرف الثاني
Name					سم
	Signature			التوقيغ	
600 599 799 🕓 600 599 799 🛭 🛭	☑ info@adjd.gov.ae	PAGE 4 of 4			الحقوق محفوظة لدائرة القذ

#### 1) Separate Property

- 1.1 The Parties have each acquired all of their respective property independently of and without any contribution from the other ("Separate Property") at the date of this agreement.
- 1.2 All Separate Property held by Party 1 and Party 2 in their respective beneficial ownership prior to the Marriage shall remain in their respective beneficial ownership during the Marriage and thereafter.
- 1.3 All Separate Property acquired during the Marriage by way of gift or inheritance shall remain in Party 1 or Party 2's beneficial ownership.
- 1.4 Additionally, Party 1 and Party 2 waives, releases, and relinquishes any ownership or right TO the Separate Property of the other, including the right to use, control, benefit, or dispose of the others Separate Property.
- 1.5 All debts incurred before and during the Marriage shall be the separate financial obligation of the Party who incurred the debt, and the other Party shall not be responsible in any way towards that obligation.
- 1.6 The Parties shall have the right to dispose of or encumber any or all of his separate property by deed, bill of sale, gift, trust, Will, mortgage, encumbrance, pledge, lien or charge, without limitation.

#### 2) Joint Property

2.1 In the event of divorce, nullity, or judicial separation, any jointly owned assets, savings or property shall be distributed between the Parties in equal shares, unless they have expressly declared in writing with the signature of both Parties, that the beneficial interest in such asset shall be held otherwise than in equal shares, in which case that declaration shall be binding upon them.

#### 3) Full and Final Satisfaction

- 3.1 Both Parties intend that this Agreement resolves their respective rights and obligations regarding all forms of financial provision.
- 3.2 Neither Party 1 nor Party 2 will apply to the court to vary the terms of this Agreement once entered into force.

#### 4) Severability

4.1 Should any portion of this Agreement be held by a court of law to be invalid, unenforceable or void, such holding will not have the effect of invalidating or voiding the remainder of this Agreement, and the Parties agree that the portion so held to be invalid, unenforceable, or void, will be deemed amended, reduced in scope, or otherwise stricken only to the extent required for purposes of validity and enforcement in the uirsdiction of such holding.

#### 1) الأملاك المنفصلة

- 1.1 عند تاريخ هذه الاتفاقية، كان كل طرف قد حصل على كل أملاكه بطريقة مستقلة عن الطرف الآخر ومن دون أي مساهمة منه «الأملاك المنفصلة».
- 1.2 تظل كل الأملاك المنفصلة التي تكون بحوزة الطرف الأول والطرف الثاني قبل إبرام عقد الزواج. ملكاً له أثناء الزواج وبعد ذلك.
- 1.3 تظل كل الأملاك المنفصلة التي تُكتسب أثناء الزواج عن طريق الهبة أو الميراث، ملكاً للطرف الأول أو للطرف الثانه،
- 1.4 بالإضافة إلى ذلك. يتنازل الطرف الأول والطرف الثاني ويتخلى عن أي حيازة أو حق في الأملاك المنفصلة التي يملخما الطرف الآخر، بما في ذلك الحق في استخدام الأملاك المنفصلة التي يملخما الطرف الآخر أو التحكم فيما أه الاستفادة منها أه التصرف فيما.
- الديون المتكبدة قبل الزواج أو خلاله تكون التراقا ماليًا منفصلاً على الطرف الذي تكبد الدين، ولن يكون الطرف الآخر مسؤولاً بأى شكل من الأشكال عن هذا الالتزاه،
- 1.6 يحق لكل طرف من الطرفين أن يتصرف في او يرهن أيا من أو كل أمالكه البنفصلة بموجب عقد أو سند بيغ أو هبة أو وصية أو رمن أو ارتفاق أو رهن حيازي أو رهن عقاري أو ضمان، من دون حصر.

#### 2) الأملاك المشتركة

2.1 في حالة الطلاق أو البطلان أو التغريق بحكم قضائي، تُوزع أي أصول أو محذرات أو ممتكات مشتركة بين الطرفين في حصص متساوية، ما لم يكونا قد أعلنا صراحة كتابة مع توقيع الطرفين، بأن الفائدة من تلك الأصول تقتضي حيازتها بخلاف الحصص المتساوية، وفي مثل تلك الحالة يكون هذا الإعلان قلزما لعما.

#### 3) الرضا التام والنهائى

- 3.1 يتوخى كلا الطرفين أن تحدد هذه الاتفاقية حقوق والتزامات كل منهما فيما يتعلق بكل أشكال المسائل المالية.
- 3.2 لا يجوز لأي من الطرفين الأول والثاني أن يقدم طلباً إلى المحكمة لتغيير شروط هذه الاتفاقية بعد دخولها حن التنفيذ.

#### 4) استقلالية الأحكام

4.1 إذا اعتبرت أي محكمة أي جزء من هذه الاتفاقية غير صالح أو غير قابل للتنفيذ أو باطل، فلن يكون لذلك تأثير منطق المرافق على المنطقة المرافق المرافق على اعتبار الجزء الذي اعتباد المحكمة غير صالح أو باطلا أو غير قابل للتنفيذ، مُعدلاً أو مُقلصاً في نطاقه أو محذوفا بدلك ذلك، فقط بالقدر المطلوب لأغراض الصالحية والتنفيذ أمام الاختصاص القضائي المعني.



nfo@adjd.gov.ae PAGE 3 of 4 صفحة 3 من 4 مند. www.adjd.gov.ae ADJD-NM0723-12-02 جميع الحقوق محفوظة لدائرة القضاء في أبوظبني. 2023 ©. All rights reserved to Abu Dhabi Judicial Department,© 2023