



ADGM EXPANSION TO AL REEM ISLAND

DISPUTE RESOLUTION FAQs

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ADGM EXPANSION TO AL REEM ISLAND - DISPUTE RESOLUTION FAQs

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JURISDICTION

1. What is the source of ADGM Courts jurisdiction?

ADGM Courts jurisdiction is found in Articles 13(7) and (8) of Abu Dhabi Law No. 12 of 2020.

Article 13(7) provides that ADGM Courts has exclusive jurisdiction to consider and decide on:

- Civil or commercial claims and disputes involving ADGM, an ADGM authority or an ADGM licensed entity.
- Civil or commercial claims and disputes arising out of:
 - a contract entered into, executed or performed in whole or in part in ADGM;
 - a transaction entered into or performed in whole or in part in ADGM; or
 - an incident that occurred in whole or in part in ADGM.

Article 13(8) provides that parties with no connection to ADGM may agree in writing to refer their civil or commercial claims and disputes to ADGM Courts.

2. What is Cabinet Resolution No. 41 of 2023 and what impact does it have on ADGM Courts jurisdiction?

Cabinet Resolution No. 41 of 2023 expanded the geographical territory of ADGM to include Al Reem Island with immediate effect from 24 April 2023.

This means ADGM Courts now has exclusive jurisdiction to consider and decide on the matters set out in Article 13(7) of Abu Dhabi Law No. 12 of 2020 (see question 1 above) in relation to both Al Maryah and Al Reem Islands.

3. Can parties agree to refer their claim or dispute to arbitration or to another court for determination?

Yes. In accordance with Article 13(9) of Abu Dhabi Law No. 12 of 2020, parties may agree to refer their claims or disputes to arbitration or may agree to refer their civil or commercial claims and disputes to the jurisdiction of any other court other than ADGM Courts.

4. I am involved in a dispute and want to file a claim. Which Court do I file my claim with?

If you have a dispute, you should refer to the jurisdiction clause in your contract in relation to the place for filing any claim. For example:

- If you have a dispute with your employer, you should refer to your employment contract; or
- If you have a dispute with your landlord, you should refer to your tenancy contract.

If you have done this and are still unsure where to file your claim, you should consult with a lawyer.

5. The jurisdiction clause in my contract refers to the “Courts of Abu Dhabi”. Does this include ADGM Courts?

In *NMC Healthcare Ltd and Associated Companies* [2022] ADGMCFI 0003 (04 April 2022), it was held that “*the expression “the Courts of Abu Dhabi” include the Courts of ADGM, which are Courts of the Emirate*”.

6. I do not have a jurisdiction clause in my contract, or I do not have a contract, but my claim has a connection to Al Reem Island. Should I file my claim with ADGM Courts?

In this situation, you should refer to Article 13(7) of *Abu Dhabi Law No. 12 of 2020* which provides that ADGM Courts has exclusive jurisdiction in relation to civil or commercial claims and disputes that relate to:

- ADGM, an ADGM authority or an ADGM licensed entity;
- a contract entered into, executed or performed in whole or in part in ADGM;
- a transaction entered into or performed in whole or in part in ADGM; or
- an incident that occurred in whole or in part in ADGM.

7. The circumstances giving rise to my claim occurred before Cabinet Resolution No. 41 of 2023 came into effect. Should I still file my claim with ADGM Courts?

Cabinet Resolution No. 41 of 2023 does not contain any transitional provisions. You should refer to Article 13(7) of *Abu Dhabi Law No. 12 of 2020* which provides that ADGM Courts has exclusive jurisdiction in relation to civil or commercial claims and disputes that relate to:

- ADGM, an ADGM authority or an ADGM licensed entity;
- a contract entered into, executed or performed in whole or in part in ADGM;
- a transaction entered into or performed in whole or in part in ADGM; or
- an incident that occurred in whole or in part in ADGM.

You may also wish to note that Abu Dhabi Judicial Department has declined to accept jurisdiction in certain cases involving Al Reem parties that have come before it since Cabinet Resolution No. 41 of 2023 came into effect, irrespective of when the cause of action arose.

EMPLOYMENT DISPUTES

8. I am employed on Al Reem Island. If I want to file a claim against my employer, which Court do I file my claim with?

You should refer to your employment contract to see if there is any jurisdiction clause that applies. If your employment contract is registered with the Ministry of Human Resources & Emiratization (MoHRE), the dispute resolution provisions contained in Federal Decree Law No. 33 of 2021 will apply which requires any individual employment dispute to be submitted to MoHRE.

If there is no jurisdiction clause in your employment contract, or if your employment contract is not registered with MoHRE, you should refer to Article 13(7) of Abu Dhabi Law No. 12 of 2020 which provides that ADGM Courts has exclusive jurisdiction in relation to civil or commercial claims and disputes that relate to:

- ADGM, an ADGM authority or an ADGM licensed entity;
- a contract entered into, executed or performed in whole or in part in ADGM;
- a transaction entered into or performed in whole or in part in ADGM; or
- an incident that occurred in whole or in part in ADGM.

If you are still unsure where to bring your claim, you should consult with a lawyer

TENANCY DISPUTES

9. I am a tenant on Al Reem Island. If I want to file a claim against my landlord, which Court do I file my claim with?

You should refer to your tenancy contract to see if there is any jurisdiction clause that applies. If your tenancy contract is registered with the Department of Municipalities and Transport (DMT), any tenancy claim should be referred to the Rental Dispute Settlement Committee in Abu Dhabi.

If there is no jurisdiction clause in your tenancy contract, or if your tenancy contract is not registered with DMT, you should refer to Article 13(7) of Abu Dhabi Law No. 12 of 2020 which provides that ADGM Courts has exclusive jurisdiction if the claim or dispute relates to:

- ADGM, an ADGM authority or an ADGM licensed entity;
- a contract entered into, executed or performed in whole or in part in ADGM;
- a transaction entered into or performed in whole or in part in ADGM; or
- an incident that occurred in whole or in part in ADGM.

If you are still unsure where to bring your claim, you should consult with a lawyer.

MORTGAGE DISPUTES

10. Does ADGM Courts have jurisdiction over cases related to the sale of mortgaged properties on Al Reem Island that are registered with the Abu Dhabi Municipality?

You should refer to your mortgage contract to see if there is any jurisdiction clause that applies. If you have done so and you are still unsure where to bring your claim, you should consult with a lawyer.

If there is no jurisdiction clause in your mortgage contract, you should refer to Article 13(7) of Abu Dhabi Law No. 12 of 2020 which provides that ADGM Courts has exclusive jurisdiction if the claim or dispute relates to:

- ADGM, an ADGM authority or an ADGM licensed entity;
- a contract entered into, executed or performed in whole or in part in ADGM;
- a transaction entered into or performed in whole or in part in ADGM; or
- an incident that occurred in whole or in part in ADGM.

LEGAL ASSISTANCE

11. I need some legal advice in relation to my dispute but cannot afford to pay for this. What can I do?

If you cannot afford legal advice, you may be eligible to receive pro bono legal assistance (i.e., at no cost) from the ADGM Courts Pro Bono Scheme.

The Scheme provides legal assistance to individuals with limited financial means at no cost to help them understand their rights and obligations in regard to a dispute or any other legal issue that falls within the jurisdiction of ADGM Courts. Pro bono legal assistance is provided by legal volunteers who provide their time and expertise to assist such individuals.

ADGM Courts Pro Bono Scheme Guidelines set out the criteria for eligibility to receive pro bono legal assistance and how to apply for such assistance. The Guidelines can be found [here](#).

If you wish to apply for pro bono legal assistance, you must complete and sign the Application for Pro Bono Legal Assistance [here](#) and submit it via the ADGM eCourts Platform at www.adgmcourts.com. A guide for how to submit the application on the eCourts Platform is available [here](#).

If you encounter any difficulties with the application process, please contact probono@adgmcourts.com and a representative from the Scheme will assist you with the application process.

COMMENCING A CASE WITH ADGM COURTS

12. I want to file a claim with ADGM Courts. How do I do this?

ADGM Courts is fully digital. You must first register on the ADGM eCourts Platform here: www.adgmcourts.com. There is no fee to register. A guide for registration is available [here](#). If you encounter any difficulties with the registration process, please contact registry@adgmcourts.com and a representative from the Court Registry will assist you.

13. I have registered on the eCourts Platform. What do I do next to commence my case?

You should start your case in the:

- Small Claims Division if the value of your claim is USD 100,000 or less and it does not relate to an employment matter. To start your case, you must complete the claim form using [Form CFI 2](#).
- Employment Division if your claim is made under the [ADGM Employment Regulations 2019](#) or if it relates to any other employment matter that falls within the jurisdiction of the Court. To start your case, you must complete the claim form using [Form CFI 3](#).
- Commercial and Civil Division if the value of your claim exceeds USD 100,000 and it does not relate to an employment matter. To start your case, you must complete the claim form using [Form CFI 1](#) (or [Form CFI 6](#) if your claim is unlikely to involve a substantial dispute of fact).

14. Where do I find the Court forms and what guidance is available for completing a claim form?

The Court's forms can be found [here](#). Before commencing your case, you should refer to:

- [Practice Direction 3](#) for claims in the Small Claims Division;
- [Practice Direction 4](#) for employment claims; or
- [Practice Direction 2](#) for claims in the Commercial and Civil Division.

The Court Registry cannot provide legal advice or assist a party with completing a form. If you require any assistance with completing the claim form you should consult with a lawyer. If you cannot afford a lawyer, please see question 11 above.

15. Where do I file my claim and do I need to pay any fee?

All claims must be submitted for filing on the ADGM eCourts Platform. A guide for filing a claim on the eCourts Platform is available [here](#). If you encounter any difficulties, please contact registry@adgmcourts.com and a representative from the Court Registry will assist you.

When you submit your claim, you will be required to pay a filing fee. The ADGM Courts Schedule of Fees can be found [here](#). If you cannot afford to pay the filing fee, you can apply for a waiver or

deferral of payment. The Court Registry will decide whether to waive or defer payment of the filing fee.

The 'Guidelines on Remission and Deferral of Court Fees' and the application form can be found [here](#). Completed application forms should be sent to the Court Registry at registry@adgmcourts.com.

MEDIATION

16. Is there any way to resolve my dispute without filing a claim with the Court?

ADGM Courts provides a free court-annexed mediation service. Under this scheme, an internationally accredited mediator is provided to the parties at no cost to assist them with resolving their dispute. If you wish to refer a dispute to mediation, the process is as follows:

- Parties must complete and sign a 'Request for Mediation' which can be found [here](#);
- The 'Request for Mediation' must be sent by email to the Court Registry at registry@adgmcourts.com; and
- If the request is approved, the Registrar of the Court will appoint a mediator as soon as practicable.

Information on the court-annexed mediation scheme is set out in Part 36 of the [ADGM Court Procedure Rules 2016](#) and [Practice Direction 13](#).

GENERAL INFORMATION

17. Where do I find further information about ADGM Courts?

All Information concerning ADGM Courts is available on the Court's website: <https://www.adgm.com/adgm-courts>. Any queries should be sent in writing to registry@adgmcourts.com.