



ADGM COURTS
محاكم سوق أبوظبي العالمي

ADGM Court Procedure Rules Amendment No 1 of 2021



ADGM COURT PROCEDURE RULES AMENDMENT NO 1 OF 2021

Date of Enactment: 15 February 2021

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 15(1a) the words “and Part 38 applies to service of a claim in the Employment Division” shall be inserted at the end of the paragraph.
- (2) In Rule 24(2) the words “or to a claim filed in the Employment Division to which Part 38 applies.” shall be inserted at the end of the paragraph.
- (3) In Rule 25(1) the words “or to a claim form filed in the Employment Division to which Part 38 applies.” shall be inserted at the end of the paragraph.
- (4) In Rule 28(1) the words “or to a claim form filed in the Employment Division to which Part 38 applies.” shall be inserted at the end of the paragraph.
- (5) A new sub-Rule 30(1) shall be inserted as follows:

“This Rule does not apply to a claim filed in the Small Claims Division to which Part 37 applies or to a claim filed in the Employment Division to which Part 38 applies.”

, the previous paragraph numbering of Rule 30(1) – 30(6) shall be renumbered 30(2) to 30(7) and the reference to paragraph (1) in 30(4) as renumbered shall be amended to paragraph (2).
- (6) In Rule 35(1) the words “or to a claim form filed in the Employment Division to which Part 38 applies.” shall be inserted at the end of the paragraph.
- (7) In Rule 36(1) the words “or to a claim form filed in the Employment Division to which Part 38 applies.” shall be inserted at the end of the paragraph.
- (8) In Rule 38(1) the words “or to a claim form filed in the Employment Division to which Part 38 applies.” shall be inserted at the end of the paragraph.
- (9) In Rule 39(1) the words “or to a default judgment filed in the Employment Division to which Part 38 applies.” shall be inserted at the end of the paragraph.
- (10) In Rule 39(5) the words “on a money claim” directly after the words “A default judgment” shall be deleted.
- (11) In Rule 40(1) the word “or” directly after the words “Rule 39,” shall be deleted and the words “or Rule 318” shall be inserted at the end of the sentence.
- (12) In Rule 40(1)(b) the words “interest and” shall be inserted directly before the words “...costs) on which the claimant is seeking judgment”.

- (13) In Rule 40(1)(c) the words “(excluding interest and costs)” shall be inserted directly before the words “..., together with a request for time to pay”.
- (14) In Rule 41(1) the words “, Rule 312 or Rule 318” shall be inserted directly before the words “...if that judgment was wrongly entered”.
- (15) In Rule 41(2) the words “, Rule 312 or Rule 318” shall be inserted at the end of the sentence.
- (16) Rule 42 shall be amended to read as follows:

“42. Admissions

- (1) *A party may, by notice on another party, require him to admit the facts, or the part of the case of the notifying party, specified in the notice.*
- (2) *A notice to admit facts must be sent no later than 21 days before the trial.*
- (3) *Where the other party makes any admission in response to the notice, the admission may be used against him only:*
- (a) *in the proceedings in which the notice to admit is sent; and*
- (b) *by the party who sent the notice.*
- (4) *Where the only remedy which the claimant is seeking is the payment of money, the defendant may admit, by giving notice in writing in accordance with the relevant practice direction, liability to pay the whole or part of a claim for a specified amount of money or, where the amount is not specified, the whole amount or part only of that claim.*
- (5) *Where the defendant makes an admission as mentioned in paragraph (4), the claimant has the right to enter judgment for the amount of money for which liability has been admitted.*
- (6) *The court may allow a party to amend or withdraw any admission made by him on such terms as it thinks just.”*
- (17) In Rule 43(1) the words “Unless otherwise directed by the Court a request for time to pay shall be limited to 3 years from the date the first payment is due and payable.” shall be inserted at the end of the paragraph.
- (18) In Rule 43(2) the words “in terms of that request, in accordance with the relevant practice direction.” shall be inserted at the end of the paragraph.
- (19) In Rule 43(3) the words “and a request for judgment in accordance with the relevant practice direction.” shall be inserted at the end of the paragraph.
- (20) Rule 43(4) shall be amended to read as follows:
- “(4) When the Court receives the claimant’s notice, it will enter judgment for the amount admitted (less any payments made) along with any interest and costs to be paid at the time, over such period and at such a rate of payment as may be determined by the Court.”*
- (21) In Rule 44(1) the words “or to a defence filed in the Employment Division to which Part 38 applies” shall be inserted at the end of the paragraph.
- (22) A new sub-Rule 65(5) shall be inserted as follows:
- “(5) This Rule does not apply to an application for default judgment or an order made in relation to an application for default judgment.”*

- (23) In Rule 72(7) the word “or” shall be deleted before the words “will take place,” and the words “or have taken place” shall be inserted directly after the words “will take place.”.
- (24) In Rule 175(b) the words “or director” shall be inserted after the words “an employee” and after the words “the employee” in the second line.
- (25) Rule 311(1) shall be amended to read as follows:
- “(1) *Within 7 days after a defendant is served with the claim, a defendant must file in accordance with the relevant practice direction:*
- (a) *an admission and any request for time to pay in accordance with Rules 42 and 43;*
 - (b) *an admission and any request for time to pay in accordance with Rules 42 and 43, and a defence, together with any counterclaim, if the defendant admits only part of the claim;*
 - (c) *a defence, together with any counterclaim, if the defendant disputes the whole of the claim; or*
 - (d) *an application to dispute the Court’s jurisdiction to try the claim.”*
- (26) In Rule 312(2) the words “on a money claim” directly after the words “A default judgment” shall be deleted.
- (27) A new Part 38 – Employment Division shall be inserted as follows:

“ PART 38 – EMPLOYMENT DIVISION

314. Application of this Part

- (1) *This Part contains special provisions dealing with claims in the Employment Division (“employment claim”).*
- (2) *Other Rules shall apply to employment claims except to the extent that a rule or a practice direction limits such application or the Court orders otherwise.*

315. The claim form

- (1) *Proceedings are started on the date entered on the claim form when the Court issues the claim form at the claimant’s request.*
- (2) *The claim form must –*
 - (a) *state what final orders the claimant seeks;*
 - (b) *include the particulars of the claimant’s case;*

- (c) *include the details of, and attach, all documents which record the terms of employment between the claimant and the defendant as set out in the relevant practice direction;*
- (d) *include the name and address for service of the defendant, together with any other available information. Where the defendant is a company, partnership or other entity the claimant shall state the defendant's registered office or any place of business of the defendant which has a real connection with the claim;*
- (e) *where the claim form is to be served outside the jurisdiction, include the grounds on which the claimant is entitled to bring the claim against the defendant; and*
- (f) *contain any other matter that may be set out in the relevant practice direction.*

316. Service of the claim form

- (1) *The registry will serve the claim form on the defendant by any method permitted under Part 4 of these Rules, unless otherwise directed by the Court.*
- (2) *The provisions of Rules 18, 22 and 23 apply to service of a claim form filed in the Employment Division.*

317. Responding to an employment claim

- (1) *Within 14 days after the defendant is served with the claim, the defendant must file in accordance with the relevant practice direction:*
 - (a) *an admission and any request for time to pay in accordance with Rules 42 and 43;*
 - (b) *an admission and any request for time to pay in accordance with Rules 42 and 43, and a defence, together with any counterclaim, if the defendant admits only part of the claim;*
 - (c) *a defence, together with any counterclaim, if the defendant disputes the whole of the claim; or*
 - (d) *an application to dispute the Court's jurisdiction to try the claim.*
- (2) *Where any counterclaim is filed and served, Rule 317(1) shall apply as appropriate.*

318. Default judgment

- (1) *Judgment in default of a defence may be obtained where the defendant:*
 - (a) *at the date on which judgment is entered has not filed a defence and the relevant time for doing so has expired; or*
 - (b) *has filed a counterclaim and at the date on which judgment is entered a defence has not been filed and the relevant time for doing so has expired.*

- (2) *A default judgment may include interest as provided for by a practice direction.*
- (3) *The provisions of Rules 40 and 41 apply to default judgments entered in the Employment Division.*
- (4) *A default judgment will be made available to the applicant through the eCourts Platform and will be served by the registry on all other parties to the proceeding by any method permitted under Part 4 of these Rules.*

319. Admissions and Request for Time to Pay

The provisions of Rules 42 and 43 apply to admissions and a request for time to pay. ”