

COMMERCIAL PERMITS REGULATIONS (SHISHA) RULES 2024

Date of Adoption: [●] 2024

The Registrar of the Abu Dhabi Global Market, in implementation of the provisions of section 2(4) of the Commercial Permits Regulations 2024, hereby makes the following rules:

1. Citation and interpretation

(1) These Rules may be cited as the Commercial Permits Regulations (Shisha) Rules 2024.

(2) These Rules will come into force on:

(a) the day after the expiry date of a permit to sell shisha issued by the Registrar for any person that has been selling shisha in the Abu Dhabi Global Market prior to the publication of these Rules; and

(b) the date of publication of these Rules for any person that intends to sell shisha in the Abu Dhabi Global Market but has not done so prior to the publication of these Rules or has done so without a permit to sell shisha.

(3) In these Rules,

“Competent Body” means any UAE or Emirate of Abu Dhabi governmental or regulatory authority;

“Landlord” means any property, hotel, resort, hotel apartment, or shopping centre located within the geographical boundaries of the Abu Dhabi Global Market that has leased premises to the Shisha Permit holder and from where the sale of shisha will take place;

“Regulations” means the Commercial Permits Regulations 2024;

“sale of” (including “sell” and “selling”) shisha refers to the sale of shisha for purposes of immediate consumption at the Shisha Permit holder’s premises;

“shisha” means any service that is provided both indoor and outdoor in the form of water pipes, in which smoke is passed through a container of water before the user breathes in through any smoking appliance;

“Shisha Permit” means a permit issued by the Registrar to a person permitting the sale of shisha at food and beverage establishments in the Abu Dhabi Global Market; and

“Standard Fines Scale” means the standard fines scale set out in the Commercial Licensing Regulations (Fines) Rules 2020, as amended.

2. Application

These Rules apply to:

(a) subject to Rule 1(2)(a), every person that is, on the date of publication of these Rules, selling shisha in the Abu Dhabi Global Market; and

- (b) every person that intends to sell shisha in the Abu Dhabi Global Market.

3. Registrar's Authority

- (1) The Registrar shall be the sole authority to issue Shisha Permits.
- (2) The Registrar shall set the conditions to be met to obtain and maintain a Shisha Permit.
- (3) Subject to Part 3 of the Regulations, the Registrar may, in its sole discretion, suspend or revoke any Shisha Permit issued under subsection (1) of this Rule.
- (4) The Registrar may, at its sole discretion, impose any such conditions, limitations or restrictions on a Shisha Permit issued by the Registrar under these Rules.
- (5) The Registrar may issue guidance to supplement these Rules.
- (6) The Registrar may inspect the premises of the holder of any Shisha Permit or any person selling shisha within the geographical boundaries of the Abu Dhabi Global Market to ensure compliance with these Rules and the Regulations.

4. General Requirements

- (1) A person who seeks to sell shisha in the Abu Dhabi Global Market must:
 - (a) hold a valid commercial licence issued by the Registrar; or
 - (b) hold a valid commercial licence issued by a Competent Body and a valid temporary permit to conduct business in the Abu Dhabi Global Market issued by the Registrar; and
 - (c) obtain a Shisha Permit before selling shisha.
- (2) The Registrar may, in its discretion, determine the period of validity of the Shisha Permit.

5. Application for a Shisha Permit

- (1) An application for a Shisha Permit may be made to the Registrar by a body corporate.
- (2) An applicant for a Shisha Permit must:
 - (a) complete an application in the form prescribed by the Registrar from time to time in accordance with the requirements of these Rules, and any guidance issued under these Rules, and submit that application to the Registrar with any other information in writing as may be required by the Registrar;
 - (b) provide the Registrar with a floor plan of the premises from which the sale of shisha will take place;
 - (c) provide the Registrar with a no objection letter issued by the Landlord permitting the sale of shisha in the Landlord's premises, if applicable;
 - (d) provide the Registrar with any additional information it may require; and

- (e) pay such fee or fees in connection with the application as set out in rules made by the Board.
- (3) When reviewing an application for a Shisha Permit, the Registrar may take into account:
- (a) matters of public health and safety;
 - (b) location of the premises and the surrounding environment;
 - (c) matters of cultural sensitivity; and
 - (d) any other matter that the Registrar deems relevant.
- (4) An applicant may withdraw the application by giving the Registrar written notice at any time before the Registrar determines it.
- (5) Failure to comply with Rule 5 by failing to obtain a Shisha Permit prior to commencing the sale of shisha within the Abu Dhabi Global Market will be considered a contravention of these Rules and any such person selling shisha within the Abu Dhabi Global Market without a Shisha Permit will be liable to a fine up to level 8 on the Standard Fines Scale for each contravention.

6. Renewing a Shisha Permit

- (1) If a Shisha Permit holder continues to sell shisha in the Abu Dhabi Global Market after the expiry of a previously issued Shisha Permit, the Shisha Permit holder is responsible for:
- (a) renewing the Shisha Permit in accordance with the requirements in Rule 5(2) and subject to Rule 5(3) prior to the expiry of the previously issued Shisha Permit; and
 - (b) paying all fees related to the renewal of such Shisha Permit.
- (2) A delay in filing an application for the renewal of a Shisha Permit will attract, in addition to the applicable renewal fee, a late filing fee as may be prescribed in rules by the Board.
- (3) Failure to comply with Rule 6 by failing to renew a Shisha Permit more than 120 calendar days after the expiry date of the Shisha Permit while the Shisha Permit holder continues to sell shisha within the Abu Dhabi Global Market will be considered a contravention of these Rules and the Shisha Permit holder will be liable to a fine up to level 8 on the Standard Fines Scale for each contravention.

7. General Conditions of Shisha Permits

(1) A Shisha Permit holder must at all times–

- (a) hold a valid commercial license issued by the Registrar; or
- (b) hold a valid commercial licence issued by a Competent Body and a valid temporary permit to conduct business in the Abu Dhabi Global Market issued by the Registrar; and
- (c) comply with any conditions of the Shisha Permit issued by the Registrar.

(2) Failure to comply with these Rules may result in a contravention pursuant to the Regulations.

8. Discontinuance of Shisha Sale

Where a Shisha Permit has expired or has been suspended or revoked by the Registrar, the person to whom it was granted must immediately discontinue the sale of shisha in the Abu Dhabi Global Market.