

is attracts t. Moritz

in World Cup on Snow event, including Princess Beatrice, grand-daughter of Queen Elizabeth II.

"The event has been an amazing success. Dubai has a strong connection with polo already, and we decided to use the Cartier Polo World Cup on Snow in St Moritz for our European launch," says Osman Valli, Chief Executive Officer for The Palisades. Liveried footmen, glamorous hostesses dressed in period costume, and a classical string quartet entertained VIP guests and an elite polo clientele over the three-day tournament from The Palisades Marquee, which occupied a prime position next to the snow-covered polo arena on the frozen lake.

"For The Palisades, we are offering the best to both residents and visitors. We are in discussion with a major European luxury retailer to become our flagship retail outlet, as well as a leading name in the hotel industry to steer our five-star offering, and I hope to release details of these very soon."

Covering 138 hectares, the Palisades will be home to Dubai's largest urban parkland totalling more than a third of the entire development at five million square feet.

■ A villa in The Palisades



THE BARE FACTS



Be aware of laws regarding inheritance

JIMMY HAOUA, MANAGING PARTNER AT BIN SHABIB & ASSOCIATES, THE LAW FIRM

Since the declaration of Dubai Law No.7 of 2006 concerning property registration, many investors were encouraged in one way or another to purchase property in the emirate. This Law authorises all foreigners to own freehold titles in the city within specific areas determined by the Ruler of the Emirate.

However, most property purchasers and investors have serious concerns about the applicable law to their wills and inheritance in the UAE. In general, inheritance and wills in the UAE are regulated by the UAE Civil Code, Federal Law No.2 of 1987 (the 'Code') and the Personal Affairs Law No.28 of 2005 (the 'Law').

Whilst it is not entirely clear, it would seem that the law of a foreigner's own country will be the applicable law on his inheritance and will in case he passed away. This can be observed from Article 17/1 of the Code which provides that 'Inheritance shall be governed by the law of the deceased at the time of his death'.

In addition, the Code stresses that the form of wills and the substantive provisions governing testamentary disposition and other dispositions taking effect after death shall be governed by the law of:

- The state of which the person making such dispositions is a national at the time of his death
- The state of which the person making such disposition is a national at the time the disposition is made, or
- The state in which the disposition is made (Article 17/3 and 17/4 of the Code).

However, the UAE lawmaker has made remarkable exceptions and restrictions to the above. These exceptions demand the full attention and consideration of all foreign property purchasers.

Firstly, property rights in the UAE which belong to a foreigner having no heir shall become vested in the UAE.

Secondly, the laws of the UAE are applicable to wills made by foreigners disposing their property located in the UAE (Article 17/5).

Thirdly, matters relating to personal status such as marriage, inheritance and lineage and those relating to sovereignty — freedom of trade, the circulation of wealth, rules of private ownership and the other rules and foundations upon which society is

based — should not conflict with the definitive provisions and fundamental principles of the Islamic Sharia.

These are all deemed to be Rules of the Public order (Article 3 of the Code). Therefore, in spite of what have been said above, it is not permissible in the UAE to apply the provisions of a law specified by article 17 of the Code (the Law of the deceased), if such provisions are contrary to rules of public order or morals of the UAE (Article 27 of the Code).

In other words, no matter what the religion or nationality of the deceased and whether he has a will or not, his inheritance and will can only be distributed and enforced in accordance with the laws of the country of which the deceased is a national at the time of his death. And that too to the extent that it does not contradict with the UAE public order.

This gray area was partially clarified by Dubai cassation Court in 1998 when it ruled that the differences of the fixed shares of the heirs between the local laws and the laws of the state of which the deceased is a national shall not be considered as Public order.

These issues are very critical. Unfortunately most international investors and property purchasers are not aware of them. Therefore, consulting a lawyer about the risks associated with such investments can save a great deal of time, money and unnecessary inconvenience.

—Additional inputs from
Mojahed Al Sebae

