



ADGM COURTS
محاكم سوق أبوظبي العالمي

ADGM Court Procedure Rules Amendment No 1 of 2023



ADGM COURT PROCEDURE RULES AMENDMENT NO 1 OF 2023

Date of Enactment: 30 November 2023

The Chief Justice of the ADGM Courts, having power under section 187 of the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015 to make court procedure rules, makes the following Rules –

Amendments to ADGM Court Procedure Rules 2016

The ADGM Court Procedure Rules are amended as follows:

- (1) In Rule 2(1) following the words “practice direction or” the word “other” shall be deleted.
- (2) In Rule 3(1) a new sub-Rule shall be inserted as follows:
 - “(v) “Global Market Authority” is to be interpreted having regard to the definition of ‘Global Market Authorities’ as set out in section 25(2) of the Regulations (as defined below).”,and the subsequent paragraphs shall be renumbered accordingly.
- (3) In Rule 8(6) following the words “where a rule”, “,” shall be inserted and immediately thereafter the words “or relevant” shall be deleted, and following the words “practice direction or” the words “some other” shall be deleted.
- (4) In Rule 14(2):
 - (a) the word “and” shall be deleted at the end of paragraph (a);
 - (b) paragraph (b) shall be amended to read as follows: “a judgment or order given or made in relation to proceedings held in public (whether or not made at a hearing); and”; and
 - (c) a new paragraph (c) shall be inserted as follows: “a transcript of any hearing (including any case management conference) held in public”.
- (5) In Rule 15(1) following the word “practice direction”, “,” shall be inserted and immediately thereafter the words “or other” shall be deleted.
- (6) Rule 15(2) shall be amended to read as follows:
 - “(2) The registry will serve the claim form on the defendant by any method permitted under Part 4 of these Rules, unless:
 - (a) a defendant is to be served outside the United Arab Emirates, in which case the claim form must be served on the defendant by the claimant; or
 - (b) otherwise directed by the Court.”
- (7) Rule 16(3) shall be amended to read as follows:

“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 a follow up email, mobile text message (SMS), or WhatsApp

or like messaging is sent by the person effecting service to the individual informing them of the arrangements that have been made to serve the document, unless such contact details are not available in which case this paragraph shall not apply.”

- (8) Rule 16(5) shall be amended to read as follows:

“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 a follow up email, mobile text message (SMS), or WhatsApp or like messaging is sent by the person effecting service to the individual informing them of the arrangements that have been made to serve the document, unless such contact details are not available in which case this paragraph shall not apply.”

- (9) In Rule 16(6), after the words “residence or workplace” the words “in order for service to be” shall be inserted, and immediately thereafter the words “and to” shall be deleted, the word “effect” shall be amended to “effected” and after the word “effected” the word “service” shall be deleted.

- (10) In Rule 21 a new sub-Rule (1) shall be inserted as follows:

“(1) This Rule applies where the claim form has not been served on a defendant by the registry in accordance with Rule 15(2).”,

and the subsequent paragraphs shall be renumbered accordingly.

- (11) In Rule 24(1), the words “(1) The claimant” shall be replaced with “(1) A claim form”, and following the words “this Part,” the words “serve the claim form” shall be replaced with the words “be served”.

- (12) In Rule 24(2), the words “(1) The claimant” shall be replaced with “(1) A claim form”, and the words “serve the claim form” shall be replaced with the words “be served”.

- (13) In Rule 24(2)(b), following the words “wishes to serve the claim form” the words “, or have the claim form served,” shall be inserted.

- (14) In Rule 24(4), the words “(4) The claimant may serve the” shall be replaced with the words “(4) A”, and following the words “claim form” the words “may be served” shall be inserted.

- (15) In the heading to Rule 25, the words “Notice of” shall be deleted and the word “statement” shall be replaced with “Statement”.

- (16) Rule 25(1) shall be deleted and the subsequent paragraphs shall be renumbered accordingly.

- (17) Rule 25(2) shall be renumbered 25(1) and shall be amended to read as follows:

“Where the claimant requires to serve the claim form on a person under Rule 24, the claimant must include in the claim form a statement of grounds on which the claimant is entitled to serve the claim form out of the jurisdiction in accordance with the relevant practice direction.”

- (18) Rule 25(3) shall be renumbered 25(2) and shall be amended to read as follows:

“The statement of grounds referred to in paragraph (1) need only be included in the claim form, and the claimant may serve any other documents in the proceedings out of the jurisdiction without such a statement.”

- (19) In Rule 32(1) the words “, in accordance with the relevant practice direction,” shall be inserted after the words “The claimant who seeks to use the Rule 30 procedure must file”, and immediately thereafter the word “any” shall be replaced with the word “the”.

- (20) In Rule 35(2) the word “receives” shall be replaced with the words “is served with”.

- (21) Rule 36(1) shall be divided into new sub-Rules after the words “This Rule does not apply to” and shall be amended accordingly to read as follows:
- “(a) a claim form filed in the Small Claims Division to which Part 37 applies or to a claim form filed in the Employment Division to which Part 38 applies; or
 - (b) a counterclaim where Rule 15(3)(f) applies.”
- (22) In Rule 64(1) following the words “Unless a rule” “,” shall be inserted and the word “or” shall be deleted, and after the words “practice direction” the words “or ADGM enactment” shall be inserted.
- (23) In Rule 64(4) following the words “unless the Court orders otherwise” the words “or a rule, practice direction or ADGM enactment permits otherwise” shall be inserted.
- (24) Rule 64(5)(b) shall be amended to read as follows:
- “(b) except where another time limit is specified in these Rules, a practice direction or ADGM enactment, and where the Court previously has set a hearing date for the application, at least 3 days before the hearing.”
- (25) In Rule 64(6) following the words “practice direction” the words “or ADGM enactment” shall be inserted.
- (26) In Rule 71(1)(h) following the words “(h) an order (referred to as a “search order”)” the word “made” shall be inserted, and following the words “under section 79 of the Regulations” the words “or under any other ADGM enactment” shall be inserted.
- (27) In Rule 72(3) the words “Subject to paragraphs (6) and (7)” shall replace the words “Subject to paragraph (7)”.
- (28) Rule 72(6) shall be divided into sub-Rules after the words “where the application is made” and shall be amended accordingly to read as follows:
- “(a) under section 36 of the Regulations; or
 - (b) in connection with, or to support, a power granted to a Global Market Authority under an ADGM enactment.”
- (29) In Rule 72(7) following the words “(7) Where a party wishes to apply for an interim remedy” the words “but:” shall be inserted and thereafter Rule 72(7) shall be divided into sub-Rules and shall be amended accordingly to read as follows:
- “(a) the remedy is sought in relation to proceedings which are taking place, will take place, or have taken place outside the jurisdiction;
 - (b) the application is made under section 36 of the Regulations before a claim has been commenced; or
 - (c) the application is made in connection with, or to support, a power granted to a Global Market Authority under an ADGM enactment,
- the application must be made in accordance with the relevant practice direction.”
- (30) In Rule 86(5) the word “possession” shall be replaced with the word “control”.
- (31) In Rule 88(2) following the words “dispose fairly of the claim” the words “or to save costs.” shall be inserted.

- (32) In Rule 95(1) following the words “practice direction or any” the word “other” shall be deleted.
- (33) In Rule 104(1) before the words “practice direction or” the word “a” shall be deleted, and following the words “practice direction or” the words “any other” shall be deleted.
- (34) In Rule 108(1) before the words “a rule, practice direction or” the word “or” shall be deleted, and following the words “a rule, practice direction or” the word “other” shall be deleted.
- (35) In the heading to Rule 109 following the words “Notice to admit facts” the words “or part of the case” shall be inserted.
- (36) In Rule 109(2) following the words “A notice to admit facts” the words “or part of the case” shall be inserted.
- (37) A new Rule 109(3) shall be inserted as follows:
 - “(3) A notice to admit facts or part of the case, and any corresponding admission of facts or part of the case, must be made in accordance with the relevant practice direction.”,
 and the subsequent paragraphs shall be renumbering accordingly.
- (38) In Rule 110(1) the words “Rule 109” shall be replaced with “Part 13 (disclosure and inspection of documents”.
- (39) In Rule 178(1) following the words “practice direction” the words “or other” shall be deleted.
- (40) A new Rule 217(3) shall be inserted as follows:
 - “(3) A claim for judicial review in relation to a decision by the Board, including an ADGM enactment, may only be made on the ground that the Board has acted outside the powers granted to it under the ADGM Founding Law.”
- (41) In Rule 230A paragraph (1) shall be deleted and the subsequent paragraphs shall be numbered accordingly.
- (42) In Rule 246(2) before the words “practice direction or” the words “a relevant” shall be deleted and following the words “practice direction or” the word “an” shall be deleted.
- (43) In Rule 287(5) following the words “relevant practice direction or” the word “other” shall be deleted.
- (44) Rule 310(1) shall be divided into sub-Rules after the words “part 4 of these Rules, unless” and shall be amended to read as follows:
 - “(a) a defendant is to be served outside the United Arab Emirates, in which case the claim form must be served on the defendant by the claimant; or
 - (b) otherwise directed by the Court.”
- (45) Rule 310(2) shall be amended to read as follows:
 - “Unless otherwise stated in Part 4 of these Rules or directed by the Court, the provisions of Part 4 apply to service of a claim form filed in the Small Claims Division.”
- (46) Rule 316(1) shall be divided into sub-Rules after the words “part 4 of these Rules, unless” and shall be amended to read as follows:

“(a) a defendant is to be served outside the United Arab Emirates, in which case the claim form must be served on the defendant by the claimant; or

(b) otherwise directed by the Court.”

(47) Rule 316(2) shall be amended to read as follows:

“Unless otherwise stated in Part 4 of these Rules or directed by the Court, the provisions of Part 4 apply to service of a claim form filed in the Employment Division.”

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