

Decree No. (17) of 2013
Concerning
Licensing and Classification of Hotel Establishments in the Emirate of Dubai¹

We, Mohammed bin Rashid Al Maktoum, Ruler of Dubai,

After perusal of:

Law No. (1) of 1997 Establishing the Department of Tourism and Commerce Marketing and its amendments;

Law No. (3) of 2003 Establishing the Executive Council of the Emirate of Dubai;

Law No. (9) of 2004 Concerning Dubai International Financial Centre and its amendments;

Law No. (32) of 2008 Establishing the Government of Dubai Legal Affairs Department;

Law No. (35) of 2009 Concerning Management of the Public Funds of the Government of Dubai and its amendments;

Decree No. (22) of 2009 Concerning Special Development Zones in the Emirate of Dubai;

Decree No. (13) of 2011 Concerning the e-Programme for Hotel and Tourism Establishments in the Emirate of Dubai;

Regulation No. (1) of 1998 Concerning Licensing and Classification of Hotels, Guest Houses, and Hotel Apartments and its amendments; and

The legislation regulating free zones in the Emirate of Dubai,

Do hereby issue this Decree.

Definitions
Article (1)

The following words and expressions, wherever mentioned in this Decree, will have the meaning indicated opposite each of them unless the context implies otherwise:

Emirate: The Emirate of Dubai.

Executive Council: The Executive Council of the Emirate of Dubai.

DTCM: The Department of Tourism and Commerce Marketing.

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¹*Every effort has been made to produce an accurate and complete English version of this legislation. However, for the purpose of its interpretation and application, reference must be made to the original Arabic text. In case of conflict, the Arabic text will prevail.*

Decree No. (17) of 2013 Concerning Licensing and Classification of Hotel Establishments in the Emirate of Dubai

Director General:	The director general of the DTCM.
Licensing Authority:	The entity legally authorised to issue commercial and professional licences to establishments operating in the Emirate, in Special Development Zones, and in free zones including the Dubai International Financial Centre.
Hotel Establishment:	This includes hotels, resorts, hotel apartments, guest houses, university dormitories, youth hostels, budget hotels, floating hotels, and other establishments specified by the DTCM.
Activity:	Operating a Hotel Establishment.
Tariff:	The charges for services provided by a Hotel Establishment.
Licence:	A document issued by the DTCM stating that the DTCM authorises a Hotel Establishment to conduct the Activity in the Emirate after verifying that all conditions and requirements approved by the DTCM in this regard are met by the Hotel Establishment.
Register:	The paper or electronic record maintained by the DTCM for the purpose of recording all information related to Hotel Establishments.
Facility:	A restaurant, bar, night club, health club, gymnasium, retail outlet, hair and beauty salon, library, or other facilities of a Hotel Establishment.

Scope of Application Article (2)

This Decree will apply to Hotel Establishments operating in the Emirate including those operating in Special Development Zones and in free zones, such as the Dubai International Financial Centre.

Operating a Hotel Establishment Article (3)

- a. No Hotel Establishment may operate in the Emirate unless it is licensed and classified by the DTCM.
- b. No Hotel Establishment may be constructed and no existing building may be converted into a Hotel Establishment unless prior written approval of the DTCM is obtained and all conditions prescribed by the legislation in force are met.

- c. No government entity in the Emirate may issue a permit to construct any building or convert any existing building into a Hotel Establishment unless the applicant obtains the relevant prior written approval from the DTCM.

Functions of the DTCM

Article (4)

The DTCM is the competent official entity in the Emirate in charge of regulating the licensing and classification of Hotel Establishments. For these purposes, the DTCM will have the duties and powers to:

1. set the technical conditions, rules, and standards that must be met and the procedures that must be followed to license and classify Hotel Establishments, in accordance with the international standards adopted in this regard;
2. determine applications for Licences, renewal of Licences, and variation of the details of Licences of Hotel Establishments;
3. determine the duties, roles, and obligations of managers of Hotel Establishments;
4. undertake the supervision, control, and inspection of Hotel Establishments and their personnel in accordance with the provisions of this Decree and the resolutions issued in pursuance hereof;
5. receive, investigate, and take necessary action in respect of complaints against Hotel Establishments or any other entity conducting the Activity without Licence from the DTCM;
6. impose penalties on the violators of the provisions of this Decree and the resolutions issued in pursuance hereof;
7. create a database of the names of Hotel Establishments licensed in the Emirate;
8. maintain the Register, determine its form and the information that must be entered in it, including the legal form of Hotel Establishments; and
9. perform any other duties within its powers that relate to regulating the Activity in the Emirate.

Licensing Procedures

Article (5)

- a. In accordance with the procedures adopted by the DTCM in this regard, an entity wishing to conduct the Activity in the Emirate will be given the initial approvals, granted a Licence, classified in the appropriate category, and issued a no objection certificate in order to be allowed to receive guests.

- b. A Hotel Establishment wishing to conduct the Activity must meet all actual operational requirements and apply to the DTCM for a Licence.
- c. After granting a Licence to a Hotel Establishment, an inspection and on-site audit of the Hotel Establishment will be performed for the purposes of classifying it in accordance with the standards adopted by the DTCM in this regard.
- d. No Hotel Establishment may conduct the Activity unless it meets all operational requirements adopted by the DTCM and obtains a no objection certificate in order to be allowed to receive guests.
- e. After it obtains a Licence, the Hotel Establishment will be recorded in the approved Register maintained by the DTCM for this purpose, which records all essential information related to the name, Facilities, address, name of owner and manager of the Hotel Establishment and any other information the DTCM deems required.

Term of the Licence

Article (6)

- a. The term of the Licence will be one (1) year, renewable for the same period. Upon request of a Hotel Establishment, the DTCM may, in coordination with the Licensing Authority, decide that the term of the Licence be more than one (1) year, and up to four (4) years.
- b. A Hotel Establishment must renew its Licence issued by the DTCM at least thirty (30) days prior to the date of its expiry. The Licence will be renewed in accordance with the conditions and requirements adopted in this regard by the DTCM.

Classification of Hotel Establishments

Article (7)

- a. A Hotel Establishment will be classified into the following categories:
 - 1. Hotels: five star, four star, three star, two star, one star;
 - 2. Resorts: five star, four star, three star;
 - 3. Hotel Apartments: luxury, deluxe, standard; or
 - 4. Guest Houses: deluxe, standard.
- b. The Director General may add Hotel Establishments to those mentioned in paragraph (a) of this Article and may determine their categories according to their location and Activity, and determine their categories of classification.

- c. The category of classification of a Hotel Establishment will be determined in accordance with the standards and requirements prescribed by a resolution issued by the Director General.

Modification of Categories of Classification Article (8)

The DTCM may, upon request of the owner of a Hotel Establishment or his legal representative, upgrade or downgrade the classification of the Hotel Establishment in accordance with the standards and requirements adopted by the DTCM in this regard.

Obligations of Hotel Establishments Article (9)

The management of a Hotel Establishment must comply with the following:

1. all legislation in force in the Emirate, particularly legislation concerning construction, health, public safety, and the environment;
2. the resolutions issued by the DTCM;
3. the terms of the Licence granted to the Hotel Establishment by the DTCM, and the Hotel Establishment classification standards and requirements;
4. the Activity mentioned in the Licence;
5. public order and morality;
6. abstaining from changing the location or Activity of the Hotel Establishment without relevant prior approval of the DTCM;
7. abstaining from operating the Hotel Establishment or any Facility in respect of which a suspension of the Activity or a closure decision is issued by the DTCM;
8. providing the DTCM with the information, documents, and statistics it requires, and fully cooperating with the employees of the DTCM;
9. responding, within the period specified by the DTCM, to the complaints referred to the Hotel Establishment by the DTCM;
10. maintaining all information and records of the Hotel Establishment's business and accounts;
11. notifying the DTCM fifteen (15) days prior to the first date of receiving guests;
12. notifying the DTCM of the name of the manager in charge of the Hotel Establishment and any change thereof;

13. notifying the DTCM before commencing any major repairs at the Hotel Establishment;
14. displaying Tariff lists and timing of services, in both Arabic and English, in a prominent place inside the Hotel Establishment;
15. abstaining from adding or closing down any Facility of the Hotel Establishment without obtaining the relevant prior written approval from the DTCM;
16. ensuring that all employees wear the uniform of the Hotel Establishment in accordance with their respective job duties;
17. subscribing to the e-Programme for Hotel and Tourism Establishments before commencing the Activity in accordance with the provisions of the above-mentioned Decree No. (13) of 2011;
18. displaying the classification certificate issued by the DTCM in a prominent place for easy reference by guests and visitors;
19. notifying the DTCM of any variation of the details or documents based on which the Licence is granted, within ten (10) days from the date of variation; and
20. any other obligations determined by the DTCM pursuant to the resolutions issued by it.

Hotel Establishment Manager

Article (10)

- a. Each Hotel Establishment must have a manager who will be in charge of performing its obligations under this Decree, the resolutions issued in pursuance hereof, the terms of the Licence granted to the Hotel Establishment, and classification standards of the Hotel Establishment.
- b. The manager of the Hotel Establishment must:
 1. be at least twenty one (21) years of age;
 2. be of full legal capacity;
 3. be a holder of an academic degree in hospitality and have at least three (3) years' post-graduation work experience in the hospitality industry; be a holder of any academic degree and have at least four (4) years of experience in the hospitality industry; or be a holder of a secondary school degree and have at least five (5) years of experience in the hospitality industry;
 4. be of good conduct and reputation, and not have been convicted of a felony or crime affecting honour or trustworthiness. This must be evidenced by a certificate issued by the competent entity in the Emirate; and

5. meet any other conditions determined by the DTCM pursuant to the resolutions issued by it in this regard.
- c. Notwithstanding the provisions of paragraph (a) of this Article, a Hotel Establishment may enter into contract with a hotel management company licensed by the DTCM to manage its Activity. The DTCM will determine the conditions, rules, and requirements that must be met to approve contracts between Hotel Establishments and hotel management companies.

Fees
Article (11)

In return for the approvals, Licences, certificates, and other services provided by the DTCM under this Decree and the resolutions issued in pursuance thereof, the DTCM will charge the fees prescribed pursuant to a resolution of the Chairman of the Executive Council.

Penalties
Article (12)

- a. Without prejudice to any stricter penalty stipulated in any other legislation, any person who violates the provisions of this Decree or the resolutions issued in pursuance hereof will be punished by a fine of not less than one hundred Dirhams (AED 100.00) and not more than one hundred thousand Dirhams (AED 100,000.00). Upon repetition of the same violation within one (1) year from the date of the previous violation, the amount of the fine will be doubled, provided that a fine does not exceed five hundred thousand Dirhams (AED 500,000.00). The Chairman of the Executive Council will determine, by a resolution issued by him in this regard, the acts prohibited and the fines to be imposed on violators.
- b. In addition to the penalty of a fine referred to in paragraph (a) of this Article, the DTCM may take one or more of the following measures against the violating Hotel Establishment:
 1. downgrading the category of classification of the Hotel Establishment;
 2. closing down the Hotel Establishment or any of its Facilities for a period not exceeding six (6) months;
 3. closing down a Facility of the Hotel Establishment permanently; and/or
 4. closing down the whole Hotel Establishment permanently, and cancelling its Licence.
- c. Based on a written request submitted by the Hotel Establishment whose Licence is cancelled pursuant to a decision, the DTCM may reinstate the Licence of the Hotel Establishment two (2) years after the date of cancellation of the Licence.
- d. When reinstating the Licence of a Hotel Establishment pursuant to paragraph (c) of this Article, fulfilment of all terms of the Licence and classification requirements adopted by the DTCM in this regard will be taken into account.

Law Enforcement

Article (13)

- a. Employees of the DTCM nominated by a resolution of the Director General, issued in coordination with the Director General of the Government of Dubai Legal Affairs Department, will have the capacity of law enforcement officers to record the acts committed in breach of the provisions of this Decree and the resolutions issued in pursuance hereof. For this purpose, they may access Hotel Establishments or any of their Facilities to inspect the same and review all records, documents, and entries, and may issue the violation reports required in this regard.
- b. In performing their duties pursuant to paragraph (a) of this Article, the law enforcement officers will coordinate with free zone authorities and Special Development Zones authorities when inspecting a Hotel Establishment operating within such zones.

Grievance

Article (14)

Any affected party may submit a written grievance to the Director General against the decisions, procedures, and measures taken against him, within fifteen (15) days of being notified of the contested decision, procedure, or measure. The grievance will be determined by a committee formed by the Director General for this purpose and the decision on the grievance will be final.

Seeking Assistance from Government Entities

Article (15)

For the purpose of implementing the provisions of this Decree, the DTCM may seek assistance from Government entities in the Emirate, including police personnel. Upon request, such entities must provide support and assistance at the earliest.

Payment of Fees and Fines

Article (16)

The amount of fees and fines collected pursuant to this Decree and the resolutions issued in pursuance thereof will be paid to the Public Treasury of the Government of Dubai. These proceeds will be allocated for the implementation of the projects, plans, and programmes of the DTCM.

Compliance

Article (17)

- a. A Hotel Establishment which is licensed by, or which has obtained a certificate of completion of construction from, the competent entity before the effective date of this Decree must comply with provisions of this Decree within one (1) year from the effective date hereof.
- b. A Hotel Establishment which has obtained a construction permit from the competent entity before the effective date of this Decree, but whose construction is completed after this date, must comply with the provisions of this Decree within one (1) year from the date of completion of the construction.
- c. A Hotel Establishment which is licensed by the effective date of this Decree will be exempt from compliance with the dimensional standards and any other conditions and standards deemed by the DTCM as unachievable.

Liability of the DTCM

Article (18)

The DTCM will not be liable to third parties for any damage they may suffer as a result of a Hotel Establishment conducting the Activity. The violating Hotel Establishment will be solely liable to remedy such damage.

Issuing Implementing Resolutions

Article (19)

The Director General will issue the resolutions required for the implementation of the provisions of this Decree, particularly those relating to:

1. the procedures for applying for new Licences and renewal of Licences, and documents that must be submitted;
2. the procedures for on-site inspection of Hotel Establishments to verify compliance with the classification conditions and standards; and
3. the conditions and procedures for granting a no objection certificate in order to be allowed to receive guests.

Repeals

Article (20)

- a. The above-mentioned Regulation No. (1) of 1998 is hereby repealed, and any provision in any other legislation will also be repealed to the extent that it contradicts the provisions of this Decree.

- b. Notwithstanding paragraph (a) of this Article, the legislation in force before the date on which this Decree is issued will apply to Hotel Establishments during the grace period specified in accordance with Article (17) of this Decree for compliance with the provisions hereof.

Publication and Commencement

Article (21)

This Decree will be published in the Official Gazette and will come into force three (3) months after the date on which it is published.

Mohammed bin Rashid Al Maktoum

Ruler of Dubai

Issued in Dubai on 8 May 2013

Corresponding to 28 Jumada al-Thaniyah 1434 A.H.