



Ras al khaimah government
Al Amiri Diwan
Ruler's court

Law No. (9) For the year 2012

Concerning Expropriation

We Sheikh Saud Bin Saqr Bin Mohammed Al Qasimi , Ruler of Ras Al Khaimah

Having reviewed the Constitution

Federal Law No. 5 of 1985 by issuing the Civil Transactions Act and the Federal Law No. 11 of 1992 promulgating the Code of Civil Procedure and Ras Al Khaimah Municipality Act of 1981

Based on the what presented by the Crown Prince and Chairman of the Executive Council and the approval of the Executive Board we have issued law the following: -

Article (1)

This law called (law of Expropriation for the year/ 2012)

Article (2)

The following words and phrases, wherever mentioned in this law, shall have the meanings assigned to them below unless The context indicates otherwise that: -

Emirate	: Emirate of Ras Al Khaimah.
Ruler	: His Highness the Ruler of the Emirate of Ras Al Khaimah or his representative
Government	: Ras al khaimah government
Property	: A plot or plots of land owned by one person or more including all buildings and other fixed trees , this word shall also include property allocation and the right to lease and disposition , acquisition and the right to use in addition to all original ,in kind and consequent rights related to the property.
Road	: Any road, street, alley, corridor, bridge or staircase, including trenches, sewers, ferries, sidewalks, roads, safety islands and retaining walls ; this word shall include road borders , attached yard and the same .
Expropriation	: The seizure of private property from its owner or the right to dispose or use or right of easement in accordance with the provisions of this law.
The expropriator	: The Government, Municipal Department and concerned departments.
The project	: Any project decided by the government or its concerned departments to be of public interest
Municipality	: Ras Al Khaimah Municipality and any other municipality formed in accordance with the law
Court	: The Court of First Instance in which the expropriated property locates within its jurisdiction
Compensation Committee	: A committee established by a decree issued by the Ruler or his designee to value the property and to estimate the compensation resulting from its acquisition



Article (3)

No property shall be expropriated except for a project of public interest under appropriate compensation to be determined by the Compensation Committee

Article (4)

The expropriator shall notify the landlord of his intention to own the property described in the notification. The project for which the Expropriation is to be made is for the public benefit. If the address of the landlord cannot be found, the landlord shall be notified of publication in a local daily newspaper or in any other manner the expropriator may see proper.

Article (5)

1. The ruler may decide upon the recommendation of the government or the municipality or the department concerned, as appropriate, either to own or to expropriate the property completely or to have the right to dispose of or to use or to lease for a limited period Or to impose any of the rights of easement or any restriction on the exercise of any of the rights deriving from the Expropriation of the property and the resolution includes a description of the expropriated property and the names of owners or disposers or and owners of the property rights within thirty days following the issuance of the expropriation decision.
2. The expropriator shall submit a request to the ruler along with the plan of the property to be acquired with an estimated value of the expected compensation

Article (6)

The issuance of the Expropriation decision within thirty days from the day following its issuance, the landlord shall

- a. to submit a copy of the decision and the plan of the acquisition to the Director of land Department, which entails to sign the property or part of the property need to be expropriated and refrain from disposition, and if such property is not registered; the landlord shall Submit a list of names of the squatters and their residences to the Director of the Land Department, in addition to the Expropriation decision and its plan.
- b. To make inspection of the expropriated property by the Compensation Committee, to determine the condition of the property at the time of the Expropriation decision and determine the value of the appropriate compensation, taking into account the bases and methods of estimation provided for in Article (10) of this Law.

Article (7)

- A. the owner of the property is the person that the property was registered in his name in the land department at the time of the decision of expropriation, and if such property is not registered; such person shall submit sufficient evidence to prove this situation without prejudice to the right of any person who wishes to file a case in Afterwards claiming that he has the right to get the scheduled compensation.
- B. The Court shall decide the ownership of such property in the event of a dispute which could not be resolved administratively by the Municipality or by the owner.



Article (8)

- a. If there are more people having the right to own such property because of any right of use or lease or easement, the landlord shall notify the expropriator in writing of their names and their rights within (30) days from the day following the date of the expropriation; also any the ownership right holder may do so directly Within the time limit mentioned.
- b. the landlord of such property shall be responsible for paying compensation entitled to any of the owners of the rights set forth in paragraph (a) of this Article , if not informing the expropriator about their names and their rights within the period provided for in this article ; the compensation they deserve will be estimated in accordance with the provisions of subparagraph (3) of paragraph (a) of Article 10 of this law .

Article (9)

The expropriator may after the decision of the expropriation ask the landlord to attend within ninety days from the day following the date of the expropriation to inform him of the value of the compensation set by the Compensation Committee

Article (10)

- a. The following principles shall be taken into account in assessing compensation for any property need to expropriate under this law: -
 1. It shall be deemed to be an appropriate compensation for the property or its use, utilization or disposition of the price or lease value that may be obtained if it is publicly sold in the market or leased from a person wishing to purchase or lease on the day of the expropriation decision.
 2. It shall be deemed appropriate compensation for the damage caused by the establishment of any right of easement or imposition of a restriction on such property and compensate the amount that decreases from the price of the property due to the expropriation or imposition of that right.
 3. The fair compensation for the right to lease or use such the property by any person other than its owner in the event of completely compensated ; an amount shall be deducted for the interest of such person from the estimated compensation to the landlord of the property not exceeding (15%) of such compensation if the property is occupied for commercial or industrial purposes , and no more than (5%) if such property is occupied for other purposes ; if the demise of the interest or lease shall be done partially , an amount proportion to such damage shall be deducted from compensation.
- b. The Committee shall consider the followings when estimating the compensation provided for in paragraph (a) of this Article : -
 1. Any improvements or additions made to the property after the issuance of the expropriation decision shall not be compensated.
 2. The price of neighboring properties shall be taken into account at the date of the expropriation decision, taking into account the age of the existing property.
 3. The valuation shall not be affected by the rise in value arising from the expropriation.



- c. If the landlord wishes to take all or some of the fixed and attached to the property such as debris of construction and trees taken off, the value of such items shall be deducted from the compensation entitle to the landlord; as consequence , the landlord shall remove and transfer such trees and debris from the property within the period specified by the expropriator or otherwise such trees and debris will be removed and transferred at his expense to any Other property belonging to the landlord or to any other place deemed appropriate by the expropriator and the expenses of extraction and transportation shall be deducted from the compensation due to the landlord.

Article (11)

Compensation report shall be prepared according to the form approved by the Municipality Department, supported by the documents and data approved for the issuance of the report, including in particular the following:

- A detailed report indicating the method of determining the amount of compensation and the basis and method of assessment in accordance with article 10 of this article
- Supporting documents of the report including title deed, off plan, organizational layout location and photos of the property and statistical information related to the subject of estimation and any other supporting documents.

Article (12)

- The unsorted land may, at time of planning, deduct planning rate for the interest of the landlord ranging between 34% -39% depending on the land use and in all cases the rate of planning mentioned shall not be compensated.
- The decision of the Compensation Committee on Valuation of the property and the value of as result of expropriation decision may be challenged and appealed before the special judicial committee to adjudicate in the real estate disputes as stipulated in the Amiri Decree No. 12 of 2010 or by any party competent authority

Article (13)

The expropriator shall pay compensation for the whole expropriated area without deducting any part of it free of charge if Expropriation cover the whole property or parts of the property remain unused and become un suitable for construction or for use thereof and considered to be covered by the Expropriation decision in accordance with the terms and conditions stipulated in Article (14) of this law.

Article (14)

If the remaining part of the property becomes un suitable for construction or become useless after the expropriation, this part shall be deemed to be included in the Expropriation decision if the landlord requests compensation. The compensation shall be paid on this basis, provided that the landlord does not have another adjacent property that may be annexed. The remaining area may be added to the adjacent property so that the two properties become fit for construction or use.



Article (15)

- The opening or extension of any road shall be deemed expropriation in accordance with an original or amendment plan approved by the Governor.
- A copy of the organizational plan shall be sent to the Director of land Department to put a sign such property in accordance with the provisions of Article (6) of this law.
- The provisions of this Law shall apply to this expropriation in terms of procedures, assessment and payment of compensation

Article (16)

Claims of annulment, restitution and all other in kind claims shall not stop the expropriation and its procedures and shall not affect its results and the parties that the judgment issued in favor shall be compensated.

Article (17)

- Pursuant to the provisions of the applicable law of civil procedure, compensation amount against expropriated property may not be retained or any right may not be detained legally.
- If compensation for a seized property or for a property as guarantee for debt, equivalent to the value of the seizure or guarantee of compensation shall be deposited in the municipality's fund, it shall not be paid to any party or person except by a final decision issued by a competent judicial or administrative authority.

Article (18)

- After the payment of compensation payable to those with maturity or deposited with the municipality Treasury; the property shall be register in the name of the expropriator or displayed on the charts, as appropriate, by order of the Director General of the land department.
- The property expropriated for the roads shall not be registered unless the Governor deems it necessary.
- If it appears to the Director General of the Municipality or the Director of the Planning Department that the calculations of the scheme of the Expropriation or planning were not correct, he may after the permission of the Governor to ask the expropriator to pay compensation for the excess space in accordance with the assessment set previously; also he may request the landlord to repay the excess of his entitlement, In the event of failure to pay, the increase shall be recovered by an order which shall have the power of the executive bond and all his transactions with the local departments in Ras Al Khaimah shall be blocked until he complies with the order.
- Compensation for the landlord shall not be paid unless proven that he paid pay returns, fees and expenses payable to the municipality and land Department imposed on such property; if the landlord has not submitted clearance certificate and discharge from those funds and the returns; such fees and expenses shall deducted out of compensation after the establishing the value of those in writing by the competent department.





Article (19)

In case there are reasons enable the expropriator to seize the property, the ruler or his representative at the time of expropriation decision , may issue take possession of the property immediately without compliance with the procedures of Expropriation stipulated in this Law , with the exception of the procedures provided for in Article (4) of this law and such decision shall be final and may not be appealed or suspended by any judicial or administrative body .

Article (20)

When expropriating a property owned by a minor or legally incompetent or incapacitated, or the property was endowment, the guardians or heirs or managers of the endowment may not receive compensation resulting from the property expropriated except after special permission from the competent court or by order of the ruler or his representative

Article (21)

- Expropriation of any property acquired pursuant to this Law may be wholly or partly abandoned .the expropriate shall have not any right in this property after this decision.
- A renunciation of Expropriation shall be applied if the organizational chart has been modified by the concerned party and the expropriated property becomes outside of the road

Article (22)

Decisions issued by any committee formed before the provisions of this law come into force and not implemented shall be deemed to have been issued in accordance with the provisions of this law .

Article (23)

This law abrogates any regulations whose provisions are inconsistent with the provisions of this law

Article (24)

This law shall come into force one month after its promulgation and shall be published in the Official Gazette.

[Signed]

Saud Bin Saqr Bin Mohammed Al Qasimi

Ruler of Ras Al Khaimah

Issued on this twentieth day of the month of Muharram for the year 1434 AH Corresponding to the fourth of December for the year 2012 AD

