



ADGM COURTS  
محاكم سوق أبوظبي العالمي

## ADGM Court Procedure Rules Amendment No 2 of 2021



## ADGM COURT PROCEDURE RULES AMENDMENT NO 2 OF 2021

Date of Enactment: 1 September 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) Sub-Rule 3(4) shall be deleted and current sub-Rules 3(5) and 3(6) shall be renumbered to 3(4) and 3(5).
- (2) In sub-Rule 14(1) the words “in accordance with the relevant practice direction.” shall be inserted at the end of the paragraph.
- (3) In sub-Rule 14(2) the words “or Rule” shall be inserted directly after the words “Subject to any relevant practice direction”.
- (4) In sub-Rule 14(3) the words “paragraph 2” shall replace the words “this Rule”.
- (5) Current sub-Rule 15(5) shall be split into 15(5) and 15(6), and 15(5) shall be amended to read:

“(5) Permission to serve a claim form outside the jurisdiction is not required.”
- (6) Renumbered sub-Rule 15(6) shall be amended to read as follows:

“(6) Where a claim form is to be served outside the jurisdiction but within the United Arab Emirates, it may be served by a method of service prescribed under this Part or the rules regarding service of the place in which it is to be served.”
- (7) Renumbered sub-Rule 15(7) shall be amended to read as follows:

“(7) Where a claim form is to be served outside the United Arab Emirates, it may be served by any method permitted by an applicable treaty or convention or the rules regarding service of the place in which it is to be served.”
- (8) Current sub-Rule 15(7) shall be deleted.
- (9) Sub-Rule 16(2)(b)(ii) shall be deleted and renumbered 16(2)(b)(ii) shall be amended to read as follows:

“(ii) signs for receipt of the document.”
- (10) Sub-Rule 16(4)(b)(ii) shall be deleted and renumbered 16(2)(b)(ii) shall be amended to read as follows:

“(ii) signs for receipt of the document.”
- (11) In sub-Rule 28(6) the words “or the order made under paragraph (4)” shall be inserted directly before the words “but has been unable to do so and acted promptly in making the application.”

**(12)** In sub-Rule 32(2) shall be amended to read as follows:

“(2) A defendant who wishes to rely on written evidence must file and serve on the other parties:

- (a) an acknowledgment of service in accordance with Rule 37;
- (b) his evidence within 28 days after service of the claim form and evidence under paragraph (1).”

**(13)** Sub-Rule 35(3) shall be amended to read as follows:

“(1) Within 28 days after the defendant is served with the claim, the defendant must file and serve 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 in accordance with Rule 38.”

**(14)** A new sub-Rule 35(5) shall be inserted as follows:

“(5) Paragraph (3) does not affect the operation of Rules 46 and 50.”

**(15)** Rule 42 shall be amended to read as follows:

- “(1) Rule 109 deals with the procedure in relation to a notice to admit facts.
- (2) 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.
- (3) Where the defendant makes an admission as mentioned in paragraph (2), the claimant has the right to enter judgment for the amount of money for which liability has been admitted.
- (4) The court may allow a party to amend or withdraw any admission made by him on such terms as it thinks just.”

**(16)** A new sub-Rule 47(1) shall be inserted as follows:

“(1) 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.”

- (17) A new sub-Rule 68(4) shall be inserted as follows:
- “(4) Paragraph (3) 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.”,
- and current sub-Rule 68(4) shall be renumbered to 68(5).
- (18) In sub-Rule 72(3) the words “Subject to paragraph 7,” shall be inserted at the beginning of the paragraph.
- (19) In sub-Rule 72(5) the words “or, in relation to a claim filed in the Small Claims Division or the Employment Division, a defence.” shall be inserted at the end of the paragraph.
- (20) In sub-Rule 72(6) the word “subsequent” shall be inserted directly before the words “claim be commenced where the application is made under section 36 of the Regulations.”
- (21) In sub-Rule 72(7) the words “the relevant practice direction.” shall replace the words “Part 8 of these Rules.”, at the end of the paragraph.
- (22) Sub-Rule 73(1) shall be amended to read as follows:
- (1) The claimant may not apply for an interim payment before the end of the period for filing and serving:
- (a) the acknowledgment of service applicable to the defendant against whom the application is made; or
- (b) in relation to a claim filed in the Small Claims Division or the Employment Division, the defence applicable to the defendant against whom the application is made.
- (23) In sub-Rule 104(6) the words “and 100 to 103” shall be inserted directly after the words “Rules 97,”.
- (24) Rule 109 shall be amended to read as follows:
- “(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) The Court may allow a party to amend or withdraw any admission made by him on such terms as it thinks just.”
- (25) In Rule 121 the words “UAE” shall be amended to read “United Arab Emirates”.
- (26) A new Rule 172A shall be inserted as follows:
- “172A Stay in lieu of notice of discontinuance**

- (1) Where 1 month has passed from the date that the Court has been informed in writing by a party or the parties that the proceedings have settled or otherwise resolved, no further steps have been taken in the proceedings and no notice of discontinuance or consent order has been filed to dispose of the proceedings, the claim shall be stayed.
- (2) Where a claim is stayed under this Rule, any party may apply for the stay to be lifted.”

**(27)** Sub-Rule 175(b) shall be amended to read as follows:

“(b) Without limiting Section 219 of the Regulations, a company, partnership or other entity may be represented at any hearing by an employee, officer, director or partner if that person has been authorised by the company, partnership or other entity to appear at the hearing on its behalf and the Court gives permission.”

**(28)** In sub-Rule 205(5) the words “judgment or order, and, if they are made on different dates, whichever is made later.” shall be inserted at the end of the paragraph.

**(29)** In sub-Rule 206(a) the words “or judgment” shall be inserted directly before the words “to be appealed was made;”

**(30)** In sub-Rule 206(b) the words “or judgment” shall be inserted directly after the words “if the application for permission to appeal relates to an order”.

**(31)** A new sub-Rule 206(3) shall be inserted as follows:

“(3) For the purpose of paragraph 2, and unless the Court orders otherwise, where both an order and a judgment are made in relation to the matter to be appealed but the order and judgment are made on different dates, time begins to run from the date of whichever is made later.”

and current sub-Rules 206(3) and 206(4) shall be renumbered to 206(4) and 206(5).

**(32)** In sub-Rule 209C.(1) the words “which may include be conducted by way of public video link” shall be inserted directly after the words “Every contested appeal before the Court of Appeal shall be heard in open Court”.

**(33)** In sub-Rule 209C.(1)(a) the word “private” shall be inserted directly before the words “video link; or”.

**(34)** In sub-Rule 231(2) the words “for recognition or enforcement” shall be inserted after the words “Except for the claim” and the word “Section” shall be replaced by the word “Rule”.

**(35)** In sub-Rule 231(3) the words “issued in accordance with the Rule 30 procedure” shall be inserted directly after the words “an arbitration claim form”.

**(36)** In sub-Rule 232(2) the words “in which case the Court shall make such case management directions as it considers appropriate.” shall be inserted at the end of the paragraph.

**(37)** A new sub-Rule 254(3) shall be inserted as follows:

“(3) For the purpose of paragraph (2), the person served with the order may produce the documents in his control by attaching those documents to the affidavit described in Rule 253(4).”

and current sub-Rule 254(3) shall be renumbered 254(4).

- (38) In sub-Rule 257(1) the words “Subject to any relevant practice direction,” shall be inserted at the beginning of the paragraph.
- (39) In sub-Rule 258(2) the words “, or produce them at the hearing” at the end of the paragraph shall be deleted.
- (40) Rule 259 shall be amended to read as follows:
- “259. Conduct of the hearing**
- (1) The person ordered to attend Court will be questioned at a hearing before a Judge.
- (2) The judgment creditor or his representative must attend and conduct the questioning at the hearing.”
- (41) In sub-Rule 287(1) the words “other than for the payment of a sum of money” shall be inserted directly after the words “If a person required by a judgment or order to do an act”.
- (42) New sub-Rules 287(6) and 287(7) shall be inserted as follows:
- “(6) A judgment or order to do or not do an act may not be enforced under paragraph (1) unless there is prominently displayed, on the front on the copy of the judgment or order served in accordance with paragraph (5), a warning to the person required to do or not do the act in question that disobedience to the order would be contempt of court punishable by a penalty.
- (7) An undertaking to do or not do an act which is contained in a judgment or order may be enforced under paragraph (1) notwithstanding it does not contain the warning described in paragraph (6).”
- (43) Sub-rule 298(1) shall be amended to read as follows:
- “(1) An application for registration of a recognised court’s judgment is to be made in accordance with the relevant practice direction.”
- (44) Sub-rule 298(2) shall be deleted.
- (45) In sub-Rule 302(3) the word “law,” shall be inserted directly before the words “memorandum of understanding and practice direction.”
- (46) New sub-Rules 311(3) and 311(4) shall be inserted as follows:
- “(3) The parties may agree that the time period for responding to a claim specified in paragraph (1) shall be extended by up to 7 days.
- (4) Any extension beyond the period referred to in paragraph (3) may only be obtained by application to the Court.”
- (47) A new Rule 313A. shall be inserted as follows:
- “313A. Claim stayed if not defended or admitted**
- “(1) Where at least 3 months have expired since the end of the period for filing and serving a defence, no defendant has filed or served an admission or a defence or a counterclaim and the claimant has not entered or applied for default judgment under Rule 312 or for summary judgment under Rule 68, the claim shall be stayed .
- (2) Where a claim is stayed under this Rule, any party may apply for the stay to be lifted.”

(48) New sub-Rules 317(3) and 317(4) shall be inserted as follows:

- “(3) The parties may agree that the time period for responding to a claim specified in paragraph (1) shall be extended by up to 14 days.
- (4) Any extension beyond the period referred to in paragraph (3) may only be obtained by application to the Court.”

(49) A new Rule 319A. shall be inserted as follows:

**“319A. Claim stayed if not defended or admitted**

- “(1) Where at least 3 months have expired since the end of the period for filing and serving a defence, no defendant has filed or served an admission or a defence or a counterclaim and the claimant has not entered or applied for default judgment under Rule 318 or for summary judgment under Rule 68, the claim shall be stayed.
- (2) Where a claim is stayed under this Rule, any party may apply for the stay to be lifted.”

End