



## **Certification of Enforcement Agents Rules 2015**

## Table of Contents

| <b>Rule</b>  | <b>Page</b> |
|--|-------------|
| 1. Issue of certificates .....   | 2           |
| 2. Information about certificates and applications .....                       | 2           |
| 3. When an application may be heard .....                                      | 3           |
| 4. Security .....  | 3           |
| 5. Duration of certificates .....  | 4           |
| 6. Issue of replacement certificate following change of relevant details ..... | 4           |
| 7. Complaints as to fitness to hold a certificate .....                        | 4           |
| 8. Cancellation or suspension of certificates.....                             | 5           |
| 9. Application of security after consideration of complaint at a hearing ..... | 5           |
| 10. Surrender of certificate .....   | 6           |
| 11. Continuing effect of certificate in certain circumstances .....            | 6           |
| 12. Interpretation .....   | 6           |
| 13. Correction of errors in the Rules.....                                     | 7           |
| 14. Short title, extent and commencement .....                                 | 7           |
| <b>Schedule</b> .....  | <b>9</b>    |

## **CERTIFICATION OF ENFORCEMENT AGENTS RULES 2015**

Date of Enactment: 17 December 2015

The Board of Directors of the Abu Dhabi Global Market make the following Rules in exercise of the powers conferred by sections 124 and 140 of the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015:-

### **1. Issue of certificates**

A certificate may be issued under section 124 of the Regulations only –

- (a) on application by the person to whom the certificate is to be issued; and
- (b) if the Registrar is satisfied that –
  - (i) the applicant is a fit and proper person to hold a certificate;
  - (ii) the applicant possesses sufficient knowledge of the law and procedure relating to powers of enforcement by taking control of goods and of commercial rent arrears recovery to be competent to exercise those powers;
  - (iii) the forms which the applicant intends to use when exercising powers of taking control of goods or commercial rent arrears recovery conform to the design and layout prescribed in the Schedule to these Rules;
  - (iv) the applicant has lodged the security required by rule 4(1), or such security is already subsisting; and
  - (v) the applicant does not carry on, and is not and will not be employed in, a business which includes the buying of debts.

### **2. Information about certificates and applications**

- (1) The Court must compile and maintain a list of all persons who hold a certificate which has not expired or been cancelled.
- (2) The list required by paragraph (1) must contain, for each certified person –
  - (a) the certified person's name;
  - (b) the name of the certified person's employer, if any;
  - (c) the certified person's business address;
  - (d) the date of issue of the certificate; and
  - (e) the date on which the certificate ceases to have effect.

- (3) The list required by paragraph (1) must be published on a website maintained by or on behalf of the Courts.
- (4) The Court must also publish, on the website referred to in paragraph (3), notice of every application made to the Court for a certificate to be issued under section 124 of the Regulations.
- (5) The notice required by paragraph (4) must contain the following information –
  - (a) the applicant's name;
  - (b) the name of the applicant's employer, if any;
  - (c) the date on which the application will be heard, which must be at least 7 business days after the date in sub-paragraph (f);
  - (d) that any person who knows of any reason or reasons why the applicant may not be a fit and proper person to hold a certificate may give the reason or reasons to the Court;
  - (e) that the reasons given under sub-paragraph (d) must be given in writing in English;
  - (f) the date by which a person must give a reason or reasons to the Court under sub-paragraph (d), which must be at least 28 business days from the date on which the notice is published on the website.

### **3. When an application may be heard**

No application for a certificate to be issued will be heard before the date in rule 2(5)(c).

### **4. Security**

- (1) The applicant must, before a certificate is issued –
  - (a) lodge in Court by way of bond security totalling US\$10,000; or
  - (b) satisfy the Registrar that security totalling that amount is already subsisting by way of bond.
- (2) The security must be retained once the certificate has been issued for the purpose of securing the certified person's duties as an enforcement agent and the payment of any reasonable costs, fees and expenses incurred in the investigation of any complaint made to the Court against the certified person in the capacity of an enforcement agent.
- (3) The certified person must maintain the security throughout the duration of the certificate.
- (4) If at any time during the duration of the certificate the security no longer exists, or is reduced in value so it totals less than US\$10,000, the certified person must, by such time as the Court may direct, provide fresh security to the satisfaction of the Court.

## **5. Duration of certificates**

- (1) A certificate has effect, unless cancelled, for 2 years from the date on which it was issued, subject in the case of a replacement certificate to rule 6(3).
- (2) Every certificate must state the date on which it ceases to have effect.

## **6. Issue of replacement certificate following change of relevant details**

- (1) If there is for any certified person a change in any of the matters referred to in rules 2(2)(a), (b) and (c) (name, employer and business address of certified person), the certified person must as soon as possible provide written notification in English to the Court of the change or changes, and produce the certificate to the Court.
- (2) Where a certified person notifies the Court and produces the certificate in accordance with paragraph (1), the certificate must be cancelled, and a replacement certificate issued to the certified person, as soon as possible.
- (3) The replacement certificate must reflect the change notified, but in all other respects, including the date on which it ceases to have effect, must be the same as the cancelled certificate.
- (4) No fee is payable for cancellation of a certificate and issue of a replacement certificate under this regulation.

## **7. Complaints as to fitness to hold a certificate**

- (1) Any person who considers that a certified person, by reason of that certified person's conduct in acting as an enforcement agent, or for any other reason, is not a fit person to hold a certificate, may submit a written complaint in English to the Court.
- (2) No fee is payable for submitting a complaint under paragraph (1).
- (3) A complaint submitted under paragraph (1) must provide details of the matter complained of and explain the reason or reasons why the certified person is not a fit person to hold a certificate.
- (4) No complaint submitted under paragraph (1) may be considered by the Registrar until the certified person has been provided with a copy of the complaint and given an opportunity to respond to it in writing.
- (5) If on considering the complaint and the certified person's response the Registrar is satisfied that the certified person remains a fit and proper person to hold a certificate, the complaint must be dismissed.
- (6) If –
  - (a) the certified person fails to respond; or

- (b) on considering the complaint and the certified person's response the Registrar is not satisfied that the certified person remains a fit and proper person to hold a certificate,

the complaint must be considered at a hearing.

- (7) If a complaint is to be considered at a hearing under paragraph (6) –
  - (a) the certified person must attend for examination and may make representations; and
  - (b) the complainant may attend and make representations, or may make written representations in English.
- (8) If after a hearing the Registrar is satisfied that the certified person remains a fit and proper person to hold a certificate, the complaint must be dismissed.
- (9) No appeal lies against the dismissal of a complaint under paragraphs (5) or (8).

#### **8. Cancellation or suspension of certificates**

- (1) If, following consideration of a complaint at a hearing, the Registrar is satisfied that the certified person is not a fit and proper person to hold a certificate, the Registrar may –
  - (a) cancel the certificate; or
  - (b) suspend the certificate.
- (2) If the certificate is cancelled, the Registrar may order that the certified person must, before making any further application to be issued with a certificate, have fulfilled such conditions as to training or any other conditions as the Registrar considers necessary for the certified person to be a fit and proper person to hold a certificate.
- (3) If the certificate has been suspended, the Registrar may order that the suspension is not to be lifted until the certified person has fulfilled such conditions as to training or other conditions as the Registrar considers necessary for the certified person to be a fit and proper person to hold a certificate.
- (4) The Court must, whether the certificate is suspended or cancelled, consider whether to make an order under rule 11(2).

#### **9. Application of security after consideration of complaint at a hearing**

- (1) When a complaint has been considered at a hearing, the Registrar may, if satisfied that the complaint was well founded, order that the security be forfeited either wholly or in part, and that the forfeited amount be paid, in such proportions as the Registrar considers appropriate –
  - (a) to the complainant by way of compensation for failure in due performance of the certified person's duties as an enforcement agent or

for the complainant's costs or expenses in attending and making representations; and

- (b) where costs or expenses have been incurred by the Court in considering the complaint at a hearing, to the Registrar by way of reimbursement of those costs or expenses.
- (2) The Registrar may make an order under paragraph (1) whether or not the certificate is cancelled or suspended.
- (3) If an order is made under paragraph (1) but the certificate is not cancelled, rule 4(4) applies.
- (4) If the certificate is cancelled, the security must, subject to the making of an order under paragraph (1), be cancelled and the balance of any deposit, following payment of any amounts ordered to be forfeited, returned to the certified person.

#### **10. Surrender of certificate**

- (1) Where a certificate is cancelled or expires, it must be surrendered to the Court, unless the Registrar directs otherwise.
- (2) If a certified person ceases to carry on business as an enforcement agent, the certified person must, unless the Registrar orders otherwise, surrender the certificate to the Court, and the certificate will be treated as if it had expired on the date on which it was surrendered.
- (3) The security must be cancelled and the balance of any deposit returned to the certified person following surrender of a certificate.

#### **11. Continuing effect of certificate in certain circumstances**

- (1) This rule applies in any case where –
  - (a) a certificate is cancelled or has expired, or is suspended; and
  - (b) before the cancellation, expiry or suspension, the certified person took control of goods (within the meaning given by paragraph 11(1) of Schedule 1 (ways of taking control)).
- (2) In such a case, unless the Court orders otherwise, the goods continue to be controlled goods and the certificate continues to have effect, for the purpose of any action which may be taken in relation to the goods as controlled goods under Schedule 1, as if it had not been cancelled, or expired, or suspended as the case may be.

#### **12. Interpretation**

In these Rules, unless the context otherwise provides or requires –

- (a) “Abu Dhabi Global Market” means the financial free zone established by Federal Decree No. (15) of 2013 issued by the President of the United Arab Emirates, as

delimited by Resolution No. (4) of 2013 of the Cabinet of the United Arab Emirates and as governed by the ADGM Founding Law;

- (b) “ADGM Founding Law” means Law No. (4) of 2013 concerning the Abu Dhabi Global Market issued by His Highness the Ruler;
- (c) “applicant” means a person applying for a certificate to be issued under section 124 of the Regulations;
- (d) “Board” means the Board of Directors of the Abu Dhabi Global Market as constituted by Article 4 of the ADGM Founding Law;
- (e) “certificate” means a certificate under section 124 of the Regulations to act as an enforcement agent;
- (f) “certified person” means a person to whom a certificate has been issued;
- (g) “Chief Justice” means the Chief Justice of the Abu Dhabi Global Market Courts appointed under Article 13(2) of the ADGM Founding Law;
- (h) “commercial rent arrears recovery” has the meaning given by section 127 of the Regulations;
- (i) “complainant” means a person who makes a complaint to the Court under rule 7 of these Rules;
- (j) “Court” means the Court of First Instance and “Courts” has the meaning given in section 1 of the Regulations;
- (k) “enforcement agent” means an individual authorised by section 123(2) of the Regulations to act as an enforcement agent;
- (l) “Registrar” means the Registrar and Chief Executive of the Abu Dhabi Global Market Courts;
- (m) “the Regulations” means the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015;
- (n) “Schedule 1” means Schedule 1 to the Regulations;
- (o) “the security” means the security required by rule 4(1) of these Rules.

### **13. Correction of errors in the Rules**

The Chief Justice may, after consultation with the Chairman of the Board, at any time correct an accidental slip or omission in these Rules.

### **14. Short title, extent and commencement**

- (1) These Rules may be cited as the Certification of Enforcement Agents Rules 2015.
- (2) These Rules shall apply in the whole of the Abu Dhabi Global Market.

- (3) These Rules shall come into force on the date of their publication (the “Commencement Date”). The Board may by rules make any transitional, transitory, consequential, saving, incidental or supplementary provision in relation to the commencement of these Rules as the Board thinks fit.
- (4) Nothing in these Rules shall have retrospective effect.
- (5) On and from the Commencement Date, any law previously in force in the Abu Dhabi Global Market which is inconsistent with, or deals with the same subject matter as, these Rules shall, subject to the ADGM Founding Law or the Regulations, cease to have any effect or force in the Abu Dhabi Global Market.

**Schedule**

**Rule 1**

**Notice of enforcement**

This notice must be given by the enforcement agent or the enforcement agent's office

---

**Please read this notice - it is important**

|                                    |   |
|------------------------------------|---|
| Name of Debtor                     | <input type="text"/>  |
| Address                            | <input type="text"/>  |
| Date notice issued                 | <input type="text"/> <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> / <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> |
| Enforcement agent reference number | <input type="text"/>  |

**About this notice** You have been sent this notice of enforcement because you have not paid money that you owe.

|  |                      |
|--|----------------------|
| Who you owe money to                     | <input type="text"/> |
| The amount you owe them                  | <input type="text"/> |
| Their ref/account no.<br>(if applicable) | <input type="text"/> |

**Enforcement details** Details of the court judgment or order of enforcement power by virtue of which the debt is enforceable

|                        |                              |                      |
|------------------------|------------------------------|----------------------|
| <b>Sum outstanding</b> | Debt                         | <input type="text"/> |
|                        | Interest                     | <input type="text"/> |
|                        | Compliance stage fee         | <input type="text"/> |
|                        | <b>TOTAL sum outstanding</b> | <input type="text"/> |

---

(as at the date of this notice)

**When to make payment**

You must pay, or agree a payment arrangement with the enforcement agent, by:

Date   /   /

Time

**If you do not pay**

If you do not pay or agree a payment arrangement by the date above, an enforcement agent will visit you and may seize your belongings - this is called 'taking control'. These belongings may then be sold to pay the money you owe. These actions will increase the costs of enforcement and these costs will be added to the amount already owed.

**Possible additional fees and expenses of enforcement**

If the sum outstanding remains unpaid or you have not agreed a payment arrangement by the date and time above you may be charged the following (enforcement agent to detail further possible fees and expenses)

**How to pay what you owe**

How to pay including opening hours and days

**How you can contact the enforcement agent or the enforcement agent's office**

Telephone

Address

Email

Opening hours and days

### Controlled goods agreement

|   |   |
|---|---|
| Name of Debtor                              | <input style="width: 100%; height: 20px;" type="text"/> |
| Address                                     | <input style="width: 100%; height: 60px;" type="text"/> |
| Enforcement agent<br>Reference<br>number(s) | <input style="width: 100%; height: 50px;" type="text"/> |

**About this agreement**

By entering this agreement the debtor will be able to continue to use the goods listed in this agreement. The debtor acknowledges that these goods are under the control of the enforcement agent until the sum outstanding is paid in full. The debtor agrees that they will not remove or dispose of these goods, or allow anyone else to, during this time.

If the debtor does not stick to the terms of this agreement the debtor's goods may be removed, or secured on site (commercial premises only) and sold. This will incur a further fee.

**Enforcement details**

Details of the court judgment or order or enforcement power by virtue of which the debt is enforceable

**Sum outstanding**

|                              |  |   |
|------------------------------|--|---|
| Debt                         | <input style="width: 100%; height: 20px;" type="text"/>                          |   |
| Interest                     | <input style="width: 100%; height: 20px;" type="text"/>                          |   |
| Compliance stage fee         | <input style="width: 100%; height: 20px;" type="text"/>                          |   |
| Enforcement stage fee        | <input style="width: 100%; height: 20px;" type="text"/>                          | Please detail the expenses                              |
| Expenses (if any)            | <input style="width: 100%; height: 20px;" type="text"/>                          |   |
| <b>TOTAL sum outstanding</b> | <input style="width: 100%; height: 20px; border: 2px solid black;" type="text"/> | <input style="width: 100%; height: 20px;" type="text"/> |

(as at the date of this notice)

**Arrangement terms** The terms of this controlled goods agreements are set out below.

**Signature** .....

**Date**

/

/

Debtor, person authorised by the debtor or person in apparent authority

**Print name** .....

**Signature** .....

**Date**

/

/

Enforcement Agent

**Print name** .....

**How you can contact the enforcement agent or the enforcement agent's office**

Telephone

Address

Email

Opening hours and days



**Warning  
of immobilisation**

---

**Please read this warning - it is important**

**This is to tell you that that I have fitted a device to secure your  
vehicle(s)/goods and prevent them from being moved.**

**Date and time  
vehicle(s)/  
goods were  
secured**

Date   /   /

Time

I have done this because you have not paid the sum outstanding.

**Further  
information**

To discuss this matter please telephone

Quoting reference or reference numbers

**Signature**

.....  
Enforcement Agent

.....  
PRINT NAME

### Notice of intention to re-enter premises

This notice must be given by the enforcement agent or the enforcement agent's office

**Warning**

If necessary the enforcement agent may use reasonable force to re-enter your premises to inspect your goods or remove them for storage or sale.

**Please read this notice - it is important**

Name of Debtor

Address

Date notice issued

 /  / Enforcement agent  
reference number**About this notice**

You have been given this notice of intention to re-enter because you have not kept to the repayment terms of the controlled goods agreement and the enforcement agent now intends to re-enter your premises to inspect your goods or remove them for storage or sale.

Who you owe money to

The amount you owe  
themTheir ref/account no.  
(if applicable)**Enforcement  
details**

Details of the court judgment or order of enforcement power by virtue of which the debt is enforceable.

**Controlled goods  
agreement**

Details of the controlled goods agreement which you have failed to keep to:

**Repayment details**

Details of how you have failed to keep up the repayment terms of this controlled goods equipment:

**Sum outstanding**

|  |                              |  |
|--|------------------------------|--|
|  | Debt                         | <input style="width: 95%;" type="text"/> |
|  | Interest                     | <input style="width: 95%;" type="text"/> |
|  | Compliance stage fee         | <input style="width: 95%;" type="text"/> |
|  | Enforcement stage fee        | <input style="width: 95%;" type="text"/> |
|  | <b>TOTAL sum outstanding</b> | <input style="width: 95%;" type="text"/> |

(as at the date of this notice)

**When to make payment**

You must pay this amount by:

Date   /   /

Time

**If you do not pay**

If you do not pay by the date above, an enforcement agent will re-enter your premises to inspect your belongs or to remove them for storage or sale. These actions will increase the costs of enforcement and these costs will be added to the amount already owed.

**Possible additional fees and expenses of enforcement**

If the sum outstanding remains unpaid by the date and time above you may be charged the following (enforcement agent to detail further possible fees and expenses)

**How to pay  
what you owe**

How to pay including opening hours and days

**How you can  
contact the  
enforcement  
agent or the  
enforcement  
agent's office**

Telephone

Address

Email

Opening hours  
and days**Signature**.....  
Enforcement Agent.....  
PRINT NAME

**Notice after entry or taking control of goods  
(in a public place) and inventory of goods taken into control**

**Please read this notice - it is important**

Name of Debtor

Address

Date notice issued  /  /

Enforcement agent reference number(s)

Name of enforcement agent

PRINT NAME

**Enforcement details** Details of the court judgment or order or enforcement power by virtue of which the debt is enforceable

**Sum outstanding**

Who you owe money to

The amount you owe

Debt

Interest

Compliance stage fee

Enforcement stage fee

Expenses (if any)

Please detail the expenses

**TOTAL sum outstanding**

(as at the date of this notice)

As you have still not paid what you owe, I have, as enforcement agent, now:

**Action taken**

entered premises  
 address

entered a vehicle in a public place with the intention of taking control of goods

Details of vehicle entered

| Manufacturer | Model | Colour | Registration mark |
|--------------|-------|--------|-------------------|
|              |       |        |                   |

Location of vehicle in a public place

taken control of goods in a public place  
 Location in/of public place

**When to make payment**

To avoid the goods taken into control being sold payment of the sum outstanding must be paid or a payment arrangement agreed with the enforcement agent by

Date

Time

The goods will be released on payment in full (or may be released if you have agreed a payment arrangement with the enforcement agent) of the sum outstanding.

**How to pay what you owe**

How to pay including opening hours and days



**Notice that goods have been removed for storage or sale**

**About this notice**      This is to tell you that I have removed the goods listed at the back of this notice to secured storage or for sale

**Enforcement details**      Details of the court judgment or order or enforcement power by virtue of which the debt is enforceable

**Date and time of removal**

Date  /  /

Time

I have done this because you have not paid the sum outstanding.

**Daily or weekly storage charge payable where goods removed to storage**

**Sum outstanding**

|  |                              |                      |  |
|--|------------------------------|----------------------|--|
|  | Debt                         | <input type="text"/> |  |
|  | Interest                     | <input type="text"/> |  |
|  | Compliance stage fee         | <input type="text"/> |  |
|  | Enforcement stage fee        | <input type="text"/> | Please detail the expenses<br><input type="text"/> |
|  | Expenses (if any)            | <input type="text"/> |  |
|  | <b>TOTAL sum outstanding</b> | <input type="text"/> |  |

(as at the date of this notice)

**How to pay what you owe**

How to pay including opening hours and days

**How to collect your goods**

If you pay the amount you owe, you will be able to collect your goods by (describe procedure in bullet point form)

**Signature**

.....  
Enforcement Agent

.....  
PRINT NAME



### Inventory

**Please read this notice - it is important**

Name of Debtor

Address

Date notice issued

|  |  |   |  |  |   |  |  |  |  |
|--|--|---|--|--|---|--|--|--|--|
|  |  | / |  |  | / |  |  |  |  |
|--|--|---|--|--|---|--|--|--|--|

Enforcement agent reference number

Name of enforcement agent

Name of co-owner (if applicable)

Address of co-owner (if applicable)

**About notice**

**this** The goods listed at the back of this notice belong to you or you and a co-owner and have been taken into control by an enforcement agent.

**Enforcement details**

Details of the court judgment or order or enforcement power by virtue of which the debt is enforceable.

**How you can contact the enforcement agent or the enforcement agent's office**

Telephone

Address

Email

Opening  
hours and  
days

**Signature**

.....  
Enforcement Agent

.....  
PRINT NAME



## Notice of sale

Please read this notice - it is important

Name of Debtor

Address

Date notice issued

 /  / 

Enforcement agent reference number

Name of enforcement agent

Name of co-owner (if applicable)

Address of co-owner (if applicable)

**Enforcement details**

Details of the court judgment or order or enforcement power by virtue of which the debt is enforceable.

**Because you have not paid the sum outstanding (detailed over the page), the goods listed at the back of this notice may be sold.**

**Sum outstanding**

Debt

Interest

Compliance stage fee

Enforcement stage fee or fees

Sale stage fee

Expenses (if any)

Please detail the expenses

**TOTAL sum outstanding**

(as at the date of this notice)

**Date, time and place of sale**

The sale will take place on

Date                    /                    /

Time

Address

**When to make payment**

To avoid goods taken into control being sold the sum outstanding must be paid by

Date   /   /

Time

**How to pay what you owe**

How to pay including opening hours and days.

**How to collect your goods**

If you pay the amount you owe, you will be able to collect your goods by (describe procedure in bullet point form)

**Signature**

.....  
Enforcement Agent

.....  
PRINT NAME



**Notice of abandonment of goods  
(other than securities)**

This notice must be given by the enforcement agent

---

**Please read this notice - it is important**

Name of Debtor

Address

Date notice issued  /  /

Enforcement agent reference number

Name of enforcement agent

PRINT NAME

---

**This is to tell you that the goods listed at the end of this form have been abandoned. This means you are free to come and collect these goods.**

**Reason why  
goods were  
abandoned**

This is because you/co-owner were not given a notice of sale within the period required by law.

If you do not collect the goods within 28 days,  
from

|  |  |
|--|--|
|  |  |
|--|--|

/

|  |  |
|--|--|
|  |  |
|--|--|

/

|  |  |  |  |
|--|--|--|--|
|  |  |  |  |
|--|--|--|--|

I will

make an application to the court for it to decide how the uncollected goods should be disposed of

**How to collect  
your goods**

(Give full details)

|  |
|--|
|  |
|--|

**Signature**

.....  
Enforcement Agent

