



ADGM COURTS

محاكم سوق أبوظبي العالمي

**ADGM Court Procedure Rules Amendment No 1 of 2020**



## ADGM COURT PROCEDURE RULES AMENDMENT NO 1 OF 2020

Date of Enactment: 9 July 2020

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 3(1)(j) the words “, as amended by Law No. (12) of 2020” shall be inserted directly after the words ““ADGM Founding Law” means Law No. (4) of 2013 concerning the Abu Dhabi Global Market,”
- (2) A new Rule 3(1)(j) shall be inserted as follows:  
““claim form” means any document which initiates proceedings;”.
- (3) A new Rule 3(1)(p)  
““eCourts Platform” means the ADGM Courts electronic filing and case management systems;”
- (4) A new Rule 3(1)(bb) shall be inserted as follows:  
““person” means any natural or legal person as the context requires;”.
- (5) In Rule 10(2) the words “or is determined by the Board pursuant to Article 6 of the ADGM Founding Law,” shall be inserted directly after the word “Regulations,”.
- (6) In Rule 14(2) the words “Subject to any relevant practice direction, a” shall be inserted at the beginning of the Rule.
- (7) Part 4 – Service of Documents, shall be deleted and replaced with the following:

#### 15. “Methods of service

- (1) This Part applies to the service of documents except where any rule, practice direction or other ADGM enactment or a Court order requires that a document, including a claim form, must be served by any other method.

#### ***Methods of service – claim form***

- (2) It is the responsibility of the claimant to serve the claim form on all other parties to the proceedings.
- (3) Subject to paragraphs (4) to (7) below, a claim form may be served –
  - (a) by personal service on an individual in accordance with Rule 16;
  - (b) on a company, partnership or any other entity in accordance with Rule 16A;

- (c) by email or other means of electronic communication in accordance with Rule 16B;
- (d) by serving it at a place specified in Rule 17;
- (e) by any other method authorised by the Court under Rule 19; or
- (f) by any other method agreed to by the parties.

***Methods of service – outside the jurisdiction***

- (4) A claim form may be served outside the jurisdiction in accordance with Rules 24 and 25.
- (5) Permission to serve a claim form outside the jurisdiction is not required, but it is the responsibility of the claimant to ensure that he complies with the rules regarding service of the place where he is seeking to effect service.
- (6) Where a claim form is to be served outside the jurisdiction, it may be served by any method permitted by an applicable treaty or convention or the law of the place in which it is to be served.
- (7) Nothing in these Rules or any practice direction or Court order shall authorise or require any person to do anything in the place where the claim form is to be served which is against the law of that place.

***Methods of service - other documents***

- (8) Subject to Rule 15(1):
  - (a) where a person to be served has access to the eCourts Platform (including through a legal representative), all documents shall be served on that person through the eCourts Platform; and
  - (b) where a person to be served does not have access to the eCourts Platform (including through a legal representative), a document other than a claim form may be served on that person under this Part as if the document were a claim form.

**16. Personal service on an individual**

- (1) A claim form is served personally on an individual by leaving it with that individual –
  - (a) at his place of residence;
  - (b) at his workplace; or
  - (c) in any other location, provided the individual physically receives the document.

***Personal service on individual - place of residence***

- (2) In relation to Rule 16(1)(a) –
  - (a) if the individual to be served refuses to receive the document and the person serving the document:

- (i) informs the individual of the nature of the document; and
    - (ii) leaves the document in the individual's presence,

the document is deemed to have been served on the individual at the time of the refusal;
  - (b) if the individual to be served is not able to be located at his place of residence at the time of service, the server may leave the document with a person at that place provided that the person who receives the document:
    - (i) is, or appears to be, over the age of 18;
    - (ii) is told of the nature of the document by the server; and
    - (iii) agrees to pass the document onto the individual to be served;
  - (c) if:
    - (i) a person refuses to receive the document under Rule 16(2)(b); or
    - (ii) the server has attended the individual's place of residence on at least two separate occasions and can find no one at the individual's residence to whom the document validly can be left, then on the second or any subsequent occasion,

the server may affix the document clearly on the door or gate of the residence.
- (3) For the purpose of Rules 16(2)(b) and (c), the claim form shall only be deemed to have been served on the individual when the claimant sends an email or mobile text message (SMS) (or like messaging) to the individual informing them of the arrangements that have been made to serve the document.

***Personal service on individual – workplace***

- (4) In relation to Rule 16(1)(b) –
- (a) if the individual to be served refuses to receive the document and the person serving the document:
    - (i) informs the individual of the nature of the document; and
    - (ii) leaves the document in the individual's presence,

the document is deemed to have been served on the individual at the time of the refusal;
  - (b) if the individual to be served is not able to be located at his workplace at the time of service, the server may leave the document with a member of management or a co-worker provided that the member of management or co-worker who receives the document:
    - (i) is, or appears to be, over the age of 18;
    - (ii) is told of the nature of the document by the server; and
    - (iii) agrees to pass the document onto the individual to be served;

- (c) if:
- (i) a member of management or a co-worker refuses to receive the document under Rule 16(4)(b); or
  - (ii) the server has attended the individual's workplace on at least two separate occasions and can find no one at the individual's workplace with whom the document validly can be left, then on the second or any subsequent occasion,

the server may affix the document clearly on the door or gate of the individual's workplace.

- (5) For the purpose of Rules 16(4)(b) and (c), the claim form shall only be deemed to have been served on the individual when the claimant sends an email or mobile text message (SMS) (or like messaging) to the individual informing them of the arrangements that have been made to serve the document.

***Personal service on individual – general provision***

- (6) Where a claimant has reason to believe that an address of the individual to be served is an address at which that individual no longer resides or works, the claimant must take reasonable steps to ascertain the address of the individual's current residence or workplace.

**16A. Service on a company, partnership or any other entity**

- (1) A claim form is served on a company by:
- (a) leaving it at, or sending it by post to, the company's registered office or any place of business of the company which has a real connection with the claim; or
  - (b) any other method permitted under this Part.
- (2) A claim form is served on a partnership by:
- (a) leaving it at, or sending it by post, to the partnership's registered office or any place of business of the company which has a real connection with the claim; or
  - (b) any other method permitted under this Part.
- (3) A claim form is served on any other entity by:
- (a) leaving it at, or sending it by post, to the entity's registered office or any place of business of the company which has a real connection with the claim; or
  - (b) any other method permitted under this Part.

**16B. Service by email or other means of electronic communication**

- (1) A claim form may be served electronically.
- (2) In this Rule, "notice" has the meaning ascribed to it in the relevant practice direction.
- (3) A claim form is served electronically on a person –

- (a) by email, provided that it must be shown that the email account to which the document is sent belongs to the person to be served and is still accessed by that person;
  - (b) by mobile text message (SMS) (or like messaging), provided that it must be shown that the mobile number to which the document, or notice of the document, is sent belongs to the person to be served and is still accessed by that person; or
  - (c) by email or mobile text message (SMS) (or like messaging) to a lawyer nominated by the person to be served as authorised to accept service.
- (4) In relation to Rule 16B(3), a record or copy of the email, mobile text message (SMS) (or like messaging), including any confirmation of delivery or confirmation of receipt (as the case may be), must be included with the certificate of service filed pursuant to Rule 21.

## **17. Places for service of the claim form**

### ***Service on lawyer***

- (1) Where a person or a lawyer acting for that person has given in writing an address of the lawyer at which that person may be served with a claim form, the claim form must be served at the address of that lawyer.

### ***Specified address for service***

- (2) A person may be served with the claim form by leaving it at any address which that person has given for the purpose of being served.

### ***Service of the claim form by contractually agreed method***

- (3) Where a contract contains a term providing that, in the event of a claim being commenced in relation to a dispute under the contract, the claim form may be served by a method or at a place or on a person specified in the contract (including on an agent or principal), the claim form may be served by the method or at the place or on the person specified in the contract.

### ***Proceedings against ADGM and Authorities***

- (4) For the purpose of proceedings to which:
- (a) ADGM;
  - (b) ADGM Registration Authority; or
  - (c) ADGM Financial Services Regulatory Authority,
- is a party, a claim form must be served by email in accordance with the relevant practice direction.

## **18. Deemed time of service**

- (1) A claim form served in accordance with this Part is deemed to be served as follows –
- (a) by personal service, if served personally before 4 pm, on that day; or in any other case, on the next day after that day;

- (b) by delivering it to or leaving it at a permitted address, if it is delivered to or left at the permitted address before 4 pm, on that day; or in any other case, on the next day after that day;
- (c) by email, if the email is sent before 4 pm, on that day; or in any other case, on the next day after that day; or
- (d) by mobile text message (SMS) (or like messaging) on the first day after the SMS (or like messaging) was sent.

**19. Service of documents by an alternative method or at an alternative place**

- (1) Where it appears to the Court that there is a good reason to authorise service of the claim form or any other document by a method or at a place not otherwise permitted by this Part, the Court may make an order permitting service by an alternative method or at an alternative place.
- (2) On an application under this Rule, the Court may order that steps already taken to bring the claim form or any other document to a person's attention by an alternative method or at an alternative place is effective service.
- (3) An application under this Rule must be supported by evidence, and may be made without notice to the other party.

**20. Power of the Court to dispense with service**

- (1) The Court may dispense with service of a document, including a claim form, in exceptional circumstances.
- (2) An application for an order under Rule 20(1) may be made at any time.

**21. Certificate of service**

- (1) The claimant must file a certificate of service within 21 days of service of the claim form, unless all other parties to the proceedings have filed acknowledgments of service within that time, and may not obtain judgment in default under Rule 39 unless a certificate of service has been filed.
- (2) The certificate of service must give details of the person served, the method of service used, the rule pursuant to which service was effected, and must state the date on which the claim form was served and it must contain sufficient detail to demonstrate that service was effected in accordance with the rule relied upon.

**22. Address for service to be given after proceedings are started**

- (1) A party to proceedings must give an address at which that party may be served with documents relating to those proceedings. The address must include a current email address and mobile telephone number unless the Court orders otherwise.
- (2) Except where any other rule or relevant practice direction makes different provision, a party's address for service must be –

- (a) an address of a lawyer acting for the party to be served;
  - (b) an address of a lawyer nominated to accept service of documents; or
  - (c) where there is no lawyer acting for the party or no lawyer nominated to accept service of documents, an address of the party.
- (3) Subject to Rule 15(1), service of all documents, except a claim form, will be effected on all parties who have appeared in the case by the Court's acceptance of the document and its appearance on the Court file via the ADGM eCourts Platform. Once the document appears on the Court file, all other parties to the proceedings will be notified by email or text message at the address provided for those parties under Rule 22(2). No other means of service is required of the parties, except as may be ordered otherwise by the Court.

### **23. Notification of change of address**

Where the address for service of a party changes, that party must give notice in writing of the change as soon as it has taken place to the Court and to every other party.

### **24. Service of the claim form and other documents out of the Jurisdiction**

- (1) The claimant may, in accordance with this Part, serve the claim form on a person out of the jurisdiction where each claim made against the person to be served and included in the claim form is a claim which the Court has power to determine under –
- (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.
- (2) A person served outside the jurisdiction who wishes to dispute the Court's jurisdiction to try the claim, or who wishes to argue that the Court should not exercise its jurisdiction, must do so in accordance with Rule 38.

### **25. Notice of statement of grounds**

- (1) Where the claimant intends to serve a claim form on a person under Rule 24 –
- (a) the claimant must file with the claim form a notice containing a statement of the grounds on which the claimant is entitled to serve the claim form out of the jurisdiction and must serve a copy of that notice with the claim form; and
  - (b) the claim form may only be served once the claimant files the notice referred to in Rule 25(1)(a).
- (2) The notice referred to in Rule 25(1)(a) need only be filed in respect of the claim form, and the claimant may serve any other documents in the proceedings out of the jurisdiction without such a notice.

## **26. Service of documents from Foreign Courts or Tribunals**

- (1) This Rule applies to the service in the jurisdiction of any document in connection with civil or commercial proceedings in a foreign court or tribunal.
  - (2) In this Rule –
    - (a) “foreign court or tribunal” means a court or tribunal outside the jurisdiction;
    - (b) “GCC Convention” means the 1996 Gulf Cooperation Council Convention for the Execution of Judgments, Delegations and Judicial Notifications; and
    - (c) “Riyadh Convention” means the 1983 Riyadh Arab Agreement for Judicial Cooperation.
  - (3) The Registrar will serve a document to which this Rule applies upon receipt of a written request for service –
    - (a) where the foreign court or tribunal is in a GCC Convention country, from the competent judicial authority or employee of that country;
    - (b) where the foreign court or tribunal is in a Riyadh Convention country, from the judicial body or officer concerned of that country;
    - (c) where the foreign court or tribunal is in any other country, from a consular or other authority of that country; or
    - (d) from the Chairman of the Board, with a recommendation that service should be effected.
  - (4) Unless the foreign court or tribunal certifies that the person to be served understands the language of the document to be served, the Registrar must be provided before service with two copies of a translation of the document into English.
  - (5) Where service of a document has been effected by a third party, the third party must send to the Registrar a copy of the document, together with proof of service or a statement why the document could not be served and, if the Registrar directs, specify the costs incurred in serving or attempting to serve the document.
  - (6) The Registrar will send to the person who requested service a copy of the document together with a certificate, sealed with the seal of the ADGM Courts for use out of the jurisdiction, stating when and how the document was served or the reason why it has not been served and, where appropriate, an amount certified to be the costs of serving or attempting to serve the document.
- (8)** In Rule 28(1) the words “or the Emirate” shall be deleted.
- (9)** In Rule 28(2) the words “or the Emirate” shall be deleted and “Rule 24” shall replace the words “Rule 23”.
- (10)** In Rule 38(4) the words “filing and serving the acknowledgement of service” shall be deleted and replaced by the words “being served with the claim”.
- (11)** A new Rule 39(3) shall be inserted as follows:

- (3) Judgment in default of a defence may be obtained where the defendant has filed and served –
- (a) an acknowledgement of service but at the date on which judgment is entered a defence has not been filed and served; or
  - (b) a counterclaim where at the date on which judgment is entered a defence has not been filed and served,
- and, in either case, the relevant time limit for doing so has expired.
- (12) In Rule 43(3) the words “together with a copy of the defendant’s admission and request for time to pay” shall be deleted.
- (13) In Rule 45(1) the words “Subject to any relevant practice direction” shall be inserted before the words “a claimant wishes to file a reply to the defence.”
- (14) A new Rule 51(4) shall be inserted as follows:
- “For the purpose of this Rule, an “additional claim” includes:
- (a) a claim made by a defendant against any person (whether or not already a party) for contribution or indemnity or some other remedy but excludes a counterclaim made under Rule 50; and
  - (b) where an additional claim has been made against a person who is not already a party, any additional claim made by that person against any other person (whether or not already a party).”
- (15) In Rule 64(1) the words “and a draft of the order which the applicant is seeking from the Court” shall be deleted.
- (16) In Rule 64(5) the comma after “Applications notices” shall be deleted and replaced by the word “and” and the words “and the draft order” shall be deleted.
- (17) Rule 77 shall be deleted and replaced with the following:

**“77. Directions**

- (1) If the defendant has filed a defence, or if there are two or more defendants, at least one of them has done so and the time for filing and serving the other defence or defences has expired, the Court may give directions for the management of the case, and may if the Court officer sees fit direct the parties, or one or more of them, to complete, file and serve on the other party or parties a directions questionnaire or proposed case management directions or both.
- (2) Where a Court has given directions under paragraph (1), the parties may not by agreement vary them (as to the date by which any direction is to be complied with or otherwise).
- (3) If a party does not comply with a direction under paragraph (1), the Court may make such order as it considers appropriate.
- (4) Where the Court makes an order under paragraph (3), a party who was in default will not normally be entitled to an order for the costs of any application to set aside or vary that order nor of attending any case management conference and will, unless the Court thinks it unjust to do so, be ordered to pay the costs that the default caused to any other party.”

- (18) In Rule 79(3) the words “and, as appropriate, specify the date by which the parties must file and serve a pre-trial checklist” shall be deleted.
- (19) In Rule 81 subparagraphs (a), (b) and (c) the words “Rule 79” shall be replaced by the words “Rules 79 and 80”.
- (20) In Rule 86(3) the word “another” shall be deleted and replaced by the word “a” before the word “party”.
- (21) In the title of Rule 88 the words “person not a” shall be deleted and replaced by the word “non” before the word “party”.
- (22) In Rule 98(2) the words “its” shall be deleted and replaced by the words “a certified English” before the words “translation with the Court”.
- (23) Rule 98(3) shall be deleted.
- (24) Rule 104(4) shall be amended as follows:
- “An affidavit must include a statement which verifies the identity of the deponent and be signed by the person before whom it was sworn or affirmed.”
- (25) In Rule 104(5) the words “sworn or” shall be inserted before the word “affirmed”.
- (26) Rule 105(2) shall be deleted.
- (27) In Rule 106(1) the word “its” shall be deleted and replaced by the words “a certified” and the words “The translator must make and file with the Court an affidavit verifying the translation and exhibiting both the translation and a copy of the foreign language affidavit” shall be deleted.
- (28) In Rule 108(1) the words “sworn or” shall be inserted directly after the words “Affidavits must be used as evidence where”.
- (29) In Rule 108(3) the words “sworn or” shall be inserted directly after the words “If a party believes that”.
- (30) Rule 117 shall be deleted and replaced with the following:

**117. Evidence on a question of foreign law**

- (1) A person who is suitably qualified on account of his knowledge or experience is competent to give expert evidence as to the law of any jurisdiction outside Abu Dhabi Global Market irrespective of whether he has acted or is entitled to act as a legal practitioner there.
- (2) The Court may give directions that questions of foreign law are to be dealt with by legal submissions.
- (3) Where a party intends to put in evidence of a finding on a question of foreign law, that party must give all other parties notice of his intention in accordance with the relevant

practice direction, and the notice must specify the question on which the finding was made and enclose a copy of a document where it is reported or recorded.

- (31) In Rule 122(2) the words “the United Arab Emirates” shall replace the words “ADGM”.
- (32) In Rule 123(3) the words “an inferior court,” shall be deleted and replaced by the word “or”.
- (33) The title of Part 16 shall be amended so that it reads “Part 16 – Evidence for and from other judicial authorities”.
- (34) Rule 130(6) shall be amended so that it reads as follows:
- (6) If the Court makes an order for the issue of a letter of request, the party who sought the order must provide –
- (a) an undertaking to be responsible for any costs or expenses sought by the requested court; and
- (b) an undertaking to be responsible for any costs or expenses of the Court.
- (35) In Rule 131(1) the word “another” shall be deleted and replaced by the word “a”.
- (36) Rule 134 shall be amended to read as follows:

#### **Dealing with deposition**

- (1) The examiner must send the deposition to the Registrar unless the Court orders otherwise.
- (2) The Registrar will issue a letter to the foreign court attaching the following documents –
- (a) the request;
- (b) the foreign assistance order of the Court for examination; and
- (c) the deposition.
- (3) The Registrar will provide a copy of the letter referred to in paragraph (2) to the person who applied for the foreign assistance order.
- (37) Rule 137 shall be amended to read as follows:

#### **Where a person to be examined is outside the jurisdiction but in another Convention State**

- (1) This Rule applies where a party wishes to take a deposition from a person who is outside the jurisdiction but in a Convention State.
- (2) The Court may order the issue of a letter of request –

- (a) in the case of the GCC Convention, to the competent authority; or
  - (b) in the case of the Riyadh Convention, to the competent body (“the requested court”) in the Convention State in which the proposed deponent is; or.
  - (c) to a competent authority outside the jurisdiction but within the United Arab Emirates.
- (3) If the Court makes an order for the issue of a letter of request, the party who sought the order must provide –
- (a) an undertaking to be responsible for any costs or expenses sought by the requested court; and
  - (b) an undertaking to be responsible for any costs or expenses of the Court.

**(38)** Rule 138 shall be amended to read as follows:

**Evidence for courts outside the jurisdiction but in a Convention State**

- (1) This Rule applies where –
- (a) in the case of the GCC Convention, a competent authority;
  - (b) in the case of the Riyadh Convention, a competent body in another Convention State (“the requesting court”); or
  - (c) a competent authority outside the jurisdiction but within the United Arab Emirates, issues a request for evidence to be taken from a person who is in the jurisdiction.
- (2) An application for an order for evidence to be taken under this Rule must be made to the Court of First Instance and must be accompanied by the documents set out in any relevant practice direction.
- (3) An application for an order for evidence to be taken under this Rule may be made without notice.
- (4) Rule 133 applies to an examination under this Rule.
- (5) Rule 134 applies to dealing with the deposition.

**(39)** In Rule 154(2) the words “defendant will be liable for the claimant’s costs in accordance with paragraphs (1) to (4) of Rule 161 if the offer is to be accepted,” shall be deleted and replaced by the words “offer can be accepted, the consequences of the offer being accepted as set out in Rule 161,”.

**(40)** Rule 160(2) shall be deleted and replaced by the following:

“Without the permission of the Court, a claimant may accept a Part 18 offer made by one or more, but not all, defendants only if the offer relates to claims made against only those defendants and no other.”

- (41)** In Rule 173(1) the words “(2), (3) and (4)” shall be deleted.
- (42)** The title of Rule 175 “Representations at trial of companies or other corporations” shall be deleted and replaced by the title “Rights of audience before the Court”.
- (43)** A new Rule 175(a) shall be inserted as follows:  
“A litigant in person who is a natural person shall have a right of audience before the Court.”
- (44)** Rule 175 shall be renumbered as 175(b) and shall be amended so that it reads as follows:  
“Without limiting Section 219(b) of the Regulations, a company or other corporation may be represented at any hearing by an employee if the employee has been authorised by the company or corporation to appear at the hearing on its behalf and the Court gives permission.”
- (45)** The title of Rule 177 “Drawing up judgments and orders” shall be deleted and replaced by the title “Effective date of judgments and orders”.
- (46)** Rule 177(1) shall be deleted and the numbering shall be deleted from current Rule 177(2).
- (47)** Rule 178(1) shall be deleted, Rule 178(2) shall be renumbered 178(1) and Rule 178(3) shall be renumbered 178(2).
- (48)** Renumbered Rule 178(1) shall be amended so that it reads as follows:  
“Once a judgment or order has been sealed, it shall be made available to the parties via the eCourts Platform except where any rule, practice direction or other ADGM enactment or a Court order requires the judgment or order to be served by a different method.”
- (49)** Renumbered Rule 178(2) shall be amended so that it reads as follows:  
“Unless the Court directs otherwise, a default judgment obtained under Rule 39 shall be served by the claimant on all other parties to the proceedings within 14 days of the date that the default judgment was made.”
- (50)** In the title of Rule 179, the words “debt, damages and” shall be inserted directly after “Interest on”. New paragraph numbers (1) and (2) shall be inserted and a new paragraph (2) shall be inserted as follows:  
“When interest is payable on all or any part of a debt or damages pursuant to section 39 of the Regulations, the interest shall be at the rate of interest by reference to section 8 of the Regulations as that section has effect from time to time or by reference to a rate for which any other ADGM enactment provides.”
- (51)** In the title of Rule 182 the words “judgments and” shall be deleted.
- (52)** Rule 182(1) shall be amended so that it reads as follows “The parties may agree the terms in which an order may be made by the Court.”

- (53) Rule 182(2) shall be amended so that it reads as follows “The Court may make, refuse or vary the order sought by the parties.”
- (54) Rules 182(3), 182(4) and 182(5) shall be deleted.
- (55) In Rule 190 the word “business” shall be deleted.
- (56) The title of Rule 192 “Order that a lawyer has ceased to act” shall be deleted and replaced by the words “Withdrawal of lawyer”.
- (57) Rule 192(1) shall be amended so that it reads as follows:  
“A lawyer who ceases to act for a party in any proceedings may file notice of the change and serve the notice on the other parties.”
- (58) Rule 192(2) shall be amended so that it reads as follows:  
“Except by leave of the court, a lawyer may not file or serve notice of the change unless he has filed and served on the client a notice of intention to file and serve the notice of change:  
(a) in the case of proceedings for which a date for trial has been fixed, at least 28 days before doing so, or  
(b) in any other case, at least 7 days before doing so.”
- (59) A new Rule 192(3) shall be inserted as follows:  
“Unless notice of the change is filed with the leave on the Court, a lawyer filing such a notice must include in the notice a statement as to the date on which service of the notice of intention required by section 192(2) was effected.”
- (60) A new Rule 192(4) shall be inserted as follows:  
“Any application for leave of the Court made under this Rule is to be made in accordance with the relevant practice direction.”
- (61) Rule 197(3) shall be deleted.
- (62) In Rule 205 the words “Commercial and” shall be inserted before the words “Civil Division” in paragraphs (1), (2), (5), (6) and (8), the words “or order” shall be inserted after the word “judgment” in paragraphs (1) and (2) and the words “interlocutory” shall be deleted and replaced by the words “case management or interim”.
- (63) Rules 206, 207 and 208 shall be deleted and replaced with the following:
- 206. Appeals from the Court of First Instance (except for the Small Claims Division) to the Court of Appeal – permission to appeal**
- (1) An appellant requires permission to appeal from an order or judgment of a Judge in the Court of First Instance to the Court of Appeal.
- (2) An application for permission to appeal must, in accordance with the relevant practice direction, be made in the form of an application notice and written argument in support, and

- (c) if the application for permission to appeal relates to a case management or interim order, be made to the Court of Appeal within 7 days of the date when the order to be appealed was made;
  - (d) if the application for permission to appeal relates to an order from the Court of First Instance refusing permission to apply for judicial review, be made to the Court of Appeal within 10 days of the date when the order to be appealed was made;
  - (e) in any other case, be made to the Court of First Instance of the Court of Appeal within 21 days after the date when the order or judgment to be appealed was made.
- (3) Where the Court of First Instance refuses an application for permission to appeal under Rule 206(2)(c) a further application for permission to appeal may be made to the Court of Appeal within 7 days of the date of the refusal.
  - (4) There must be filed with the application notice a copy of the order or judgment appealed from and a copy of any order refusing permission to appeal to the Court of Appeal.

#### **207. Objection by respondent to application for permission to appeal**

- (1) A respondent who wishes to object to an application for permission to appeal to the Court of Appeal must, in accordance with the relevant practice direction, file and serve on the applicant and all other parties to the application a written argument in response to the application:
  - (a) if the application for permission to appeal relates to a case management or interim order, within 7 days of the respondent being served with the application notice and written argument in support;
  - (b) if the application for permission to appeal relates to an order from the Court of First Instance refusing permission to apply for judicial review, within 10 days of the respondent being served with the application notice and written argument in support;
  - (c) in any other case, within 21 days of the respondent being served with the application notice and written argument in support.
- (2) A respondent who does not file and serve a written argument in response will not be permitted to participate in the application and will not be given notice of its progress.

#### **208. Determination of application for permission to appeal**

- (1) Applications for permission to appeal, will ordinarily be decided by the Court on the papers without an oral hearing.
- (2) The Court may grant or refuse permission to advance all or any of the grounds of appeal or invite the parties to file written submissions within 14 days as to the grant of permission on terms.
- (3) Where the Court has invited the parties' submissions as to terms, it shall reconsider the application without a hearing and may refuse permission or grant permission, either unconditionally or on terms, to advance all or any of the grounds of appeal.

- (4) Permission to appeal may be given only where the Court considers that the appeal would have a real prospect of success or there is some other compelling reason why the appeal should be heard.
- (5) An order giving permission to appeal may limit the issues to be heard and be made subject to conditions.

**(64)** Rule 209 shall be deleted and replaced with the following:

**209. Appeals before Court of Appeal**

- (1) If permission to appeal is given, the appellant must, in accordance with the relevant practice direction, file and serve a notice of appeal within 7 days of the order granting permission to appeal.
- (2) The appellant must, in accordance with the relevant practice direction, file and serve its written argument in support of the appeal:
  - (a) if the appeal relates to a case management or interim order, at the same time as the appellant files and serves its notice of appeal;
  - (b) if the appeal relates to an order from the Court of First Instance refusing permission to apply for judicial review, within 14 days of filing its notice of appeal;
  - (c) in any other case, within 21 days of filing its notice of appeal.

**209A. Objection by respondent to appeal**

- (1) Other than in respect of an appeal that relates to a case management or interim order, a respondent who wishes to object to an appeal must, in accordance with the relevant practice direction, file and serve an acknowledgment of service on the applicant and all other parties to the appeal within 7 days of being served with the appellant's written argument in support of the appeal.
- (2) A respondent who wishes to object to an appeal must, in accordance with the relevant practice direction, file and serve on the applicant and all other parties to the appeal a written argument in response to the appeal:
  - (a) if the appeal relates to a case management or interim order, within 7 days of the respondent being served with the appellant's written argument in support of the appeal;
  - (b) if the appeal relates to an order from the Court of First Instance refusing permission to apply for judicial review, within 14 days of the respondent being served with the appellant's written argument in support of the appeal;
  - (c) in any other case, within 21 days of the respondent being served with the appellant's written argument in support of the appeal.

**209B. Reply to objection by respondent**

If the respondent has filed and served a written argument in response to the appeal, or if there are two or more respondents and at least one of them has done so, and the time for filing and serving any other written argument or arguments has expired, an

appellant may, in accordance with the relevant practice direction, file and serve a written argument in reply:

- (a) if the appeal relates to a case management or interim order, within 5 days;
- (b) if the appeal relates to an order from the Court of First Instance refusing permission to apply for judicial review, within 7 days;
- (c) in any other case, within 14 days.

#### **209C. Hearing of the appeal**

- (1) Every contested appeal before the Court of Appeal shall be heard in open Court except:
  - (a) where it is necessary in the interests of justice or in the public interest for the Court to sit in private or to conduct the hearing by video link; or
  - (b) where the Court considers that the appeal can be fairly determined on the papers without an oral hearing and, in all the circumstances of the case, it would be appropriate to do so.
- (2) Hearings shall be conducted in accordance with the relevant practice direction.
- (3) The Court may give directions to limit any oral submissions to a specified duration.

**(65)** Rule 212(2) shall be amended so that it reads as follows:

“Any appellant who wishes to obtain a stay of execution of the judgment or order appealed from must:

- (a) seek it from the Court of First Instance where an application for permission to appeal has been filed with that Court and the application has not yet been determined;
- (b) in all other cases, seek it from the Court of Appeal

and only in wholly exceptional circumstances will the Court grant a stay.”

**(66)** Rule 226(1) shall be amended so that it reads as follows:

“The order giving or refusing permission to proceed with the claim for judicial review, any certificate (if not included in the order) that permission has been granted for reasons of exceptional public interest in accordance with section 20(4) of the Regulations and any directions shall be served on the claimant, the defendant and any other person who filed an acknowledgment of service in accordance with Rule 178(1) unless that Court makes an order requiring a different method of service.”

**(67)** In Rule 231(2) the words “Except for a claim made under Section 232,” shall be inserted at the beginning of the paragraph.

**(68)** In the title of Rule 232 the words “Recognition or” shall be inserted before the word “Enforcement”.

**(69)** In Rule 232(1) the words “recognise or” shall be inserted directly after the words “An application under section 56 of the Arbitration Regulations to”.

- (70) In Rule 232(4) the words “or the Emirate” shall be deleted.
- (71) In Rule 232(5) the words “recognise or” shall be inserted directly after “Where the applicant applies to”.
- (72) In Rule 233(1) the words “recognition or” shall be inserted directly after “An application for”.
- (73) In Rule 233(2) the words “recognise or” shall be inserted directly after “sought to” in the third line.
- (74) Rule 234(1) shall be amended so that it reads as follows:  
“An order recognising, or giving permission to enforce, an award must be served on the defendant by the claimant in accordance with Part 4 of these Rules.
- (75) In Rule 235(1) the words “to enforce” shall be deleted and replaced by the words “an order for the recognition or enforcement of”, directly after the words “Where an applicant seeks”.
- (76) In Rule 235(2) the reference to “section 55” shall be replaced with “section 56”.
- (77) In Rule 249(1) the word “court” shall be deleted.
- (78) A new Rule 253(4) shall be inserted as follows:  
  
“The Court may direct that a person who is required to provide information under Rule 253(1) to file and serve an affidavit containing such information no less than 7 days before his attendance is required at Court.”
- (79) In Rule 265(1) the words “upon the application of a judgment creditor,” shall be deleted.
- (80) In Rule 266(4) the words “At the hearing,” shall be deleted and replaced by the words “If it has not already done so, the Court may fix a hearing, at which”.
- (81) In Rule 272(3)(a) the word “on” shall be inserted before the words “that body”.
- (82) In Rules 272(3)(b) and 272(3)(c) the word “on” shall be inserted before the words “the keeper of that register”.
- (83) Rule 272(3)(d) shall be deleted.
- (84) In Rule 293 the words “or by the Chief Justice” in the last line shall be deleted.
- (85) In the title of Part 34 – Reciprocal Recognition and Enforcement of Judgments of Other Jurisdictions, the words “Other Jurisdictions” should be deleted and replaced by the words “Recognised Courts”.
- (86) In Rule 298(3) the words “an affidavit” shall be replaced by the words “written evidence”.
- (87) In Rule 300 the words “Rule 15” shall be replaced by the words “Part 4”.