

## Qatar Financial Centre Courts formally established



**By Andrew Watson and Sarah Simms**

The two keenly-awaited Courts of the Qatar Financial Centre (QFC) have now been established. It is reassuring for businesses operating within the QFC that the necessary legislation to give effect to them, which has taken some time to be introduced, is now in place.

The provisions establishing these Courts are found in Law No (2) of 2009 Amending certain provisions of Qatar Financial Centre Law No (7) of 2005 (the QFC Amending Law). The QFC Amending Law replaces a number of Articles in the original 2005 QFC Law. Two of the most significant amendments are the introduction of provisions formally establishing the QFC Regulatory Tribunal and the QFC Civil and Commercial Court.

### QFC Regulatory Tribunal

Article 8(2) establishes the QFC Regulatory Tribunal (the Regulatory Tribunal). The Regulatory Tribunal will hear cases lodged by individuals and bodies against decisions of the QFC Authority, the QFC Regulatory Authority and other QFC bodies. The Chairman of the Regulatory Tribunal will be Sir William Blair.

### QFC Civil and Commercial Court

Article 8(3) establishes the QFC Civil and Commercial Court (the Commercial Court). Interestingly, the Commercial Court is structured so that it effectively has two 'circuits' – a first instance circuit and an appeal circuit. Each circuit shall comprise three judges. Decisions of the appeal circuit of the Commercial Court will be final.

The appeal circuit of the Commercial Court will also operate as the appellate Court for challenges to judgments of the Regulatory Tribunal. The Commercial Court will hear cases relating to a range of civil and commercial disputes that involve parties within the QFC but also, in certain circumstances, parties operating outside the QFC.

These new provisions relating to the Commercial Court effectively give it presumptive jurisdiction over any civil or commercial disputes involving a QFC licensed body (eg a contractual dispute),

regardless of whether or not the other party to the dispute is located in the QFC. This is a significant step, and it may come as a surprise to persons and bodies located outside the QFC that they may be caught by the QFC's jurisdiction and laws in any dispute arising from their dealings with a QFC licensed body. The parties can agree a different jurisdictional arrangement, or that different laws apply, but if this has not been agreed upon by the parties, then the default position appears to be that the Commercial Court will have jurisdiction and QFC laws will apply to any dispute resulting from the parties' dealings.

The President of the Commercial Court will be the internationally renowned jurist Lord Woolf of Barnes, the former Lord Chief Justice of England and Wales. Lord Woolf and Sir William Blair will be supported in their respective roles by a distinguished group of international jurists and lawyers who have also been appointed to the benches of the Regulatory Tribunal and the Commercial Court.

### What next?

Now that the requisite enabling legislation is in place to establish the Regulatory Tribunal and the Commercial Court, the next stage will be the promulgation of civil procedure rules and regulations to be followed by litigants. These will be subject to the approval of the Council of Ministers' of the State of Qatar.

Pending the implementation of the new civil procedure rules, it appears that civil procedure matters before QFC Courts will be governed by state law No (13) of 1990 the Civil and Commercial Procedure Code.

This article is of a general nature only and is not legal advice. Any person or entity requiring advice should consult a lawyer and seek advice specific to their individual circumstances. This article is based on a translation of Law No (2) of 2009 and Clyde & Co accepts no responsibility for any errors or omissions in that translation.

### Clyde & Co

Doha Office: PO Box 31453  
 9th Floor Qatar Financial Centre  
 Doha Qatar

Tel: (974) 4 96 74 34  
 Fax: (974) 4 96 74 12

Email: [andrew.watson@clydeco.com.qa](mailto:andrew.watson@clydeco.com.qa)  
[sarah.simms@clydeco.com.qa](mailto:sarah.simms@clydeco.com.qa)

[www.clydeco.com](http://www.clydeco.com)