



ABU DHABI GLOBAL MARKET COURTS
محاكم سوق أبوظبي العالمي

ADGM Court Procedure Rules Amendment No 1 of 2017



ADGM COURT PROCEDURE RULES AMENDMENT NO 1 OF 2017

Date of Enactment: 1 June 2017

The Chief Justice of Abu Dhabi Global Market Courts, having power under section 187 of the *ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015* to make court procedure rules, hereby enacts the following –

Amendments to ADGM Court Procedure Rules 2016

The ADGM Court Procedure Rules are amended as follows:

- (1) In Rule 3(1)(b) the words “of Directors” shall be deleted.
- (2) A new Rule 3(6) shall be inserted as follows:

“Any term that is not defined in these Rules has the same meaning as that attributed to it in the *ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015*.”
- (3) A new Rule 8(1) shall be inserted as follows:

“The Court may make any order, give any direction or take any step it considers appropriate for the purpose of managing the proceedings and furthering the overriding objective of these Rules.”
- (4) Rules 8(1) to 8(5) shall be renumbered 8(2) to 8(6).
- (5) In renumbered Rule 8(4), the reference to paragraph (2) shall be replaced by a reference to paragraph (3).
- (6) In Rule 10(1), the words “relevant Fees Order” shall be deleted and replaced by the word “Court”.
- (7) In Rule 10(2), the words “by the Chief Justice” shall be inserted directly after the words “Where a fee is prescribed by any rule made”; the reference to section 184 shall be replaced by a reference to section 184(1); and the words “accept a document or refuse to” shall be inserted before the words “allow a party to take any step unless and until the relevant fee is paid.”



- (8) A new Rule 10(3) shall be inserted as follows:

“A party may seek full or part remission or deferral of payment of any fee in accordance with the relevant practice direction.”
- (9) In Rule 13(2), the words “Unless the Court otherwise directs,” shall be inserted before the words “no document may be filed unless the relevant fee is paid.”
- (10) A new Rule 15(1) shall be inserted as follows:

“All documents, other than one which initiates proceedings, must be served by email or other means of electronic communication in accordance with any relevant practice direction.”
- (11) Rule 15(1) shall be renumbered 15(2) and the words “which initiates the proceedings” shall be inserted directly after the words “A document”.
- (12) Rule 15(2)(d) shall be deleted.
- (13) Rule 15(2)(e) shall be renumbered 15(2)(d).
- (14) Rule 15(2) shall be renumbered 15(3) and the words “For the purpose of initiating proceedings,” shall be inserted before the words “a company may be served”.
- (15) Rule 15(3) shall be renumbered 15(4) and the words "For the purpose of initiating proceedings," shall be inserted before the words "a limited liability partnership may be served".
- (16) In Rule 16(1), the word “personally” shall be deleted and replaced by the words “by any other method”.
- (17) In Rule 24(2), the words “(including the particulars of claim)” shall be deleted.
- (18) In Rule 25, the words “and the defendant does not appear at the hearing,” shall be deleted.
- (19) A new Rule 27(3)(d) shall be inserted as follows:

“contain any other matter that may be set out in a practice direction.”
- (20) In Rule 28(1), the words “on the calendar day 4 months after the date of issue of the claim form” shall be deleted and replaced by the following paragraphs:
 - “(a) in relation to a claim in the Small Claims Division of the Court, on the calendar day 14 days after the date of issue of the claim form; and”
 - “(b) in relation to all other claims, on the calendar day 4 months after the date of issue of the claim form.”



- (21) In Rule 28(2), the words “within 6 months of the date of issue” shall be deleted and replaced by the following paragraphs:
- “(a) in relation to a claim in the Small Claims Division of the Court, no later than the calendar day 21 days of the date of issue of the claim form; and
- “(b) in relation to all other claims, no later than the calendar day 6 months of the date after the date of issue of the claim form.”
- (22) In Rule 37(1), the words “Unless paragraph (2) applies, the” shall be deleted and replaced by the word “The”.
- (23) Rule 37(2) shall be deleted.
- (24) In Rule 44(1), the words “Unless paragraph (2) of this Rule applies,” shall be deleted, and the word “a” before “defendant” shall be replaced by the word “A”.
- (25) Rule 44(2) shall be deleted.
- (26) Rules 44(3) to (5) shall be renumbered 44(2) to (4).
- (27) Rule 47(3) shall be deleted.
- (28) Rule 48 shall be renamed “The defence” and shall be amended so that it reads as follows:
- “The defence must contain the matters set out in Rule 49 and as may be set out in a practice direction.”
- (29) In Rule 71(1)(d), the reference to sub-paragraph (b) shall be replaced by a reference to sub-paragraph (c).
- (30) In Rule 71(2), the reference to paragraph (1)(b) shall be replaced by a reference to paragraph (1).
- (31) A new Rule 86(3) shall be inserted as follows:
- “Standard disclosure requires a party to disclose all the documents on which he will rely at trial.”
- (32) Rules 86(3) and 86(4) shall be renumbered 86(4) and 86(5).
- (33) Rule 87(1) shall be deleted.
- (34) Rules 87(2) to (4) shall be renumbered 87(1) to (3).
- (35) In the renumbered Rule 87(1), the words “falling within paragraphs (1) and (2)” shall be deleted and replaced by the words “falling within the terms of the order.”



- (36) In Rule 136(2), the words “paragraph (1)” shall be deleted and replaced by the words “this Section of this Part,”.
- (37) In Rule 147(2), the words “to the party instructing them at least 7 days before they file the requests; and to all other parties, at least 4 days before they file them.” shall be inserted directly after the words “They must, unless the Court orders otherwise, provide copies of the proposed requests for directions under paragraph (1)”.
- (38) In Rule 157(1) the words “paragraph (2)” shall be deleted and replaced by the words “this Rule”.
- (39) In Rule 157(2) the words “paragraph (1)” shall be deleted and replaced by the words “this Rule”.
- (40) In Rule 163(4), the reference to paragraph (6) shall be replaced by a reference to paragraph (5).
- (41) In Rule 164(4), the reference to Rule 154(1) shall be replaced by a reference to Rule 154.
- (42) In Rule 165(2), the reference to Rule 152 shall be replaced by a reference to Rule 154.
- (43) In Rule 186(3), the words “date and” shall be inserted directly after the words “at a future”.
- (44) In Rule 191(3), both references to paragraph (2) shall be replaced by references to paragraph (1), and the reference to Rule 202 shall be replaced by a reference to Rule 192.
- (45) In Rule 193(1), the reference to Rule 201 shall be replaced by a reference to Rule 191(1).
- (46) In Rule 194, the words “an order” shall be deleted and replaced by the words “any rule” and the words “and until” shall be inserted before the words “the relevant fee is paid.”
- (47) A new Rule 205(7) shall be inserted as follows:

“A party who wishes to respond to a notice of appeal must, within 21 days of service of the notice, file and serve on the other parties to the proceedings a written response made in the appropriate form in accordance with the relevant practice direction.”
- (48) Rule 205(7) shall be renumbered 205(8).
- (49) Rule 206 shall be renamed “Appeals from the Court of First Instance (except for the Small Claims Division) to the Court of Appeal”.



- (50) Rule 207 shall be renamed “Objection by respondent”.
- (51) Rule 207(1) shall be amended so that it reads as follows:
- “A respondent who wishes to object to an application for permission to appeal to the Court of Appeal must, within 21 days after service, file and serve on the applicant and other parties to the application a written argument in response to the application in accordance with the relevant practice direction.”
- (52) Rule 207(2) shall be deleted.
- (53) Rule 207(3) shall be renumbered 207(2) and the words “a notice under this Rule” shall be deleted and replaced by the words “and serve a written argument in response”.
- (54) In Rule 220(3), the reference to paragraph (2) shall be replaced by a reference to paragraph (1).
- (55) In Rule 224(1), the words “this rule” should be deleted and replaced by “Rule 221” and the reference to Rule 220(2) shall be replaced by a reference to Rule 222(2).
- (56) In Rule 255(1), the reference to paragraph (7) shall be replaced by a reference to paragraph (2).
- (57) In Rule 273(3), the reference to Rule 282(3) shall be replaced by a reference to Rule 272(3).
- (58) In Rule 284(1), the reference to Rule 283 shall be replaced by a reference to Rule 282.
- (59) In Rule 297(1)(b) the words “for the payment of money” shall be deleted.
- (60) Rule 298(2) shall be amended so that it reads as follows:
- “To apply to register a judgment of the judicial authorities of the Emirate or the Emirate Members of the United Arab Emirates, the claim must be supported by the documents set out in the relevant practice direction.”
- (61) Rule 298(3) shall be amended so that it reads as follows:
- “To apply to register a judgment of a recognised court, other than the judicial authorities of the Emirate or the Emirate Members of the United Arab Emirates, the claim must be supported by an affidavit and the documents required by the relevant practice direction.”



(62) Rule 302(2) shall be amended so that it reads as follows:

“An application for a certified copy of a judgment of the Court made by any judgment creditor seeking to enforce it outside of ADGM must be supported by the documents set out in the relevant practice direction.”

(63) Rule 302(3) shall be amended so that it reads as follows:

“A judgment creditor seeking to enforce a judgment of the Court by the judicial authorities of the Emirate or the Emirate Members of the United Arab Emirates must comply with the applicable provisions of any relevant memorandum of understanding and practice direction.”