



# **COMMERCIAL SERVICES LICENSING REGULATION**

**REGULATION NUMBER (9) 2008**

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## **Part One : Preliminary and Key Provisions**

### **1 Title**

This regulation is to be referred to as the Commercial Services Licensing Regulation No. (9) of 2008 (the “Commercial Services Licensing Regulation”).

### **2 Issue of Regulation**

This Commercial Services Licensing Regulation is issued in accordance with Article 9 of Decree no.(9) of 2003 and adopted under Order no (1) of 2008.

### **3 Repeal of Regulation**

This Commercial Services Licensing Regulation repeals and replaces the DHCC Non-Clinical Company Licensing Regulation 1/2005 in accordance with Article 3 of Order No. (1) of 2005.

### **4 Hierarchy**

(1) If there is any conflict between the provisions of this Commercial Services Licensing Regulation and the Governing Regulation, the provisions of this Commercial Services Licensing Regulation will prevail.

(2) In the event of any inconsistency between an earlier version of a Regulation and an amended version of the same Regulation, the most recently amended version of the Regulation will prevail.

### **5 Commencement**

This Commercial Services Licensing Regulation comes into force on the date of its issuance by the Chairman.

### **6 Background**

The vision of the DHCC is to be the internationally recognized location of choice for quality Healthcare Services and an integrated center of excellence for clinical and wellness services, medical education and research. To assist in achieving this vision there needs to be a strong and transparent governance framework relating to the regulation of Commercial Companies. No person may operate as a Licensed Commercial Company providing Commercial Services within the DHCC unless it is an Entity and has obtained and maintains a Commercial License in accordance with this Regulation and the applicable Rules Standards and Policies.

### **7 Purpose**

The purpose of this Commercial Services Licensing Regulation is to set out the framework under which Registered Companies may carry on their business, within DHCC including the general criteria and procedures under which Commercial Companies may obtain and maintain their Commercial Licence to operate within the DHCC.

### **8 Requirement to comply with Regulations**

(1) It is a requirement that any:

(a) Commercial Company applying for a License; or

(b) any Licensed Commercial Company, including any company registered under it and any Branch, carrying on business within DHCC,

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must comply with, submit to and be bound by the relevant Regulations, the applicable Rules, and all applicable Policies or Standards.

**9 Provision of Commercial Services in accordance with Regulations**

- (1) No Licensed Commercial Company may operate within DHCC except in accordance with the applicable Regulations, including any applicable Rules, Policies or Standards.
- (2) Failure to comply with the applicable Regulations, Rules, Standards and Policies may result in:
  - (a) a Penalty being imposed; and/or
  - (b) the termination of the Licensed Commercial Company's right to operate within DHCC.

**10 Amendment of Regulations**

The Chairman may, from time to time, amend this Commercial Services Licensing Regulation.

**11 Commercial Services Licensing Regulation to be read in conjunction with other Regulations**

- (1) This Commercial Services Licensing Regulation must be read in conjunction with the following Regulations:
  - (a) Company Regulation;
  - (b) Complementary and Alternative Medicine Regulation;
  - (c) Education Regulation;
  - (d) Governing Regulation;
  - (e) Health Data Protection Regulation;
  - (f) Healthcare Operators Regulation;
  - (g) Healthcare Professionals Regulation;
  - (h) Medical Liability Regulation;
  - (i) Research Regulation; and
  - (j) Any other Regulation adopted by the Chairman under the Decree.

**12 Responsibility for administration of Regulations**

The Board of Directors and the Executive Committee of DHCC are responsible for administering the Commercial Services Licensing Regulation and any applicable Rules, Standards and Policies.

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## Part Two : Interpretation

### 13 Definitions

Capitalized terms not defined in this Commercial Services Licensing Regulation shall have the meanings ascribed to them in the Governing Regulation. Unless it is specifically stated otherwise in another Regulation or unless the context otherwise requires:

**Applicant** means an Entity that submits an Application for Commercial License in accordance with this Regulation, the applicable Standards and Policies.

**Application** means an application for a Commercial License or an application to renew a Commercial License;

**Associated body** means any body corporate which is or has at any relevant time been:

- i. a holding company, subsidiary or related company of the Commercial License Holder;
- ii. a subsidiary of a holding company of the Licensee;
- iii. a holding company of a subsidiary of the Licensee; or
- iv. a body corporate in the case of which a controller of the Licensee along or with associates, is entitled to exercise, or control the exercise of, more than 50 per cent of the voting power at a general meeting;

**Commercial License** means a License issued by the DHCCA to a company registered under the Company Regulation authorising the company to carry out Commercial Services within DHCC;

**Commercial License Holder** means a company which holds a Commercial License

**Court** means the court or arbitral body appointed by the DHCCA for the purposes of this Regulation;

**Home Regulator** means the relevant supervisory authority in the country or territory in which an institution has its principal of business;

**Inspector** means any person appointed by the DHCCA under section 63.

### 14 Regulations include amendments

References in this Commercial Services Licensing Regulation, or any other Regulations, to the Regulations are to be read as references to any of such Regulations as they may be amended from time to time.

### 15 Headings

The headings used in this Commercial Services Licensing Regulation are included for convenience of reference only and will be ignored in the construction or interpretation of this Commercial Services Licensing Regulation.

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**16 Time periods**

References in Regulations to time periods are to be construed in accordance with the Gregorian calendar. Whenever Regulations reference a period of time, such period will include every calendar day, except that:

- (1) when the last day of the period falls on a Friday or a Saturday, the period will end instead on the next Sunday; and
- (2) subject to subsection (1), when the last day of the period falls on a UAE or Dubai public holiday, the period will end instead on the next day that is not a UAE or Dubai public holiday.

**17 Gender**

Pronouns indicating male gender are used to refer to persons of both genders.

**18 Documents in languages other than English**

A person who wishes to submit an original document, a photocopy or an electronic version of a document written in a language other than English must also submit a notarized translation into English of such document prepared by a translation service acceptable to the officer, employee or agent providing the DHCCA Services to whom the document is submitted.

**19 Documents in writing**

References in Regulations to any requirement for any document to be written, in writing, to be presented in writing or for the giving of any notice are to be construed as being satisfied by an Electronic Record and any references in Regulations to any requirement for a signature on any document or notice are to be construed as being satisfied by an Electronic Signature that may be proved in a manner satisfactory to the officer, employee or agent providing the DHCCA Services who is the recipient of such document.

**20 Meaning of Person**

Unless the context otherwise requires, any reference in Regulations to a “person” includes a reference to a natural person, and to a body corporate, limited liability Company, association or partnership and to the legal or personal representatives, legal successors and lawful assigns of any such person.

**21 Reference to sections**

Unless otherwise specifically stated, references in a Regulation to a section and subsection mean the section and subsection of that Regulation.

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## **Part Three : General provisions relating to Applications for a Commercial Licence**

### **22 Eligibility**

Only a company which is registered or intending to be registered under the Company Regulation may submit an Application to become a Licensed Commercial Company.

### **23 Applicants**

Only an Entity that intends to be the eventual Licensed Commercial Company may be an Applicant.

### **24 Persons entitled to provide Commercial Services**

- (1) Subject to the provisions of this Commercial Services Licensing Regulation no person may provide any Commercial Services in DHCC without being registered in accordance with the provisions of the Company Regulation and obtaining a license from the DHCCA in accordance with the provisions of this Commercial Services Licensing Regulation.
- (2) For the purposes of this Commercial Services Licensing Regulation a Registered company person provides Commercial Services in DHCC if it:
  - (a) carries on a business from a permanent place of business maintained by it in DHCC; or
  - (b) engages in or from DHCC in any business and its doing so constitutes the carrying on by it of a business in DHCC.

### **25 Categories of Business**

- (1) The DHCCA shall publish from time to time, the categories of business for which a Licence may be issued in DHCC.

### **26 Exemptions**

- (1) This Commercial Services Licensing Regulation does not apply in relation to:
  - (a) a person falling within a class prescribed by the DHCCA from time to time to the extent that it carries on any Commercial Services within DHCC; or
  - (b) a transaction of a description specified by the DHCCA from time to time and by reference to any matter appearing to the DHCCA to be appropriate.
- (2) An exemption specified under subsection (1) may provide that such exemption shall be subject to one or more conditions or requirements as may be specified by the DHCCA from time to time.

### **27 Persons not required to obtain a Licence**

- (1) An Entity is not deemed to be providing Commercial Services in DHCC for the purposes of section 24 where that Entity only:
  - (a) owns land in DHCC, including any building on such land and does not otherwise provide Commercial Services from that land or building; or

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- (b) leases land or a building in DHCC and does not otherwise provide Commercial Services from that land or building; or
  - (c) leases premises in DHCC exclusively for residential purposes.

## **28 Form of Application**

- (1) An Application for a Commercial Licence to provide Commercial Services in DHCC from an Applicant shall:
  - (a) be made to the DHCCA in such form and manner as the DHCCA may require;
- (2) An Application for a Commercial License will considered only if it meets the following requirements:
  - (a) it must be in English;
  - (b) it is typewritten or written in a legible manner;
  - (c) all data, information, and signatures required under this Regulation and the applicable Rules are supplied;
  - (d) the proper fee is submitted as may be prescribed from time to time by the DHCCA.

## **29 Information to be provided with Application**

- (1) The following information must be provided with the Application:
  - (a) a description of the types of Commercial Services proposed to be carried on;
  - (b) the person appointed as Manager;
  - (c) a written declaration confirming the accuracy of the statements included in the Application and the company's documents, and empowering the DHCCA to verify the accuracy thereof and to share such information and documentation with any party as the DHCCA deems necessary or appropriate;
  - (d) details of any public health and safety requirements as specified in business rules developed under section 64;
  - (e) any such other information or particulars as may be requested by DHCCA from time to time, verified in such manner, as the DHCCA may require provision of further information
- (2) At any time after receiving an Application and before determining it, the DHCCA may by written notice require the Applicant or any person who is or is to be a Director, Controller or Manager of the Applicant to provide additional information or documents.
- (3) The Applicant for a Licence shall furnish the DHCCA with such further information about the business to which the Application relates (being, if the DHCCA so requires, information verified in a specified manner) as the DHCCA may require for the purpose of determining the Application.

## **30 Provision of incomplete Application**

- (1) It is the responsibility of the Applicant to submit a completed Application form and provide the required information.
- (2) In the case of incomplete Applications DHCCA will notify the Applicant identifying the information that has not been provided.

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- (3) DHCCA must specify a period of time within which the Application may be resubmitted with the required information, which time period shall be reasonable.
  - (4) The Applicant will not be required to pay an additional fee for resubmitting the Application within the specified timeframe

**31 Failure to provide further information**

- (1) Failure of the Applicant to comply with the requirement to provide further information or resubmit the Application in accordance with section 30 may result in DHCCA considering an Application withdrawn on the basis of insufficient information.
- (2) If DHCCA considers an Application withdrawn under subsection (1), any fee paid by the Applicant will not be refunded to the Applicant and the provisions of section 32 will apply.

**32 Withdrawal of Application**

- (1) The Applicant may withdraw the Application, by giving the DHCCA written notice, at any time before the DHCCA determines it.
- (2) The DHCCA will retain a copy of the Applicant's withdrawal of the Application together with a copy of all the information provided by the Applicant or otherwise obtained during the course of consideration of the Application.
- (3) If an Application is withdrawn any fee paid to the DHCCA will not be refunded to the Applicant.

**33 Requirement to notify changes**

- (1) At any time during the review of an Application and prior to DHCCA issuing a Commercial License, the Applicant must promptly DHCCA of any substantial modification or change to the information or documentation contained in its Application.
- (2) Failure of an Applicant to notify DHCCA of any such changes will result in either:
  - (a) the Application being considered incomplete and withdrawn in accordance with section 32 ; or
  - (b) DHCCA not including any modifications in the Commercial License, if it is issued.

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## **Part Four : Provisions relating to granting or refusing Commercial Licenses**

### **34 Grant or refusal of Commercial License**

The DHCCA may on considering an Application duly made in accordance with Part Three and after being provided with all such information, documents and reports as it may require, grant or refuse the Application for a Commercial License.

### **35 Requirement to satisfy relevant criteria**

- (1) The DHCCA shall not grant an Application for a Commercial License unless satisfied that the Application satisfies the relevant criteria as applied by the DHCCA from time to time.
- (2) The criteria may include, but is not limited to, the requirement for Applicant to meet public health and safety requirements as provided by the applicable Regulations, Rules, Standards and Policies.

### **36 Considerations**

- (1) In determining whether to grant or refuse an Application for a Commercial License the DHCCA may take into account any matters relating:
  - (a) to any person who is or will be employed by or associated with the Applicant for the purposes of the Applicant's business;
  - (b) to any other associated body or to any Director or Controller of any associated body.
- (2) In the case of an Applicant incorporated, established or formed outside of DHCC, the DHCCA may take into account the length of time the Applicant has been incorporated, established or formed outside DHCC prior to the Application being made in accordance with Part Three.
- (3) In considering whether to grant an Application made under section 28 the DHCCA shall additionally have regard to the need to protect the public and the reputation of DHCC and by reference to any other factor appearing to the DHCCA to be appropriate.

### **37 Grounds to refuse to grant a Commercial License**

- (1) The DHCCA may refuse to grant a Commercial License if it appears to the DHCCA that the Applicant:
  - (a) is Closely Linked with any person; and
  - (b) the close links with that person or any matter relating to laws or administrative provisions to which that person is subject, are such as would prevent the effective exercise by the DHCCA of its supervisory powers in relation to the Applicant; or
  - (c) the statements, information and/or documents made or submitted by the Applicant are false or misleading; or
  - (d) has not complied with any public health and safety requirements under the applicable Regulations, Rules, Standards and Policies.

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**38 Applicant to be notified of decision**

- (1) Where the DHCCA grants an Application for a Commercial Licence it shall give written notice of that fact to the Applicant.
- (2) Where the DHCCA refuses an application for a Licence it shall give written notice of that fact to the Applicant.

**39 Reasons for refusal or change of terms**

If the DHCCA refuses to grant a Commercial Licence, or grants a Commercial Licence on terms other than those sought by the Applicant the DHCCA may provide the Applicant with a written statement of reasons for the refusal or the terms of the Commercial Licence, on request from the Applicant

**40 No Appeal**

There will be no appeal allowed of the DHCCA decision to refuse to grant or grant a Commercial License on terms other than those sought by the Applicant.

**41 Term of License**

Subject to this Commercial Services Licensing Regulation and the Company Regulation, the Commercial Licence will be for the term specified in the Licence and shall be renewed in accordance with the provisions of section 44.

**42 Details to appear on Commercial License**

- (1) A Licence issued under this Commercial Services Licensing Regulation shall state:
  - (a) the name of the Licensee
  - (b) the date from which the Licence will take effect;
  - (c) the name of the Manager;
  - (d) the category or categories of Commercial Services to be undertaken by the Licensee; and
  - (e) such other matters, including any restrictions or conditions attached to the Commercial Licence, as may be specified by the DHCCA.

**43 Provisions relating to Commercial License Holders incorporated, established or formed outside DHCC**

- (1) Where the DHCCA grants an Application for a Commercial License, the Licensee shall:
  - (a) provide the DHCCA during the month of December of every each with a certificate issued by the Home Regulator in the country whose where it was incorporated, established or formed that proves the continuation of the Commercial License Holder and the validity of its registration with such authority; and
  - (b) notify the DHCCA in writing within a period not exceeding twenty (20) days of any modifications to its registration statements made in the Application or the accompanied documentation and the date of its occurrence.

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## **Part Five : Renewal of License**

### **44 Renewal of License**

Each Commercial License Holder must renew its Commercial License every two (2) years or as specified otherwise on the License, effective as of the anniversary of the issuance of its Commercial License (each date on which a Commercial License Holder's Commercial License is to be renewed is a "Renewal Date").

### **45 Submission of Renewal Application**

- (1) A Commercial License Holder must submit to DHCCA a completed Renewal Application and the required fee no later than sixty (60) days prior to each Renewal Date.
- (2) DHCCA may, at its discretion, allow a Renewal Application to be filed later than the date provided for in subsection (1), but any such extension shall be for no greater than sixty (60) days.

### **46 Information to be provided with the Renewal Application**

- (1) The Renewal Application must include such information as DHCCA determines is reasonable and appropriate relating to the Commercial License Holder, including, but not limited to, the details of the following:
  - (a) criminal charges or civil proceedings instituted against the Commercial License Holder;
  - (b) evidence that the Commercial License Holder meets any required health and safety requirements as provided in the applicable Regulations, Rules, Standards and Polices.

### **47 DHCCA to review the Renewal Application**

DHCCA will review the Application to renew the Commercial License within 30 days of receipt of the Application.

### **48 Applicant to be notified of decision**

- (1) Where the DHCCA grants an Application to renew a Commercial Licence it shall give written notice of that fact to the Applicant.
- (2) Where the DHCCA refuses an application for a Licence it shall give written notice of that fact to the Applicant.

### **49 Reasons for refusal or change of terms**

If the DHCCA refuses to grant a renewal of the Commercial Licence, or grants a runaway of the Commercial Licence on terms other than those sought by the Applicant the DHCCA may provide the Applicant with a written statement of reasons for the refusal or the terms of the Commercial Licence, on request from the Applicant

### **50 Failure to file a Renewal Application**

- (1) If a Commercial License Holder fails to file a Renewal Application for its Commercial License, its Commercial will remain in effect until DHCCA notifies the Commercial License Holder in writing that it is to cease providing any or all Commercial Services to which the Commercial License relates.

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- (2) A notice provided by DHCCA under subsection (1) must specify the a period of time during which the Commercial License Holder is to complete an orderly winding down of the Commercial Services or parts of the Commercial Services it provides under its Commercial License, which time period DHCCA may, in its discretion, extend.
  - (3) Upon the completion of the orderly winding down of the Commercial License Holder's Commercial Services, the affected Commercial License Holder will immediately cease providing all Commercial Services allowed under its Commercial License.

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## **Part Six : Obligations of Commercial License Holders**

### **51 Role of the Manager**

- (1) Every Entity granted a Commercial Licence under this Commercial Services Licensing Regulation to provide Commercial Services in DHCC shall appoint a Manager, who shall be a natural person, or, subject to the approval of the DHCCA, a juridical person represented by a natural person.
- (2) The Manager shall be the principle representative of the Commercial License Holder in DHCC and shall represent the Commercial License Holder in all matters with the DHCCA.
- (3) The Commercial License Holder may, either under the Application for the Commercial Licence as set out in Part Three, regulate, limit or otherwise specify the extent of the powers of the Manager in representing the Commercial License Holder both inside and outside DHCC.
- (4) Subject to any limitations prescribed by the Commercial License Holder under subsection (3), the Manager is empowered to manage and conduct the day to day operations, business and affairs of the Commercial License Holder.

### **52 Imposition of conditions on Licences**

- (1) The DHCCA may at any time on or after issuing a Commercial Licence under Part Four by notice in writing served on the Commercial License Holder:
  - (a) impose such conditions or restrictions as appear to the DHCCA to be necessary or desirable in respect of a Commercial License Holder; and
  - (b) vary or revoke any condition or restriction so imposed.
- (2) Subsection (1) is subject to DHCCA having reason to believe that it is appropriate to impose such conditions or restrictions.
- (3) If the DHCCA imposes a condition or restriction under subsection (1), the DHCCA may provide the Commercial License Holder with a written statement of reasons for imposing a condition or restriction on request from the applicant.

### **53 Revocation, cancellation or suspension of a Licence**

- (1) The DHCCA may, if it thinks fit, revoke or cancel a Commercial Licence or suspend a Commercial Licence for a specified period until the occurrence of a specified event or until specified conditions are complied with.
- (2) Any revocation, cancellation or suspension must be given by notice in writing served on the Commercial License Holder.
- (3) DHCCA may act under subsection (1):
  - (a) at the request of the Commercial License Holder;
  - (b) if the Commercial License Holder has:
    - (i) contravened a provision of this Commercial Services Licensing Regulation or its Commercial Licence; or

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- (ii) failed to satisfy an obligation to which he is subject by virtue of these this Commercial Services Licensing Regulation; or
  - (iii) no longer meets the relevant applicable minimum criteria under which it was licensed;
  - (c) if the Commercial License Holder has furnished misleading or inaccurate information to the DHCCA under or for the purposes of any provision of this Commercial Services Licensing Regulation;
  - (d) if the Commercial License Holder has not commenced to carry on in DHCC the Commercial Services to which its Licence relates within ninety (90) days of its issue or within such other period as may be specified by the DHCCA;
  - (e) if the Commercial License Holder has not paid any renewal or other fee, including any penalty fee or fee for late renewal due and payable in respect of a Commercial Licence or if the Commercial License Holder has not paid any other amounts due to the DHCCA;
  - (f) if the Commercial License Holder has ceased to provide Commercial Services in DHCC;
  - (g) if the Commercial License Holder is carrying on Commercial Services of a different category to that set out on the Commercial Licence;
  - (h) if the Commercial License Holder, or the controller of the Licensee has assigned the benefit and control of a business to a third party without the approval of the DHCCA;
  - (i) on the order of a Court;
  - (j) if the DHCCA considers it desirable to revoke, cancel or suspend the Licence for the protection of the public or of the reputation of DHCC; or
  - (k) on any other ground, which the DHCCA may specify from time to time as a ground for the revocation, cancellation or suspension of a Licence.

#### **54 Reasons for refusal or change of terms**

If the DHCCA revokes, cancels or suspends a Commercial Licence pursuant to section 53(1) DHCCA may provide the Commercial License Holder with a written statement of reasons for its decision on request from the Commercial License Holder.

#### **55 Right of review of DHCCA's decision**

- (1) The Commercial License Holder has the right to seek a review of the decision to decline to revoke, or suspend on a Commercial License Holder or place conditions or restrictions on the Commercial License Holder to which that Holder has not agreed in writing.

#### **56 Limitations of Licence**

A Commercial License Holder shall not carry on (or purport to carry on) any business in the UAE outside DHCC solely on the basis of a Commercial Licence granted under this Commercial Services Licensing Regulation.

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**57 Dispute resolution**

It shall be a condition of any Commercial Licence granted that a Commercial License Holder submits to the jurisdiction of the Court and/or tribunal designated by the DHCCA to hear disputes in DHCC.

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## Part Seven : Provision of Information

### 58 Notification of change of Manager

- (1) A Licensee shall give notice in writing to the DHCCA of the fact that a person has become or has ceased to be the manager of the Licensee, and shall arrange with the DHCCA to modify the Licence accordingly.
- (2) A notice required to be given under subsection (1) shall be given within a period of fourteen (14) days immediately following the day on which the Licensee becomes aware of the relevant fact.

### 59 Power to obtain information and documents

- (1) The DHCCA may, by notice in writing served on a Commercial License Holder require the Licensee to provide the DHCCA:
  - (a) at such times or intervals and in respect of such periods as may be specified in the notice, with such information as the DHCCA may reasonably require for the performance of its functions under this Commercial Services Licensing Regulation; or
  - (b) with a report on any aspect of, any matter in relation to which the DHCCA may require information under subsection (1)(a).
- (2) The DHCCA may:
  - (a) by notice in writing served on a Commercial License Holder, require it to produce, within such time as may be specified in the notice, documents of such description as may be so specified; or
  - (b) authorise any of its officers, servants or agents, on producing evidence of his authority, to require a Commercial Licensee to furnish him forthwith with such information and documents as he may specify,
- (3) Where under subsection (2) the DHCCA or any officer, servant or agent of the DHCCA has power to require the production of any documents from a Commercial License Holder, the DHCCA or that officer, servant or agent shall have the like power to require the production of those documents from any person who appears to be in possession of them.
- (4) The power conferred by this section to require a Commercial License Holder or other person to produce any documents includes power:
  - (a) if the documents are produced, to take copies of them or extracts from them and to require that Commercial License Holder or person, to provide an explanation of them; and
  - (b) if the documents are not produced, to require the person who was required to produce them to state, to the best of his knowledge and belief, where they are.

### 60 Information about the Manager

The DHCCA may, by notice in writing served on any person who is or is to be a Manager of a Licensee, require him to furnish the DHCCA, within such time as may be specified in the notice, with such information or documents as the DHCCA may reasonably require for determining whether he is a Fit and Proper Person to hold the particular position which he holds or is to hold.

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**61 Former Commercial License Holders**

The provisions of sections 59 shall apply to a former Commercial License Holder, provided that where that former Licensee is an overseas entity, it shall only apply to a branch located in DHCC in respect of such former Licensee.

**62 Right of entry to obtain information and documents**

- (1) An officer, servant or agent of DHCCA may enter any premises occupied by a person on whom a notice:
  - (a) has been served under section 59 for the purposes of obtaining the information or documents required by the notice and of exercising the powers conferred by section 59 ; or
  - (b) could be served under section 59 , for the purpose of obtaining such information or documents as are specified by DHCCA, being information or documents that could be required by a notice; but DHCCA shall not authorise any person to act under this paragraph unless it has reasonable cause to believe that if such a notice was served it would not be complied with or that any documents to which it would relate would be removed, tampered with or destroyed.

**63 Investigations on behalf of DHCCA**

- (1) DHCCA may appoint one or Inspectors to investigate and report to the DHCCA on:
  - (a) the nature, conduct or state of the Commercial License Holder's business or any particular aspect of it; or
  - (b) the ownership or control of the Commercial License Holder,and DHCCA shall give notice in writing to the Commercial License Holder of the appointment to the Licensee concerned.
- (2) An Inspector may also, if he thinks necessary to do so for the purposes of his investigation, investigate the business of any other body corporate which is Closely Linked to a Commercial License Holder.
- (3) An Inspector may, for the purposes of exercising his powers under this section, enter any premises occupied by a Commercial License Holder being investigated by him; but he shall not do so without prior notice in writing unless he has reasonable cause to believe that if such notice were given any documents whose production could be required under this section would be removed, tampered with or destroyed.
- (4) An Inspector shall, if so required, produce evidence of his authority.
- (5) The provisions of this section shall apply to a former Commercial License Holder, provided that where that former Licensee is incorporated, established or formed outside of DHCCA, it shall only apply to a branch located in DHCC in respect of such former Licensee.

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## Part Eight : Conduct of Business

### 64 Conduct of business

- (1) DHCCA may, make Rules, Standard and Policies regulating the conduct of activities carried on in DHCC relating to the provision of Commercial Services.
- (2) Such Rules, Standards and Policies made under this section may in particular make provision for:
  - (a) restricting a Commercial License Holder from carrying on, or holding himself out as carrying on:
    - (i) Commercial Services of any kind specified in the Rules, Standard and Policies; or
    - (ii) Commercial Services of a kind or on a scale other than that notified by the Commercial License Holder to the DHCCA and approved by the DHCCA;
  - (b) restricting a person from providing Commercial Services in relation to persons other than those of a specified class or description;
  - (c) regulating the manner in which a person may hold himself out as providing any Commercial Services;
  - (d) the form and content of advertisements in respect of any business activities;
  - (e) naming of the Commercial Services to be provided
  - (f) specifying any particular public health requirement that the Commercial License Holder will need to comply with when providing the Commercial Services
  - (g) requiring Commercial License Holders to impose requirements and/or restrictions on the Commercial Services provided by their employees in relation thereto;
  - (h) for arrangements for the settlement of disputes and;
  - (i) requiring the keeping of accounts and other records, as to their form and content and for their inspection.
- (3) Subsection (2) is without prejudice to the generality of subsection (1) and accordingly Rules, Standards and Policies made under this section may make provision for matters other than those mentioned in subsection (2) or further provision as to any of the matters there mentioned.

### 65 Financial resources Rules

- (1) DHCCA may, by a decision of the chairman, require certain Commercial License Holders to have and maintain in respect of their Commercial Services such financial resources as are required by the Rules, Standards and Policies.
- (2) Without prejudice to the generality of subsection (1), Rules, Standards and Policies under this section may:
  - (a) impose requirements which are absolute or which are to vary from time to time by reference to such factors as are specified in or determined in accordance with the Rules, Standards and Policies; and

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- (b) make provision as to the assets, liabilities and other matters to be taken into account in determining a Commercial License Holder's financial resources for the purposes of the Rules and the extent to which and the manner in which they are to be taken into account for that purpose.

**66 Notification**

- (1) DHCCA may make Rules, Standards and Policies requiring Commercial License Holders to give it notice of the occurrence of such events as are specified in the Rules, Standards and Policies.
- (2) Without prejudice to the generality of this section, Rules, Standards and Policies made under this section may relate to:
  - (a) the nature of the Commercial Services being carried on;
  - (b) the nature of any other related business carried on with or for the purposes of the Commercial Services;
  - (c) any proposal of a Commercial License Holder to alter the nature or extent of any Commercial Services to be provided;
  - (d) changes in key personnel;
  - (e) the financial position of a Commercial License Holder with respect to any Commercial Services being to be provided.
- (3) Rules, Standards and Policies made under this section may require information to be given in a specified form and to be verified in a specified manner.

**67 Employment of prohibited persons**

- (1) If it appears to DHCCA that any individual is not a Fit and Proper Person to be employed by a Commercial License Holder, either generally or in relation to a particular activity, it may direct that he shall not, without the written consent of DHCCA be employed by such Licensee.
- (2) DHCCA may revoke a direction or approval made under this section.
- (3) In this section, references to "employment" include references to employment other than under a contract of service.

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## **Part Nine : Information**

### **68 Register of Licensees**

- (1) DHCCA shall maintain a register or registers of Commercial Licences granted under this Commercial Services Licensing Regulation and such a register may be held in electronic form or in any other permanent manner.
- (2) DHCCA may provide a copy of any entry in the register to any person who asks for it on payment of a fee fixed by DHCCA.
- (3) The register shall include the names and addresses of Commercial License Holders and such other particulars, including any restrictions or conditions imposed upon the Commercial Licence as provided under Part Four.

### **69 Restrictions on disclosure of information**

- (1) Subject to the provisions of section 70 :
  - (a) no person who receives information relating to the Commercial Services or other affairs of any Entity under or for the purposes of this Commercial Services Licensing Regulation; and
  - (b) no person who obtains any such information directly or indirectly from a person who has so received it;shall disclose the information without the consent of the person to whom it relates and (if different) the person from whom it was so obtained.

### **70 Cases where disclosure is permitted**

- (1) Section 69 does not preclude:
  - (a) the disclosure of information which at the time of disclosure is or has already been made available to the public from other sources or information in the form of a summary or collection of information so framed as not to enable information relating to any particular person to be ascertained from it;
  - (b) the disclosure of information strictly for the purpose of enabling DHCCA to discharge its functions conferred upon it by this Commercial Services Licensing Regulation;
  - (c) without prejudice to the generality of subsection (1)(b), the disclosure of information by DHCCA to the auditor of a Commercial License Holder if it appears to DHCCA that the disclosure would enable or assist DHCCA to discharge its functions under this Commercial Services Licensing Regulation or would otherwise be in the public interest;
  - (d) where DHCCA considers it necessary in order to enable or assist it to discharge its functions under this Commercial Services Licensing Regulation to seek advice from a qualified person on any matter of law, accountancy or valuation or any other matter requiring the exercise of professional skill, the disclosure by DHCCA to that person of such information as appears to DHCCA to be necessary to ensure that he is properly informed as to the matters on which his advice is sought;

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- (e) the disclosure by DHCCA of limited information in the interests of customers, investors, counterparties or other persons;
  - (f) the disclosure of information for the purpose of enabling or assisting a Home Regulator or any other relevant supervisory authority outside DHCC to exercise its supervisory functions;
  - (g) the disclosure of information in compliance with, or for the purposes of enabling or assisting a person to comply with, any requirement imposed by or under this Commercial Services Licensing Regulation or any order, Rule, Standard or Policy made under it;
  - (h) the disclosure of information with a view to the instigation of, or otherwise for the purposes of, any criminal proceedings;
  - (i) the disclosure of information in connection with any other proceedings arising out of this Commercial Services Licensing Regulation.

**71 Information supplied by the Home Regulator**

- (1) Section 70 applies also in relation to information supplied to DHCCA for the purposes of its functions under this Commercial Services Licensing Regulation by a Home Regulator or any other relevant supervisory authority outside DHCC.