



ADGM COURTS
محاكم سوق أبوظبي العالمي

**ADGM Courts, Civil Evidence, Judgments, Enforcement and
Judicial Appointments Regulations 2015 - Amendment No 1 of 2020**

ADGM COURTS, CIVIL EVIDENCE, JUDGMENTS, ENFORCEMENT AND JUDICIAL APPOINTMENTS REGULATIONS 2015 - AMENDMENT NO 1 OF 2020

Date of Enactment: 24 June 2020

The Board of Directors of the Abu Dhabi Global Market, in exercise of its powers under Article 6(1) of Law No. 4 of 2013 concerning the Abu Dhabi Global Market, as amended, issued by His Highness the Ruler of the Emirate of Abu Dhabi, hereby enacts the following Regulations –

Amendments to ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015

The ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015 are amended as follows:

- (1) In subsection 3(1)(c) the reference to Article 13(10) shall be deleted and replaced by the Article 13(12).
- (2) In section 7(4) the words “as the context requires” shall be inserted at the end of the sentence.
- (3) In subsection 12(2)(b) the reference to Article 13(8) shall be deleted and replaced by the reference to Article 13(10), and the reference to Article 13(9) shall be deleted and replaced by the reference to Article 13(11).
- (4) In section 15(a) the words “Commercial and” shall be inserted before “Civil Division of the Court of First Instance”.
- (5) In subsection 16(2)(a) the reference to paragraphs (6) and (7) of Article 13 of the ADGM Founding Law shall be deleted and replaced by the reference to Articles 13(7) and (8) of the ADGM Founding Law.
- (6) In sections 25(1) and 25(3) the words “Commercial and” shall be inserted before the words “Civil Division of the Court of First Instance”.
- (7) In section 33(3) the reference to Article 13(5) shall be deleted and replaced by the reference to Article 13(6).
- (8) In the title of section 40, the word “Subpoena” shall be deleted and replaced by the words “Witness summons”.
- (9) In section 40(2) the words “as a witness summons” shall be inserted before the words “commanding the witness to attend the trial wherever he shall be within the Emirate; and the service of any such” and directly after those words, the word “writ” shall be deleted and replaced by the words “witness summons” and the word “with” in the final line should be replaced by the word “within”.
- (10) Section 40(3) shall be deleted.

- (11) Section 40(4) shall be renumbered 40(3) and section 40(5) shall be renumbered 40(4).
- (12) In renumbered section 40(3), the three instances of the word “writ” shall be deleted and replaced by the words “witness summons” and the words “transmit a certificate of the default under the seal of the Court to” shall be deleted and replaced by the word “notify”.
- (13) In renumbered subsection 40(4)(a) the word “commission” in the first line shall be deleted and replaced by the words “letter of request” and the word “commission” in the last line shall be deleted and replaced by the word “request”.
- (14) A new section 49(8) shall be inserted as follows:
- “(8) Where the Court exercises a power under subsection (6) in relation to costs incurred by a party, it may inform any approved regulator as it considers appropriate.”
- (15) Former section 49(8) shall be renumbered 49(9) and shall be amended to read as follows:
- “(9) In this section:
- (a) “legal or other representative”, in relation to a party to proceedings, means any person exercising a right of audience or right to conduct litigation on his behalf; and
- (b) “approved regulator” means a body authorised to regulate the admission, licensing and conduct of lawyers in a particular jurisdiction.”
- (16) A new section 50(4) shall be inserted as follows:
- “(4) Rules made under subsection (1) may in particular distinguish between classes of case by reference to –
- (a) the description of future pecuniary loss involved;
- (b) the length of the period during which the future pecuniary loss is expected to occur; and
- (c) the time when future pecuniary loss is expected to occur.”
- (17) In section 98(1) the words “or any other ADGM enactment,” shall be inserted after “and (3)”.
- (18) Sections 121(a) and 121(b) shall be deleted.
- (19) In section 197(1) the reference to Article 13(2) shall be deleted and replaced by the reference to Article 13(3).
- (20) A new subsection 219(1)(b) shall be inserted as follows:
- “where a person has not been practising or employed as a lawyer for a continuous period of at least 5 years immediately prior to appearing before the Court, he may seek leave to have a right of audience before the Courts; save that”.
- (21) In renumbered subsection 219(1)(c) the words “Small Claims Division” shall be replaced by the words “Small Claims and Employment Divisions”.

- (22) In section 222, all occurrences of the word “Board” shall be replaced by the words “Chief Justice”.
- (23) In section 223(1), the word “Board” shall be replaced by the word “Chief Justice”.
- (24) Section 223(3) shall be deleted.
- (25) In subsection 224(3)(b), the word “Board” shall be replaced by the words “Chief Justice”.
- (26) In section 224(4), the word “is” shall be replaced by the word “are” and the word “Board” shall be replaced by the words “Chief Justice”.
- (27) Section 224(5) shall be deleted.
- (28) In subsection 225(3)(a) the words “, or a person” shall be deleted.
- (29) In section 225(6) the word “only” shall be deleted.
- (30) In section 227(1) – Interpretation, in the definition of “ADGM Founding Law”, 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,”.
- (31) In section 227(1) – Interpretation, in the definition of “Chief Justice”, the reference to Article 13(2) shall be replaced by the reference to Article 13(3).
- (32) In section 227(1) – Interpretation, a new definition of “person” shall be inserted as follows:
““person” means any natural or legal person as the context requires;”
- (33) In Schedule 1 – Part 2, sub-paragraph 16(1) shall be deleted.
- (34) In Schedule 1 – Part 2, sub-paragraphs 16(2) through 16(9) shall be renumbered 16(1) through 16(8) and all cross references to the renumbered sub-paragraphs shall be updated accordingly.
- (35) In the renumbered Schedule 1 – Part 2, sub-paragraph 16(4)(e) the words “neither sub-paragraph (1) nor sub-paragraph (3) applies” shall be deleted and replaced by the words “sub-paragraph (2) does not apply.”