

**OFFERS TO SETTLE IN CIVIL AND COMMERCIAL PROCEEDINGS RULES
2015**

Table of Contents

Rule	Page
1. Additional amount to be paid where a claim is only for an amount of money	3
2. Amount to be paid where a claim is or includes a non-monetary claim	3
3. Interpretation	4
4. Short title, extent and commencement.....	4

**OFFERS TO SETTLE IN CIVIL AND COMMERCIAL PROCEEDINGS RULES
2015**

Date of Enactment: [●] 2015

The Chief Justice of the Abu Dhabi Global Market Courts makes the following Rules in exercise of the powers conferred by section 229 of the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015:-

1. Additional amount to be paid where a claim is only for an amount of money

Where rules of court make provision for the Court to order a defendant in proceedings to pay an additional amount to a claimant in those proceedings and the claim is for (and only for) an amount of money then, for the purposes of section 229(3) of the Regulations, the prescribed percentage shall be –

Amount awarded by the Court	Prescribed percentage
Up to US\$1,000,000	10% of the amount awarded.
Above US\$1,000,000, up to US\$2,000,000	10% of the first US\$1,000,000 and 5% of the amount awarded above that figure.
Above US\$2,000,000	10% of the first US\$2,000,000 and 5% of the amount awarded above that figure.

2. Amount to be paid where a claim is or includes a non-monetary claim

- (1) Rules of court may make provision for the Court to order a defendant in proceedings to pay an amount to a claimant (“the amount to be paid”) in those proceedings where –
 - (a) the claim is or includes a non-monetary claim;
 - (b) judgment is given in favour of the claimant; and
 - (c) the judgment in respect of the claim is at least as advantageous as an offer to settle the claim which the claimant made in accordance with rules of court and has not withdrawn in accordance with those rules.
- (2) The amount to be paid shall be calculated as prescribed in paragraph (4).
- (3) Rules made under paragraph (1) may –
 - (a) include provision as to the assessment of whether a judgment is at least as advantageous as an offer to settle; and

- (b) make provision as to the calculation of the value of a non-monetary benefit awarded to a claimant.
- (4) The amount to be paid shall be –
- (a) if a claim includes both a claim for an amount of money and a non-monetary claim, the following percentages of the amount awarded to the claimant by the Court (excluding any amount awarded in respect of the claimant’s costs) –

Amount awarded by the Court	Prescribed percentage
Up to US\$1,000,000	10% of the amount awarded.
Above US\$1,000,000, up to US\$2,000,000	10% of the first US\$1,000,000 and 5% of the amount awarded above that figure; and

- (b) in a non-monetary claim only, the following percentages of any costs ordered by the Court to be paid to the claimant by the defendant –

Amount awarded by the Court	Prescribed percentage
Up to US\$1,000,000	10% of the costs ordered to be paid.
Above US\$1,000,000, up to US\$2,000,000	10% of the first US\$1,000,000 and 5% of any costs ordered to be paid above that figure.

3. Interpretation

In these Rules “the Regulations” means the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015.

4. Short title, extent and commencement

- (1) These Rules may be cited as the Offers to Settle Civil and Commercial Proceedings Rules 2015.
- (2) These Rules 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 Chief Justice may by rules make any transitional, transitory, consequential, saving, incidental or supplementary provision in relation to the commencement of these Rules as the Chief Justice 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 or the Regulations, cease to have any effect or force in the Abu Dhabi Global Market.