

DIVISIONS AND JURISDICTION (COURT OF FIRST INSTANCE) RULES 2015

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DIVISIONS AND JURISDICTION (COURT OF FIRST INSTANCE) RULES 2015

Date of Enactment: [●] 2015

The Board of Directors of the Abu Dhabi Global Market make the following Rules in exercise of the powers conferred by sections 15 and 29 of the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015:-

1. Divisions of the Court of First Instance

- (1) There shall be two divisions of the Court of First Instance, namely –
 - (a) the Civil Division; and
 - (b) the Employment Division.
- (2) Without prejudice to the provisions of the Regulations relating to the distribution of business in the Court of First Instance, and subject to rules 2 and 3, all jurisdiction vested in the Court of First Instance under the Regulations shall belong to all the Divisions alike.

2. Civil Jurisdiction of the Court of First Instance

- (1) The Civil Division of the Court of First Instance shall have the following jurisdiction, that is to say –
 - (a) jurisdiction to hear and determine any of the questions and claims mentioned in paragraphs (2) and (4); and
 - (b) jurisdiction in relation to any of the proceedings mentioned in paragraphs (3) and (4).
- (2) The questions and claims referred to in paragraph (1)(a) include –
 - (a) any claim for damages arising out of commercial agreements;
 - (b) any claim relating to the provision, supply or management of financial services or products, including services or products by banking and financial institutions;
 - (c) any claim for damages for professional negligence arising out of a commercial relationship;
 - (d) any claim arising out of engineering, construction or technology disputes;
 - (e) any claim or question in relation to insolvency;
 - (f) any question of statutory interpretation or contractual construction;
 - (g) any question arising out of the administration of trust property;

- (h) any question arising out of any decision by any Global Market's Authority except for the Courts;
 - (i) any claim in respect of wrongs against people or property (including real property); and
 - (j) any claim relating to employment matters insofar as such claim arises out of purely contractual, tortious, equitable and/or common law issues.
- (3) The proceedings referred to in paragraph (1)(b) include –
- (a) any application or petition to the Court of First Instance under the Insolvency Regulations 2015;
 - (b) any application to the Court of First Instance under the Regulations for injunctive or equitable relief (including, but not limited to, applications for specific performance or restitution arising out of commercial agreements);
 - (c) any action to enforce a judgment, award or order of any Court or foreign court or tribunal;
 - (d) any application to the Court of First Instance for the recovery of commercial rent arrears under the Regulations;
 - (e) any application for an attachment of earnings order under the Regulations;
 - (f) any application for an order, warrant or writ under any ADGM enactment;
 - (g) any action arising out of any omission or non-compliance with respect to any ADGM enactment; and
 - (h) any action to enforce any claim relating to employment matters insofar as such claim arises out of purely contractual, tortious, equitable and/or common law issues.
- (4) Without prejudice to paragraphs (2) and (3), and save as provided by rule 3, the Civil Division has jurisdiction to hear and determine all and any questions, claims and proceedings in accordance with the Regulations and any other ADGM enactment.

3. Employment Jurisdiction of the Court of First Instance

The Employment Division of the Court of First Instance shall have exclusive jurisdiction to hear and determine all and any questions, claims and proceedings which relate to the enforcement of all rights and obligations under the Employment Regulations 2015.

4. Interpretation

In these Rules, unless the context otherwise provides or requires –

- (a) “ADGM enactment” has the meaning given under section 230(1) of the Regulations;

- (b) “Global Market’s Authority” has the meaning given under Article 10 of the ADGM Founding Law;
- (c) “Court” and “Courts” has the meaning given under section 1 of the Regulations; and
- (d) “the Regulations” means the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015.

5. Short title, extent, commencement and savings

- (1) These Rules may be cited as the Divisions and Jurisdiction (Court of First Instance) Rules 2015.
- (2) These Rules shall apply in the whole of the Abu Dhabi Global Market.
- (3) These Rules shall come into force on the date of their publication (the “Commencement Date”). The Board may by rules make any transitional, transitory, consequential, saving, incidental or supplementary provision in relation to the commencement of these Rules as the Board thinks fit.
- (4) Nothing in these Rules shall have retrospective effect.
- (5) On and from the Commencement Date, any law previously in force in the Abu Dhabi Global Market which is inconsistent with, or deals with the same subject matter as, these Rules shall, subject to the ADGM Founding Law, cease to have any effect or force in the Abu Dhabi Global Market.