

Executive Council Resolution No. (50) of 2015

Regulating

Training Institutes in the Emirate of Dubai¹

We, Hamdan bin Mohammed bin Rashid Al Maktoum, Crown Prince of Dubai, Chairman of the Executive Council,

After perusal of:

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

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

Law No. (30) of 2006 Establishing the Knowledge and Human Development Authority in Dubai;

Law No. (14) of 2009 Concerning the Pricing of Government Services in the Emirate of Dubai and its amendments;

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

Law No. (13) of 2011 Regulating the Conduct of Economic Activities in the Emirate of Dubai and its amendments;

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

The legislation establishing and regulating free zones in the Emirate of Dubai,

Do hereby issue this Resolution.

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¹Every 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.

Definitions

Article (1)

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

UAE:	The United Arab Emirates.
Emirate:	The Emirate of Dubai.
KHDA:	The Knowledge and Human Development Authority in Dubai.
Government Entity:	Any of the Government departments, public agencies and corporations, councils, authorities, or other Government entities.
Licensing Authority:	An entity legally authorised to license Economic Activities in the Emirate, in a free zone, or in a Special Development Zone.
Concerned Entity:	A Government Entity which legally supervises an activity that is related to the Training Programmes offered by a Training Institute, and whose approval is required for issuing an Authorisation.
Director General:	The chairman of the Board of Directors and director general of the KHDA.
Training Institute:	A private establishment authorised pursuant to this Resolution to offer Training Activities to others in the Emirate.
Training Activity:	The delivery of Training Programmes in any of the fields which are authorised in the Emirate and determined and categorised pursuant to a resolution issued by the Director General in coordination with a Licensing Authority.

Training Programme:	A training course or a series of training courses offered to Trainees in order to increase their knowledge and develop their skills in any educational or professional field.
Trainee:	A natural person who participates in any Training Programmes offered by a Training Institute or by an entity holding an Authorisation from the KHDA to deliver Training Programmes.
Licence:	The document issued by a Licensing Authority which authorises a Training Institute to conduct its Commercial Activity.
Authorisation:	The document issued by the KHDA which authorises a Training Institute to conduct a Training Activity in the Emirate.
Training Certificate:	The document issued by a Training Institute which certifies that a Trainee has successfully completed or participated in a Training Programme.
Attestation:	The recognition by the KHDA that a Training Certificate is authentic.
Person:	A natural or legal person.

Scope of Application

Article (2)

- a. This Resolution will apply to any Person who conducts a Training Activity in the Emirate, including Special Development Zones and free zones such as the Dubai International Financial Centre.
- b. This Resolution will not apply to:
 1. Government Training Institutes and Government Entities;

2. entities authorised by a Government Entity, pursuant to the legislation in force in the Emirate, to conduct a Training Activity;
3. private entities that provide Training Programmes by themselves to their employees in order to increase their knowledge and develop their skills;
4. Training Programmes related to conferences licensed to be held in the Emirate by Concerned Entities; and
5. any other entities or Training Activities exempted from compliance with the provisions of this Resolution pursuant to a resolution of the Chairman of the Executive Council.

Functions of the KHDA

Article (3)

The KHDA will supervise Training Institutes and regulate their business. For this purpose, the KHDA will have the authority to:

1. determine, categorise, and update the lists of, Training Activities in coordination with Licensing Authorities;
2. issue Authorisations in accordance with the conditions and procedures stipulated in this Resolution and the resolutions issued in pursuance hereof;
3. issue authorisations to parties other than Training Institutes to deliver training courses;
4. develop the standards and rules required for approving the delivery of Training Programmes by Training Institutes;
5. approve the conditions and qualifications that must be met by the technical and administrative staff of Training Institutes;
6. monitor and control the quality of the Training Programmes offered by Training Institutes, and verify that Training Institutes comply with the provisions of this Resolution, the resolutions issued in pursuance hereof, and the relevant rules and standards approved by the KHDA;

7. prepare annual reports on the performance and activities of Training Institutes, and the Training Programmes offered by them; and publish these reports in any manner it deems appropriate;
8. in accordance with the relevant conditions and rules approved by the KHDA, approve the content of promotional material of Training Institutes wishing to advertise their services;
9. receive, investigate, and take the necessary action in respect of complaints filed against Training Institutes;
10. maintain a register for recording the names and addresses of Training Institutes; the names of their owners, their activities, their Training Programmes; the parties other than Training Institutes which are authorised to deliver training courses; and any other information the KHDA deems necessary; and
11. perform any other duties related to regulating Training Institutes and Training Activities.

Conducting Training Activities

Article (4)

- a. No Person may offer Training Activities to others in the Emirate without first obtaining the relevant Authorisation from the KHDA and a Licence from the relevant Licensing Authority.
- b. A Training Institute may not conduct a Training Activity in any field that is not stated in its Authorisation.
- c. A Person who owns a training venue or has the right to manage a training venue may not allow any other Person, including Training Institutes, to deliver a Training Programme in this venue unless the Person wishing to deliver that Training Programme has obtained the relevant permit from the KHDA.

Attestation

Article (5)

- a. The KHDA will attest Training Certificates, including Training Certificates issued by the parties authorised by the KHDA other than Training Institutes.
- b. Notwithstanding paragraph (b) of Article (2) of this Resolution, the KHDA may, upon the request of a Government Entity, attest the Training Certificates issued by this entity in accordance with the rules and conditions determined pursuant to the relevant resolution of the Director General.

Conditions for Issuing Authorisations

Article (6)

To be issued an Authorisation, an applicant must:

1. be of full legal capacity and of good character and repute; not have been sentenced for any felony or other crime affecting honour or trustworthiness or dismissed from employment for disciplinary reasons, unless he has been pardoned or rehabilitated;
2. submit a feasibility study for the Training Institute to be established, including all documents and information prescribed by the KHDA;
3. provide premises which are appropriate for the relevant Training Activity and meet the conditions and rules approved by the KHDA; and the conditions and requirements stipulated in the planning, construction, health, safety, and environmental regulations adopted by concerned Government Entities in the Emirate;
4. provide qualified academic and administrative staff in accordance with the rules and requirements approved by the KHDA in this respect;
5. provide all training resources and teaching aids, including training and teaching tools, laboratories, and information technology as per the economic feasibility and training plan;
6. obtain approvals from the Concerned Entities; and

7. meet any other requirements determined pursuant to the relevant resolutions issued by the Director General.

Exemption from Compliance with the Authorisation Conditions

Article (7)

The KHDA may exempt an applicant for Authorisation from the condition stipulated in paragraph (3) of Article (6) of this Resolution, and authorise this applicant, in accordance with his Authorisation, to conduct a Training Activity at any venue, in accordance with the conditions and rules determined pursuant to the relevant resolutions issued by the Director General.

Procedures for Issuing Authorisations

Article (8)

An Authorisation will be issued in accordance with the procedures determined pursuant to the relevant resolution issued by the Director General in coordination with the relevant Licensing Authority. These procedures must include the application processing stages, and the necessary information and documents; the prescribed conditions, and the forms and time required, for completion of each stage.

Validity of Authorisations

Article (9)

An Authorisation will be valid for a period of one (1) year, renewable for the same period. An Authorisation will be renewed based on an application submitted by the relevant Training Institute to the KHDA, thirty (30) days prior to the date of expiry of the Authorisation, in accordance with the conditions and procedures determined pursuant to the relevant resolutions of the Director General.

Assignment of Authorisations

Article (10)

No Authorisation may be assigned to any other entity without first obtaining the relevant approval of the KHDA. This approval will be issued in accordance with the rules and conditions determined pursuant to the relevant resolutions of the Director General. Any assignment in contravention of this Article will be null and void.

Authorising Parties other than Training Institutes to Deliver Training Courses

Article (11)

The KHDA may, pursuant to the rules, conditions, and procedures determined by the relevant resolutions of the Director General, issue an Authorisation to a party other than a Training Institute to deliver a training course to others.

Obligations of Training Institutes

Article (12)

In addition to the obligations stipulated by the provisions of the legislation in force in the Emirate, a Training Institute must:

1. comply with the terms of its Authorisation;
2. not conduct any Training Activity other than the Training Activity stated in its Authorisation;
3. not offer any Training Programme which is not stated in its Authorisation, or make any modification to a Training Programme stated in its Authorisation without first obtaining the relevant written approval of the KHDA;
4. not deliver a Training Programme outside of its premises unless its Authorisation so permits, or unless it first obtains the relevant written approval of the KHDA;

5. observe public order and morality and the UAE values and traditions, and not express contempt for any religion; engage in politics; or stir sectarian, racial, or ethnic conflicts;
6. not make any modification to the details of its Licence or Authorisation without first obtaining the relevant written approval of the KHDA;
7. inform the KHDA, prior to conducting any Training Activity, of the fees it will charge for enrolling Trainees in the Training Programmes it offers;
8. not accept gifts or donations from any entity within or outside of the Emirate without first obtaining the relevant written approvals from the KHDA and concerned Government Entities;
9. use the premises of the Training Institute only for authorised purposes;
10. neither construct nor add any new buildings or facilities to the Training Institute; nor close down any existing facility; nor take lease of any premises without first obtaining the relevant written approval of the KHDA;
11. manage the Training Institute and its affiliates in accordance with the provisions of this Resolution and the resolutions issued in pursuance hereof;
12. provide all information and data, within the time frames determined by the KHDA, to the KHDA, its employees, and its authorised representatives, while they are conducting the audit and assessment of the activities, documents, and facilities of the Training Institute;
13. create records and files of the Trainees and the technical staff of the Training Institute, and maintain the same for the period determined pursuant to the relevant resolutions of the Director General;
14. not advertise the Training Institute or its activities and Training Programmes in a misleading manner or in a manner that contradicts the Authorisation issued to it by the KHDA;
15. provide the KHDA with its annual training plan, an annual report on the Training Programmes it has delivered and its Trainees, and any other reports required by the KHDA;
and
16. perform any other obligations determined pursuant to a resolution of the Director General.

Directors of Training Institutes

Article (13)

In addition to other requirements determined pursuant to the relevant resolutions of the Director General, the director of a Training Institute must be known for his integrity and good character and repute, and must be qualified to manage and supervise the Training Institute.

Audit and Performance Assessment

Article (14)

- a. The KHDA will audit and supervise Training Institutes in the manner it deems appropriate to verify their compliance with the provisions, conditions, and standards stipulated in this Resolution and the resolutions issued in pursuance hereof.
- b. The KHDA will establish a process for performance assessment and quality assurance at Training Institutes.
- c. The KHDA will issue a periodic report on the outcome of assessment of Training Institutes, and may publish its findings in the manner it deems appropriate.

Fees

Article (15)

- a. In return for issuing and renewing Authorisations and providing the services stated in this Resolution, the KHDA will charge the fees prescribed in Schedule (1) attached to this Resolution.
- b. Notwithstanding paragraph (a) of this Article, in return for issuing and renewing the Authorisations of the Training Institutes existing by the effective date of this Resolution, the KHDA will charge the fees prescribed in Schedule (2) attached to this Resolution.
- c. Fees that may be charged to the Training Institutes to which this Resolution applies, in return for issuing and renewing Authorisations and performing the technical supervision of their Training Activities, will be limited to those prescribed in Schedules (1) and (2) attached to this Resolution.

Penalties and Disciplinary Measures

Article (16)

- a. Without prejudice to any stricter penalty stipulated in any other resolution, a person who commits any of the violations stipulated in Schedule (3) attached hereto will be punished by the fine indicated opposite that violation.
- b. Upon repetition of the same violation within one (1) year from the date of the previous violation, the amount of the fine referred to in paragraph (a) of this Article will be doubled. A doubled fine must not exceed one hundred thousand Dirhams (AED 100,000.00).
- c. In addition to the penalty of a fine referred to in paragraph (a) of this Article, the Director General or his authorised representative may, in coordination with the relevant Licensing Authority, take one or more of the following measures against a violating Training Institute:
 1. suspending the Training Activity of the Training Institute for a period not exceeding six (6) months;
 2. suspending the enrolment of new Trainees by the Training Institute;
 3. revoking the Authorisation; and/or
 4. coordinating with the Licensing Authority to revoke the Licence.

Law Enforcement

Article (17)

The KHDA employees nominated pursuant to a resolution of the Director General will have the capacity of law enforcement officers to record the acts committed in breach of the provisions of this Resolution and the resolutions issued in pursuance hereof. For this purpose, they may access Training Institutes and their facilities, gain access to their records, issue the necessary violation reports, and, where necessary, seek the assistance of police personnel.

Grievance

Article (18)

Any affected party may submit to the Director General a written grievance against any decisions, procedures, or measures taken against him in accordance with this Resolution or the resolutions issued in pursuance hereof, within thirty (30) days from the date of being notified of the contested decision, procedure, or measure. The grievance will be determined, within sixty (60) days from the date of its submission, by a committee formed by the Director General for this purpose, and the decision issued by the committee on the grievance will be final.

Seeking Assistance from External Experts

Article (19)

- a. The KHDA may seek assistance from the experts and specialists it deems appropriate to verify that any application for Authorisation or for adding any Training Programme meets the relevant technical requirements. The applicant must bear the cost of such assistance, and must be notified of this cost in advance by the KHDA.
- b. The applicant referred to in paragraph (a) of this Article must coordinate and cooperate with the entity whose assistance is sought by the KHDA.

Payment of Fees and Fines

Article (20)

The fees and fines collected pursuant to this Resolution will be paid to the Public Treasury of the Government of Dubai.

Issuing Implementing Resolutions

Article (21)

The Director General will issue the resolutions required for the implementation of this Resolution. These resolutions will only come into force upon their publication in the Official Gazette of the Government of Dubai.

Compliance

Article (22)

All establishments operating in the field of delivering Training Programmes in the Emirate by the effective date of this Resolution must comply with its provisions within one (1) year of that effective date. The Director General may, where necessary, extend this grace period once for the same period.

Repeals

Article (23)

Any provision in any other resolution will be repealed to the extent that it contradicts the provisions of this Resolution.

Publication and Commencement

Article (24)

This Resolution will be published in the Official Gazette and will come into force on the day on which it is published.

Hamdan bin Mohammed bin Rashid Al Maktoum

Crown Prince of Dubai

Chairman of the Executive Council

Issued in Dubai on 19 November 2015

Corresponding to 7 Safar 1437 A.H.

Schedule (1)

Service and Authorisation Fees

SN	Description	Fee (in Dirhams)
1	Application for an Authorisation	5,000.00
2	Issuing or renewing the Authorisation of a Training Institute that delivers 1 or 2 Training Programmes	25,000.00
3	Issuing or renewing the Authorisation of a Training Institute that delivers 3 or 4 Training Programmes	30,000.00
4	Issuing or renewing the Authorisation of a Training Institute that delivers 5 or 6 Training Programmes	35,000.00
5	Issuing or renewing the Authorisation of a Training Institute that delivers 7 or more Training Programmes	40,000.00
6	Issuing an Authorisation to a party other than a Training Institute to deliver a training course	AED 15,000.00 per training course
7	Request to add a Training Programme	2,500.00
8	Request for approval of advertisements	100.00
9	Variation of the basic details of an Authorisation	AED 100.00 per variation
10	Attestation of a Training Certificate	50.00

Schedule (2)

Fees for Issuing and Renewing Authorisations of Training Institutes Existing by the Effective Date of this Resolution

SN	Description	Fee (in Dirhams)		
		1 st Year	2 nd Year	3 rd or any Subsequent Year
1	Renewing the Authorisation of a Training Institute delivering 1 or 2 Training Programmes	10,000.00	18,750.00	25,000.00
2	Renewing the Authorisation of a Training Institute that delivers 3 or 4 Training Programmes	10,000.00	22,500.00	30,000.00
3	Renewing the Authorisation of a Training Institute that delivers 5 or 6 Training Programmes	10,000.00	26,250.00	35,000.00
4	Renewing the Authorisation of a Training Institute that delivers 7 or more Training Programmes	10,000.00	30,000.00	40,000.00

Schedule (3)
Violations and Fines

SN	Violation	Fine (in Dirhams)
1	Delivering a Training Activity without obtaining an Authorisation	50,000.00
2	Failure to comply with the terms of Authorisation	50,000.00
3	Conducting a Training Activity not stated in the Authorisation	50,000.00
4	Delivering a Training Programme not stated in the Authorisation, or making any modification to a Training Programme stated in the Authorisation without first obtaining the relevant approval of the KHDA	25,000.00
5	Conducting a Training Activity with an expired Authorisation	AED 15,000.00 per month up to AED 100,000.00 (a part of a month will be rounded up to a full month)
6	Delivering a Training Programme outside the premises of the Training Institute in contravention of the terms of the Authorisation or without first obtaining the relevant written approval of the KHDA	20,000.00
7	Varying any of the Licence or Authorisation details without first obtaining the relevant written approval of the KHDA	25,000.00
8	Conducting a Training Activity prior to informing the KHDA of its fees	10,000.00

9	Failure by a Training Institute to provide the KHDA with the required reports and information within the prescribed time frames	20,000.00
10	Accepting gifts or donations without first obtaining the relevant written approvals of the KHDA and concerned Government Entities	20,000.00
11	Using the premises of the Training Institute for other than the authorised purposes	20,000.00
12	Adding or taking lease of any new buildings or facilities or closing down buildings or facilities without first obtaining the relevant written approval of the KHDA	20,000.00
13	Failure to comply with the resolutions and instructions issued by the KHDA	5,000.00
14	Obstructing the work of KHDA employees or any Persons authorised by the KHDA to perform inspections	5,000.00
15	Failure to create the records and files of Trainees and employees of the Training Institute	20,000.00
16	Failure to maintain the records and files of Trainees and employees of the Training Institute for the period determined by the KHDA	10,000.00
17	Advertising a Training institute or its activities and Training Programmes in a misleading manner or in a manner that contradicts the Authorisation issued to it by the KHDA	25,000.00

18	Failure to provide the equipment and supplies required for conducting a Training Activity, or providing equipment and supplies that are unfit for use or purpose	20,000.00
19	Providing false documents or information to obtain an Authorisation	20,000.00
20	Failure by an establishment operating in the field of providing Training Programmes to comply with the provisions of this Resolution within the grace period prescribed herein	50,000.00
21	A Person who owns a venue, or has the right to manage a venue, allowing another Person, including Training Institutes, to deliver a Training Programme in the venue although the Person wishing to deliver the Training Programmes has not obtained the relevant permit from the KHDA	50,000.00 (to be paid by the Person hosting the Training Programme)
22	Assigning an Authorisation to a third party without first obtaining the relevant written approval of the KHDA	30,000.00
23	Failure to meet the standards approved by the KHDA for the premises of a Training Institute	20,000.00