

You can report New Year parties that break Covid safety rules



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LEGAL VIEW

Q: I have a neighbour who regularly hosts loud parties. I have seen him host large gatherings even amid the Covid pandemic. What happens if he hosts a New Year's Eve party, breaking all safety protocols?

A: It is assumed that you are a tenant residing in a rented residence. Pursuant to your query, as a tenant, it is your right to have peaceful possession of the rented residence. This is in accordance with Article 770 of Federal Law No. (5) of 1985 on the issuance of the Civil Transactions Law (the 'Civil Transactions Law'), which states:

"1. The lessor may not do anything which disturbs the lessee in his enjoyment of the leased property during the period of the lease, and shall not make any alterations to the property that prevent or disturb such enjoyment, otherwise, he shall be held liable.

"2. The lessor not only warrants the lessee against his own acts and against those of his servants but also against any disturbance or damage based on a lawful claim by any other lessee or by any successor in title of the lessor."

Further, it is essential to adhere to the applicable laws, regulations, safety protocols and guidelines that are in effect. These include the Federal Law No. (27) of 1981 Concerning Communicable Disease Prevention; the Cabinet Resolution No. (17) of 2020 regulating the violations of precautionary measures and instructions and duties imposed to curb the spread of novel coronavirus (Cabinet Resolution No.17 of 2020); and Resolution of the Attorney General No. (38) of 2020 on the implementation of list of violations and administrative sanctions issued under Cabinet Resolution No. 17 of 2020 (Attorney General's Resolution No. 38 of 2020).

These were announced by the relevant authorities such as the National Emer-

gency Crisis and Disasters Management Authority, Ministry of Health and Prevention, Ministry of Interior, and the UAE's Attorney General.

Article 1 (1) of the Cabinet Resolution No. 17 of 2020 states: "A natural or legal person shall not violate the precautionary and preventive measures and instructions and duties regarding health and safety preservation in order to control the risk of spread of coronavirus (Covid-19) issued by the Ministry of Health and Prevention, Ministry of Interior and the National Emergency, Crisis and Disasters Management Authority."

Further, Article 1 (4) of Attorney General's Resolution No. 38 of 2020 states: "The said Cabinet Resolution shall be implemented and the penalty stipulated beside each of the violations mentioned in the table below shall be collected:

(iv) Violating the prohibition on restrictions of gatherings, meetings, private and public ceremonies, gatherings or being available in public locations, private farms or agricultural estates: Dh10,000 for whoever invites or organises the same, and Dh5,000 for participants."

On the basis of the aforementioned provisions of Cabinet Resolution No. 17 of 2020 and the Attorney General's Resolution No. 38 of 2020, the hosting of a large gathering by your neighbour shall constitute an offence.

Therefore, in the event your neighbour hosts a large gathering during New Year's Eve that results in the contraventions of the applicable laws, regulations, safety protocols and guidelines, you may report it through the Federal Prosecution's website (www.pp.gov.ae). Further, you may call the police and report any violations of Covid-19 regulations.

What's the legal status of baby born out of wedlock?

Q: I am an American citizen and I am planning to move to the UAE with my girlfriend. The recent legal reforms that make living-in relationship acceptable is a huge encouragement for me to take the



Whoever organises a meeting or gathering that violates Covid restrictions will be fined Dh10,000. – Picture for illustrative purpose only

decision to relocate to Dubai. We are planning to have a child soon. What will be the legal status of our child if we decide to have one since we are not married? Please advise.

A: It may be noted that prior to the recent legal reforms announced by the UAE government with respect to various laws — one of them being the provisions of Federal Law No. (3) of 1987 Related to Issuance of Penal Code (Penal Law of UAE) — engaging in a relationship (sexual) with someone not married to you was considered as a criminal offence.

This is in accordance with Article 356 of the Penal Law of UAE, which states: "Without prejudice to the preceding two Articles, the crime of indecent assault with mutual consent shall be punished by detention for at least one year; however, if the crime is committed against a male or female who is under fourteen years of age, or if the crime is committed by coercion, it shall be punished by temporary imprisonment."

In light of the aforementioned legal

reforms announced by the UAE government, cohabitation of unmarried couples has been decriminalised and shall no longer constitute as an offence. However, it may be prudent to note that no legal reform has been announced yet with respect to the legal status of a child born out of wedlock.

Furthermore, you and your girlfriend shall be required to present your valid marriage certificate for the issuance of a birth certificate of your newborn child. In the event you are unable to submit a valid marriage certificate, a birth certificate may not be issued for your newborn child. You may seek further clarification on this from the relevant ministry of the UAE government.

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