



ABU DHABI GLOBAL MARKET COURTS
محاكم سوق أبوظبي العالمي

ADGM Court Procedure Rules Amendment No 1 of 2019



ADGM COURT PROCEDURE RULES AMENDMENT NO 1 OF 2019

Date of Enactment: 25 February 2019

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 6(1), “. So,” shall replace “, so”.
- (2) In Rule 6(2), the words “is 5 days or less and” shall be inserted directly after “Where the specified period”.
- (3) In Rule 23(1)(a), the words “and the defendant, although domiciled or resident out of the jurisdiction or the Emirate, is party to an agreement conferring jurisdiction on the Court; or” shall be deleted.
- (4) Rule 23(1)(a), shall be amended so that it reads as follows:
 - (a) the Regulations;
 - (b) any ADGM enactment other than the Regulations; or
 - (c) the ADGM Founding Law,

notwithstanding that the person against whom the claim is made is not resident or domiciled within the jurisdiction or the facts giving rise to the claim did not occur within the jurisdiction.

- (5) In Rule 42(4), the words “, by giving notice in writing,” shall be inserted directly after the words “Where the only remedy which the claimant is seeking is the payment of money, the defendant may also admit”.
- (6) A new Rule 42(6) shall be inserted as follows:

“For the purpose of this Rule, a notice in writing must be provided to the Court and to every other party.”



- (7) In Rule 73(4)(b) the words “against the claimant” shall be deleted and replaced by the words “against the defendant”.
- (8) In Rule 77(1), the words “/or may” shall be inserted directly after the words “If a defendant files a defence, and if the circumstances of the case so require, a Court officer will issue each party with a notice which will specify any matter to be complied with by the date specified in the notice (the “specified date”) and”.
- (9) In Rule 79, the heading words “Subsequent stages” shall be deleted and replaced by the words “Case management conference”.
- (10) In Rule 79(1), the word “a” directly after the words “The Court will hold” shall be deleted and replaced by the words “an initial”, the words “the period in which the trial is to take place as soon as practicable” shall be deleted, and the words “a timetable for the conduct of the case including if possible the appointment of trial dates or provisional trial dates, or, if that is not practicable, fix as much of the pre-trial timetable as possible.” shall be inserted at the end of the paragraph.
- (11) A new Rule 79(2) shall be inserted as follows:

“The Court may, upon the request of a party or on its own initiative, convene a case management conference at any time during the proceedings to facilitate the effective management of the case.”
- (12) Rule 79(2) shall be renumbered as 79(3) and shall be amended so that it reads as follows:

“When the Court fixes the trial dates or provisional trial dates, it will give notice to the parties of those dates and, as appropriate, specify the date by which the parties must file and serve a pre-trial check list.”
- (13) Rules 81(1) and 81(2) shall be deleted and replaced with Rule 81(1)(a)(b)(c) as follows:
 - “(1) In accordance with the relevant practice direction:
 - (a) where they are agreed that the timetable should be adjusted, the parties may jointly seek a variation of any of the dates fixed by the Court under Rule 79;
 - (b) failing agreement, and subject to sub-paragraph (c) below, a party may seek a variation of any of the dates fixed by the Court under Rule 79;
 - (c) if, failing agreement, a party wishes to seek a variation to any of the dates fixed by the Court under Rule 79 that will affect or have a consequential impact on the dates fixed for a hearing or a trial, that party must make an application to the Court.”



- (14) In Rule 82(1), the words “by the date specified in the pre-trial check list” shall be deleted.
- (15) In Rule 82(2), the words “in the relevant practice direction or” shall be inserted directly after the words “Each party must file the completed pre-trial check list by the date specified”.
- (16) In Rule 81(3), the word “serve” shall be deleted and be replaced by the words “issue a”.
- (17) A new Part 36 shall be inserted as follows:

“303. Interpretation

In this part, “court-annexed mediation” means the mediation services provided by ADGM Courts and conducted in accordance with the relevant practice direction.

304. Referral to mediation

- (1) In accordance with the relevant practice direction, a dispute may be referred to court-annexed mediation:
 - (a) voluntarily by all parties to the dispute prior to or after commencement of proceedings; or
 - (b) by an order of the Court.
- (2) The Court will expect the parties to have considered whether mediation might enable the settlement of the dispute prior to the commencement of proceedings. Parties should continue to consider the possibility of reaching a settlement at all times, including after commencement of proceedings.

305. Voluntary referral to mediation

Parties may refer their dispute to court-annexed mediation prior to the commencement of proceedings, provided that the Court ordinarily would have jurisdiction to hear the dispute if proceedings were to be commenced.

306. Court-ordered mediation

- (1) If proceedings have been commenced, the parties may be required by the Court to provide evidence that a mediation has been considered or taken place. For the avoidance of doubt, in complying with this Rule the parties will not be required to divulge any information or documentation that was exchanged or discussed on a without prejudice basis within such mediation.



- (2) In accordance with the Court's general powers of management under Rule 8(1), the Court may, on its own initiative or upon the application of any party, make an order referring the dispute or any part of the dispute to court-annexed mediation, where in the opinion of the Court such order appears appropriate.
- (3) Whilst the making of an order referring a dispute to court-annexed mediation is at all times a matter for the discretion of the Court, should the Court make such an order, in the normal course it will do so at the first case management conference unless there is a compelling reason why such an order should not be made at that stage.

307. Costs

In exercising its discretion as to costs in the proceedings, the Court may take into account the parties' conduct in relation to any attempt to resolve the dispute by mediation."