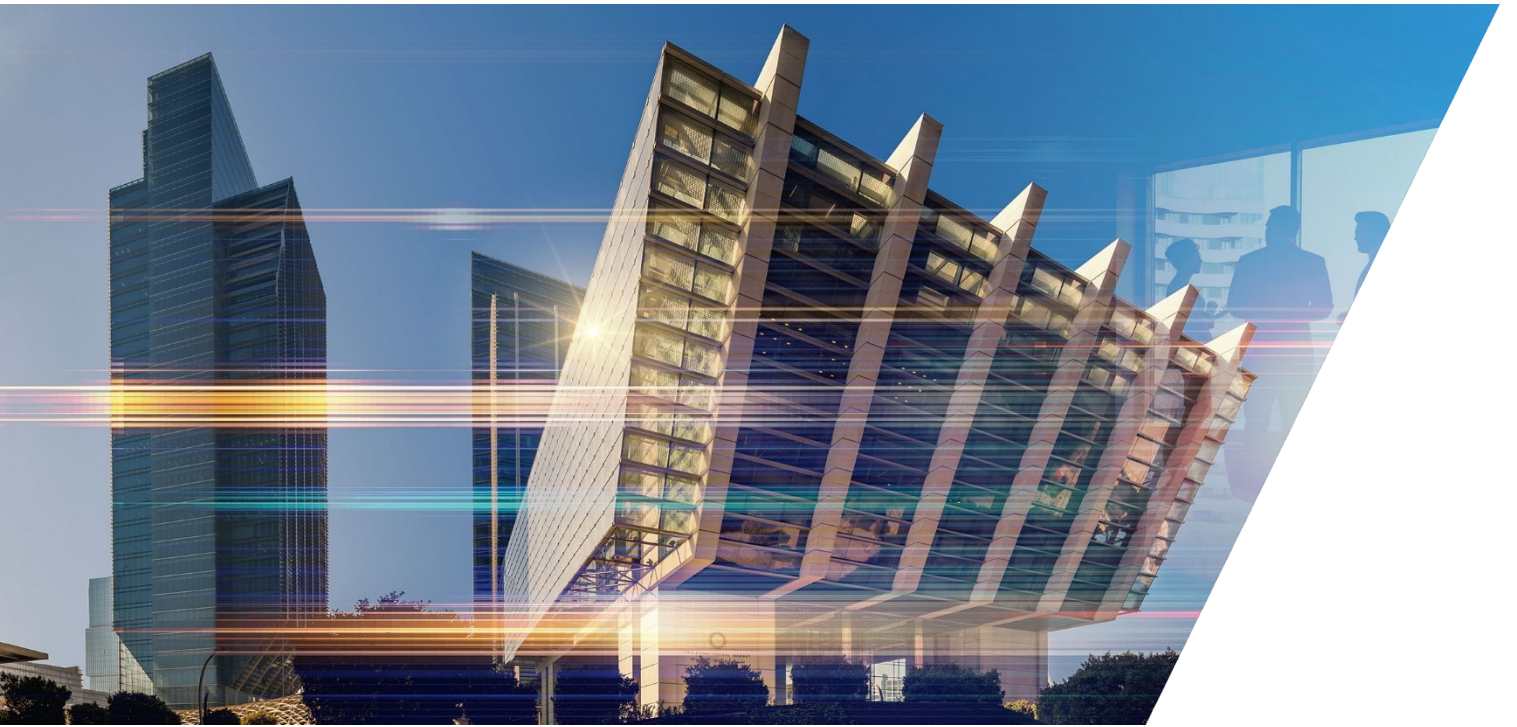




ADGM COURTS
محاكم سوق أبوظبي العالمي



ADGM COURTS
PRACTICE DIRECTION 1
GENERAL

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PRACTICE DIRECTION 1
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Date re-issued: 1 September 2021

This Practice Direction is to be read with, and subject to, the ADGM Court Procedure Rules 2016 (“CPR”). Any reference to a Rule in this Practice Direction is a reference to the CPR. Except as provided otherwise in this Practice Direction, terms have the meanings set out in those Rules.

Unless the Court orders otherwise, the following provisions shall apply.

A. REGISTRY

- 1.1 ADGM Courts’ Registry is located in the ADGM Authorities Building, Al Maryah Island, Abu Dhabi.
- 1.2 Documents cannot be filed in person at the Registry unless the Court has made an order requiring or permitting a party to do so or the Registrar is satisfied that the party seeking to file the document is unable to access the eCourts Platform.
- 1.3 Registry staff can explain and answer questions of an administrative or procedural nature, such as the correct form to use or the listing dates of parties’ cases. Parties or their representatives are strongly encouraged to send any enquiries to the Registry via email to enquiry@adgmcourts.com.
- 1.4 Registry staff cannot provide legal advice about any claim or assist any party to complete a form.

B. FORMS

- 1.5 Prescribed forms are published on ADGM Courts’ website. All documents filed with ADGM Courts must comply with the requirements of the relevant prescribed form, including font size, margins and pagination. Failure to adhere to the requirements of the prescribed form may lead to the rejection of a document for filing.

C. FEES

Remission or deferral of fees [r.10]

- 1.6 Where a party applies for full or part remission, or deferral of payment, of any court fees:
 - (a) that party must set out in the relevant application form a statement of the grounds on which that party seeks full or part remission, or deferral of payment, of the court fees;
 - (b) a person appointed by the Registrar to decide on a party’s application for remission or deferral of court fees shall decide without any hearing whether to grant that party’s application;
 - (c) if a party wishes to dispute a decision on any such application, the party may apply to have the decision reviewed by the Registrar;

- (d) the Registrar's decision on review shall be final and not subject to further administrative review; and
- (e) ordinarily, an application for remission or deferral of court fees will not be granted post judgment at the enforcement stage.

D. ELECTRONIC SERVICES

- 1.7 To ensure accessibility, efficiency and fairness for all parties, ADGM Courts' operations and services are fully digitised.
- 1.8 Parties may submit documents for filing by the Court at any time and on any day of the year, which will be date stamped and sealed upon review by the Registrar, subject to payment of any applicable court fees.
- 1.9 Parties must file all documents, including any applications made without notice, using the ADGM Courts' electronic filing and case management systems, known as the "eCourts Platform", in accordance with the requirements set out in this Practice Direction.

E. ELECTRONIC FILING

Definitions

- 1.10 In this section:
 - (a) the "eCourts Platform" means the ADGM Courts electronic filing and case management systems;
 - (b) "coversheet" means the page that is generated by the eCourts Platform and attached as a first page to a document filed in the Court that includes: details of the date and time of filing of the document; the parties to the case; the seal of the Court; a Court officer's signature; the case number; and, if applicable, the listing of the case;
 - (c) "document" means a document submitted for filing in the Court and includes any attachment that forms part of or accompanies that document;
 - (d) "registered user" means a person or an organisation who has registered as a user of the eCourts Platform; and
 - (e) "upload", in relation to a document, means to transfer an electronic version of the document from a computer or other device to the eCourts Platform.

Registration of users

- 1.11 Any person or organisation may apply to be a registered user of the eCourts Platform by completing and submitting the online application form and agreeing to comply with the terms and conditions published on that platform.
- 1.12 A person or organisation must be registered to file a document with the Court. A person or an organisation can apply for registration at www.adgmcourts.com.

Requirements for electronic filing of uploaded documents

- 1.13 A true and complete copy of each document must be uploaded in a format that is permitted by the eCourts Platform.
- 1.14 The eCourts Platform has the capability to “parse” (read or copy) the content of certain sections of documents that have been converted from a Word version of any document to a PDF version (but not a scanned PDF). Accordingly, the PDF version of a form is the preferred format of the eCourts Platform for those documents that are appropriate to be in that format. For example, a claim form filed by a lawyer representing the claimant who is also verifying the claim should adopt that format. Conversely, a witness statement will need to be uploaded in the format of a PDF scan to ensure that the witness’ signature appears on the statement (unless an electronic signature is used by the witness).
- 1.15 Each document uploaded must be accurately described, as required by the eCourts Platform. For example, if the document is an affidavit, the description of the document must include the name of the deponent and the date that the affidavit was sworn or affirmed.
- 1.16 If a document that is required to be signed is uploaded in the format of a scanned PDF, the document must include a clear, legible copy of the signature of the person who signed the document. All scanned PDF documents uploaded to the eCourts Platform should be OCR (Optical Character Recognition) readable.
- 1.17 If an affidavit or witness statement is uploaded, it must include:
- (a) a clear, legible copy of the signature of the deponent of the affidavit or person making the statement; and
 - (b) if the document is required to be witnessed, a clear, legible copy of the signature of the witness.
- 1.18 Where any rule or practice direction requires a document to be signed, that requirement shall be satisfied if the signature is electronic.
- 1.19 A party who has filed a document via the eCourts Platform is taken to have agreed that, if the Court so requires, they will file the original document in accordance with the Court’s directions.
- 1.20 Without limiting any other provision at law, the original signed copy of a document that has been filed via the eCourts Platform must be kept until the later of:
- (a) 2 years from after the date the proceedings in which the document was filed are determined by judgment, order or discontinuance; or
 - (b) if the proceedings in which the document was filed is appealed, 2 years after the date that appeal is determined by judgment, order or discontinuance.

Acceptance of electronically filed documents

- 1.21 Subject to paragraphs 1.8 and 1.22, a document is taken to have been filed when the eCourts Platform attaches a coversheet to the document and places it on the court file for the case. For the avoidance of doubt, the coversheet is taken to be part of the document.
- 1.22 Despite a document being accepted by the Court by the attachment of a coversheet and its placement on the court file, the document may subsequently be rejected by the Court if the document fails to comply with any requirements of the prescribed form or the rules in relation to such a document, or by direction or order of the Court.

F. SERVICE OF DOCUMENTS [Part 4]

- 1.23 Except as provided for under Rule 310(1) (small claims) and Rule 316(1) (employment claims), it is the responsibility of the claimant to serve the claim form on all other parties to the proceedings. Subject to Rule 15(1), a claim form may be served by any method provided for under Rule 15(3).
- 1.24 In relation to all other documents, 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 Part 4 as if the document were a claim form.
- 1.25 Part 4 of the CPR (along with Practice Directions 2, 3, 4 and 6) provides for how and where to serve a claim form.
- 1.26 Practice Direction 5 – Particular Claims, includes provisions that require some documents to be served personally.
- 1.27 A party may prove service of a document by filing a certificate of service in accordance with **Form CFI 31**. Any supporting document which demonstrates that service was effected must be attached to the certificate of service.

G. ACCESS TO COURT RECORDS

- 1.28 For the purpose of Rule 14(1):
- (a) where a party to proceedings has not previously appeared in the proceedings, that party may obtain a copy of any document filed by another party in the proceedings through the eCourts Platform by filing a Notice of Appearance in accordance with **Form CFI 23**; and
 - (b) where a party to proceedings wishes to obtain a copy of any written communication between the Court and another party in the proceedings, that party may submit a request for a copy of the written communication sought with reasons for the request to the Registry at registry@adgmcourts.com
- 1.29 For the purpose of Rule 14(2), non-parties seeking to obtain access to court records are to do so by way of application in accordance with **Form CFI 35**. Any application for access to courts records must state the reasons for the application. Completed forms must be sent by email to the Registry at registry@adgmcourts.com

H. LAWYERS

- 1.30 In the Rules, and in practice directions, “lawyer” has the meaning given to it in the Regulations.

- 1.31 Sections 219 and 220 of the Regulations provides for when a lawyer has the right of audience before the Court and when a lawyer has the right to conduct litigation in relation to proceedings in the Court.

Ceasing to act [r.192 and r.193]

- 1.32 A lawyer who seeks leave of the Court for the purpose of Rule 192:
- (a) must apply to the Court in writing using **Form CFI 36**;
 - (b) must serve that application on the party for whom the lawyer is acting; and
 - (c) if the order is made, must serve the order on the party for whom the lawyer was acting.
- 1.33 A party who seeks an order declaring that a lawyer who has acted for another party in a proceeding has ceased to be the lawyer acting for that other party (whether because the lawyer has died, has become bankrupt, has ceased to practice or cannot be found):
- (a) must apply to the Court in writing using **Form CFI 36**;
 - (b) must serve that application on the party for whom the lawyer was acting; and
 - (c) if the order is made, must serve the order on the party for whom the lawyer was acting.
- 1.34 For the purpose of Rule 192(2):
- (a) a notice of intention of ceasing to act shall be in accordance with **Form CFI 42**; and
 - (b) a notice of ceasing to act shall be in accordance with **Form CFI 43**.

I. REMOTE HEARINGS

- 1.35 Remote hearings, whether fully or in part, shall be conducted in accordance with the ADGM Courts Protocol for Remote Hearings (“the Protocol”), save that the Court may at any time vary any of the provisions of the Protocol as it considers appropriate.
- 1.36 The Protocol is available on the ADGM Courts’ website at www.adgmcourts.com.

J. TIME

- 1.37 Rule 6(1) provides that a period of time expressed as a number of days shall be computed as clear days. So, in computing the number of days, the day on which the period begins and, if the end of the period is defined by reference to an event, the day on which the event occurs is not included.

Examples

- (a) Notice of an application must be served at least 3 days before the hearing.

An application is to be heard on Thursday 21 October.

The last day for service is Sunday 17 October.

(b) The defence to a small claim must be filed within 7 days of the claim form.

The claim form is served on Monday 4 October.

The last day for filing of the defence is Monday 11 October.

1.38 Rule 6(2) provides that where the specified period is 5 days or less and includes a Friday, Saturday or a public holiday, that day does not count.

Example

(c) Notice of an application must be served at least 3 days before the hearing.

An application is to be heard on Monday 25 October.

The last day for service is Wednesday 19 October.

K. EXCHANGE RATE CONVERSION

1.39 Any exchange rate conversion between US Dollars and UAE Dirham shall be at the exchange rate of US\$1: AED 3.6725, or as otherwise determined by the Court.