



**COMMERCIAL LICENSING REGULATIONS (AMENDMENT NO. 1) 2024**

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## COMMERCIAL LICENSING REGULATIONS (AMENDMENT NO. 1) 2024

Date of Enactment: [●] 2024

The Board of Directors of the Abu Dhabi Global Market, in exercise of its powers under Article 6(1) of Law No. 4 of 2013 (as amended) concerning the Abu Dhabi Global Market issued by his Highness the Ruler of the Emirate of Abu Dhabi enacts the following Regulations:

### 1. Amendments to the Commercial Licensing Regulations 2015

The Commercial Licensing Regulations 2015 shall be amended as follows –

- (1) In the Table of Contents, insert a new section 35A immediately after section 35.
- (2) In section 33, insert new subsection (3) as follows:
  - “(3) Where the investigator considers that the person who is the subject of the investigation (“the person under investigation”) or any person connected with the person under investigation is or may be able to give information or produce a document which is or may be relevant to an investigation, it may —
    - (a) enter the business premises of such person during normal business hours for the purpose of inspecting and copying information or documents stored in any form on such premises;
    - (b) require such person to give it any assistance in relation to the investigation which the person is able to give.”
- (3) The existing subsection 33(3) shall be renumbered as 33(4) and the words “under subsections (1) or (2)” shall be replaced with “under subsections (1), (2) or (3).”
- (4) In section 33, insert new subsections (5), (6), (7), (8), (9), (10), (11) and (12) as follows:
  - “(5) Where the investigator exercises its power under subsection (3)(a) to enter the business premises, it may—
    - (a) require any appropriate person to make available any relevant information stored at those premises for inspection or copying;
    - (b) require any appropriate person to convert any relevant information into a form capable of being copied; and
    - (c) use the facilities of the occupier of the premises, free of charge, to make copies.
  - (6) Where the investigator exercises its power under subsection (1)(a) to conduct an interview, it may give a direction—
    - (a) concerning who may be present;

- (b) preventing any person present during any part of the interview from disclosing to any other person any information provided to the interviewee or questions asked by the interviewer during the interview;
  - (c) concerning the conduct of any person present, including as to the manner in which they will participate in the interview;
  - (d) requiring the interviewee to swear an oath or give an affirmation that the answers of the interviewee will be true; and
  - (e) requiring the interviewee to answer any questions relevant to the investigation.
- (7) All interviews conducted pursuant to (1)(a) will be recorded, and the interviewee generally will be given the opportunity to request a copy of the recording or a transcript of the interview, if available.
- (8) The provision of a recording or transcript pursuant to subsection (7) may be subject to any reasonable conditions imposed by the investigator.
- (9) A person shall not without reasonable excuse engage in any conduct, including without limitation the—
- (a) destruction of documents;
  - (b) failure to give or produce information or documents specified by the investigator;
  - (c) failure to attend before the investigator at a specified time and place to answer questions;
  - (d) giving of information that is false or misleading; or
  - (e) failure to give any assistance in relation to an investigation which the person is able to give;
- that is intended to obstruct the investigator in the exercise of any powers under this Part.
- (10) Where a person makes a statement in response to any question asked or produces information or documents in compliance with a requirement made under subsection (1), the Registrar must maintain confidentiality of such statement, information or documents, unless disclosure is required by law or court order to disclose the information.
- (11) The investigator may make directions to protect the confidentiality of information and documents which are part of an interview.
- (12) Where the investigator considers that, if disclosed, the fact of the issuing of a notice

requiring a person to—

- (a) produce documents;
- (b) give information;
- (c) attend a compulsory interview; or
- (d) give assistance;

may hinder the investigation to which it relates, the investigator may direct a person who receives a notice under subsections (1), (2) or (3) not to disclose the receipt of a notice or any information relating to compliance therewith to any other person, other than his legal representative under a duty of confidentiality.”

(5) The existing subsections 33(4), 33(5) and 33(6) shall be renumbered as 33(13), 33(14) and 33(15).

(6) In section 34, delete section 34(1) in its entirety and replace it in full with the following:

“(1) An investigator conducting an investigation under this section 34 shall have the powers conferred by section 33.”

(7) After section 35, insert a new section 35A as follows:

**“35A Costs of an investigation**

- (1) Subject to subsection (2), the Registrar shall be responsible for the costs and expenses of an investigation.
- (2) Where, as a result of an investigation under this Part, a person is found by the Registrar or court to have committed the contravention of these Regulations which is the subject matter of the investigation, the court may order, on application brought by the Registrar, that the person pay or reimburse the Registrar in respect of the whole, or a specified part of, the costs and expenses of the investigation, including the remuneration of any person involved in the investigation.
- (3) The court may make an order under subsection (2), on an application by the Registrar, whether or not the person has commenced, or intends to commence, a reference, appeal or other proceeding in relation to a decision of the Registrar.
- (4) The Registrar may apply to the court for an order under subsection (2) only where there are proceedings before the court relating to the alleged contravention by the person.
- (5) The Registrar may enter into any agreement regarding costs with the person who is the subject of the investigation.”

(8) In section 39:

- (a) Insert a new subsection (3) immediately after subsection (2) as follows:

- “(3) A person who fails to comply with a requirement of the Registrar made under this Part, commits a contravention of these Regulations.”
- (b) Delete the existing subsection (5) in its entirety and replace it in full with the following:
- “(6) A person who commits any of the contraventions set out in subsections (3) to (5) shall be liable to a fine not exceeding level 8 on the standard fines scale.”
- (c) The existing subsections 39(3), 39(4), 39(5) and 39(6) shall be renumbered as 39(4), 39(5), 39(6) and 39(7).
- (9) In section 41(1), replace the words “level 5” with the words “level 8”.
- (10) In section 74(1), replace the numbers “2015” with “2020”.

**2. Short title, extent and commencement**

- (1) These Regulations may be cited as the Commercial Licensing Regulations (Amendment No.1) 2024.
- (2) These Regulations shall apply in the Abu Dhabi Global Market.
- (3) These Regulations come into force on the date of their publication.