ADGM Courts

Wilberforce CHAMBERS

The ADGM Book

ADGM Courts Practice and Procedure

THE ADGM BOOK

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FOREWORD

by
Lord Hope of Craighead KT
Chief Justice of ADGM Courts

The efficient running of ADGM Courts is based on a system of rules and practice directions. These are the tools which everyone who does business in our courts needs to have to hand and have quick and easy access. Until now the ADGM Courts Procedure Rules 2016 and the ADGM Practice Directions have enjoyed a separate existence, each searchable on its own under its own heading. Bringing them together in a single volume makes access to them so much easier. That is the service that this book seeks to provide.

It is, of course, not enough to know what these rules and practice directions say. So this volume also offers guidance as to how they are being applied in practice. The English common law doctrine of precedent is part of our law too. The stability that comes with it is as important to the application of our rules and practice directions as it is to the application of our law generally. It is for that reason, and because many of our rules are derived from the English Civil Procedure Rules, that I encourage the profession to have regard to the English White Book when researching the approach that our courts may take to a particular issue before them. Including references to our own developing case law is an important part of the service that comes with this volume.

This is a virtual publication only. There will be no book in the physical sense. But we are, and have always been, a paperless court. We have learned to appreciate the advantages that this brings. Volumes of this kind need to be kept up to date if they are to continue to be useful and reliable. We have kept our rules and practice directions under careful review from the very beginning, and there have been numerous changes as we have learned from experience. That will continue, as will our developing case law. Updating will be another part of the service. This will be achievable in an instant without the delay and cost that would be inevitable if we were to publish this volume in book form.

There are other parts of our legislation with which this volume does not deal. They include article 13 of Abu Dhabi Law No 4 of 2013, as amended by Abu Dhabi Law No 12 of 2020, which is our founding law, and the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015. They are an important part of the background to our rules and practice directions, as they conferred the powers under whose authority these rules and practice directions are made. But it is on the rules and practice directions themselves that are in daily use to which this volume is devoted. It is on them that prompt and efficient access to what our courts have to offer depends.

I am especially grateful to Daniel Lewis and Daniel Jukes of Wilberforce Chambers for the work that they have done to produce this volume. I am grateful also to Wilberforce Chambers for their generosity in funding this project. This book owes much to them all for its creation and for what it has to offer to all its users.

David Hope
29 July 2025

ADGM COURT PROCEDURE RULES 2016

The Rules and Practice Directions contained in this volume are up to date to 31 January 2026, including the new Part 40 (Fast Track for Commercial and Civil Claims) and Part 41 (Real Property Division), the new Practice Direction 15 (Real Property Claims) and Practice Direction 16 (Short-Term Residential Lease Claims) and the amended Practice Directions 2 to 7, 9 to 12 and 14.

PART 1:

SCOPE AND INTERPRETATION

1. Citation and commencement

These Rules may be cited as the ADGM Court Procedure Rules 2016 and shall come into force on 30 May 2016.

2. Scope and objective

(1) Except as provided by a rule, practice direction or ADGM enactment, these Rules apply to all proceedings in the Court of First Instance and in the Court of Appeal.

(2) The overriding objective of these Rules is to secure that the system of civil justice in the ADGM Courts is accessible, fair and efficient.

(3) The ADGM Courts must interpret and apply these Rules and any practice direction with a view to securing that the Court is accessible, fair and efficient and that unnecessary disputes over procedural matters are discouraged.

(4) Practice directions may modify or disapply any provision of these Rules during the operation of pilot schemes for assessing the use of new practice directions and procedures.

1.2.1

The overriding objective

In *Union Properties PJSC & another v Trinkler & Partners LTD & others* [2024] ADGMCFI 0004 the Court observed that the overriding objective in rule 1.1 of the ECPR ("to deal with cases justly and at proportionate cost", including "so far as practicable… enforcing compliance with… orders") differs from the overriding objective in rule 2(2) of the ADGM CPR and therefore, while English authorities can still provide useful guidance to the Court, it was important to keep in mind the differences between the rules, including the stated overall objectives of the two regimes.

3. Interpretation

(1) In these Rules –

(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, as expanded territorially by Cabinet Resolution No. 41 of 2023, and "ADGM" is construed accordingly;

(b) "ADGM enactment" means a regulation or rule enacted by the Board;

(c) "ADGM Founding Law" means Law No. (4) of 2013 concerning the Abu Dhabi Global Market, as amended by Law No. (12) of 2020, issued by His Highness the Ruler;

(d) "appellant", except where the context otherwise requires, means a person who files an application for permission to appeal or who files a notice of appeal;

(e) "Board" means the Board of Directors of the Abu Dhabi Global Market as constituted by Article 4 of the ADGM Founding Law;

(f) "business day" means any day other than a Saturday, Sunday or a public holiday;

(g) "certificate of service" means a certificate given under Rule 21;

(h) "claim" includes a petition and any application made before proceedings are commenced or made to commence proceedings;

(i) "claimant" means a person who makes a claim;

(j) "claim form" means any document which initiates proceedings, including a counterclaim;

(k) "the Companies Regulations" means the Companies Regulations 2020;

(l) "the Court" means the Court of First Instance or the Court of Appeal, as the context requires;

(m) "the Courts" means the ADGM Courts;

(n) "Court officer" means a member of the Court staff but does not include a Judge of the Courts;

(o) "data message" means information generated, sent, received or stored by electronic, digital, magnetic, wireless, optical, electromagnetic or similar means;

(p) "defendant" means a person against whom a claim is made;

(q) "eCourts Platform" means the ADGM Courts electronic filing and case management systems;

(r) "electronic means" means an electronic communication made by means of data messages;

(s) "Emirate" means the Emirate of Abu Dhabi;

(t) "file" and "filing", in relation to a document, means filing in the registry in accordance with Rule 13, and related expressions have corresponding meanings;

(u) "form" and the "form prescribed" have the meanings given by Rule 5;

(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);

(w) "Judge" means, as the context requires, the Chief Justice, Justice of Appeal or Justice of First Instance;

(x) "the jurisdiction" means, unless the context otherwise requires or provides, Abu Dhabi Global Market;

(y) "lawyer" means someone who is authorised to practice law in any jurisdiction by the body authorised to regulate the admission, licensing and conduct of lawyers in that jurisdiction;

(z) "legal representative" means a lawyer or lawyer's employee who has been instructed to act for a party in relation to proceedings;

(aa) "month", where it occurs in any ADGM enactment, rule, practice direction, judgment, order, direction or other document, means a Gregorian calendar month;

(bb) "original court" in relation to any judgment means the recognised court which gave the judgment;

(cc) "party" means a claimant, defendant, applicant, respondent, appellant and a person who has been given permission to intervene under Part 7 of these Rules;

(dd) "person" means any natural or legal person as the context requires;

(ee) "public holiday" means New Year's Day, Al-Mawlid Al Nabawi, Israa & Miaraj Night, Start of Ramadan, Eid Al Fitr, Arafat (Haj) Day, Eid Al Adha, Hijri New Year's Day, UAE National Day and any other day declared by the Emirate to be a public holiday;

(ff) "Registrar" means the Registrar and Chief Executive of the ADGM Courts;

(gg) "registration" means registration under sections 172 to 176 of the Regulations, the expressions "register" and "registered" shall be construed accordingly;

(hh) "registry" means the office of the ADGM Courts;

(ii) "the Regulations" means, unless the context otherwise requires or provides, the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015;

(jj) "right of audience" means the right to appear before and address a court,

including the right to call and examine witnesses;

(kk) "right to conduct litigation" means the right to issue proceedings before any court in any jurisdiction, to commence, prosecute and defend such proceedings and to perform any ancillary functions in relation to such proceedings;

(ll) "serve" and "service", in relation to a document, mean service according to the methods set out in Part 4 of these Rules, and related expressions have corresponding meanings;

(ll)(a) "short-term residential lease" means for the purpose of these Rules a lease of real property for use as a residential dwelling with a term of less than 4 years;

(ll)(b) "short-term residential lease claim" is a claim or dispute arising under or in relation to a short-term residential lease;

(mm) "statement of case" means a claim form, a defence, or a reply to defence, and includes any further information given in relation to them voluntarily or by Court order in accordance with Rule 54;

(nn) "summary judgment" is to be interpreted in accordance with Part 9 of these Rules.

(2) References in these Rules to a practice direction means a practice direction issued by the Chief Justice pursuant to section 191 of the Regulations.

(3) References in these Rules or in any practice direction or in any form to a party's signing, filing or serving any document or taking any other procedural step include the signature, filing or service of that document or the taking of such other procedural step by the party's lawyer.

(4) Where any of these Rules or any practice direction requires or permits the Court to perform an act of a formal or administrative character, that act may be performed by a Court officer.

(5) Any term that is not defined in these Rules has the same meaning as that attributed to it in the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015.

4. Court documents

(1) The Court may place the Court's seal on a document by hand or electronically.

(2) A document purporting to bear the Court's seal shall be admissible in evidence without further proof.

5. Forms

(1) In these Rules, a "form" or "form prescribed" means a form required to be used in accordance with a practice direction.

(2) The forms shall be used in the cases to which they apply and in the circumstances for which they are required under the relevant practice direction, but a form may

be varied by the Court or a party if the variation is required by the circumstances of a particular case.

6. Time

(1) 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.

(2) Where the specified period is 5 days or less and includes a Saturday, Sunday or a public holiday, that day does not count.

7. Time limits

(1) Where the Court gives a judgment, order or direction which imposes a time limit for doing any act, the last date for compliance must wherever practicable be expressed as a calendar date, and it must include the time of day by which the act must be done.

(2) The Court may extend or shorten any time limit set by these Rules or any relevant practice direction (unless to do so would be contrary to any ADGM enactment), either on an application by one or more parties or of its own initiative.

(3) The Registrar must notify the parties when a time limit is varied under this Rule.

(4) An application for an extension of time may be granted after the time limit has expired.

(5) Subject to the provisions of a relevant practice direction, when the period specified for doing any act ends on a day on which the registry is closed, that act shall be in time if done on the next day on which the registry is open.

PART 2:

GENERAL POWERS OF MANAGEMENT

8. The Court's general powers of management

(1) The Court may make any order, give any direction or take any step it considers appropriate for the purpose of managing the proceedings and furthering the overriding objective of these Rules as set out in Rule 2(2).

(2) When the Court makes an order, it may make it subject to conditions, including a condition to pay a sum of money into Court; and must specify the consequences of failure to comply with the order or a condition.

(3) The Court may order a party to pay a sum of money into Court if that party has, without good reason, failed to comply with a rule or practice direction and, in making such an order, the Court must have regard to the amount in dispute and the costs which the parties have incurred or which they may incur.

(4) Where a party pays money into Court following an order under paragraph (3) of this Rule, the money shall be security for any sum payable by that party to any other party in the proceedings.

(5) A power of the Court under these Rules or a practice direction to make an order includes a power to vary or revoke the order.

(6) Except where a rule, practice direction or ADGM enactment provides otherwise, the Court may exercise its powers on an application or of its own initiative.

Court's power to order the trial of a preliminary issue
2.8(1).1

See generally Practice Direction 2H.

The Court has the power under Rule 9(1) to order an early trial of a particular issue. It is a jurisdiction that the Court exercises with caution, since experience warns that, "preliminary points of law are too often treacherous short cuts": per Lord Scarman in *Tilling v Whiteman [1980] AC 1, 25C (NMC Healthcare LTD (in administration) (subject to a deed of company arrangement) v Abu Dhabi Islamic Bank PJSC* [2022] ADGMCFI 0008 at [24]). The Court referred to the list of factors identified by Neuberger J in *Steele v Steele* [2001] CP Rep 106. The Court emphasised (at [38]) the importance of the preliminary issue being precisely and clearly defined.

In *Sayacorp B.S.C. (C) v. NMC Healthcare Ltd (in administration) (C) & Others* [2023] ADGMCFI 0002 the Court held (at [13]-[14]) that it was appropriate to direct the trial of a preliminary issue as to which law governed matters between the parties (referring to *Merck KGaA v Merck Sharp & Dohme Corp* [2014] EWHC 428 (Ch), as an example of when such an order has been made to determine the law which governed matters between the parties). The Court again emphasised the requirement in NMC Healthcare Ltd (above) at [38] as to the precision and clarity with which the issue should be defined.

Court's power to order a stay of proceedings for case management reasons
2.8(1).2

In *NMC Healthcare Limited & others v Shetty & others* [2023] ADGMCFI 0024 the Court held that although it did not have a specific power under the CPR to order a stay for case management reasons, it could do so under Rule 8(1). The application was made on the basis of parallel proceedings in the English High Court, that the defendant contended should be resolved first. In refusing to grant a stay of the ADGM proceedings, the Court observed that while the disclosure regime in the ADGM does differ from England, and that the ADGM regime is to control disclosure within proportionate limits, both regimes are concerned to ensure disclosure is kept within proper limits and are sufficiently flexible to allow disclosure to be tailored to the needs of the case. Having refused to stay the ADGM proceedings, the decision as to whether to stay the English proceedings was left to the High Court.

Court's power to order that claims be case managed and tried together
2.8(1).3

In *NMC Healthcare Limited & others v Shetty & others [2023] ADGMCFI* 0021 a defendant to both sets of proceedings applied for an order that the claims be subject to coordinated case management and for a concurrent trial of the claims, relying upon Rule 8(1). Although there was no express power in the CPR, the Court accepted (at [30]-[37]) that the power was conferred in general terms in Rule 8(1), which was drafted in the widest terms to afford the Court very wide powers of case management. The Court adjourned the application to be heard with an application for a stay of the joint administrators' claim.

Court's power to vary a previously made order or extend time for compliance with it 2.8(5).4

Union Properties PJSC & another v Trinkler & Partners LTD & others [2024] ADGMCFI 0004 concerned an application by the claimants to vary a previous order that they provide security for the defendants' costs or alternatively that time for compliance with that order be extended. The deadline for providing security fell on a day when the Court Registry was closed. Rule 7(5) provides that when a period is specified for doing an act at the Registry and the office is closed on that day, then the act shall be in time if done on the next day on which the registry is open. The claimants wrote to the court registry by email asking for a short extension which went beyond the next day that the Registry opened after the deadline. The Court held that this was not an application as required by Rule 64(1), which requires that an application notice be issued (see further note 8.64(1).1). The claimants then made a formal application. The Court held that it had jurisdiction to grant the order sought by the claimants pursuant to Rule 8(5) and Rule 11(2). The Court observed that the provisions, in some respects, reflected the English CPR, especially ECPR r 3.1(7) which was in the same terms as rule 8(5) but that there were two differences between the regimes:

(1) ECPR r 3.9 is a specific relief from sanctions rule.

(2) The overriding objective of the ECPR is different to the ADGM overriding objective in that the English provision provides for cases to be dealt with justly and at a proportionate cost and to enforce compliance with orders.

Therefore, decisions on the ECPR were "useful guidance" but that the differences between the two regimes should be kept in mind. In respect of varying the previous order, the Court said a similar approach should be adopted as that set out in *Tibbles v SIG Plc* [2012] EWCA Civ 518 (Rix LJ) in relation to ECPR rule 3.1(7). In *Tibbles*, Rix LJ said that it was "commonplace" to revisit orders as circumstances may develop. Turning to whether the claimants should be relieved from the consequences of failing to comply with the previous order, the judge noted Rule 11(2) required him to consider the "seriousness of the non-compliance" and that Rule 11(4) also required him to have regard "generally to the circumstances of the case". Having considered all of the arguments, the judge decided to give the claimants one final chance to provide security by way of payment into Court within 14 days.

In *NMC Healthcare LTD (in administration) (subject to a deed of company arrangement) & Others v Shetty & Others* [2025] ADGMCFI 0029, it was held that the Court may only vary or revoke order an order if there has been "a material change in the sense of a fundamental change of circumstances relevant to the making of the original order" (citing *Advent Capital Plc v GN Ellinas Imports-Exports Ltd & Anor* [2005] EWHC 1242 (Comm) [66]). The Court held that there had been no such material change of circumstances that would justify the order being varied.

9. Striking out a statement of case

(1) In this Rule, reference to a statement of case includes reference to part of a statement of case.

(2) The Court may strike out a statement of case if it appears to the Court –

(a) that the statement of case discloses no reasonable grounds for bringing or defending the claim;

(b) that the statement of case is an abuse of the Court's process or is otherwise likely to obstruct the just disposal of the proceedings; or

(c) that there has been a material failure to comply with a rule, practice direction or Court order.

(3) When the Court strikes out a statement of case it may make any consequential order it considers appropriate.

Relationship with application for summary judgment

2.9.1

In *Union Properties PJSC & another v Trinkler & Partners LTD & others* [2024] ADGMCFI 0014 at [31] the Court considered the "core question" under Rule 9(2)(a) to be the same as for summary judgment under Rule 68(1): whether the claimants had a realistic chance of succeeding in their pleaded claims against the defendant. See further note 9.68.1 below.

Test for striking out on the basis that the statement of case discloses no reasonable grounds for bringing or defending the claim

2.9.2

In *Union Properties PJSC & another v Trinkler & Partners LTD & others* [2024] ADGMCFI 0006 the ninth defendant applied for the striking out of the claims against him, comprising: (i) breach of director duties, (ii) dishonest assistance, (iii) a claim for compensation under s 242 of the ADGM Financial Services and Markets Regulations 2015, and (iv) unlawful means conspiracy. The ninth defendant did not apply for summary judgment in the alternative, which the Court held would not add anything. The Court applied *Three Rivers District Council v Bank of England (No 3)* [2001] UKHL 16 and *JSC Bank of Moscow v Kekhman* [2015] EWHC 3037 (Comm) in relation to pleading fraud. An allegation of fraud or dishonesty must be supported by particulars, and the correct test is whether on the basis of the primary facts pleaded, an inference of dishonesty is more likely than one of innocence or negligence. The claimants' application to amend their particulars of claim was also refused, see note 6.52.1.

10. Sanctions for non-payment of Court fees

(1) Where a party to proceedings is required to make payment to the Court of a fee specified by the Court but does not pay or make an application for full or part remission or deferral of the fee by or at the time the fee is due, the Court may, in accordance with the relevant practice direction, impose on that party such sanctions as the practice directions may provide.

(2) Where a fee is prescribed by any rule made by the Chief Justice under section 184(1) of the Regulations, or is determined by the Board pursuant to Article 6 of the ADGM Founding Law, the Registrar may refuse to accept a document or allow a party to take any step unless and until the relevant fee is paid.

(3) A party may seek full or part remission or deferral of payment of any fee in accordance with the relevant practice direction.

11. Non-compliance with these Rules

(1) Any failure by a party to comply with these Rules or any relevant practice direction or Court order shall not have the effect of making the proceedings invalid.

(2) Where any provision in these Rules or any relevant practice direction or Court

order is not complied with, the Court may give whatever directions appear appropriate, having regard to the seriousness of the non-compliance and generally to the circumstances of the case.

(3) The Registrar may refuse to accept any document which does not comply with any provision in these Rules or any relevant practice direction or Court order, and may give whatever directions appear appropriate.

(4) Directions under this Rule may include the summary dismissal of the proceedings or debarring a respondent from resisting them.

Order for a party to file evidence explaining non-compliance with a previous order 2.11(2).1

In *NMC Healthcare LTD (in administration)* (subject to a deed of company arrangement) & Others v Shetty & Others [2025] ADGMCFI 0017 the Court exercised the power under Rule 11(2) to order that the defendant file and serve a witness statement confirming the reasons for his non-payment of a costs order and the source of funds used to pay his current and past legal representatives. In doing so the applicant was required to show a genuine prospect that the information might lead them to bring an application for a non-party costs order and have some realistic, rather than fanciful, basis for it (which the Court accepted was established).

PART 3:

COURT DOCUMENTS

12. Signature of documents

Where any of these Rules or any practice direction requires a document to be signed, that requirement shall be satisfied if the signature is electronic.

13. Filing and sending documents

(1) All documents must be filed by electronic means in accordance with the relevant practice direction.

(2) Unless the Court otherwise directs, no document may be filed unless the relevant fee is paid.

(3) The contents of documents filed by electronic means must also be provided to the registry in hard copy if this is required by a relevant practice direction.

14. Access to Court records

(1) A party to proceedings may obtain from the Court's records a copy of any document filed by a party or any communication between the Court and a party in accordance with the relevant practice direction.

(2) Subject to any relevant practice direction or Rule, a person who is not a party to proceedings may, unless the Court orders otherwise, obtain from the Court's records a copy of:

(a) a statement of case (but not any documents filed with or attached to the statement of case);

(b) a judgment or order given or made in relation to proceedings held in public

(whether or not made at a hearing); and

(c) a transcript of any hearing (including any case management conference) held in public.

(3) A person wishing to obtain a copy of a document under paragraph (2) must pay any prescribed fee.

PART 4:

SERVICE OF DOCUMENTS

15. Methods of service

(1) This Part applies to the service of documents except where any rule, practice direction, ADGM enactment or a Court order requires that a document, including a claim form, must be served by any other method.

(1a) Part 37 applies to service of a claim in the Small Claims Division and Part 38 applies to service of a claim in the Employment Division.

Methods of service – claim form

(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 in accordance with Rule 15(7); or

(b) any rule, practice direction, ADGM enactment or Court order provides otherwise.

(3) Subject to paragraphs (4) to (8) below, a claim form may be served –

(a) by personal service on an individual in accordance with Rule 16;

(b) on a company, partnership or any other entity in accordance with Rule 16A;

(c) by email or other means of electronic communication in accordance with Rule 16B;

(d) by serving it at a place specified in Rule 17;

(e) by any other method authorised by the Court under Rule 19;

(f) in the case of a counterclaim, through the eCourts Platform where the person to be served has access (including through a legal representative) to the eCourts Platform; or

(g) by any other method agreed to by the parties.

Methods of service – outside the jurisdiction

(4) A claim form may be served outside the jurisdiction in accordance with Rules 24 and 25.

(5) Permission to serve a claim form outside the jurisdiction is not required.

(6) Where a claim form is to be served outside the jurisdiction but within the United Arab Emirates, it may be served by a method of service prescribed under this Part or the rules regarding service of the place in which it is to be served.

(7) Where a claim form is to be served outside the United Arab Emirates, it may be served by any method permitted by an applicable treaty or convention or the rules regarding service of the place in which it is to be served.

(8) Nothing in these Rules or any practice direction or Court order shall authorise or require any person to do anything in the place where the claim form is to be served which is against the law of that place.

Methods of service - other documents

(9) 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 this Part as if the document were a claim form.

16. ***Personal service on an individual***

(1) A claim form is served personally on an individual by leaving it –

(a) at his place of residence;

(b) at his workplace; or

(c) in any other location, provided the individual physically receives the document.

Personal service on individual - place of residence

(2) In relation to Rule 16(1)(a) –

(a) if the individual to be served refuses to receive the document and the person serving the document leaves the document in the individual's presence, the document is deemed to have been served on the individual at the time of the refusal;

(b) if the individual to be served is not able to be located at his place of residence at the time of service, the server may leave the document with a person at that place provided that the person who receives the document:

(i) is, or appears to be, over the age of 18; and

(ii) signs for receipt of the document;

(c) if:

(i) a person refuses to receive the document under Rule 16(2)(b); or

(ii) the server has attended the individual's place of residence on at least two separate occasions and can find no one at the individual's residence to whom the document validly can be left, then on the second or any subsequent occasion,

the server may affix the document clearly on the door or gate of the residence.

(3) 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.

Personal service on individual – workplace

(4) In relation to Rule 16(1)(b) –

(a) if the individual to be served refuses to receive the document and the person serving the document leaves the document in the individual's presence, the document is deemed to have been served on the individual at the time of the refusal;

(b) if the individual to be served is not able to be located at his workplace at the time of service, the server may leave the document with a member of management or a co- worker provided that the member of management or co-worker who receives the document:

(i) is, or appears to be, over the age of 18; and

(ii) signs for receipt of the document;

(c) if:

(i) a member of management or a co-worker refuses to receive the document under Rule 16(4)(b); or

(ii) the server has attended the individual's workplace on at least two separate occasions and can find no one at the individual's workplace with whom the document validly can be left, then on the second or any subsequent occasion,

the server may affix the document clearly on the door or gate of the individual's workplace.

(5) 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.

Personal service on individual – general provision

(6) Where a claimant has reason to believe that an address of the individual to be served is an address at which that individual no longer resides or works, the claimant must take reasonable steps to ascertain the address of the individual's current residence or workplace in order for service to be effected there.

16A. Service on a company, partnership or any other entity

(1) A claim form is served on a company by:

(a) leaving it at, or sending it by post to, the company's registered office or any place of business of the company which has a real connection with the claim; or

(b) any other method permitted under this Part.

(2) A claim form is served on a partnership by:

(a) leaving it at, or sending it by post to, the partnership's registered office or any place of business of the partnership which has a real connection with the claim; or

(b) any other method permitted under this Part.

(3) A claim form is served on any other entity by:

(a) leaving it at, or sending it by post to, the entity's registered office or any place of business of the entity which has a real connection with the claim; or

(b) any other method permitted under this Part.

16B. Service by email or other means of electronic communication

(1) A claim form may be served electronically.

(2) In this Rule, "notice" has the meaning ascribed to it in the relevant practice direction.

(3) A claim form is served electronically on a person –

(a) by email, provided that it must be shown that the email account to which the document is sent belongs to the person to be served;

(b) by mobile text message (SMS), WhatsApp or like messaging, provided that it must be shown that the mobile number to which the document, or notice of the document, is sent belongs to the person to be served; or

(c) by email, mobile text message, (SMS), WhatsApp or like messaging to a lawyer nominated by the person to be served as authorised to accept service.

(4) In relation to Rule 16B(3), a record or copy of the email, mobile text message (SMS), WhatsApp or like messaging, including any confirmation of delivery or confirmation of receipt (as the case may be), must be included with the certificate of service filed pursuant to Rule 21.

17. Places for service of the claim form

Service on lawyer

(1) Where a person or a lawyer acting for that person has given in writing an address of the lawyer at which that person may be served with a claim form, the claim form must be served at the address of that lawyer.

Specified address for service

(2) A person may be served with the claim form by leaving it at any address which that person has given for the purpose of being served.

Service of the claim form by contractually agreed method

(3) Where a contract contains a term providing that, in the event of a claim being commenced in relation to a dispute under the contract, the claim form may be served by a method or at a place or on a person specified in the contract (including on an agent or principal), the claim form may be served by the method or at the place or on the person specified in the contract.

Proceedings against ADGM and Authorities

(4) For the purpose of proceedings to which:

(a) ADGM;

(b) ADGM Registration Authority; or

(c) ADGM Financial Services Regulatory Authority,

is a party, a claim form must be served by email in accordance with the relevant practice direction.

18. Deemed time of service

A claim form served in accordance with this Part is deemed to be served as follows –

(a) by personal service, if served personally before 4 pm, on that day; or in any other case, on the next day after that day;

(b) by delivering it to or leaving it at a permitted address, if it is delivered to or left at the permitted address before 4 pm, on that day; or in any other case, on the next day after that day.

(c) by email, mobile text message (SMS), WhatsApp or like messaging if the email, WhatsApp or like messaging is sent before 4 pm, on that day; or in any other case, on the next day after that day.

19. Service of documents by an alternative method or at an alternative place

(1) Where it appears to the Court that there is a good reason to authorise service of the claim form or any other document by a method or at a place not otherwise permitted by this Part, the Court may make an order permitting service by an alternative method or at an alternative place.

(2) On an application under this Rule, the Court may order that steps already taken to bring the claim form or any other document to a person's attention by an

alternative method or at an alternative place is effective service.

(3) An application under this Rule must be supported by evidence, and may be made without notice to the other party.

Service by alternative method where there is a bilateral treaty 4.19(1).1

Where there is a relevant bilateral treaty, the Court will only make an order for service by an alternative method in exceptional circumstances and it will not normally be a good reason that the requirements, with the agreed formalities for service, will involve additional time and cost (*Abu Dhabi Commercial Bank PJSC v Bavaguthu Raghuram Shetty & Others* [2021] ADGMCFI 0004 at [14]). Where the application is for urgent injunctive relief, an order for alternative service may be proper (applying *Bayat v Cecil* [2011] EWCA Civ 135 at [68], considered by Popplewell J as continuing to be good law in *Société Generale v Goldas Kuyumculuk Sanayi Ithalat Ihracat AS* [2017] EWHC 667 (Comm)).

Application for an order that steps already taken were effective service 4.19(2).2

See generally Practice Direction 6, paras 6.27 to 6.29.

In *NMC Healthcare LTD (in administration) (subject to a deed of company arrangement) & Others v Bavaguthu Raghuram Shetty & Others* [2023] ADGMCFI 0014 [14]-[15] the Court made an order that steps already taken to bring a document to a person's attention were effective service on them. In doing so the Court held that the requirement that such an order may only be made exceptionally where there is a relevant bilateral treaty was met (applying *Abu Dhabi Commercial Bank PJSC v Shetty* [2021] ADGM 0004 (above)).

20. Power of the Court to dispense with service

(1) The Court may dispense with service of a document, including a claim form, in exceptional circumstances.

(2) An application for an order under Rule 20(1) may be made at any time.

21. Certificate of service

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

(2) The claimant must file a certificate of service:

(a) in relation to a claim form filed in the Commercial and Civil Division other than in relation to sub-paragraph (b), within 21 days of service of the claim form, unless all other parties to the proceedings have filed acknowledgments of service within that time;

(b) in relation to a claim form filed in the Commercial and Civil Division in respect of which the claimant proposes that the case be placed on the Fast Track, within 14 days of service of the claim form, unless all other parties to the proceedings have filed acknowledgments of service within that time;

(c) in relation to a claim form filed in the Real Property Division other than in relation to sub-paragraph (d), within 28 days of service of the claim form, unless all other parties to the proceedings have filed defences within that time;

(d) in relation to a claim form filed in the Real Property Division in respect of a short-term residential lease claim, within 14 days of service of the claim form, unless all other parties to the proceedings have filed defences within that time;

(e) in relation to a claim form filed in the Employment Division, within 21 days of service of the claim form, unless all other parties to the proceedings have filed defences within that time; or

(f) in relation to a claim form filed in the Small Claims Division, within 14 days of service of the claim form, unless all other parties to the proceedings have filed defences within that time.

and may not obtain judgment in default under Rules 39, 312, 318, 331 or 340 unless a certificate of service has been filed.

(3) The certificate of service must give details of the person served, the method of service used, the date on which the claim form was served, and it must contain sufficient detail to demonstrate that service was effected in accordance with the rule relied upon.

22. Address for service to be given after proceedings are started

(1) A party to proceedings must give an address at which that party may be served with documents relating to those proceedings. The address must include a current email address and mobile telephone number unless the Court orders otherwise.

(2) Except where any other rule or relevant practice direction makes different provision, a party's address for service must be –

(a) an address of a lawyer acting for the party to be served;

(b) an address of a lawyer nominated to accept service of documents; or

(c) where there is no lawyer acting for the party or no lawyer nominated to accept service of documents, an address of the party.

(3) Subject to Rules 15(1) and 15(3)(f), service of all documents, except a claim form, will be effected on all parties who have appeared in the case by the Court's acceptance of the document and its appearance on the Court file via the ADGM eCourts Platform. Once the document appears on the Court file, all other parties to the proceedings will be notified by email or text message at the address provided for those parties under Rule 22(2). No other means of service is required of the parties, except as may be ordered otherwise by the Court.

23. Notification of change of address

Where the address for service of a party changes, that party must give notice in writing of the change as soon as it has taken place to the Court and to every other party.

24. Service of the claim form and other documents out of the Jurisdiction

(1) A claim form may, in accordance with this Part, be served on a person out of the

jurisdiction where each claim made against the person to be served and included in the claim form is a claim which the Court has power to determine under –

(a) the Regulations;

(b) any ADGM enactment other than the Regulations; or

(c) the ADGM Founding Law,

notwithstanding that the person against whom the claim is made is not resident or domiciled within the jurisdiction or the facts giving rise to the claim did not occur within the jurisdiction.

(2) A person served outside the jurisdiction who wishes to dispute the Court's jurisdiction to try the claim, or who wishes to argue that the Court should not exercise its jurisdiction, must do so in accordance with Rule 38. This paragraph does not apply to a claim filed in the Small Claims Division to which Part 37 applies, or to a claim filed in the Employment Division to which Part 38 applies, or to a claim filed in the Real Property Division to which Part 41 applies.

The grant of permission to add a party outside the jurisdiction
4.24(2).1

The Court has jurisdiction to add a party outside the jurisdiction under Rule 56. The predecessor of Rule 24(2) specifically gave effect to the Court's power under Rule 56. See note 7.56(1).2 below and *Abu Dhabi Commercial Bank PJSC v Prasanth Manghat* [2024] ADGMCFI 0010. However, following the 17 October 2025 re-issue this explicit reference has been removed from Rule 24. It seems likely that this will have no effect on the ability of the Court to add a party outside of the jurisdiction given that Rule 56 has not been amended.

25. Statement of grounds

(1) 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.

(2) 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 notice.

Failure to serve a statement of grounds
4.25.1

In *Union Properties PJSC & another v Trinkler & Partners Ltd & others* [2023] ADGMCFI 0009 at [49] the Court held that the failure to serve the notice required by Rule 25(2) (a) containing a statement of the grounds on which the claimant is entitled to serve out of the jurisdiction did not necessarily mean that service of the proceedings was therefore invalid or ineffective, and that it was an irregularity of the sort the Court might excuse. By acknowledging service, the defendant waived any complaint relating to the lack of a statement of grounds (Rule 38(4) did not apply since this was not a dispute as to jurisdiction: see further note 5.38.1). The omission of a basis for serving out of the jurisdiction from the Rule 25(2)(a) notice did not prevent reliance upon that basis at a later stage, providing that the claim form and notice were amended accordingly (the

English authorities to the contrary about the discretionary regime were held to have no application to the non-discretionary ADGM regime).

26. Service of documents from Foreign Courts or Tribunals

(1) This Rule applies to the service in the jurisdiction of any document in connection with civil or commercial proceedings in a foreign court or tribunal.

(2) In this Rule –

(a) "foreign court or tribunal" means a court or tribunal outside the jurisdiction;

(b) "GCC Convention" means the 1996 Gulf Cooperation Council Convention for the Execution of Judgments, Delegations and Judicial Notifications; and

(c) "Riyadh Convention" means the 1983 Riyadh Arab Agreement for Judicial Cooperation.

(3) The Registrar will serve a document to which this Rule applies upon receipt of a written request for service –

(a) where the foreign court or tribunal is in a GCC Convention country, from the competent judicial authority or employee of that country;

(b) where the foreign court or tribunal is in a Riyadh Convention country, from the judicial body or officer concerned of that country;

(c) where the foreign court or tribunal is in any other country, from a consular or other authority of that country; or

(d) from the Chairman of the Board, with a recommendation that service should be effected.

(4) Unless the foreign court or tribunal certifies that the person to be served understands the language of the document to be served, the Registrar must be provided before service with two copies of a translation of the document into English.

(5) Where service of a document has been effected by a third party, the third party must send to the Registrar a copy of the document, together with proof of service or a statement why the document could not be served and, if the Registrar directs, specify the costs incurred in serving or attempting to serve the document.

(6) The Registrar will send to the person who requested service a copy of the document together with a certificate, sealed with the seal of the ADGM Courts for use out of the jurisdiction, stating when and how the document was served or the reason why it has not been served and, where appropriate, an amount certified to be the costs of serving or attempting to serve the document.

PART 5:

COMMENCEMENT OF PROCEEDINGS

27. The claim form

(1) Proceedings are started on the date entered on the claim form when the Court issues the claim form at the claimant's request.

(2) A claimant may use a single claim form to start all claims which can be conveniently disposed of in the same proceedings.

(3) The claim form must –

(a) state what final orders the claimant seeks;

(b) include the particulars of the claimant's case

(c) if the claimant seeks damages by way of interest, the details required in the relevant practice direction; and

(d) contain any other matter that may be set out in a practice direction.

28. Service of a claim form

(1) This Rule does not apply to 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 to a claim form filed in the Real Property Division to which Part 41 applies.

(2) Where the claim form is served within the jurisdiction or elsewhere in the United Arab Emirates, the claimant must complete the step required in relation to the particular method of service chosen within 4 months after the date of issue of the claim form.

(3) Where the claim form is to be served out of the United Arab Emirates, the claim form must be served in accordance with Rule 24 within 6 months of the date after the date of issue of the claim form.

(4) The claimant may apply for an order extending the period for compliance with paragraph (2) or (3).

(5) Subject to paragraph (6), an application under paragraph (4) must be made within the period specified by paragraph (2) or (3) or, when an order has been made under paragraph (4), within the period for service specified by that order.

(6) If the claimant applies for an order to extend the time for compliance after the end of the period specified by paragraph (2) or (3) or by an order made under paragraph (4), the Court may make such an order only if the claimant has taken all reasonable steps to comply with paragraph (2) or (3) or the order made under paragraph (4) but has been unable to do so and acted promptly in making the application.

29. Application by defendant for service of claim form

(1) Where a claim form has been issued against a defendant, but has not yet been served on him, the defendant may serve a notice on the claimant requiring him to serve the claim form or discontinue the claim within a period specified in the notice.

(2) If the claimant fails to comply with the notice, the Court may, on the application of the defendant dismiss the claim or make any other order it thinks fit.

30. [not used]

31. [not used]

32. [not used]

33. [not used]

34. [not used]

Note that the Rule 30 procedure, which provided for a simplified procedure where the question that the Court had to consider was unlikely to involve a substantial dispute of fact, has been removed by the 17 October 2025 re-issue of the Rules. The Rule 30 procedure has been replaced by the fast track procedure set out in Part 40.

35. Answering a claim

(1) This Rule does not apply to 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 to a claim form filed in the Real Property Division to which Part 41 applies, or to a case that has been placed on the Fast Track to which Part 40 applies.

(2) Where the defendant is served with a claim form he must file and serve an acknowledgment of service within the period specified in Rule 37 unless the claimant proposes in the claim form for the case to be allocated to the Fast Track, in which case the time period in Rule 326(1)(a) applies.

(3) Within 28 days after the defendant is served with the claim, the defendant must file and serve in accordance with the relevant practice direction:

(a) an admission and any request for time to pay in accordance with Rules 42 and 43;

(b) an admission and any request for time to pay in accordance with Rules 42 and 43 and a defence, together with any counterclaim, if the defendant admits only part of the claim;

(c) a defence, together with any counterclaim, if the defendant disputes the whole of the claim; or

(d) an application to dispute the Court's jurisdiction to try the claim in accordance with Rule 38.

(4) Paragraph (2) does not affect the operation of Rule 36.

(5) Paragraph (3) does not affect the operation of Rules 46 and 50.

36. Acknowledgment of service and consequence of not filing an acknowledgment of service

(1) This Rule does not apply to:

(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 to a claim form filed in the Real Property Division to which Part 41 applies; or

(b) a counterclaim where Rule 15(3)(f) applies.

(2) A defendant must file and, at the same time, serve a copy of the acknowledgment of service on the claimant and every other party in accordance with Rule 37 unless the claimant proposes in the claim form for the case to be allocated to the Fast Track, in which case the time period in Rule 326(1)(a) applies.

(3) A defendant must file an acknowledgment of service even if he is unable to file a defence within the period specified in Rule 44 or he wishes to dispute the Court's jurisdiction.

(4) If a defendant fails to file an acknowledgment of service within the period specified in Rule 37, or in Rule 326(1)(a) if the claimant proposes in the claim form for the case to be allocated to the Fast Track, the claimant may obtain default judgment if Rule 39 allows him to do so.

37. Period for filing and serving acknowledgment of service

(1) This Rule does not apply to a case that is proposed by a claimant in the claim form to be allocated to the Fast Track to which Rule 326(1)(a) applies.

(2) The period for filing and serving an acknowledgment of service is 14 days after service of the claim form.

38. Procedure for disputing the Court's jurisdiction

(1) This Rule does not apply to 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 to a claim form filed in the Real Property Division to which Part 41 applies.

(2) A defendant who wishes to dispute the Court's jurisdiction to try the claim, or who wishes to argue that the Court should not exercise its jurisdiction, may apply to the Court for an order declaring that it has no such jurisdiction or should not exercise any jurisdiction which it may have.

(3) A defendant who wishes to make such an application must first file and serve an acknowledgment of service in accordance with Rules 35 and 37.

(4) A defendant does not lose any right that he may have to dispute the Court's jurisdiction by filing and serving an acknowledgment of service.

(5) An application under this Rule must be made within 28 days after being served with the claim and be supported by written evidence, unless the case has been placed on the Fast Track to which Rule 328 applies.

(6) If the defendant files an acknowledgment of service but does not make such an application within the period specified in paragraph (5), he is to be treated as having accepted that the Court has jurisdiction to try the claim.

(7) An order containing a declaration that the Court has no jurisdiction or will not exercise its jurisdiction may make such further provision as to the future conduct of the proceedings or otherwise as the Court considers appropriate.

(8) If, on an application under this Rule, the Court does not make a declaration, the Court shall give directions as to the filing and service of the defence.

(9) If a defendant makes an application under this Rule, he must file and serve his written evidence in support with the application notice, but he need not, before the hearing of the application, file a defence.

Disputing the Court's jurisdiction

5.38.1

See Practice Direction 2 Part D.

Faisal Hamad Mubarak Al Ayar v Klinkhamer [2024] ADGMCFI 0002 was an application by the defendant challenging the Court's jurisdiction to try the claim pursuant to Rule 38. The Court referred to the jurisdictional parameters of the Court set out in ADGM Courts Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015 (the "ADGM Courts Regulations") and Abu Dhabi Law No. (4) of 2013 as amended by Abu Dhabi Law No. (12) of 2020 (the "Founding Law"). The Court held that the claim had no connection to the jurisdiction and that there was no evidence before it as to the relevance of the connected entity to the claim. That being the case, the court lacked jurisdiction to try the claim. The Court also held that the personal service of the claim form was not legitimately effected in accordance with the ADGM Court Procedure Rules. However, the service point was said to be ancillary to the main conclusion of the court lacking jurisdiction to try the claim.

In *Abbas v Siadah International Real Estate Development LLC* [2025] ADGMCFI 0006 the Court acceded to a jurisdiction challenge under Rule 38(2), determining (at [8]-[14]) that the Court did not have jurisdiction as the defendant was not a Global Market Establishment and the contract was not entered into, executed or performed in whole or in part in the Global Market.

In *A24 v B24* [2025] ADGMCFI 0019 the application fell within section 16 of the ADGM Arbitration Regulations 2015 rather than Rule 38 because the application was based upon the existence of an arbitration agreement.

Application for recognition and enforcement of arbitration award

5.38.2

The claimant brought an application for recognition and enforcement of an arbitration award in *A15 v B15* [2024] ADGMCFI 0012 seeking to rely upon an alternative ground in the Arbitration Regulations than that which was included in the claim form. The defendant objected on the basis that the claimant had not pleaded this ground relying on Rules 52 and 53 (see further note 6.52.1). The Court held that there was no

statement of case that required amending under those rules, and thus the claimant could advance the argument on the relevant ground without the Court's permission. In any event, the Court said it would have given permission as the defendant did not suggest it had suffered any prejudice. The judge adjourned the recognition and enforcement application until the Dubai court had dealt with challenges to the award. In respect of the defendant's jurisdiction challenge, the judge determined that the Court did have jurisdiction on the basis that the award fell within the Arbitration Regulations. However, as the witness statement in support of the jurisdiction challenge relied on Rule 38(2) (which allows the court to not exercise its jurisdiction where it otherwise has jurisdiction), the judge decided that the application should be adjourned and heard alongside the claimant's application.

39. Default judgment

(1) This Rule does not apply to a default judgment in the Small Claims Division to which Part 37 applies or to a default judgment in the Employment Division to which Part 38 applies, or to a default judgment in the Real Property Division to which Part 41 applies.

(2) In these Rules, "default judgment" means judgment without trial or hearing where a defendant has failed to file and serve an acknowledgment of service, or has filed and served an acknowledgment of service but has failed to file and serve a defence.

(3) Judgment in default of an acknowledgment of service may be obtained if at the date on which judgment is entered the defendant has not filed and served an acknowledgment of service and the relevant time for doing so has expired.

(4) Judgment in default of a defence may be obtained where the defendant has filed and served -

(a) an acknowledgement of service but at the date on which judgment is entered a defence has not been filed and served; or

(b) a counterclaim where at the date on which judgment is entered a defence has not been filed and served,

(c) and, in either case, the relevant time limit for doing so has expired.

(5) A default judgment may include interest as provided for by a practice direction.

40. Conditions to be satisfied

(1) The claimant may not obtain a default judgment under Rule 39, Rule 312, Rule 318, Rule 331 or Rule 340 –

(a) if the defendant has applied to have the claimant's statement of case struck out or for summary judgment and, in either case, that application has not been disposed of;

(b) if the defendant has satisfied the whole claim (including any claim for interest and costs) on which the claimant is seeking judgment;

(c) if the claimant is seeking judgment on a money claim and the defendant has filed and served on the claimant an admission of liability to pay all of the money claimed (excluding interest and costs), together with a request for time to pay; or

(d) where a rule, practice direction or ADGM enactment provides that the claimant may not obtain a default judgment.

40A. Supplementary provisions where applications for default judgment are made

(1) Where the claimant makes an application for default judgment, the judgment shall be such judgment as it appears to the Court that the claimant is entitled to on his statement of case.

(2) Unless it appears to the Court that judgment should be given for a lesser amount, a default judgment on a claim for a specified amount of money obtained on the filing of an application will be judgment for the amount of the claim (less any payments made), costs and post judgment interest (pre-judgment interest may be included if the conditions in paragraph (3) are satisfied).

(3) A default judgment on a claim for a specified amount of money may include interest claimed to the date of judgment if:

(a) the particulars of claim include the details required by any relevant practice direction; and

(b) the claimant's request for judgment includes a calculation of the interest claimed from the date up to which interest was stated to be calculated in the claim form to the date of the application for judgment.

(4) Where the claim is for an unspecified amount of money, a default judgment will be for:

(a) such amount;

(b) costs; and

(c) any interest,

to be decided by the Court.

(5) Nothing in this Rule shall affect the Court's ability to give such directions, or make such orders, as it considers appropriate.

Award of costs on entry of default judgment

5.40A.1

In *Turcon v Assaf & others* [2025] ADGMCFI 0002 the Court emphasised the breadth of its discretion to award costs on the entry of default judgment. Applicants for default judgment were reminded of the requirement under paragraph 7.22 of Practice Direction 7 that an application for a default judgment must contain such particulars as are required by Practice Direction 9 which deals with the summary assessment of costs on a standard basis.

41. Setting aside or varying default judgment

(1) The Court must set aside a judgment entered under Rule 39, Rule 312, Rule 318, Rule 331 or Rule 340 if that judgment was wrongly entered because –

(a) in the case of a judgment in default of an acknowledgment of service or in default of a defence, any of the conditions in Rule 40 was not satisfied; or

(b) the whole of the claim was satisfied before judgment was entered.

(2) In any other case, the Court may set aside or vary a judgment entered under Rule 39, Rule 312, Rule 318, Rule 331 or Rule 340:

(a) if the defendant has a real prospect of successfully defending the claim; or

(b) if it appears to the Court that there is some other good reason why the judgment should be set aside or varied or the defendant should be allowed to defend the claim; and

(c) the application to set aside or vary the judgment was made promptly.

(3) An application under this Rule must be supported by evidence.

An application to set aside judgment under Rule 41(2) must be made promptly 5.41(2).1

Rule 41(2)(c) requires that any application to set aside or vary a judgment entered under Rule 39, Rule 312 or Rule 318 be made "promptly". The Court may refuse to grant an application to set aside judgment in default (notwithstanding that the applicant has a real prospect of defending the claim) where the application to set aside is not made promptly.

In *Laktineh & Co. Ltd. v Ahmed Al Hatta & another* [2020] ADGMCFI 0001 at [12], [19] the Court held that the requirement of promptness as an essential element recognises the importance of finality in litigation. It is equally clear that there is a risk of injustice if too strict an approach is taken to the word "promptly". The period to be considered for the assessment of promptness under Rule 41(2)(c) is the period between the time when the defendant can be taken to have had knowledge of the judgment he seeks to set aside and the date of the application under Rule 41(2). The Court held that it should not apply any very rigorous approach when considering the conduct of a party who has found out for the first time that there have been court proceedings and that a judgment has been made against him. Rule 41 does not require the Court to consider the reasons for the default which lead to the default judgment being granted. It provides a remedy broad enough to cover even a situation where the failure to file and serve an acknowledgment of service has arisen in circumstances which imply no actual default by the defendant (at [20], the Court gave the example of service by newspaper leading to a judgment in default, where the defendant cannot be said to be in any way at fault).

An application to set aside judgment is not an application for relief from sanction 5.41(2).2

In *Andriy Sheremet v CQT Investment Group Ltd* [2025] ADGMCFI 0024 the Court held that Rule 41(2) of the ADGM CPR does not import the three stage test articulated in the English case of Denton v T.H. White Ltd [2014] EWCA Civ 891 which is applicable

under rule 3.9 of the English CPR.

42. Admissions

(1) Rule 109 deals with the procedure in relation to a notice to admit facts.

(2) Where the only remedy which the claimant is seeking is the payment of money, the defendant may admit, by giving notice in writing in accordance with the relevant practice direction, liability to pay the whole or part of a claim for a specified amount of money or, where the amount is not specified, the whole amount or part only of that claim.

(3) Where the defendant makes an admission as mentioned in paragraph (2), the claimant has the right to enter judgment for the amount of money for which liability has been admitted.

(4) The court may allow a party to amend or withdraw any admission made by him on such terms as it thinks just.

(5) Where the Court has entered judgment in relation to a part of a claim that has been admitted and the defendant has filed a defence in relation to part of the claim that has not been admitted, the Court shall proceed to determine that part of the claim.

(6) Where the Court has entered judgment in relation to a part of a claim that has been admitted and the defendant has not filed a defence in relation to part of the claim that has not been admitted, the claimant may apply for default judgment on that part of the claim.

Grounds for allowing a party to amend or withdraw an omission 5.42(4).1

In *Projeco Contracting (L.L.C) v Ideacrate Edutainment Company - L.L.C - O.P.C* [2025] ADGMCFI 0026, the defendant applied to withdraw an admission of fact which had been admitted in its defence and counterclaim. The defendant relied upon: (i) former lawyers admitting the fact contrary to instructions, (ii) the fact that the claimant did not immediately object to the withdrawal (which occurred in the amended defence and counterclaim), and (iii) the serious prejudice would be caused to the defendant if the admission was not withdrawn.

The Court stated that the relevant parts of the English Civil Procedure Rules (being rule 14.5) were "persuasive" when determining the scope of the jurisdiction conferred by Rule 42(4) and stated that the following were relevant factors at [50]:

(1) the grounds for seeking to withdraw the admission;

(2) the conduct of the parties;

(3) any prejudice to any party if the admission were withdrawn or not permitted to be withdrawn;

(4) the stage at which the proceeding has reached before the application is made;

(5) the prospects of success of the claim or part of it to which the admission

relates; and

(6) the interests of the administration of justice generally.

The Court noted that permission to withdraw "should not be granted lightly" and the delay in seeking to withdraw the admission is also relevant. Considering all the relevant factors the application was refused.

43. Request for time to pay

(1) A defendant who makes an admission under Rule 42(2) may make a request for time to pay, which is a proposal about the date of payment or a proposal to pay by instalments at the times and rate specified in the request. Unless otherwise directed by the Court a request for time to pay shall be limited to 3 years from the date the first payment is due and payable.

(2) The defendant's request for time to pay must be filed and served with his admission and, if the claimant accepts the defendant's request, he may obtain judgment by filing a request for judgment in terms of that request, in accordance with the relevant practice direction.

(3) If the claimant does not accept the defendant's proposals for payment, he must file a notice to that effect and a request for judgment in accordance with the relevant practice direction.

(4) When the Court receives the claimant's notice, it will enter judgment for the amount admitted (less any payments made) along with any interest and costs to be paid at the time, over such period and at such a rate of payment as may be determined by the Court.

PART 6:

DEFENCE AND REPLY

44. Filing and serving a defence

(1) This Rule does not apply to a defence filed in the Small Claims Division to which Part 37 applies or to a defence filed in the Employment Division to which Part 38 applies, or to a defence filed in the Real Property Division to which Part 41 applies.

(2) A defendant who wishes to defend all or part of a claim must file a defence and serve a copy of it on the claimant and every other party within 28 days after service of the claim, unless the case has been placed on the Fast Track to which Rule 328 applies.

(3) If a defendant fails to file and serve a defence, and the period for doing so has expired, the claimant may obtain default judgment if Rule 39 allows him to do so.

(4) Where the defendant makes an application under Rule 38, he need not file and serve a defence before the hearing of that application.

45. Filing and serving a reply

(1) This Rule does not apply to a reply filed in the Small Claims Division to which Part 37 applies, or to a reply filed in the Employment Division to which Part 38 applies, or to a reply filed in the Real Property Division to which Part 41 applies, or to a case that has been placed on the Fast Track to which Rule 329 applies.

(2) If a claimant wishes to file a reply to the defence, he must file the reply and serve the reply on all the other parties at the same time as it is filed within 21 days after service of the defence.

46. Extending the period for filing and serving a defence

(1) The parties may agree that the period for filing and serving a defence specified in Rule 44 shall be extended by up to 28 days.

(2) Any extension beyond the period referred to in paragraph (1) may only be obtained by application to the Court.

47. Claim stayed if not defended or admitted

(1) This Rule does not apply to a claim filed in the Small Claims Division to which Part 37 applies or to a claim filed in the Employment Division to which Part 38 applies, or to a claim filed in the Real Property Division to which Part 41 applies.

(2) Where at least 4 months have expired since the end of the period for filing and serving a defence, no defendant has filed or served an admission or a defence or a counterclaim and the claimant has not entered or applied for default judgment under Rule 39 or for summary judgment under Rule 68, the claim shall be stayed.

(3) Where a claim is stayed under this Rule, any party may apply for the stay to be lifted.

48. The defence

The defence must contain the matters set out in Rule 49 and as may be set out in a practice direction.

49. Contents of defence

(1) A defendant must state in his defence which of the allegations in the particulars of claim he admits, which of them he denies and which of them he is unable to admit or deny but which he requires the claimant to prove.

(2) A defendant who fails to deal with an allegation but has set out in his defence the nature of his case in relation to the issue to which that allegation is relevant shall be taken to require that allegation to be proved.

(3) Where the claim form includes a money claim, a defendant shall be taken to require that any allegation relating to the amount of money claimed be proved unless he expressly admits the allegation.

(4) A defendant who fails to deal with an allegation in the manner referred to in the preceding paragraphs shall be taken to admit that allegation.

(5) Where a defendant contends that he is entitled to money from the claimant and relies on this as a defence to the whole or part of the claim, the contention may be included in the defence and set-off against the claim.

(6) Rule 50 applies to a defendant who wishes to make a counterclaim.

50. Counterclaim

(1) A defendant may make a counterclaim against a claimant by filing a counterclaim without the Court's permission if he files it at the same time as his defence, or at any other time with the Court's permission in accordance with the relevant practice direction.

(2) Particulars of the defendant's claim must be contained in the counterclaim.

(3) A defendant who wishes to counterclaim against a person other than the claimant must apply to the Court for an order that that person be added as an additional party in accordance with the relevant practice direction.

51. Defendant's additional claim

(1) A defendant may make an additional claim without the Court's permission if the additional claim is issued before or at the same time as he files his defence, or at any other time with the Court's permission.

(2) A person on whom an additional claim is served becomes a party to the proceedings if he is not a party already.

(3) When an additional claim is served on an existing party for the purpose of requiring the Court to decide a question against that party in a further capacity, that party also becomes a party in the further capacity specified in the additional claim.

(4) For the purpose of this Rule, an "additional claim" includes:

(a) a claim made by a defendant against any person (whether or not already a party) for contribution or indemnity or some other remedy but excludes a counterclaim made under Rule 50; and

(b) where an additional claim has been made against a person who is not already a party, any additional claim made by that person against any other person (whether or not already a party).

52. Amendments of statements of case

(1) A party may amend his statement of case at any time before it has been served on any other party.

(2) If his statement of case has been served, a party may amend it only with the written consent of all the other parties or with the Court's permission.

(3) If a statement of case has been served, an application to amend it by removing, adding or substituting a party must be made in accordance with Rule 56.

Test on an application to amend a statement of Case

6.52.1

In *Union Properties PJSC & another v Trinkler & Partners LTD & others* [2024] ADGMCFI 0006 the claimants, faced with an application for striking out of their claims, applied for permission to amend their particulars of claim under Rule 52. The Court referred to the guidance of Popplewell LJ in *Kawasaki Kisen Kaisha Ltd v James Kemball Ltd* [2021] EWCA Civ 33 at [18]:

> "(1) It is not enough that the claim is merely arguable; it must carry some degree of conviction: … (2) The pleading must be coherent and properly particularised: … (3) The pleading must be supported by evidence which establishes a factual basis which meets the merits test; it is not sufficient simply to plead allegations which if true would establish a claim; there must be evidential material which establishes a sufficiently arguable case that the allegations are correct …"

The Court also referred to *Elite Property Holdings v Barclays Bank plc* [2019] EWCA Civ at [41]-[42]. On the facts, the Court held that the amendment did not disclose a real prospect of success so dismissed the amendment application.

53. Permission to amend statements of case

(1) The Court may allow an amendment whose effect will be to add or substitute a new claim after a period of limitation has expired, but only if the new claim arises out of the same, or substantially the same, facts as a claim in respect of which the party applying for permission has already claimed a remedy in the proceedings.

(2) The Court may allow an amendment to correct a mistake as to the name of a party, but only where the mistake was genuine and not one which would cause reasonable doubt as to the identity of the party in question.

(3) The Court may allow an amendment to alter the capacity in which a party claims if the new capacity is one which that party had when the proceedings started or has since acquired.

54. Further information

(1) The Court may at any time order a party to clarify any matter which is in dispute in the proceedings or give additional information in relation to any such matter whether or not the matter is contained in or referred to in a statement of case.

(2) Paragraph (1) is subject to any rule of law to the contrary.

(3) The Court may direct that information provided by a party to another party (whether given voluntarily or following an order made under paragraph (1)) must not be used for any purpose except for that of the proceedings in which it is given or may, on the application of the party receiving the information, be used in proceedings other than the proceedings in which it is given.

(4) Where the Court makes an order under paragraph (1), the party against whom it is made must file his response and serve it on the other parties within the time specified by the Court.

(5) Practice directions may set out the circumstances in which a party may apply for, and in which the Court may make, an order under this Rule.

PART 7:

PARTIES AND GROUP LITIGATION

55. Parties – general

(1) Where a claimant claims a remedy to which some other person is jointly entitled with him, all persons jointly entitled to the remedy must be parties unless the Court orders otherwise.

(2) If any person does not agree to be a claimant, he must be made a defendant unless the Court orders otherwise.

56. Addition and substitution of parties

(1) Where the claim form has been served, the Court's permission is required to remove, add or substitute a party.

(2) An application for permission under paragraph (1) may be made by an existing party or by a person who wishes to become a party.

(3) Nobody may be added or substituted as a claimant unless he has given his consent in writing and that consent has been filed with the Court.

(4) The Court may order any person to cease to be a party if it is not desirable for that person to continue to be a party to the proceedings.

(5) An order for the removal, addition or substitution of a party must be served on all parties to the proceedings and any other person affected by the order.

(6) The Court may add or substitute a party after the end of a period of limitation only if the relevant limitation period was current when the proceedings were started and the addition or substitution is necessary.

The grant of permission to remove, add or substitute a party
7.56(1).1

In *Rosewood Hotel Abu Dhabi LLC v Skelmore Hospitality Group Ltd.* [2019] ADGMCFI 0003 at [21]-[22] and [30], the Court has an unfettered discretion under Rule 56(1) in deciding whether to grant permission to remove, add or substitute a party. An application under Rule 56(1) may be made by an existing party or by a person who wishes to become a party. The burden of demonstrating why a joinder is necessary and/or desirable lies upon the applicant seeking this relief. The applicant is expected to provide a draft statement of case or (at the least) evidence of the type and nature of the claim when applying for joinder.

The grant of permission to add a party outside the jurisdiction
7.56(1).2

In *Abu Dhabi Commercial Bank PJSC v Prasanth Manghat* [2024] ADGMCFI 0010 the bank applied to join Dr Shetty, the former CEO and director of the NMC Group, as second defendant to the proceedings. Dr Shetty disputed the Court's jurisdiction and

to the extent that the Court might have jurisdiction argued that the application should be refused in the exercise of its discretion. The bank argued inter alia that the Court had jurisdiction under Rule 24(2), on the basis that a claim can be served on a person out of the jurisdiction where, (a) there is a real issue between the claimant and defendant which is reasonable for the Court to try and, (b) the claimant wishes to serve the claim form, or have it served, on another person who is a necessary or proper party to that claim. Dr Shetty argued that Rule 24(2) was concerned only with service and not jurisdiction. The Court held that Rules 24(2) and 56 must be interpreted so as to advance the overriding objective in Rule 2(3). Rule 24(2) allows the Court to do "complete justice" between the parties. Jurisdiction in the strict sense is provided by Rule 56 as the court is empowered to permit the addition of a party and nothing in it indicates that the power may only be exercised where there is some other independent jurisdiction over the claim against the additional party. Rule 24(2) allows effect to be given to the exercise of the power under Rule 56 by effective service of the claim form even if the additional defendant is not within the ADGM or elsewhere in the UAE. The Court held (at [57]) that Rule 24(1) may be used if there is another source of jurisdiction for the claim and if there is not, then r 24(2) may be used if the conditions are met. However, on the facts, the Court refused to exercise its discretion to add Dr Shetty as an additional party due to the problems of accommodating Dr Shetty in the claim within the trial timetable that was directed (see further note 4.24(2).1).

57. Representative parties

(1) This Rule applies to claims about the estate of a deceased person or property subject to a trust.

(2) The Court may make an order appointing a person to represent any other person or persons in the claim where the person or persons to be represented are minors or unborn, cannot be found, cannot easily be ascertained or is a class of person who has the same interest in a claim and to appoint a representative would further the overriding objective.

(3) An application for an order under paragraph (2) may be made by any person who seeks to be appointed under the order or by any party to the claim at any time before or after the claim has started.

(4) The Court's approval is required to settle a claim in which a party is acting as a representative under this Rule, and the Court may approve a settlement where it is satisfied that the settlement is for the benefit of all the represented persons.

(5) Unless the Court otherwise directs, any judgment or order given in a claim in which a party is acting as a representative under this Rule is binding on all persons represented in the claim but may only be enforced by or against a person who is not a party to the claim with the Court's permission.

Reducing risk of inconsistent judgments and future litigation

5.57.1

In *Union Properties PJSC & another v Trinkler & Partners LTD & others* [2024] ADGMCFI 0019 the twelfth defendant took the point (after dismissal of his application for summary judgment or striking out of the claim, see [2024] ADGMCFI 0014 and note 9.68.1 below), that if the first claimant was the beneficial owner of the Investment

Fund, then the second claimant suffered no loss and its claim should be struck out on that basis. The Court rejected that submission in this supplemental judgment. The judge held that whether the Investment Fund was owned by the first or second claimant, it is sensible that both be party to the proceedings to put it beyond doubt that a decision in the proceedings would be binding on them both. Rule 57 provides that a claim by or against a trustee is binding on the beneficial owner, but the joinder of both claimants minimised the risk of future dispute about whether the arrangement between them gave rise to a trust within the meaning of Rule 57(1) and the risk of future litigation.

58. Power to make judgments binding on non-parties

(1) The Court may at any time direct that notice of the claim or any judgment or order given in the claim be served on any person who is not a party but who is or may be affected by it.

(2) Any person served with a notice of a judgment or order under this Rule shall be bound by the judgment or order as if he had been a party to the claim but may, provided he files an acknowledgment of service of the notice within 14 days of being served, apply to the Court to set aside or vary the judgment or order or take part in any proceedings relating to the judgment or order.

59. Derivative claims

(1) This Rule applies to a derivative claim, whether under Chapter 1 of Part 11 of the Companies Regulations or otherwise, but does not apply to a claim made pursuant to an order made under section 860 of those Regulations.

(2) "Derivative claim" means a claim made by an eligible member of a company or other body corporate for a remedy where the company or other body corporate is alleged to be entitled to that remedy, "eligible member" having the meaning given in section 282(3) of the Companies Regulations.

(3) A derivative claim is started by issuing a claim form, and the company or other body corporate for the benefit of which a remedy is sought must be made a defendant to the claim.

60. Derivative claims under the Companies Regulations

(1) When the claim form for a derivative claim under Chapter 1 of Part 11 of the Companies Regulations is issued, the claimant must file an application for permission to continue the claim.

(2) The claimant must not make the company a respondent to the permission application.

(3) Subject to paragraph (5), the claimant must notify the company of the claim and the permission application by sending to the company the documents set out in the relevant practice direction as soon as reasonably practicable after the claim form is issued.

(4) The claimant may send the documents required by the relevant practice

direction to the company by any method permitted by the practice direction as if the documents were being served on the company.

(5) Where notifying the company of the permission application would be likely to frustrate some part of the remedy sought, the Court may, on application by the claimant, order that the company need not be notified for such period after the issue of the claim form as the Court directs; and an application under this paragraph may be made without notice.

(6) Where the Court does not dismiss the permission application under section 283(2) of the Companies Regulations, the Court will order that the company and any other appropriate party must be made respondents to the permission application, and give directions for the service on the company and any other appropriate party of the permission application notice and the claim form.

61. Derivative claims – other bodies corporate

(1) This Rule sets out the procedure where a body corporate to which Chapter 1 of Part 11 of the Companies Regulations does not apply is alleged to be entitled to a remedy and either a claim is made by an eligible member, or an eligible member of the body corporate, seeks to take over a claim already started by the body corporate or one or more of its eligible members for it to be given that remedy.

(2) The eligible member who starts or seeks to take over the claim must apply to the Court for permission to continue the claim; and the application for permission must be made by an application notice.

(3) The procedure for applications in relation to companies under section 283, 284 or 286 (as the case requires) of the Companies Regulations applies to the permission application as if the body corporate were a company.

(4) Paragraphs (2) and (3) apply to the permission application as if the body corporate were a company.

62. Derivative claims arising in other proceedings

(1) If a derivative claim (except such a claim in pursuance of an order under section 860 of the Companies Regulations) arises in the course of other proceedings in the case of a derivative claim under Chapter 1 of Part 11, Rules 58 and 59 apply as the case requires.

(2) The Court may order the company or body corporate for the benefit of which a derivative claim is brought to indemnify the claimant against liability for costs incurred in the permission application or in the derivative claim or both.

(3) The Court, where it has given permission to continue a derivative claim, may order that the claim may not be discontinued, settled or compromised without the Court's permission.

63. Group Litigation Orders

(1) The Court may make a Group Litigation Order ("GLO") to provide for the case management of claims which give rise to common or related issues of fact or law

(the "GLO issues").

(2) The procedure for applying for a GLO and the type of orders and directions it may contain may be set out in a relevant practice direction.

(3) A GLO must contain directions about the establishment of a register (the "group register") on which the claims managed under the GLO will be entered and specify the GLO issues which will identify the claims to be managed as a group under the GLO.

(4) A party to a claim on the group register may apply to the Court for the claim to be removed from the group register.

(5) Unless the Court orders otherwise, disclosure of any document relating to the GLO issued by a party to a claim on the group register is disclosure of that document to all parties to claims which are on, or are subsequently entered on, the group register.

(6) Where a judgment or order is given or made in a claim in the group register in relation to one or more GLO issues that judgment or order is binding on the parties to all other claims that are on the group register at the time that judgment is given or order is made unless the Court orders otherwise; and the Court may give directions as to the extent to which that judgment or order is binding on the parties to any claim which is subsequently entered on the group register.

(7) Any party who is adversely affected by a judgment or order which is binding on him may apply for the judgment or order to be set aside, varied or stayed or for permission to appeal the judgment or order.

(8) A party to a claim which was entered on the group register after a judgment or order which is binding on him was given or made may not apply for the judgment or order to be set aside, varied or stayed or appeal the judgment or order, but he may apply to the Court for an order that the judgment or order is not binding on him.

PART 8:

GENERAL RULES ABOUT APPLICATIONS FOR COURT ORDERS

64. Application notices

(1) Unless a rule, practice direction or ADGM enactment permits otherwise, or the Court otherwise directs, a party who wishes to apply to the Court for orders must file an application notice together with any witness statement evidence in support. The application notice must include any matters that may be set out in a practice direction.

(2) Where an application must be made within a specified time, it is so made if the application notice is received by the Court within that time.

(3) An application for an interim remedy may be made by a person who intends to file a claim only if the matter is urgent. A person who wishes to apply to the Court for

an interim remedy prior to a claim being filed must file an application notice together with any witness statement evidence in support. The application notice must also include any matters that may be set out in a practice direction.

(4) A person making an application under paragraph (3) must give an undertaking to the Court at the time of filing the application notice to the effect that the applicant will file a claim within 2 days after the application notice is filed, unless the Court orders otherwise or a rule, practice direction or ADGM enactment permits otherwise.

(5) Application notices and the witness statement evidence in support must be served by the applicant on each respondent:

(a) as soon as practicable after it is filed; and

(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.

(6) An application may be made without notice if this is permitted by a rule, practice direction or ADGM enactment or is with the Court's permission. The Court's permission will be granted only where:

(a) there is exceptional urgency;

(b) it is otherwise desirable to do so in the interests of justice; or

(c) there are good reasons for making the application without notice, for example, because the notice would or might defeat the object of the application.

(7) This Rule does not require witness statement evidence to be filed if such evidence has already been filed, nor to be re-served on a party upon whom such evidence has already been served.

(8) The Court may make directions as it considers appropriate in relation to any application that is filed, including in relation to its hearing.

(9) Practice directions may set out the steps to be taken or evidence to be filed by persons or parties in relation to applications.

Application must made by filing application notice not correspondence with the Court

8.64(1).1

See generally Practice Direction 7.

In *Union Properties PJSC & another v Trinkler & Partners LTD & others* [2024] ADGMCFI 0004 an email request by the claimants for an extension of time to provide security for costs was held not to be an application, since no application notice had been filed, as required by Rule 64(1). See further note 2.8(5).4 above.

The requirement of urgency

8.64(3).2

In *NX (as Trustee of the EYZ Trust) v AA (Beneficiary 1) & Others* [2025] ADGMCFI 0030, the trustee made a directions application for declarations, guidance or similar relief about (i) her position, (ii) the terms of the trust, and (iii) other matters. The trustee also made a preliminary application seeking: (i) an order extending the time for filing the directions application, (ii) orders about the representation of two minors and about provision for the costs of their representation; and (iii) an order that hearings in the Directions Application be conducted in private, and related orders for the names of the parties to be anonymised and for Court documents being kept private from non-parties. The Court held that under Rule 64(3) an interim application must only be brought if the matter is urgent. In contentious matters this will usually mean that the relief is required immediately. However, the Rules could be interpreted flexibly and "with a view to securing that the Court is accessible, fair and efficient": see Rule 2(3). On that basis, there was a real and compelling case that the trustee should have the preliminary application decided before she brought the directions application, and this was a pressing need for the purposes of Rule 64(3).

65. Service of application where application made without notice

(1) Where the Court makes an order, whether granting or dismissing an application, a copy of the application notice and any witness statement evidence in support must, unless the Court orders otherwise, be served with the order on any party or other person against whom the order was made and against whom the order was sought.

(2) On all applications made without notice, the applicant and those representing him must make full disclosure of any matter which, if the respondent was represented, the respondent would wish the Court to be aware of, including any possible defences that may be available to the respondent.

(3) The order must contain a statement of the right to make an application to set aside or vary the order under paragraph (4).

(4) A person who was not served with a copy of the application notice before an order was made may apply to have the order set aside or varied.

(5) This Rule does not apply to an application for default judgment or an order made in relation to an application for default judgment.

66. Applications to be disposed of without a hearing

(1) The Court may deal with an application without a hearing if the parties agree as to the terms of the order or agree that the Court should dispose of the application without a hearing; or if the Court does not consider that a hearing would be appropriate.

(2) Where the applicant or any respondent fails to attend the hearing of an application, the Court may proceed in his absence.

67. Dismissal of without merit application

If the Court dismisses an application (including an application for permission to

appeal or for permission to apply for judicial review) and it considers that the application is without merit, the Court's order must record that fact.

PART 9:

SUMMARY JUDGMENT

68. Grounds for summary judgment

(1) The Court may give summary judgment against a claimant or defendant on the whole of a claim or on a particular issue if it considers that –

(a) the claimant has no real prospect of succeeding on the claim or issue; or

(b) the defendant has no real prospect of successfully defending the claim or issue; and

(c) there is no other compelling reason why the case or issue should be disposed of at trial.

(2) An application for summary judgment may be made in accordance with the provisions in Part 8.

(3) A claimant may not apply for summary judgment until the defendant against whom summary judgment is sought has filed an acknowledgment of service unless the Court gives permission, or a rule or relevant practice direction provides otherwise.

(4) Paragraph (3) does not apply to a claim filed in the Small Claims Division to which Part 37 applies or to a claim filed in the Employment Division to which Part 38 applies, or to a claim filed in the Real Property Division to which Part 41 applies.

(5) If a claimant applies for summary judgment before a defendant against whom the application is made has filed a defence, that defendant need not file a defence before the summary judgment hearing.

Test for summary judgment

9.68.1

In *Union Properties PJSC & another v Trinkler & Partners LTD & others* [2024] ADGMCFI 0014 the claimants applied for permission to amend their particulars of claim and the twelfth defendant applied for an order that the claims be struck out, or alternatively that he have summary judgment on them, or alternatively that the claims against him be stayed. The claims against the twelfth defendant were for deceit, negligent misrepresentation, unlawful means conspiracy and breach of fiduciary duty. The Court held that the "core question" that arises under Rule 9(2)(a) (strike out) and Rule 68(1) is the same: whether the claimants had a realistic chance of succeeding in their pleaded claims against the defendant (the same approach was adopted in *Riad Zaki Abdul Rahim Al Nashef v Empire Island Tower Limited & Others* [2025] ADGMCFI 0025 at [5]). The Court summarised the applicable principles as follows at [31]:

a. The essential question for the Court is whether the claims against Mr Khouri have a realistic, as opposed to a fanciful, prospect of success, which means that the claims must carry some degree of conviction, and not be merely arguable: *ED&F*

Man Liquid Products v Patel [2003] EWCA Civ 472 at para 8.

b. While the Court will not conduct what has been termed a "mini-trial" on applications of this kind, it does not have to take at face value and without analysis everything in the parties' statements. As Potter LJ said in the *ED&F Man* case sup. cit. at para 10: "In some cases it may be clear that there is no real substance in factual assertions made, particularly if contradicted by contemporary documents. If so, issues which are dependent upon those factual assertions may be susceptible of disposal at an early stage so as to save the cost and delay of trying an issue the outcome of which is inevitable".

c. In some cases, the Court will properly take account not only of evidence before it on the application, but also evidence that might reasonably be expected to be available at trial. This does not mean that the Court will entertain groundless speculation that something might turn up. In *Korea National Insurance Corp v Allianz Global Corporate & Specialty* AG [2007] EWCA Civ 1066, Moore-Bick LJ said: "It is incumbent on a party responding to an application for summary judgment to put forward sufficient evidence to satisfy the court that it has a real prospect of succeeding at trial. If it wishes to rely on the likelihood that further evidence will be available at that stage, it must substantiate that assertion by describing, at least in general terms, the nature of the evidence, its source and its relevance to the issues before the court" (at para 14).

d. In cases where fraud or other comparable dishonesty is alleged, the approach of the Court was summarised by Cockerill J in *King v Stiefel* [2021] EWHC 1045 (Comm) at para 25:

> "i) The Court should bear in mind that cogent evidence is required to justify a finding of fraud or other discreditable conduct, reflecting the court's conventional perception that it is generally not likely that people will engage in such conduct. ii) Pleadings of fraud should be subjected to close scrutiny and it is not possible to infer dishonesty from facts that are equally consistent with honesty. iii) However, in view of the common feature of fraud claims that the Defendant will, if the underlying allegation is true, have tried to shroud his conduct in secrecy, the Court should adopt a "generous" approach to pleadings."

The Court decided that whilst the case against Mr Khouri was an inferential one, the claim disclosed real issues that should proceed to trial. The application to strike out on the grounds of abuse of process and/or the Claimant's failure to comply with Court orders was also unsuccessful (see further note 2.9.1).

69. Evidence for the purpose of a summary judgment hearing

(1) If the respondent to an application for summary judgment wishes to rely on written evidence at the hearing, he must file the written evidence and serve a copy on every other party to the proceedings at least 7 days before the summary judgment hearing.

(2) If the applicant wishes to rely on written evidence in reply, he must file the written evidence and serve a copy on every other party to the proceedings at least 3 days before the summary judgment hearing.

(3) This Rule does not require written evidence to be filed if it has already been filed; or to be served on a party on whom it has already been served.

70. Court's power when it determines a summary judgment application

When the Court determines a summary judgment application, it may give directions as to the filing and service of a defence and give further directions about the management of the case.

PART 10:

INTERIM REMEDIES

71. Orders for interim remedies

(1) The Court may grant such interim remedies as are necessary in the interests of justice (whether in the particular case or more generally) including –

(a) an interim injunction;

(b) an interim declaration;

(c) an order for;

(i) the detention, inspection, custody or preservation of relevant property;

(ii) the taking of a sample of or the carrying out of an experiment on or with relevant property;

(iii) the sale of relevant property which is of a perishable nature or which for any other good reason it is desirable to sell quickly; and

(iv) the payment of income from relevant property until a claim is decided;

(d) an order authorising a person to enter any real property, land or building in the possession of a party to the proceedings for the purposes of carrying out an order under sub-paragraph (c);

(e) an order under section 4 of the Torts (Interference with Goods) Act 1977 to deliver up goods;

(f) an order (referred to as a "freezing injunction") restraining a party from removing from a particular jurisdiction assets located within that jurisdiction or from dealing with or removing from ADGM or any other jurisdiction any assets which are located there;

(g) an order directing a party to provide information about the location of relevant property or assets or to provide information about relevant property or assets which are or may be the subject of an application for a freezing injunction;

(h) an order (referred to as a "search order") made under section 79 of the Regulations or under any other ADGM enactment;

(i) an order (referred to as an order for interim payment) under section 34 of the Regulations for payment by a defendant on account of any damages, debt or other sum (except costs) which the Court may hold the defendant liable to pay;

(j) an order under section 35 of the Regulations;

(k) an order under section 36 of the Regulations;

(l) an order under section 37 of the Regulations;

(m) an order for a specified fund to be paid into Court or otherwise secured, where there is a dispute over a party's right to the fund;

(n) an order permitting a party seeking to recover personal property to pay money into Court pending the outcome of the proceedings and directing that, if he does so, the property shall be given to him;

(o) an order directing a party to prepare and file accounts relating to the dispute; and

(p) an order directing any account to be taken or inquiry to be made by the Court.

(2) In paragraph (1), "relevant property" means property, including real property, which is the subject of a claim or as to which any question may arise on a claim.

(3) The fact that a particular kind of interim remedy is not listed in paragraph does not affect any power that the Court may have to grant that remedy.

(4) The Court may grant an interim remedy whether or not there has been a claim for a final remedy of that kind.

Court's power to grant interim remedies
10.71(1).1
See Practice Direction 7 part D.
The Court has power to grant "such interim remedies as are necessary in the interests of justice".

This includes the power to grant an interim remedy by way of an interim declaration. In *Afkar Capital Limited v Saifallah Fikry* [2017] ADGMCFI 1 at [29] to [31], the Court recognised that whilst it is provisional in nature, actions done whilst the declaration is in force will enjoy its protection for all time (referring to *The National Crime Agency v N & RBS plc* [2017] EWCA Civ 253 at [85] and [88]). On the exercise of the discretion as to whether to make a declaration the Court referred to the English authorities: *Financial Services Authority v Rourke* [2001] EWHC 704 (Ch), *Rolls Royce plc v Unite the Union* [2009] EWCA Civ 387 and *Governor & Company of the Bank of Scotland v A Ltd and* others [2001] EWCA Civ 1081. The following test was applied by the Court: (1) When deciding whether to make an interim declaration it is proper for the court to consider the merits of the claim and its prospect of succeeding at trial. (2) The court must also consider where the balance of convenience lies. What is the balance between

the injustice to the applicant if he is refused relief to which he establishes at trial he was entitled, and the injustice to the respondent if he is subjected on an interim basis to relief that is shown at trial to be unjustified? (3) The court must also consider whether an interim declaration will be of practical use and effective to deal with a dilemma that warrants the court's intervention.

The principles governing the grant of freezing orders
10.71(1).2

The Court has power to make freezing orders under section 41 of the Courts Regulations 2015, which is confirmed in Rule 71. The relevant test has been considered in two judgments of Justice Sir Andrew Smith. In the first, *Abu Dhabi Commercial Bank PJSC v Manghat* [2022] ADGMCFI 0007, the Court applied the principles governing the grant of freezing orders from the judgment of Peter Gibson LJ in *Thane Investments Ltd v Tomlinson (No 1)* [2003] EWCA Civ 1272 at [21]: the Court must be satisfied that "the applicant for the order has a good, arguable case, that there is a real risk that judgment would go unsatisfied by reason of the disposal by the defendant of his assets, unless he is restrained by the court from disposing of them, and that it would be just and convenient in all the circumstances to grant the freezing order". In deciding whether there is a good arguable case the Court referred to *Lakatamia Shipping Co Ltd v Moritomo* [2019] EWCA Civ 2033 (that the test is "not a particularly onerous one") and *Ninemia Corp v Trave Schiffahrtsgesellschaft GmbH* (The Niedersachsen) [1983] 2 Lloyd's Rep 600, 605 (that it requires a case "that is more than barely capable of serious argument, but not necessarily one which the judge considers would have a better than 50 per cent chance of success").

In the second, *Sky Property Holdings LTD v Corporate Sky Business Center L.T.D* [2025] ADGMCFI 0021, the Court referred to the more recent decision of the English Court of Appeal in *Isabel dos Santos v Unitel SA* [2024] EWCA Civ 1109, in which it was said that, "the gateway merits test for a freezing order is and should be the same as for interim injunctions generally, namely whether there is a serious issue to be tried". The Court suggested that the adoption of the serious issue to be tried test in the ADGM might avoid confusion, since it is "a more specific encapsulation of the test, although does not differ in substance from that which has been applied under the "good arguable case" formulation".

Freezing order in support of foreign proceedings
10.71(1).3

The Court has power to make a freezing order in support of foreign proceedings under Regulation 41 of the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015. This conclusion is supported by Rule 72(7) (see below) and Rule 72(1)(a) and (f) (*Abu Dhabi Commercial Bank PJSC v Bavaguthu Raghuram Shetty & Others* [2021] ADGMCFI 0004 at [19]-[20]).

72. Timing and other considerations for an order for an interim remedy

(1) An order for an interim remedy may be made at any time.

(2) Paragraph (1) is subject to any rule, practice direction, ADGM enactment or any other applicable enactment which provides otherwise.

(3) Subject to paragraphs (6) and (7), where a person wishes to apply for an interim remedy before a claim has been made, the application must be made in accordance with Part 8 of these Rules.

(4) The Court may grant an interim remedy before a claim has been made only if the matter is urgent or it is otherwise desirable to do so in the interests of justice.

(5) Unless the Court otherwise orders, a defendant may not apply for any of the orders listed in Rule 71 before he has filed an acknowledgment of service or, in relation to a claim filed in the Small Claims Division or the Employment Division, a defence.

(6) Where it grants an interim remedy before a claim has been commenced, the Court may give directions regarding the claim to be commenced; but the Court need not direct that a subsequent claim be commenced where the application is made:

(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.

(7) Where a party wishes to apply for an interim remedy but:

(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.

(8) Where a person makes an application under sections 36 and 37 of the Regulations, the evidence in support of such an application must show, if practicable by reference to any statement of case prepared in relation to the proceedings or anticipated proceedings, that the property –

(a) is or may become the subject matter of such proceedings; or

(b) is relevant to the issues that will arise in relation to such proceedings.

Applications for an interim remedy in relation to proceedings outside the jurisdiction or before a claim is commenced

10.72(7).1

In *Abu Dhabi Commercial Bank PJSC v Bavaguthu Raghuram Shetty & Others* [2021] ADGMCFI 0004 the Court held (at [10]-[11]) that Rule 72(7) did not have the effect of relieving an applicant for a freezing order of the requirement to issue a claim form when seeking relief in respect of an interim remedy in relation to proceedings outside the jurisdiction or before a claim has been commenced. The Court referred to the reasons given by Mr Richard Spearman QC, sitting as a Deputy High Court

Judge in the Chancery Division of the English High Court in *Ras Al Khaimah Investment Authority v Bestfort Development LLP* [2015] EWHC 1955 (Ch), on the effect of the comparable rule 25.4 of the English Civil Procedural Rules, where it was observed that "a claim provides a vehicle for an application for an interim remedy; and the existence of a claim enhances the court's ability to control the proceedings". The Court said that this conclusion was supported by Rule 25 (requiring 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), as it would be strange if a defendant was deprived of such a notice where an interim application has been made (see further note 4.25.1).

73. Interim payments

(1) The claimant may not apply for an interim payment before the end of the period for filing and serving:

(a) the acknowledgment of service applicable to the defendant against whom the application is made; or

(b) in relation to a claim filed in the Small Claims Division or the Employment Division, the defence applicable to the defendant against whom the application is made.

(2) The claimant may make more than one application for an order for an interim payment.

(3) The Court may order an interim payment in one sum or in instalments.

(4) The Court may only make an order for an interim payment where any of the following conditions are satisfied –

(a) the defendant against whom the order is sought has admitted liability to pay damages or some other sum of money to the claimant;

(b) the claimant has obtained judgment against the defendant for damages to be assessed or for a sum of money (other than costs) to be assessed;

(c) if the claim went to trial, the claimant would obtain judgment for a substantial amount of money (other than costs) against the defendant from whom he is seeking an order for an interim payment;

(d) the claimant is seeking an order for possession of real property (whether or not any other order is also sought) and the defendant would be held liable if the case went to trial (even if the claim for possession fails) to pay the claimant a sum of money for the defendant's occupation and use of the real property while the claim for possession was pending; or

(e) in a claim in which there are two or more defendants and the order is sought against any one or more of those defendants –

(i) the claimant would, if the claim went to trial, obtain judgment for a substantial amount of money (other than costs) against at least one of

the defendants (but the Court cannot determine which); and

(ii) all the defendants are either a defendant that is insured in respect of the claim or a defendant that is a public authority.

(5) In paragraph (4)(e)(ii), a "public authority" means ADGM or Emirate public or statutory undertaking, any ADGM Authority, any government department and any government department and any person holding office under His Highness, including the Board.

(6) The Court must not order an interim payment of more than a reasonable proportion of the likely amount of the final judgment and must take into account contributory negligence and any relevant set-off or counterclaim.

74. Powers of Court where it has made an order for interim payment

(1) Where a defendant has been ordered to make an interim payment, or has in fact made an interim payment, the Court may make an order to adjust the interim payment.

(2) The Court may make an order under this Rule without an application by any party if it makes the order when it disposes of the claim or any part of it.

(3) Where a defendant has made an interim payment and the amount of the payment is more than his total liability under the final judgment or order, the Court may award him interest on the overpaid amount from the date he made the interim payment.

PART 11:

SECURITY FOR COSTS

75. Security for costs

(1) A defendant to any claim may apply for security for costs of the proceedings under the conditions set out in any relevant practice direction or any ADGM enactment that permits the Court to require security for costs.

(2) Where the Court makes an order for security for costs, it will determine the amount of security and direct the manner in which and the time within which the security must be given.

(3) The Court may make an order for security for costs under this Rule if it is satisfied, having regard to all the circumstances of the case, that it is just to make such an order.

(4) The defendant may seek an order against someone other than the claimant, and the Court may make an order for security for costs against that person if it is satisfied, having regard to all the circumstances of the case, that it is just to make such an order.

Specified grounds for grant of security for costs not exhaustive
11.75.1

See also Practice Direction 7, paragraphs 7.29 and 7.30.

An order for security for costs may be made where it is just to make such an order. In *Global Private Investments RSC Limited v Global Aerospace Underwriting Managers Limited & Others* [2021] ADGMCFI 0005 at [2] the Court emphasized that this does not require that one of the grounds in paragraph 7.30 of Practice Direction 7 be made out (these being examples of circumstances in which it might, but not necessarily will, be just to order security for costs). For this reason, the rule differs from ECPR rule 25.13 and some care is required when considering the English authorities on security for costs. The Court will not be drawn into an assessment of the merits of the claim unless it can clearly be demonstrated that there is a high degree of probability of success or failure.

Penalty for non-payment of security for costs
11.75.2

In *Union Properties PJSC & another v Trinkler & Partners LTD & others* [2024] ADGMCFI 0003 the defendant applied for an order that if the claimants did not make payment of outstanding costs orders or provide security for future costs as ordered, the claimants would be refused permission to amend their particulars of claim in any event. While the Court accepted it had jurisdiction to make such an order under Rules 8 and 11, it declined to make such an order holding that it would not be proportionate, referring to the judgment of Males LJ in *Gama Aviation (UK) Ltd v Taleveras Petroleum Trading DMCC* [2019] EWCA Civ 119 (at [56]) where it was held that, in some circumstances, the Court can properly impose a condition, such as a payment into Court, upon the grant of a permission, but emphasised that it is always necessary to identify the purpose of the condition and to ensure that it "represents a proportionate and effective means of achieving that purpose". The Court held that an order denying the claimants permission to amend would not be proportionate since it would affect its claims against all of the defendants and not just those in whose favour an order for security had been made. Instead, the Court ordered that if the claimants failed to pay security and the outstanding costs order, then the claim against Mr Khouri (the defendant in whose favour security had been ordered) would be struck out, subject to the claimants having liberty to apply for an extension of time to pay. While a stay of proceedings was the usual penalty for failure to make payment, it was said that striking out was appropriate in the event of breach given the previous non-compliance of the claimants.

76. Security for costs of an appeal

(1) The Court may order security for costs of an appeal against an appellant and a respondent who also appeals on the same grounds as it may order security for costs against a claimant under Rule 75.

(2) The Court may also make an order under paragraph (1) where the appellant, or the respondent who also appeals, is a limited company and there is reason to believe that it will be unable to pay the costs of the other parties to the appeal should its appeal be unsuccessful.

(3) Any security for costs lodged by a claimant, an appellant or a respondent who also appeals will be dealt with in accordance with any relevant practice direction

or with the directions of the Court.

PART 12:

CASE MANAGEMENT

77. Directions

(1) If the defendant has filed a defence, or if there are two or more defendants, at least one of them has done so and the time for filing and serving the other defence or defences has expired, the Court may give directions for the management of the case, and may if the Court sees fit direct the parties or one or more of them to complete, file and serve on the other party or parties a directions questionnaire or proposed case management directions or both.

(2) Where the Court has given directions under paragraph (1), the parties may not by agreement vary them (as to the date by which any direction is to be complied with or otherwise).

(3) If a party does not comply with a direction under paragraph (1), the Court may make such order as it considers appropriate.

(4) Where the Court makes an order under paragraph (3), a party who was in default will not normally be entitled to an order for the costs of any application to set aside or vary that order or of attending any case management conference and will, unless the Court thinks it unjust to do so, be ordered to pay the costs that the default caused to any other party.

78. Court-annexed mediation

(1) A party may, when filing their pleadings or their completed directions questionnaire, or at any other stage of the proceedings, make a written request for the proceedings to be referred to court-annexed mediation or stayed to allow the parties to try to settle the case by alternative dispute resolution or other means.

(2) If all parties request a referral of the proceedings to court-annexed mediation or request a stay, the Court will make such orders or directions as it considers appropriate in relation to the parties' request.

(3) If a request is made that the proceedings be referred to court-annexed mediation or stayed by one or some, but not all, of the parties to the proceedings, the Court will make such orders or directions as it considers appropriate in relation to the request.

79. Case management conference

(1) The Court will hold an initial case management conference in accordance with the relevant practice direction and fix the trial date or a timetable for

the conduct of the case including if possible the appointment of trial dates or provisional trial dates, or, if that is not practicable, fix as much of the pre-trial

timetable as possible.

(2) The Court may, upon the request of a party or on its own initiative, convene a case management conference at any time during the proceedings to facilitate the effective management of the case.

(3) When the Court fixes the trial dates or provisional trial dates, it will give notice to the parties of those dates.

80. Steps taken by the parties

(1) The parties must endeavour to agree appropriate directions for the management of the proceedings, and submit agreed directions or their respective proposals to the Court before any case management conference in accordance with any relevant practice direction.

(2) The Court will notify the parties where the Court approves agreed directions, or issues its own directions, and the case management conference will be vacated.

81. Variation of case management timetable

In accordance with the relevant practice direction:

(a) where they are agreed that the timetable should be adjusted, the parties may jointly seek a variation of any of the dates fixed by the Court under Rules 79 and 80;

(b) failing agreement, and subject to sub-paragraph (c) below, a party may seek a variation of any of the dates fixed by the Court under Rules 79 and 80;

(c) if, failing agreement, a party wishes to seek a variation to any of the dates fixed by the Court under Rule 79 and 80 that will affect or have a consequential impact on the dates fixed for a hearing or a trial, that party must make an application to the Court.

82. Pre-trial checklist

(1) The Court will send the parties a pre-trial checklist for completion and return unless it considers that the claim can proceed to trial without the need for the pre-trial checklist.

(2) Each party must file the completed pre-trial checklist by the date specified in the relevant practice direction or by the Court.

(3) If, on receipt of the parties' pre-trial checklist, the Court decides to hold a pre-trial review or to cancel a pre-trial review which has already been fixed, it will issue a notice of its decision on the parties.

83. Setting a trial timetable

(1) As soon as practicable after each party has filed a completed pre-trial checklist or the Court has held a pre-trial review, the Court may –

(a) set a timetable for the trial, unless a timetable has already been fixed

or the Court considers that it would be inappropriate to do so; and

(b) confirm the date for trial.

84. Transfer of proceedings

(1) The Court of First Instance may, upon the application of any party to the proceedings or of its own initiative, order proceedings in any Division of that Court to be transferred to another Division.

(2) Where the Court orders proceedings to be transferred, it will give notice of that transfer to all the parties.

(3) An order made before the transfer of the proceedings shall not be affected by the order to transfer.

PART 13:

DISCLOSURE AND INSPECTION OF DOCUMENTS

85. Scope of disclosure

(1) The following rules about disclosure and inspection of documents apply to all proceedings before the Court.

(2) A party discloses a document by stating by way of a disclosure statement that the document exists or has existed.

86. Order for disclosure

(1) Pursuant to and except as provided by practice directions, the Court can make an order for disclosure in relation to any documents it considers relevant to the subject of the proceedings at any time prior to or after the commencement of proceedings.

(2) An order to give disclosure is an order to give standard disclosure unless the Court directs otherwise.

(3) Standard disclosure requires a party to disclose all the documents on which he will rely at trial, except for documents that have already been submitted by a party.

(4) The Court may dispense with or limit standard disclosure; and the parties may agree in writing to dispense with or limit standard disclosure.

(5) The Court may make an order for further or specific disclosure or for inspection of documents in the control of any party, if it is satisfied that it is appropriate that it should do so.

Court's power to order extended disclosure

13.86.1

In *NMC Healthcare LTD (in administration) (subject to a deed of company arrangement) & others v Shetty & others* [2024] ADGMCFI 0015 at [5] at the first CMC of the claim

the Court ordered that Rules 86(2) and (3) relating to standard disclosure should be disapplied and that this be substituted with an obligation on the parties to provide extended standard disclosure, equivalent to Model D under Practice Direction 57AD of the ECPR. The parties were required to agree (if possible) an agreed list of issues for disclosure. Extended standard disclosure was defined as, "as comprising documents which are likely to support or adversely affect the respective parties' claims or defences but does not include train of inquiry disclosure". The claimants subsequently applied for train of inquiry disclosure (see note 13.86.2 below).

Court's power to order train of inquiry disclosure

13.86.2

In *NMC Healthcare LTD (in administration) (subject to a deed of company arrangement) & others v Shetty & others* [2024] ADGMCFI 0020 the claimants applied for train of inquiry disclosure as provided for under Model E under Practice Direction 57AD of the ECPR. While there is no equivalent provision under the ADGM CPR, the Court was satisfied that it had the power under Rule 8(1) to make any order or give any direction which it considered appropriate for the purpose of managing the proceedings and that under Rules 8, 86(1) and (2) it may order disclosure on a different basis from standard disclosure. The Court held that such an order was appropriate where the claimants had made serious allegations of fraud and that those allegations included the allegation that the defendant bank knew of the deceit against NMC's auditors but kept quiet in return for early repayment. That type of allegation was unlikely to be proved by a limited disclosure trail. The claimants' application was highly focused, limited to specific periods of time and issues.

Court's power to order pre-action disclosure

13.86.3

The jurisdiction to order pre-action disclosure is conferred by section 36(2) of the Courts Regulations 2015, which is supplemented by Rule 86(1). The jurisdiction to order pre-action disclosure was given detailed consideration in *Micca Ferrero & Others v Drecford Holding Limited & Others* [2025] ADGMCFI 0022. The Court identified at [37] three linked pre-requisites in section 36(2) of the Courts Regulations 2015 to the making of a pre-action disclosure order:

(1) The applicant must be someone who appears to the Court "to be likely" to be a party to any subsequent proceedings.

(2) The defendant must appear "to be likely" to be a party to the proceedings.

(3) The defendant "is likely" to have or have had in his possession, control, custody or power any documents which are relevant to an issue arising or likely to arise out of the intended claim.

The Court held that the approach of the English Court of Appeal in *Black v Sumitomo Corporation* [2001] EWCA Civ 1819 at [70] to [73] should be adopted in respect of the three likelihood criteria set out in section 36(2). The Court adopted the English authorities that make it clear that it is unnecessary for the Court to embark on a detailed analysis of a proposed claim (in particular, *Total E&P Soudan SA v Edmonds* [2007] EWCA Civ 50).

Once the likelihood criteria have been established, the Court has a general discretion whether to make an order which will turn on a balancing of relevant factors (not all of

which will apply in any given case) and the desirability of securing a "fair and efficient" system of civil justice and avoiding unnecessary disputes over procedural matters under Rules 2(2) and (3).

87. Duties where further or specific disclosure required

(1) When giving disclosure, a party is required to make a reasonable search for documents falling within the terms of the order.

(2) A party's duty to disclose documents is limited to documents which are or have been in his control.

(3) Any duty of disclosure continues until proceedings are concluded, and if documents to which that duty extends come to a party's notice at any time during the proceedings he must immediately notify every other party.

88. Order against a non-party

(1) Where an application is made to the Court under any ADGM enactment for disclosure by a person who is not a party to the proceedings, the application must be supported by evidence and served in accordance with the relevant practice directions.

(2) The Court may make an order under this Rule only where the documents of which disclosure is sought are likely to support the applicant's case, or adversely

affect the case of one of the other parties to the proceedings and disclosure is necessary in order to dispose fairly of the claim or to save costs.

89. Use of disclosed documents

(1) Except as provided by practice directions, a party to whom a document has been disclosed may use the document only for the purpose of the proceedings in which it is disclosed or as the Court orders.

(2) The Court may make an order restricting or prohibiting the use of any document which has been disclosed.

Collateral use of documents

13.89.1

In *NMC Healthcare LTD (in administration) and associated companies v Dubai Islamic Bank PJSC & Others* [2023] ADGMCFI 0013 the bank applied for authorisation to disclose and make available for inspection documents relating to several of its customers and former customers in arbitration proceedings. Under Article 120 of Federal Decree Law 14 of 2018 banks are prohibited from disclosing information about their customers' affairs without their written permission or unless "authorised by law". The Court held that it had jurisdiction to give the authorisation for collateral use of the documents but should only do so if and insofar as the case for doing so outweighed the customers' rights and interests in having the documentation kept confidential. The Court inspected the documents to determine where the balance fell (following the guidance in *Science Research Council v Nasse* [1980] AC 1028). The Court refused the application, since the customers were not given notice and the order sought was contrary to the Court's earlier direction as to collateral use, and there had been no

material change in circumstances to justify revisiting the earlier order. Following the 17 October 2025 reissue of the Rules, the Court's general jurisdiction to permit the use of documents for collateral purposes has been made explicit by the addition of the words "or as the Court orders".

90. Right of inspection

(1) A party may inspect any document which is referred to in an opposite party's statement of case and is under the control of that party.

(2) A party to whom a document has been disclosed has a right to inspect that document except where the document or a copy of it is no longer in the control of the party who disclosed it, or the party disclosing the document has a right or a duty to withhold inspection of it, including (without limitation) privileged documents.

(3) Where a party considers that he has a right or a duty, including (without limitation) as to privilege, to withhold inspection of a document or part of a document, he is not required to permit inspection of that document or part of that document; but he must state in his disclosure statement that inspection of the whole or part of that document will not be permitted, that he has a right or a duty to withhold inspection; and the grounds on which he relies.

(4) Where a party inadvertently allows a privileged document to be inspected, the party who has inspected the document may only use it or its contents with the Court's permission.

91. Failure to disclose or to permit inspection

(1) A party may not rely on any document which he fails to disclose or in respect of which he fails to permit inspection unless the Court gives permission.

(2) Proceedings for contempt of court may be brought against a person if he makes, or causes to be made, a false disclosure statement, without honest belief in its truth.

PART 14:

EVIDENCE

92. Power of the Court to control evidence

(1) The Court may control evidence by giving directions as to the issues on which it requires evidence, the nature of the evidence which it requires to decide those issues and the way in which the evidence is to be placed before the Court.

(2) The Court may use its power under this Rule to exclude evidence that would otherwise be admissible.

(3) The Court may limit cross-examination.

Power to strike out parts of a witness statement
14.92.1
The Court had the power to strike out parts of a witness statement which contained allegations which it was not open to the party to advance because they did not appear in the pleadings: *Rosewood Hotel Abu Dhabi LLC v Skelmore Hospitality Group Ltd* [2019 ADGMCFI 0008 at [27]-[28].

93. Evidence of witnesses

(1) The general rule is that any fact which needs to be proved by the evidence of witnesses is to be proved at trial by their oral evidence given in public; and at any other hearing, by their evidence in writing in the form of a witness statement under Rule 94 or an affidavit under Rule 104, as applicable.

(2) This Rule is subject to any provision to the contrary contained in these Rules or elsewhere and to any order of the Court.

(3) The Court may give directions identifying or limiting the issues to which factual evidence may be directed, identifying the witnesses who may be called or whose evidence may be read and limiting the length or format of witness statements.

(4) The Court may allow a witness to give evidence through a video link or by other means.

94. Witness statements

(1) The Court will order a party to serve on the other parties any witness statement of the oral evidence which the party serving the statement intends to rely on in relation to any issues of fact to be decided at the trial.

(2) If a party has served a witness statement and he wishes to rely at trial on the evidence of the witness who made the statement, he must call the witness to give oral evidence unless the Court orders otherwise or he puts the statement in as hearsay evidence.

(3) Where a witness is called to give oral evidence under paragraph (2), his witness statement shall stand as his evidence in chief unless the Court orders otherwise.

95. Evidence in proceedings other than at trial

(1) Subject to paragraph (2), the general rule is that evidence at hearings other than the trial is by witness statement unless the Court, a practice direction or any ADGM enactment requires otherwise.

(2) At hearings other than the trial, a party may rely on the matters set out in his statement of case or his application notice if the statement of case or application notice is verified by a statement of truth.

96. Order for cross-examination

(1) Where, at a hearing other than the trial, evidence is given in writing, any party may apply to the Court for permission to cross-examine the person giving the evidence.

(2) If the Court gives permission under paragraph (1) but the person in question does not attend as required by the order, his evidence may not be used without the Court's permission.

97. Witness statements and exhibits

(1) A witness statement must comply with the requirements as to the form set out in any relevant practice direction.

(2) Any alteration to a witness statement must be initialled by the person making the statement or by the authorised person where appropriate.

(3) A witness statement which contains an alteration that has not been initialled may be used in evidence only with the Court's permission.

(4) An exhibit used in conjunction with a witness statement should be verified and identified by the witness and remain separate from the witness statement.

(5) Where a witness statement or an exhibit to a witness statement does not comply with this Part or the provisions of the relevant practice direction in relation to its form, the Court may refuse to admit it as evidence and may refuse to allow the costs arising from its preparation.

98. Filing of witness statements and exhibits

(1) Unless the Court directs otherwise, a party must file a witness statement.

(2) Where a party wishes to file a witness statement in a language other than English, or the Court has directed that a witness statement in a language other than English is to be filed, the party wishing to rely on it must have it translated into English and file the witness statement in its original language and a certified English translation with the Court.

99. Witness summaries

(1) A party who is required to serve a witness statement for use at trial but is unable to obtain one may apply, without notice, for permission to serve a witness summary instead.

(2) A witness summary is a summary of the evidence, if known, which would otherwise be included in a witness statement; or, if the evidence is not known, the matters about which the party serving the witness summary proposes to question the witness.

(3) Unless the Court orders otherwise, a witness summary must be served within the period in which a witness statement would have had to be served.

100. Consequences of failure to file or serve a witness statement or witness summary

(1) If a witness statement or a witness summary for use at trial is not served in respect of an intended witness within the time specified by the Court, then the witness may not be called to give oral evidence unless the Court gives permission.

(2) If a witness statement for use in proceedings other than at trial is not filed in

respect of an intended witness within the time specified by the Court, these Rules, a relevant practice direction or any relevant ADGM enactment, the witness statement may not be admitted as evidence (including hearsay evidence) or referred to any hearing without the Court's permission, and the Court may refuse to admit it as evidence until such time as it is served on the other parties to the proceedings.

101. Cross-examination on a witness statement

Where a witness is called to give evidence at trial, he may be cross-examined on his witness statement whether or not the statement or any part of it was referred to during the witness's evidence in chief.

102. Use of witness statements for other purposes

(1) Except as provided by this Rule, a witness statement may be used only for the purpose of the proceedings in which it is served.

(2) Paragraph (1) does not apply, if and to the extent that the witness gives his written consent to some other use of his witness statement, the Court gives

permission for some other use or the statement has been put into evidence at a public hearing.

103. Availability of witness statements for inspection

(1) A witness statement which stands as evidence in chief is open to inspection during the course of proceedings unless the Court orders otherwise.

(2) Any person may ask for a direction that a witness statement is not open to inspection, but the Court will not make such a direction unless it is satisfied that a witness statement should not be open to inspection because of the interests of justice, the public interest, the nature of any expert evidence in the statement or the nature of any confidential information in it (including information relating to personal financial matters).

(3) The Court may exclude from inspection words or passages in the statement.

104. Affidavit evidence

(1) Evidence must be given by affidavit instead of, or in addition to, a witness statement if this is required by the Court, a provision contained in any other rule, practice direction or ADGM enactment.

(2) An affidavit must comply with the requirements as to the form set out in the relevant practice direction.

(3) An affidavit may, with the leave of the Court, be used subject to any direction the Court may make in accordance with the rules of evidence despite any irregularity in form.

(4) An affidavit must include a statement which verifies the identity of the deponent and be signed by the person before whom it was sworn or affirmed.

(5) Any alteration to an affidavit must be initialled by both the deponent and the person before whom the affidavit was sworn or affirmed.

(6) Rules 97, 98 and 100 to 103 apply to affidavits and exhibits to affidavits as they do to witness statements and exhibits to witness statements.

105. Who may take affidavits

Only the following may take affidavits –

(a) a public notary in accordance with section 221 of the Regulations;

(b) a Judge of the Court;

(c) the Registrar;

(d) a lawyer;

(e) a Court officer appointed by the Registrar for that purpose; and

(f) any person who may take an affidavit in accordance with Rule 107.

106. Filing of affidavits

If an affidavit is in a language other than English, the party wishing to rely on it must have it translated into English and must file the affidavit in its original language and a certified translation with the Court.

107. Affidavit made outside the jurisdiction

A person may make an affidavit outside the jurisdiction in accordance with this Part before a person who may take an affidavit under the law of the place where he makes the affidavit.

108. Circumstances where affidavit required

(1) Affidavits must be used as evidence where sworn or affirmed evidence is required by an order, a rule, practice direction or ADGM enactment.

(2) Affidavits must also be used in any application for a search order, a freezing injunction; an order requiring an occupier to permit another to enter his real property; or a declaration or order for a fine for contempt of Court.

(3) If a party believes that sworn or affirmed evidence is required by a Court in another jurisdiction for any purpose connected with the proceedings, he may apply to the Court for a direction that evidence shall be given only by affidavit on any pre-trial applications.

(4) The Court may give a direction under paragraph (1) that evidence shall be given by affidavit instead of or in addition to a witness statement or statement of case on its own initiative; or after any party has applied to the Court for such a direction.

109. Notice to admit facts or part of the case

(1) A party may, by notice on another party, require him to admit the facts, or the

part of the case of the notifying party, specified in the notice.

(2) A notice to admit facts or part of the case must be sent no later than 21 days before the trial.

(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.

(4) Where the other party makes any admission in response to the notice, the admission may be used against him only:

(a) in the proceedings in which the notice to admit is sent; and

(b) by the party who sent the notice.

(5) The Court may allow a party to amend or withdraw any admission made by him on such terms as it thinks just.

110. Notice to admit or produce documents

(1) A party shall be deemed to admit the authenticity of a document disclosed to him under Part 13 (disclosure and inspection of documents) unless he serves notice that he wishes the document to be proved at trial.

(2) A notice to prove a document must be served by the latest date for serving witness statements or within 7 days of disclosure of the document, whichever is the later.

111. Notarial acts and instruments

A notarial act or instrument may be received in evidence without further proof as duly authenticated in accordance with the requirements of law unless the contrary is proved.

112. Notice of intention to rely on hearsay evidence

(1) Where a party intends to rely on hearsay evidence at trial and either that evidence is to be given by a witness giving oral evidence or that evidence is contained in a witness statement of a person who is not being called to give oral evidence, that party complies with section 56 of the Regulations by serving a witness statement on the other parties in accordance with the Court's order.

(2) Where the witness is not being called to give oral evidence, the party intending to rely on the hearsay evidence must, when he serves the witness statement inform the other parties that the witness is not being called and give the reason why that is so.

(3) In all other cases, where a party intends to rely on hearsay evidence at trial, that party complies with section 56 of the Regulations by serving a notice on the other parties in accordance with the relevant practice direction; and which identifies the hearsay evidence, states that the party serving the notice proposes to rely on the hearsay evidence at trial; and gives the reason why the witness will not be called.

113. When notice of intention to rely on hearsay evidence is not required

Section 56 of the Regulations does not apply to evidence at hearings other than trials, to an affidavit or witness statement which is to be used at trial but which does not contain hearsay evidence or where the requirement is excluded by a practice direction.

114. Power to call witness for cross-examination on hearsay evidence

Where a party proposes to rely on hearsay evidence and does not propose to call the person who made the original statement to give oral evidence, the Court may, on the application of any other party in accordance with the relevant practice direction, permit that party to call the maker of the statement to be cross-examined on the contents of the statement.

115. Credibility

Where a party proposes to rely on hearsay evidence but does not propose to call the person who made the original statement to give oral evidence and another party wishes to call evidence to attack the credibility of the person who made the statement, the party who so wishes must give notice of his intention in accordance with the relevant practice direction to the party who proposes to give the hearsay statement in evidence.

116. Use of plans, photographs and models as evidence

(1) This Rule applies to evidence which is not contained in a witness statement, affidavit or expert's report, is to be given orally at trial and is evidence of which prior notice must be given under Rule 112(3).

(2) This Rule applies also to documents which may be received in evidence without further proof under section 65 of the Regulations.

(3) Unless the Court orders otherwise, the evidence shall not be receivable at trial unless the party intending to put it in evidence has given notice to the other parties in accordance with the relevant practice direction.

(4) Where a party has given notice that he intends to put in evidence under this Rule, he must give every other party an opportunity to inspect it and to agree to its admission without further proof.

117. Evidence on a question of foreign law

(1) A person who is suitably qualified on account of his knowledge or experience is competent to give expert evidence as to the law of any jurisdiction outside Abu Dhabi Global Market irrespective of whether he has acted or is entitled to act as a legal practitioner there.

(2) The Court may give directions that questions of foreign law are to be dealt with by legal submissions.

(3) Where a party intends to put in evidence of a finding on a question of foreign law, that party must give all other parties notice of his intention in accordance with the relevant practice direction, and the notice must specify the question

on which the finding was made and enclose a copy of a document where it is reported or recorded.

Legal submissions on foreign law
14.117(2).1
Rule 117(2) permits the Court to direct that questions of foreign law are to be dealt with by legal submissions. In *NMC Healthcare Ltd (in administration) (subject to a deed of company arrangement) & others v Ernst & Young – Middle East* & others [2024] ADGMCFI 0008 the respondent had been ordered to produce documents subject to a right to object if they believed the production of documents pursuant to the Court's order would give rise to a real risk that there would be a contravention of the law of another jurisdiction. The applicant joint administrators applied for an order that questions of foreign law be dealt with by way of legal submissions under Rule 117, the respondent applied for an order permitting it to file and serve expert evidence on UAE law (which it was concerned would be contravened by the production of documents). The Court referred to the requirement in Rule 142(1) that, "Expert evidence shall be restricted to that which is reasonably required to resolve the proceedings", which required it to consider whether expert evidence of foreign law was required, as opposed to legal submissions under Rule 117(2) (see further note 17.142(1).1). The Court held that it was content to proceed on the basis that it could determine issues of UAE law under Rule 117(2), the issues of foreign law being insufficiently complex to justify expert evidence.

See also note 17.142(1).1 and *NMC Healthcare LTD (in administration) (subject to a deed of company arrangement) & others v Shetty & Others* [2025] ADGMCFI 0004.

In *Awad v 3AM Property Investment Company LLC & others* [2025] ADGMCFI 0003 at [20] the claim gave rise to questions of UAE law, but neither party had applied to adduce expert evidence. At trial, the Court allowed the parties to make submissions on matters of UAE law under Rule 117.

118. Evidence of consent of trustee to act

A document purporting to contain the written consent of a person to act as trustee and to bear his signature verified by some other person is evidence of such consent.

PART 15:
WITNESSES AND DEPOSITIONS

119. Scope and interpretation

(1) The following Rules provide for the circumstances:

(a) in which a party may be required to attend Court to give evidence or produce a document, and

(b) for a party to obtain evidence before a hearing to be used at the hearing.

(2) The reference to a hearing in paragraph (1) includes reference to the trial.

120. Witness summons

(1) An application for a witness summons must be made in accordance with the relevant practice direction.

(2) A witness summons is a document issued by the Court requiring a witness to attend Court to give evidence or to produce documents to the Court either on the date fixed for a hearing or on such date as the Court may direct.

(3) There must be a separate witness summons for each witness.

(4) The only documents that a summons under this Rule can require a person to produce before a hearing are documents which that person could be required to produce at the hearing.

121. Issue of a witness summons

(1) A witness summons may only be issued by the Court, and is issued on the date entered on the summons by the Court.

(2) A party must obtain the Court's permission where he wishes to –

(a) in the case of a witness domiciled or resident in the United Arab Emirates (including ADGM), have a summons issued less than 7 days before the date of the trial;

(b) in the case of a witness domiciled or resident in any other jurisdiction, have a summons issued less than 21 days before the date of the trial; or

(c) have a summons issued for a witness to attend Court to give evidence or to produce documents on any date except the date fixed for the trial, or at any hearing except the trial.

(3) The Court may set aside or vary a witness summons issued under this Rule.

122. Witness summons in aid of another court, a tribunal or a panel

(1) The Court may issue a witness summons in aid of another court, a tribunal or a panel and may set aside or vary a witness summons issued under Rule 121(1).

(2) In this Part, "another court, tribunal or panel" means any court, tribunal or panel in the United Arab Emirates that does not have power to issue a witness summons in relation to proceedings before it.

123. Serving a witness summons

(1) A witness summons must be served personally on the addressee by the party on whose behalf it is issued and the issuing party must serve a copy of a witness summons on each other party to the proceedings as soon as practicable after the summons has been served on the addressee.

(2) Unless a rule or a relevant practice direction provides otherwise, a witness summons is binding if it is served in accordance with the relevant practice direction.

(3) A witness summons which is served in accordance with these Rules and requires the witness to attend Court or another court or a tribunal or a panel to give evidence is binding until the conclusion of the hearing at which the witness's attendance is required.

124. Right of witness to travelling expenses and compensation

At the time of service of a witness summons, the witness must be offered or paid a sum reasonably sufficient to cover his expenses in travelling to and from the Court and such sum by way of compensation for loss of time as may be specified in a relevant practice direction and for costs otherwise incurred in compliance with a witness summons.

125. Evidence by deposition

(1) A party may apply for an order for a person to be examined before the hearing takes place (an "examination order").

(2) Evidence obtained following an examination order is referred to as a "deposition".

(3) An examination order shall be for a deponent to be examined on affirmation before –

(a) a Judge;

(b) the Registrar;

(c) an examiner of the Court appointed by the Registrar;

(d) a lawyer; or

(e) such other person as the Court appoints.

(4) The examination order may require the production of any document which the Court considers is necessary for the purpose of the examination and must state the date, time and place of the examination.

(5) At the time of service of the examination order, the deponent must be offered or paid a sum reasonably sufficient to cover his expenses in travelling to and from the place of examination and such sum by way of compensation for loss of time as may be specified in a relevant practice direction.

(6) Where the Court orders a deposition to be taken, it may also order the party who obtained the examination order to serve a witness statement or witness summary in relation to the evidence to be given by the deponent.

126. Conduct of examination

(1) Subject to any directions contained in the examination order, the examination must be conducted in the same way as if the witness were giving evidence at trial.

(2) If all the parties are present, the examiner may conduct the examination of a person not named in the examination order if all the parties and the person to be examined consent.

(3) The examiner may conduct the examination in private if he considers it appropriate to do so.

(4) The examiner must ensure that the evidence given by the witness is recorded and transcribed in full, and must send a copy of the deposition to the person who obtained the examination order, to the deponent, to each of the other parties to the proceedings and to the Court.

127. Enforcing attendance of deponent

(1) If a deponent served with an examination order fails to attend the deposition or refuses to take an affirmation for the purposes of the examination or to answer any lawful question or produce any document at the examination, a certificate of his failure or refusal, signed by the examiner, must be filed by the party requiring the deposition.

(2) On the certificate being filed, the party requiring the deposition may apply to the Court, without notice, for an order requiring that deponent to attend or to affirm or to answer any lawful question or produce any document, as the case may be.

(3) The Court may order the deponent against whom an order is made under paragraph (2) of this Rule to pay any costs resulting from his failure or refusal.

128. Use of deposition at a hearing

(1) A deposition ordered under Rule 125 may be given in evidence at a hearing unless the Court orders otherwise.

(2) A party intending to put in evidence a deposition at a hearing must serve notice of his intention to do so on every other party.

(3) The Court may require a deponent to attend the hearing and give evidence orally.

(4) Where a deposition is given in evidence at trial, it shall be treated as if it were a witness statement for the purposes of Rule 94.

129. Restrictions on subsequent use of deposition, regarding the deponent's or any other assets, taken for the purpose of any hearing except the trial

(1) Subject to paragraph (2), where the Court orders a party to be examined about his or any other assets for the purpose of any hearing except the trial, the deposition may be used only for the purpose of the proceedings in which the examination order was made.

(2) A deposition under this Rule may be used for some other purpose by the party who was examined or by another party if the party who was examined agrees or if the Court gives permission.

PART 16:

EVIDENCE FOR AND FROM OTHER JUDICIAL AUTHORITIES

130. Letter of request

(1) Paragraphs (2) to (4) apply where a party wishes to take a deposition from a person who is out of the jurisdiction and not in a Convention State within the meaning of Rule 136(2).

(2) The Court of First Instance may order the issue of a letter of request to the judicial authorities of the country in which the proposed deponent is and make such an order in relation to other court proceedings.

(3) A letter of request is a request to a judicial authority to take the evidence of that person, or arrange for it to be taken.

(4) If the government of a country allows a person appointed by the Court of First Instance to examine a person in that country, the Court of First Instance may make an order appointing a special examiner for that purpose.

(5) A person may be examined under this Rule on affirmation or in accordance with any procedure permitted in the country in which the examination is to take place.

(6) If the Court makes an order for the issue of a letter of request, the party who sought the order must provide –

(a) an undertaking to be responsible for any costs or expenses sought by the requested court; and

(b) an undertaking to be responsible for any costs or expenses of the Court.

131. Evidence for Foreign Courts

(1) The following rules apply to an application for an order under Chapter 4 of Part 5 of the Regulations, other than an application made as a result of a request by a court in a Convention State, and "foreign assistance order" shall be construed accordingly.

(2) In paragraph (1) of this Rule, "Convention State" has the same meaning as in Rule 136(2).

132. Application for foreign assistance order

An application for a foreign assistance order must be made in accordance with the relevant practice direction and may be made without notice.

133. Examination

(1) The Court may order an examination under this Part to be taken before any fit and proper person nominated by the person applying for the foreign assistance order, an examiner of the Court or any other person whom the Court considers suitable.

(2) Unless the Court orders otherwise the examination will be taken as provided by Rule 126, and Rule 127 applies.

134. Dealing with deposition

(1) The examiner must send the deposition to the Registrar unless the Court orders otherwise.

(2) The Registrar will issue a letter to the foreign court attaching the following documents –

(a) the request;

(b) the foreign assistance order of the Court for examination; and

(c) the deposition.

(3) The Registrar will provide a copy of the letter referred to in paragraph (2) to the person who applied for the foreign assistance order.

135. Claim to privilege

(1) This Rule applies where a witness claims to be exempt from giving evidence on the ground specified in section 76(1)(b) of the Regulations, and that claim is not supported or conceded as referred to in section 76(2) of the Regulations.

(2) The examiner may require the witness to give the evidence which he claims to be exempt from giving and, where the examiner does not require the witness to give that evidence, the Court may order the witness to do so.

(3) An application for an order under paragraph (2) may be made by the person who obtained the foreign assistance order under section 75 of the Regulations.

(4) Where such evidence is taken it must be contained in a document separate from the remainder of the deposition, and the examiner will send to the Registrar the deposition and a signed statement setting out the claim to be exempt and the ground on which it was made.

(5) On receipt of the statement referred to in paragraph (4), the Registrar will retain the document containing the part of the deposition to which the claim to be exempt relates and send the statement and a request to determine that claim to the foreign court or tribunal, together with the documents referred to in Rule 134(2).

(6) The Registrar will, if the claim to be exempt is rejected by the foreign court or tribunal, send the document referred to in paragraph (5) to that foreign court or tribunal; or if the claim is upheld, send the document to the deponent.

(7) In either case, the Registrar will notify the deponent and the person who obtained the foreign assistance order under section 75 of the Regulations of the foreign court or tribunal's decision.

136. Taking of Evidence – Scope and interpretation

(1) Nothing in this Section of this Part shall affect, limit, alter, or be construed as in conflict with any provision of either the GCC Convention or the Riyadh Convention.

(2) In this Section of this Part, "Convention State" means a country which is a signatory to the GCC Convention or the Riyadh Convention.

137. Where a person to be examined is outside the jurisdiction but in a Convention State

(1) This Rule applies where a party wishes to take a deposition from a person who is outside the jurisdiction but in a Convention State.

(2) The Court may order the issue of a letter of request –

(a) in the case of the GCC Convention, to the competent authority;

(b) in the case of the Riyadh Convention, to the competent body ("the requested court") in the Convention State in which the proposed deponent is; or

(c) to a competent authority outside the jurisdiction but within the United Arab Emirates.

(3) If the Court makes an order for the issue of a letter of request, the party who sought the order must provide –

(a) an undertaking to be responsible for any costs or expenses sought by the requested court; and

(b) an undertaking to be responsible for any costs or expenses of the Court.

138. Evidence for courts outside the jurisdiction but in a Convention State

(1) This Rule applies where –

(a) in the case of the GCC Convention, a competent authority;

(b) in the case of the Riyadh Convention, a competent body in another Convention State ("the requesting court"); or

(c) a competent authority outside the jurisdiction but within the United Arab Emirates, issues a request for evidence to be taken from a person who is in the jurisdiction.

(2) An application for an order for evidence to be taken under this Rule must be made to the Court of First Instance and must be accompanied by the documents set out in any relevant practice direction.

(3) An application for an order for evidence to be taken under this Rule may be made without notice.

(4) Rule 133 applies to an examination under this Rule.

(5) Rule 134 applies to dealing with the deposition.

PART 17:
EXPERTS AND ASSESSORS

139. Interpretation

(1) In the following Rules –

(a) a reference to an "expert" is a reference to a person who has been instructed to give or prepare expert evidence for the purpose of proceedings; and

(b) "single joint expert" means an expert instructed to prepare a report for the Court on behalf of two or more of the parties (including the claimant) to the proceedings.

140. Expert's overriding duty to the Court

(1) It is the duty of experts to help the Court on matters within their expertise.

(2) This duty overrides any obligation to the person from whom experts have received instructions or by whom they are paid.

141. Expert's report

(1) Expert evidence is to be given in a written report unless the Court directs otherwise.

(2) An expert's report must comply with the requirements set out in any relevant practice direction, must state at the end that the expert understands and has complied with his duty to the Court and must state the substance of all material instructions, whether written or oral, on the basis of which the report was written; and such instructions shall not be privileged against disclosure.

(3) Where a party has disclosed an expert's report, any party may use that expert's report as evidence at the trial.

(4) A party who fails to disclose an expert's report may not use the report at the trial or call the expert to give evidence orally unless the Court gives permission.

142. Expert evidence

(1) Expert evidence shall be restricted to that which is reasonably required to resolve the proceedings.

(2) No party may call an expert or put in evidence an expert's report without the Court's permission.

(3) The order granting permission should specify the particular issues which the expert evidence should address.

(4) The Court may, on application of a party or on its own motion, appoint an expert.

Expert evidence restricted to what is reasonably required to resolve proceedings 17.142(1).1

See Practice Direction 8, paragraphs 8.20 to 8.24.

In *NMC Healthcare LTD (in administration) (subject to a deed of company arrangement) & others v Shetty & Others* [2025] ADGMCFI 0004 the claimant sought permission to adduce expert evidence, the defendant applied for a direction that UAE law be dealt with by written submissions under Rule 117(2) (see further note 14.117(2).1). The Court observed that Rule 142(1) was derived from ECPR 35.1, and required the Court to answer two relevant questions: (i) would the evidence go to an issue the determination of which is reasonably required in order to resolve the proceedings? and (ii) is expert evidence reasonably required to determine the issue? The second question may be used as a filter when examining the issues on which permission is sought (referring to *British Airways Plc v Spencer* [2015] EWHC 2477 (Ch)). The Court observed that it was also required to consider whether the evidence is reasonably required given that the Court may permit the parties to make submissions about it under Rule 117(2) (of which there was no equivalent in English law). The Court observed (at [20]) that the nature of the litigation before it meant that its Judges accumulated from experience more knowledge of UAE law and something of an instinct as to how it is to be applied. Having considered all of the relevant factors - (i) importance of the issues, (ii) impartiality, (iii) merits of cross-examination, (iv) proportionality, (v) the relevance of any potential appeal, and (vi) management of the trial - the Court decided that trial management considerations (in particular, that the addition of expert evidence would add significant demands to the trial) should prevail and thus permission to adduce expert evidence be refused.

143. Written questions to experts

(1) A party may put written questions about an expert's report (which must be proportionate) to an expert instructed by another party or a single joint expert.

(2) An expert's answers to questions put in accordance with paragraph (1) shall be treated as part of the expert's report.

(3) Where a party has put a written question to an expert instructed by another party and the expert does not answer that question, the Court may make one or both of the following orders in relation to the party who instructed the expert –

(a) that the party may not rely on the evidence of that expert; or

(b) that the party may not recover the fees and expenses of that expert from any other party.

144. Court's power to direct that evidence is to be given by a single joint expert

(1) Where two or more parties wish to submit expert evidence on a particular issue, the Court may direct that the evidence on that issue is to be given by a single joint expert.

(2) Where the parties who wish to submit the evidence ("the relevant parties") cannot agree who should be the single joint expert, the Court may select the expert or direct that the expert be selected in such other manner as the Court may direct.

145. Instructions to a single joint expert

(1) Where the Court gives a direction under Rule 144 for a single joint expert to be used, any relevant party may give instructions to the expert.

(2) When a party gives instructions to the expert that party must, at the same time, send a copy to the other relevant parties.

(3) Unless the Court otherwise orders, the relevant parties are jointly and severally liable for the payment of the expert's fees and expenses.

146. Power of Court to direct a party to provide information

(1) Where a party has access to information which is not reasonably available to another party, the Court may direct the party who has access to the information to prepare and file a document recording the information and to serve a copy of the document on the other party.

(2) The Court may direct the parties' experts to meet, and where possible, achieve agreement on any issue arising.

147. Expert's right to ask Court for directions

(1) Experts may file written requests for directions for the purpose of assisting them in carrying out their functions.

(2) They must, unless the Court orders otherwise, provide copies of the proposed requests for directions under paragraph (1) to the party instructing them at least 7 days before they file the requests; and to all other parties, at least 4 days before they file them.

(3) The Court, when it gives directions under this Rule, may also direct that a party be served with a copy of the directions.

148. Assessors

(1) This Rule applies where the Court appoints one or more persons under section 108 of the Regulations as an assessor.

(2) An assessor will assist the Court in dealing with a matter in which the assessor has skill and expertise.

(3) An assessor will take such part in the proceedings as the Court may direct, and in particular the Court may direct an assessor to prepare a report for the Court on any matter at issue in the proceedings and attend the whole or any part of the trial to advise the Court on any such matter.

(4) If an assessor prepares a report for the Court before the trial has begun the Court will send a copy to each party, and the parties may use it at the trial.

PART 18:
OFFERS TO SETTLE

149. Scope

(1) A party may make an offer to settle in whatever way that party chooses, but if the offer is not made in accordance with Rule 154, it will not have the consequences specified in this Part.

(2) In this Part –

(a) "Part 18 offer" means an offer made pursuant to the procedure set out in this Part;

(b) a "trial" means any trial in a case whether it is a trial of all issues or a trial of liability, quantum, or some other issue in the case;

(c) a trial is "in progress" from the time when it starts until the time when judgment is given or handed down;

(d) a case is "decided" when all issues in the case have been determined, whether at one or more trials;

(e) "trial Judge" includes any Judge allocated in advance to conduct a trial; and

(f) "the relevant period" means –

(i) in the case of an offer made not less than 21 days before a trial, the period specified under Rule 154(2) or such longer period as the parties agree; or

(ii) otherwise, the period up to the end of such trial.

150. Application of Part 18 to appeals

(1) Except where a Part 18 offer is made in appeal proceedings, it shall have the consequences set out in this Part only in relation to the costs of the proceedings in respect of which it is made, and not in relation to the costs of any appeal from a decision in those proceedings.

(2) Where a Part 18 offer is made in appeal proceedings, references in this Part to a term in the first column below shall be treated, unless the context requires otherwise, as references to the corresponding term in the second column –

Claim	**Appeal**
Counterclaim	Cross-appeal
Case	Appeal proceedings
Claimant	Appellant

Defendant	Respondent
Trial	Appeal hearing
Trial Judge	Appeal Judge

151. Restriction on disclosure of a Part 18 offer

(1) A Part 18 offer will be treated as "without prejudice save as to costs".

(2) The fact that a Part 18 offer has been made and the terms of such offer must not be communicated to the trial Judge until the case has been decided.

(3) Paragraph (2) of this Rule does not apply –

(a) where the defence of tender before claim has been raised;

(b) where the proceedings have been stayed following the acceptance of a Part 18 offer;

(c) where the offeror and offeree agree in writing that it should not apply; or

(d) where, although the case has not been decided in full, any part of, or issue in, the case has been decided and the offer related only to the parts or issues that have been decided.

(4) In a case to which paragraph (3)(d) applies, the trial Judge may be told whether or not there are Part 18 offers other than those referring to the parts or issues that have been decided, but must not be told the terms of any such offers unless any of paragraphs (3)(a) to (c) applies.

(5) Paragraph (2) is without prejudice to Rule 78, and where a party requests a stay under that rule that party may inform the Court or the trial Judge, as the case may be, whether or not there is a Part 18 offer; but the parties must not inform the Court or the trial Judge, as the case may be, of the terms of any such offer or which party or parties made the offer and to whom the offer was made.

152. Who may make a Part 18 offer and in respect of what may it be made

(1) A Part 18 offer may be made by a claimant or a defendant in respect of the whole, or part of, or any issue that arises in a claim, counterclaim or other additional claim or an appeal or cross-appeal from a decision made at a trial.

(2) The offer may be made at any time, including before the commencement of proceedings.

(3) It is made when it is served on the offeree.

153. Defendant's offer

(1) Subject to Rules 164 and 165, a Part 18 offer by a defendant to pay a sum of money in settlement of a claim must be an offer to pay a single sum of money.

(2) A defendant's offer that includes an offer to pay all or part of the sum at a date later than 14 days following the date of acceptance will not be treated as a Part 18 offer unless the offeree accepts the offer.

154. Form and content of a Part 18 offer

(1) A Part 18 offer must be in accordance with the prescribed form.

(2) The offer must:

(a) make clear that it is made pursuant to Part 18;

(b) specify:

(i) a period of not less than 21 days within which the offer can be accepted; and

(ii) the consequences of the offer being accepted as set out in Rule 161;

(c) state whether it relates to the whole of the claim or to part of it or to an issue that arises in it and if so to which part or issue; and

(d) state whether it takes into account any counterclaim.

(3) Paragraph (2) of this Rule does not apply if the offer is made less than 21 days before the start of a trial.

(4) A Part 18 offer which offers to pay or to accept a sum of money will be treated as inclusive of all interest until the date on which the period specified under paragraph (2) expires or, if paragraph (3) applies, a date 21 days after the date the offer was made.

155. Clarification of a Part 18 offer

(1) The offeree may, within 7 days of a Part 18 offer being made, request the offeror to clarify the offer.

(2) If the offeror does not give the clarification requested under paragraph (1) within 7 days of receiving the request, the offeree may, unless the trial has started, apply for an order that the offeror do so.

(3) If the Court makes an order under paragraph (2), it must specify the date when the Part 18 offer is to be treated as having been made.

156. Withdrawing or changing the terms of a Part 18 offer

(1) A Part 18 offer can only be withdrawn, or its terms changed, if the offeree has not previously served notice of acceptance.

(2) The offeror withdraws the offer or changes its terms by serving written notice of the withdrawal or change of terms on the offeree, and, subject to Rule 157, such notice takes effect when it is served on the offeree.

(3) Subject to paragraph (1), after the expiry of the relevant period the offeror may

withdraw the offer or change its terms without the Court's permission or the offer may automatically be withdrawn in accordance with its terms.

157. Withdrawal or change of terms of a Part 18 offer before the expiry of the relevant period

(1) Subject to paragraph (1) of Rule 156, this Rule applies where the offeror serves notice before the expiry of the relevant period of withdrawal of the offer or change of its terms to be less advantageous to the offeree.

(2) Where this Rule applies –

(a) if the offeree has not served notice of acceptance of the original offer by the expiry of the relevant period, the offeror's notice has effect on the expiry of that period; and

(b) if the offeree serves notice of acceptance of the original offer before the expiry of the relevant period, that acceptance has effect unless the offeror

applies to the Court for permission to withdraw the offer or to change its terms within 7 days of the offeree's notice of acceptance, or if earlier, before the first day of trial.

(3) On an application under paragraph (2)(b), the Court may give permission for the original offer to be withdrawn or its terms changed if satisfied that there has been a change of circumstances since the making of the original offer and that it is in the interests of justice to give permission.

158. Acceptance of a Part 18 offer

(1) A Part 18 offer is accepted by serving written notice of acceptance on the offeror.

(2) Subject to paragraphs (3) and (4), a Part 18 offer may be accepted at any time (whether or not the offeree has subsequently made a different offer), unless it has already been withdrawn.

(3) The Court's permission is required to accept a Part 18 offer where an apportionment is required under Rule 154(2) or a trial is in progress.

(4) Where the Court gives permission under paragraph (3), unless all the parties have agreed costs, the Court must make an order dealing with costs, and may order that the costs consequences set out in Rule 161 apply.

159. Acceptance of Part 18 offer in a split trial case

(1) In any case where there has been a trial but the case has not been decided, any Part 18 offer which relates only to parts of the claim or issues that have already been decided can no longer be accepted.

(2) Subject to paragraph (1) and unless the parties agree, any other Part 18 offer cannot be accepted earlier than 7 clear days after judgment is given or handed down in such trial.

160. Acceptance of Part 18 offer made by one or more, but not all, defendants

(1) Paragraphs (2) and (3) apply where the claimant wishes to accept a Part 18 offer made by one or more, but not all, of a number of defendants.

(2) Without the permission of the Court, a claimant may accept a Part 18 offer made by one or more, but not all, defendants only if the offer relates to claims made against only those defendants and no other.

(3) In all other cases, the claimant may only accept the offer with the Court's permission.

161. Consequences of accepting a Part 18 offer

(1) The general rule is that, subject to paragraph (3), where a Part 18 offer is accepted within the relevant period, the claimant will be entitled to the costs of the proceedings up to the date on which notice of acceptance was served on the offeror.

(2) The claimant's costs of the proceedings include the claimant's recoverable pre-action costs and any costs incurred in dealing with the defendant's counterclaim if the Part 18 offer states that it takes it into account.

(3) Where a defendant's Part 18 offer relates to part only of the claim and at the time of serving notice of acceptance within the relevant period the claimant abandons the balance of the claim, the claimant will only be entitled to the costs of such parts of the claim unless the Court orders otherwise.

(4) Except where the recoverable costs are fixed by these Rules, costs under paragraphs (1) and (3) of this Rule are to be assessed on the standard basis if the amount of costs is not agreed.

Consequence of an offer of settlement not complying with Part 18 18.161.1

In *AC Network Holding Limited & Others v Polymath Ekar SPV1 & Others* [2023] ADGMCFI 0008 the Court considered the effect of an offer of settlement that was not accepted but was not compliant with the Part 18 regime (it failed to specify an acceptance period of at least 21 days and the consequences of non-acceptance, whether the offer related to the whole of the Claimants' claims and took account of the Counterclaim and did not include payment of the Claimants' costs to date in addition to the principal sum). The Court held (at [23]-[29]) that the offer did not have the consequences of non-acceptance set out in Part 18.

162. Other effects of accepting a Part 18 offer

(1) If a Part 18 offer is accepted, the claim will be stayed and, in the case of acceptance of an offer which relates to the whole claim, the stay will be upon the terms of the offer.

(2) In the case of acceptance of a Part 18 offer which relates to part only of the claim, the claim will be stayed as to that part upon the terms of the offer.

(3) If the Court's approval is required before a settlement can be binding, any stay which would otherwise arise on the acceptance of a Part 18 offer will take effect

only when that approval has been given.

(4) Unless the parties otherwise agree in writing, where a Part 18 offer that is or includes an offer to pay or to accept a single sum of money is accepted, that sum must be paid to the claimant within 14 days of the date of acceptance, unless the Court orders otherwise.

(5) If such sum is not paid within 14 days of acceptance of the offer, or such other period has been agreed, the claimant may enter judgment for the unpaid sum.

163. Unaccepted Part 18 Offers

(1) This Rule applies where, upon judgment being entered –

(a) a claimant fails to obtain a judgment more advantageous than a defendant's Part 18 offer; or

(b) judgment against the defendant is at least as advantageous to the claimant as the proposals contained in the claimant's Part 18 offer.

(2) For the purposes of paragraph (1), in relation to any money claim or money element of a claim –

(a) "more advantageous" means better in money terms by any amount, however small; and

(b) "at least as advantageous" shall be construed accordingly.

(3) Subject to paragraph (4), where paragraph (1)(a) applies, the Court must, unless it considers it unjust to do so, order that the defendant is entitled to costs (including any recoverable pre- action costs) from the date on which the relevant period expired and interest on those costs.

(4) Subject to paragraph (5), where paragraph (1)(b) applies, the Court must, unless it considers it unjust to do so, order that the claimant is entitled to –

(a) interest on the whole or part of any sum of money (excluding interest) awarded, at such rate as the Court thinks fit for some or all of the period starting with the date on which the relevant period expired;

(b) together with costs (including any recoverable pre-action costs) on the indemnity basis from the date on which the relevant period expired; and

(c) interest on those costs at such rate as the Court thinks fit.

(5) Paragraphs (3) and (4) do not apply to a Part 18 offer which:

(a) has been withdrawn;

(b) has been changed so that its terms are less advantageous to the offeree where the offeree has beaten the less advantageous offer; or

(c) was made less than 21 days before trial unless the Court has abridged the relevant period.

164. Personal injury claims for future pecuniary loss

(1) This Rule applies to a claim for damages for personal injury which is or includes a claim for future pecuniary loss.

(2) An offer to settle such a claim will not have the consequences set out in this Part unless it is made by way of a Part 18 offer under this Rule.

(3) A Part 18 offer to which this Rule applies may contain an offer to pay, or an offer to accept the whole or part of the damages for future pecuniary loss in form of a lump sum, a periodical payment or both a lump sum and periodical payments or the whole or part of any other damages in the form of a lump sum.

(4) In addition to the information required by Rule 154, a Part 18 offer made under this Rule must contain such further information as required by, and set out in, any relevant practice direction.

(5) Rule 152 applies to the extent that a Part 18 offer made by a defendant under this Rule includes an offer to pay all or part of any damages in the form of a lump sum.

(6) Where the offeror makes a Part 18 offer to which this Rule applies and which offers to pay or to accept damages in the form of a lump sum and periodical payments, the offeree may only give notice of acceptance of the offer as a whole.

165. Offer to settle a claim for provisional damages

(1) An offeror may make a Part 18 offer in respect of a claim which includes a claim for provisional damages.

(2) Where the offeror does so, in addition to the information required by Rule 154, the offer must specify whether or not the offeror is proposing that the settlement shall include an award of provisional damages and must contain such further information as required by, and set out in, any relevant practice direction.

(3) Rules 152(2) and (3) apply to the extent that a Part 18 offer made by a defendant includes an offer to agree to the making of an award of provisional damages.

166. Payments into Court

(1) A party who makes a payment into Court under a Court order must serve notice of the payment on every other party and, in relation to each such notice, file a certificate of service.

(2) A practice direction may set out special provisions with regard to payments into Court under any ADGM enactment.

167. Where defendant wishes to rely on a defence of tender before claim

(1) A defendant who wishes to rely on a defence of tender before claim must make a payment into Court of the amount he says was tendered and may not rely on that

defence until he makes the payment.

(2) The defence of tender before claim is not available where the claim is for unliquidated damages.

168. Payment out of Court

Money paid into Court under a Court order or in support of a defence of tender before claim may not be paid out without the Court's permission except in accordance with a relevant practice direction.

PART 19:

DISCONTINUANCE

169. Right to discontinue claim

(1) Except as provided by the relevant practice direction, a claimant may discontinue all or part of a claim at any time.

(2) Where there is more than one defendant, the claimant may discontinue all or part of a claim against all or any of the defendants.

(3) A claimant who claims more than one remedy and subsequently abandons his claim to one or more of the remedies but continues with his claim for the other remedies is not treated as discontinuing all or part of a claim for the purposes of this Part.

170. Procedure for discontinuing

(1) To discontinue all or part of a claim, a claimant must file a notice of discontinuance and serve a copy of that notice on every other party to the proceedings in accordance with Part 4 of these Rules.

(2) Discontinuance against any defendant takes effect on the date when the notice of discontinuance is served on him and, subject to paragraph (3), the proceedings are brought to an end as against him on that date.

(3) However, this does not affect proceedings to deal with any question of costs.

171. Right to apply to have notice of discontinuance set aside

Where the claimant discontinues under Rule 170(2), the defendant may apply to have the notice of discontinuance set aside in accordance with the relevant practice direction.

172. Liability for costs

(1) Unless the Court orders otherwise, a claimant who discontinues is liable for the costs which a defendant, against whom the claimant discontinues, incurred on or before the date on which notice of discontinuance was served on that defendant.

(2) If proceedings are only partly discontinued, the claimant is liable for costs relating only to the part of the proceedings which he is discontinuing and, unless

the Court orders otherwise, the costs which the claimant is liable to pay must not be assessed until the conclusion of the rest of the proceedings.

Costs on discontinuance of a claim

19.172(1).1.

In *Afkar Capital Limited v Saifallah Fikry* [2018] ADGMCFI 2, the Court held that it would not readily depart from the prima facie rule that when a claimant fails in his claim or abandons it, it is "normally unjust to make the defendant bear the costs of proceedings that were forced upon him and which the claimant is unable or unwilling to carry through to judgment". The Court applied the guidance in *Brookes v HSBC Bank plc* [2011] EWCA Civ 354 at [6]:

(1) When a claimant discontinues proceedings, there is a presumption by reason of ECPR 38.6 that the defendant should recover his costs; the burden is on the claimant to show a good reason for departing from that position.

(2) The fact that the claimant would or might well have succeeded at trial is not itself a sufficient reason for doing so.

(3) However, if it is plain that the claim would have failed, that is an additional factor in favour of applying the presumption.

(4) The mere fact that a claimant's decision to discontinue may have been motivated by practical, pragmatic or financial reasons as opposed to a lack of confidence in the merits of the case will not suffice to displace the presumption.

(5) If the claimant is to succeed in displacing the presumption he will usually need to show a change of circumstances since he brought the proceedings to which he has not himself contributed.

A claimant, faced with the burden of displacing the prima facie rule, generally cannot have the Court proceed on the basis that he would likely have succeeded in the litigation if he had not prevented it from being tried: *Afkar Capital Limited* (above) at [29]. In order to justify a departure from the prima facie rule due to a change in circumstances, the discontinuing claimant must show that the circumstances have changed as a result of the other party's unreasonable conduct and after the proceedings were brought. It is not enough for the claimant to show that it has achieved all or almost all that it sought to achieve through bringing the proceedings or circumstances have changed so that the proceedings are "redundant" (see, for example, *Nelson's Yard v Eziefula* [2013] EWCA (Civ) 235 at [31]): *Afkar Capital Limited* (above) at [34].

172A. Stay in lieu of notice of discontinuance

(1) Where 1 month has passed from the date that the Court has been informed in writing by a party or the parties that the proceedings have settled or otherwise resolved, no further steps have been taken in the proceedings and no notice of discontinuance or consent order has been filed to dispose of the proceedings, the claim shall be stayed.

(2) Where a claim is stayed under this Rule, any party may apply for the stay to be lifted.

PART 20:
MISCELLANEOUS PROVISIONS RELATING TO HEARINGS

173. Hearing to be in public

(1) Save as provided by under section 98 of the Regulations and the relevant practice directions, the general rule is that a hearing is to be held in public.

(2) The decision as to whether to hold a hearing in private must be made by the Judge conducting the hearing having regard to any representations which may have been made to him.

(3) The Court may order that the identity of any party or witness must not be disclosed if it considers non-disclosure necessary in order to protect the interests of that party or witness.

Grounds for ordering a hearing to take place in private
20.173.1.

In *NX (as Trustee of the EYZ Trust) v AA (Beneficiary 1) & Others* [2025] ADGMCFI 0030, the trustee made a preliminary application to have her directions application relating to the trust heard in private. Under Rule 173 the starting point is that Court hearings are held in public. Section 98 of the ADGM Courts Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015 includes an exception to the general rule if the case being heard relates to an uncontentious matters arising in the administration of trusts. On that basis, the Court held that the hearing could take place in private. The case also fell within the exception to public hearings when information that was to be referred to was considered confidential and publicity would harm the confidentiality. The Court also found that the matter would fall under the exception relating to the protection of witnesses.

The Court considered that, if the application for the matter to be heard in private was decided by reference to the present English statutory scheme, he would have had some difficulty in identifying any features that would have justified the hearing being in private. However, section 1(1) of the ADGM Application of English Law Regulations 2015 permits departure from English law if there are material circumstances that bear upon the question. Here, three circumstances were said by the Court to be material to justify departure from the English law position:

(1) The importance of respect for privacy in financial and other personal matters, which is not only a cultural and moral duty that provides dignity, trust and respect in social relations, but is founded in the ethical and legal framework of Islamic teaching.

(2) The overriding objective of the Rules has an express requirement of accessibility which is different from the English CPR. The trustee was under duties of confidentiality the Court was required to make itself accessible to the trustee so that she could seek directions.

(3) The objectives of the ADGM are "to promote the [Emirate of Abu Dhabi] as a global financial center, to develop the economy of the Emirate and make it an attractive environment for financial investments and an effective contributor

to the international financial services industry" (Article 6 of the ADGM Founding Law). On the whole, offshore jurisdictions with recognised financial services industries are sympathetic to the protection of confidential financial information and to enabling trustees to seek the Court's directions without compromising it.

174. Failure to attend the trial

(1) The Court may proceed with a trial in the absence of a party, but

(a) if no party attends the trial, it may strike out the whole of the proceedings;

(b) if the claimant does not attend, it may strike out his claim and any defence to counterclaim; and

(c) if the defendant does not attend, it may strike out his defence or counterclaim (or both).

(2) Where the Court strikes out proceedings, or any part of them, under this Rule, it may subsequently restore the proceedings, or that part.

(3) Where a party does not attend and the Court gives judgment or makes an order against him, the party who failed to attend may apply for the judgment or order to be set aside.

175. Rights of audience before the Court

(1) A litigant in person who is a natural person shall have a right of audience before the Court.

(2) Without limiting section 219 of the Regulations, a company, partnership or other entity may be represented at any hearing by an employee, officer, director or partner if that person has been authorised by the company, partnership or other entity to appear at the hearing on its behalf and the Court gives permission.

PART 21:

JUDGMENTS AND ORDERS

176. Standard requirements

(1) Except as otherwise provided by these Rules or a relevant practice direction, every judgment or order must state the name and judicial title of the person who made it.

(2) Every judgment or order must bear the date on which it is given or made and be sealed by the Court.

177. Effective date of judgments and orders

A judgment or order takes effect from the day when it is given or made, or such later date as the Court may specify.

178. Service of judgments and orders

(1) Once a judgment or order has been sealed, it shall be made available to the parties via the eCourts Platform, except where any rule, practice direction ADGM enactment or a Court order requires the judgment or order to be served by a different method.

(2) Unless the Court directs otherwise or as provided for by a relevant practice direction, a default judgment obtained under Rule 39 shall be served by the claimant on all other parties to the proceedings within 14 days of the date that the default judgment was made.

179. Interest on debt, damages and judgment debts

(1) When interest is payable on a judgment pursuant to section 8 of the Regulations –

(a) the interest shall be at the rate prescribed by the Court in the relevant practice direction; and

(b) the interest shall begin to run from the date that judgment is given, unless a rule or a relevant practice direction makes a different provision or the Court orders otherwise.

(2) When interest is payable on all or any part of a debt or damages pursuant to section 39 of the Regulations, the interest shall be at the rate of interest determined by reference to section 8 of the Regulations as that section has effect from time to time or by reference to a rate for which any other ADGM enactment provides.

Interest on debt, damages and judgment debts

In *Dijllah Jewellery FZE v AVA Trade Middle East Limited* [2026] ADGMCFI 0001, Justice Paul Heath KC confirmed that the Claimant was entitled to interest on its judgment debt at the prescribed rate by annum (being 5 per cent at the time of the judgment) pursuant to Rule 179.

180. Time for complying with a judgment or order

A party must comply with a judgment or order for the payment of an amount of money (including costs) within 14 days of the date of the judgment or order, unless –

(a) the judgment or order specifies a different date for compliance (including specifying payment by instalments);

(b) any rule or a relevant practice direction specifies a different date for compliance; or

(c) the Court has stayed the proceedings or judgment.

181. Who may apply to set aside or vary a judgment or order

Unless otherwise provided by a rule or a relevant practice direction, any party or any person who is not a party but who is directly affected by a judgment or order may apply to have the judgment or order set aside or varied.

182. Consent orders

(1) The parties may agree the terms in which an order may be made by the Court.

(2) The Court may make, refuse or vary the order sought by the parties.

183. Correction of errors in judgments and orders

(1) The Court may at any time correct an accidental slip, error or omission in a judgment or order, and it may make any such correction or corrections on its own initiative, on the application of any party to the proceedings or on the application of any person who is not a party to the proceedings but who is directly affected by the slip, error or omission in the judgment or order.

(2) An application under paragraph (1) may be made without notice.

184. Sale of Real Property

(1) In any proceedings relating to real property, the Court may order the real property, or part of it, to be sold, mortgaged, charged, exchanged or partitioned.

(2) An application made by a party seeking any form of relief under paragraph (1) must be made in accordance with the relevant practice direction.

(3) Where the Court has made an order under paragraph (1), it may order any party to deliver up to the purchaser or any other person possession of the real property, receipt of rents or profits relating to it or both.

The order for sale

21.184.1

In *Abu Dhabi Commercial Bank PJSC v KBBOBRS Investments Holdings Limited & another* [2021] ADGMCFI 0002 at [51]-[52], the Court held that in ordering the sale of property, the Court may fix a minimum sale price. The mortgagee was permitted to bid for the property on its own account but on terms that such a sale would not be concluded without the approval of the Court. The Court did not need to decide the interesting questions of whether it had inherent jurisdiction to order the sale, or whether the mortgage terms read in conjunction with s.56(2) of the Real Property Regulations 2015 empowers the Court to order a sale.

185. Declaratory judgments

The Court may make binding declarations whether or not any other remedy is claimed.

PART 22:

DAMAGES

186. Award for provisional damages

(1) In this Rule "award for provisional damages" means an award of damages for personal injuries under which damages are assessed on the assumption referred to in section 35 of the Regulations that the injured person will not develop the disease or suffer the deterioration, and the injured person is entitled to apply for

further damages at a future date if he develops the disease or suffers the deterioration.

(2) The Court may make an order for an award of provisional damages if the particulars of claim include a claim for provisional damages; and the Court is satisfied that section 35 of the Regulations applies.

(3) An order for an award of provisional damages must specify the disease or type of deterioration in respect of which an application may be made at a future date and must specify the period within which or the date from which such an application can be made.

(4) An order under paragraph (2) may be made in respect of more than one disease or type of deterioration and may, in respect of each disease or type of deterioration, specify a different period within which, or a different date from which, a subsequent application may be made.

187. Application for further damages

(1) The claimant may not make an application for further damages after the end of the period specified under paragraph (3) of Rule 186, or such period as extended by the Court under paragraph (4) of that Rule.

(2) Only one application for further damages may be made in respect of each disease or type of deterioration specified in the award of provisional damages.

188. Periodical Payments

(1) This section of this Part contains rules about the exercise of the Court's powers under section 51 of the Regulations to order that all or part of an award for damages in respect of personal injury is to take the form of periodical payments.

(2) "Damages" in paragraph (1) means damages for future pecuniary loss and "periodical payments" means periodical payments under section 51 of the Regulations.

(3) A relevant practice direction may set out additional matters to be contained in a party's statement of case in a claim for damages for personal injury.

189. Factors to be taken into account

(1) When considering whether to make an order under section 51 of the Regulations, the Court shall have regard to all the circumstances of the case and, in particular, the form of award which best meets the claimant's needs, having regard to the factors set out in the relevant practice direction.

(2) Where the Court awards damages in the form of periodical payments, the order must specify the matters set out in the relevant practice direction.

(3) Where, under section 51 of the Regulations, the Court is satisfied that special circumstances makes an assignment or change of periodical payments necessary, it shall, in deciding whether or not to approve the assignment or charge, also have regard to the factors set out in the relevant practice direction.

PART 23:
CHANGE OF LAWYER

190. Lawyer acting for a party

Where the address for service of a party is the address of that party's lawyer, the lawyer will be considered to be acting for that party until the provisions of this Part have been complied with.

191. Engagement or change of lawyer – duty to give notice

(1) Where a self-represented party wishes to engage a lawyer, or a party for whom a lawyer is acting wants to change his lawyer, the party or his new lawyer must file notice of the change; and serve notice of the change on every other party and on the former lawyer.

(2) The notice must state the party's new address for service.

(3) Where a party has changed his lawyer, the former lawyer will be considered to be the party's lawyer unless and until notice is filed and served in accordance with paragraph (1) or the Court makes an order under Rule 192 and the order is served as required by paragraph (1) of that Rule.

192. Withdrawal of lawyer

(1) A lawyer who ceases to act for a party in any proceedings may file notice of the change and serve the notice on the other parties.

(2) Except by leave of the Court, a lawyer may not file or serve notice of the change unless he has filed and served on the client a notice of intention to file and serve the notice of change:

(a) in the case of proceedings for which a date for trial has been fixed, at least 28 days before doing so; or

(b) in any other case, at least 7 days before doing so.

(3) Unless notice of the change is filed with the leave of the Court, a lawyer filing such a notice must include in the notice a statement as to the date on which service of the notice of intention required by section 192(2) was effected.

(4) Any application for leave of the Court made under this Rule is to be made in accordance with the relevant practice direction.

193. Removal of lawyer who has ceased to act on application of another party

(1) Where a lawyer who has acted for a party has died, has become bankrupt, has ceased to practice or cannot be found and the party has not given notice of a change of lawyer as required by Rule 191(1) any other party may apply, in accordance with the relevant practice direction, for an order declaring that the lawyer has ceased to be the lawyer acting for the other party in the case.

(2) Rule 192(2) applies where the Court makes an order under this Rule and references in that rule to "lawyer" shall be read as references to "party".

PART 24:

FEES AND COSTS

194. Fees

Where a fee is prescribed by any rule made by the Chief Justice under section 184(1) of the Regulations, or is determined by the Board pursuant to Article 6 of the ADGM Founding Law, the Registrar may refuse to accept a document or refuse to allow a party to take any step unless and until the relevant fee is paid.

195. Orders for costs

(1) The Court may make such orders as it considers just in respect of any application, hearing, trial, appeal or other proceeding before the Court.

(2) The Court's powers to make an order for costs may be exercised either in the course of the proceeding or at or after its final determination.

(3) This Part is subject to any rule or practice direction which sets out special provisions with regard to any particular category of proceeding before the Court.

Breadth of the Court's discretion

24.195.1

In *Turcon v Assaf & others* [2025] ADGMCFI 0002 the Court emphasised the breadth of its discretion as to costs in considering an application for costs on the entry of judgment in default. The starting point was said to be section 49 of the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015 which, while subject to any other ADGM enactment or court procedure rules, left the costs of and incidental to all proceedings in the Court of First Instance to the discretion of a Judge of that Court. Rule 195(1) reinforced the breadth of the discretion by authorising the Court to "make such orders as it considers just in respect of any application, hearing, trial, appeal or other proceeding before the Court". Rule 195 is located in Part 24 of the Rules, which is subject to any rule or practice direction setting out special provisions with regard to any particular category of proceeding before the Court. The Court held that read in tandem, section 49 of the Regulations and Rule 195 create a costs regime which involves the exercise of a broad discretion in a manner consistent with the criteria or principles set out in relevant rules or practice directions. The Court also referred to the decision of the English Supreme Court in *R (on the application of Gourlay) v Parole Board* [2021] 3 All ER 95: "the application of the principles laid down by appellate courts must be tempered by an ability to respond flexibly to unusual situations, and to reach a just result in the individual case."

Currency of a costs order

24.195.2

Prima facie, courts will generally award costs in the local currency of the jurisdiction. In *A3 v B3* [2019] ADGMCFI 0006 at [6] the Court held that neither the CPR nor Practice

Direction 9 require that costs must be awarded in dirhams. Where the receiving party was charged fees in US dollars by its legal representatives, the Court may award costs in US dollars.

Costs of a freezing order application
24.195.3

The Court held that there was no established practice (either in the ADGM Courts or in common law jurisdictions generally) as to whether to make an immediate order or defer the question of costs of a freezing order application. The issue depends upon what is just on the specific facts of the case (*Abu Dhabi Commercial Bank PJSC v Prasanth Manghat* [2022] ADGMCFI 0011 at [5]). In that case a costs order was made after the inter partes hearing (there having been no ex parte hearing) where the applicant's case was in detail and the respondent's advisers had adequate time to assess its strength and in recognition of the conduct of the respondent in advancing a new argument and introducing new evidence shortly before the hearing.

The general approach to the award of costs in favour of the successful party and issues based orders
24.195(1).4

In *NMC Healthcare Ltd (in administration) (subject to a deed of company arrangement) & others v Dubai Islamic Bank PJSC & others* [2023] ADGMCFI 0020 the Court noted that whilst there is no provision equivalent to ECPR r 44.2(2) that an unsuccessful party will be ordered to pay the costs of the successful party, the Court's general approach is to make an order for costs in favour of a successful party against an unsuccessful party – referring to *A3 v B3* [2019] ADGMCFI 0006 at [5]. The Court also ordered that the overall successful party pay the costs of the overall losing party on an issue that they lost (at [39]).

196. Submissions as to costs

(1) Submissions as to costs should normally be made before the conclusion of the proceedings to which an order of costs will relate.

(2) If a party wishes to defer making submissions as to costs until after judgment has been given, the Court may give such directions as appear to it to be appropriate for the way and the period within which such submissions are to be placed before the Court.

197. Basis of assessment

(1) Where the Court is to assess the amount of costs it will assess those costs on the standard basis or on the indemnity basis.

(2) Where the Court makes an order about costs without indicating the basis on which the costs are to be assessed or it makes an order for costs to be assessed on a basis other than the standard or indemnity basis, the costs will be assessed on the standard basis.

Orders for the assessment of costs on the standard or indemnity basis
24.197.1

In deciding whether to award costs on the standard or indemnity basis on the discontinuance of the claim in *Afkar Capital Limited v Saifallah Fikry* [2018] ADGMCFI

2, the Court applied the guidance in *Ghafoor v Cliff* [2006] EWHC 825 (Ch) at [72]: "... while the court has a wide discretion as to whether to order costs on the standard or the indemnity basis, there must be something in the conduct of the proceedings or the circumstance of the case which takes the case out of the norm in a way that justifies an order for indemnity costs. Where, as in the present case, it is the conduct of the paying party which is relied on, there must be some element on his conduct of the case which deserves some mark of disapproval; unreasonableness of a high degree may be sufficient". The Court held at [66] that it was not in a position to reject the explanations of the defendant for its decision to discontinue the claim and therefore ordered that the costs be paid on the standard basis.

In *A3 v B3* [2019] ADGMCFI 0006 at [10] the Court refused the claimant's application for an award of costs on the indemnity basis against a defendant that had no part in the proceedings, holding that there was no sufficient basis to criticise the defendant's conduct.

198. Standard basis

(1) Where the amount of costs is to be assessed on the standard basis, the Court will only allow costs which are proportionate to the matters in issue and are reasonably incurred and reasonable in amount.

(2) The Court will resolve any doubt which it may have as to whether costs assessed on the standard basis are reasonably incurred and reasonable and proportionate in amount in favour of the paying party.

Assessment of costs on the standard basis
24.198.1
In *Federal Properties Limited v Rawafid H Jazairi Ibrahim & Others*; *Federal Properties Limited v Zaid Ausama Ibrahim*; *Federal Properties Limited v Amir Sadik Ali Al Samarraie* [2025] ADGMCFI 0027, Justice Paul Heath KC held that where costs are assessed on the standard basis, the principle of proportionality is important. Any doubt as to whether costs were reasonably incurred and reasonable and proportionate in amount should be resolved in favour of the paying party (see: Rules 198(1) and (2)).

199. Indemnity basis

(1) Costs assessed on the indemnity basis are allowed only if they are reasonably incurred and reasonable in amount.

(2) Where the amount of costs is to be assessed on the indemnity basis, the Court will resolve any doubt which it may have as to whether costs are reasonable in amount or were reasonably incurred in favour of the receiving party.

200. Procedure for assessing costs

(1) Where the Court orders a party to pay costs to another party (other than fixed costs) it either will make a summary assessment of the costs or order detailed assessment of the costs by a costs officer.

(2) The amount of any assessed costs will be inserted in the order made by the Court, or if the order is drawn up before the assessment has been completed, the

amount assessed will be certified by the Registrar.

201. Time for complying with an order for costs

A party must comply with an order for the payment of costs within 14 days of

(a) the date of the judgment or order if it states the amount of those costs or, if the amount of those costs (or part of them) is decided later following detailed assessment, the date of the certificate which states the amount; or

(b) such other date as the Court may specify.

202. Where the Court makes no order for costs

(1) Where the Court makes an order which does not mention costs, the general rule is that no party is entitled to costs in relation to that order.

(2) The general rule in paragraph (1) does not affect any entitlement of a party to recover costs out of a fund held by that party as trustee or under any lease, mortgage or other security.

(3) Where the Court makes an order or direction sought by a party on an application without notice and its order does not mention costs, it will be deemed to include an order for the applicant's costs in the case.

(4) Any party affected by a deemed order for costs under paragraph (3) of this Rule may apply at any time to vary the order.

203. The Court's powers in relation to misconduct

(1) The Court may make an order under this Rule where a party or that party's legal representative, in connection with a summary or detailed assessment, fails to comply with a rule, practice direction or Court order, or it appears to the Court that the conduct of a party or that party's legal representative, before or during the proceedings or in the assessment proceedings, was unreasonable or improper.

(2) Where paragraph (1) applies, the Court must disallow all or part of the costs which are being assessed or order the party at fault, or that party's legal representative, to pay costs on the indemnity basis which that party, or legal representative, has caused any other party to incur.

Misconduct

24.203.1

In *Mingguo v Sadeghnia* [2024] ADGMCFI 0005 at [90] the Court ordered that the unsuccessful defendant pay the claimant's costs on the indemnity basis under Rule 203, for "wholly unreasonable delay and obfuscation on the Defendant's part, combined with the making of unsubstantiated allegations" which made it "an object lesson in how not to conduct commercial litigation".

Power of the court to sanction a legal representative for unreasonable or improper conduct

24.203.2

The jurisdiction to make a wasted costs order against a legal representative was considered in *Arabyads Holdings Limited v Gulrez Alam Marghoob Alam* [2025] ADGMCFI 0032, where the lawyer had filed a defence which was lengthy and had been prepared with improper use of artificial intelligence (including the citation of authorities which did not exist, which were incorrectly cited or did not stand for the proposition for which they were cited). The Court summarised the guidance given by the Privy Council in *Harley v McDonald* [2002] 1 NZLR 1 (PC), per Lord Hope of Craighead at [28]:

(1) A simple mistake or oversight, or mere error of judgment, is not of itself sufficiently serious to give rise to an order. Reference was made to Myers v Elman, in which Viscount Maugham had indicated that the test was whether the conduct amounted to a serious dereliction of duty, and that negligence could be so described if it was at a sufficiently high level. In the same case, Lord Atkin described the type of conduct that could lead to the exercise of the jurisdiction as "gross negligence". A more precise definition of the level of seriousness of conduct is not appropriate. Each case will turn on its own facts and whether, as a matter of judgment, the conduct rises to the level indicated.

(2) Generally speaking, the jurisdiction should only be exercised in circumstances which are apt for summary disposal by the Court. Cases in which there are likely to be genuine disputes between lawyers and their former clients are better left for resolution at a later stage, after witnesses have been heard and their evidence tested by cross-examination.

(3) While the Court focuses on the lawyer's obligation to it, some cases may involve serious breaches which involve allegations of professional misconduct. They might also raise the spectre of a client suing the practitioner for damages in negligence. In such circumstances, it is inappropriate for the Court to rule upon whether, in addition to a breach of duty to the Court, there has been a breach of the rules of professional conduct. This is something that would ordinarily be addressed by way of complaint to regulatory authorities.

(4) While leaving open the possibility that the Court may make an order for costs in favour of the client against his or her own lawyer, great care must be taken to ensure the issue involves conduct that is readily verifiable. In cases where there are disputes about the nature and extent of instructions provided to the lawyer by the client, a summary assessment would be inappropriate. Such cases ought preferably to be left to any later action for professional negligence.

(5) A duty rests on all officers of the Court to achieve and maintain appropriate levels of competence and care and that, if a lawyer were in "serious dereliction of such duty" he or she is properly amenable to the costs jurisdiction of the Court. As Lord Hope said: "The essential point is that it is not errors of judgment that attract the exercise of the jurisdiction, but errors of a duty owed to the Court".

(6) An order for costs against a lawyer is a sanction imposed by the Court. While it will provide compensation for a disadvantaged litigant, the order is also punitive in nature. Lord Hope said that: "Although it may be expressed in terms which are compensatory, [the] purpose [of the order] is to punish the offending practitioner for a failure to fulfil his [or her] duty to the Court".

The judgment considers in some detail the duties of legal representatives appearing in the ADGM, and the conduct issues to which the use of artificial intelligence can give rise. See also Rule 1, 3, 4 and 10 of the Rules of Conduct.

204. Set-off

Where a party entitled to costs is also liable to pay costs, the Court may assess the costs which that party is liable to pay and either set-off the amount assessed against the amount which the party is entitled to be paid and direct that party to pay any balance, or delay the issue of a certificate for the costs to which the party is entitled until the party has paid the amount to which that party is liable to pay.

PART 25:

APPEALS

205. Appeals from the Small Claims Division or from a judgment or order made on a short-term residential lease claim in the Real Property Division to the Commercial and Civil Division

(1) An appellant may appeal from a final judgment or order of the Small Claims Division of the Court of First Instance or from a final judgment or order made on a short-term residential lease claim in the Real Property Division only by notice of appeal to the Commercial and Civil Division of the Court of First Instance.

(2) The appeal shall be determined by a single Judge unless the Judge who is assigned the appeal considers, having regard to the circumstances of the case and the matters to be decided in the appeal, that the appeal should be determined by three Judges.

(3) No appeal lies to the Court of Appeal from any judgment or order of the Commercial and Civil Division on an appeal from the Small Claims Division or on an appeal from a final judgment or order made on a short-term residential lease claim in the Real Property Division.

(4) No appeal may be brought against any judgment or order given or made in the Small Claims Division or any judgment or order given or made on a short-term residential lease claim in the Real Property Division except on a question of law.

(5) No appeal may be brought against any case management or interim order made in the Small Claims Division or any case management or interim order made in relation to a short-term residential lease claim in the Real Property Division.

(6) A party who seeks to appeal to the Commercial and Civil Division against a final judgment or order of the Small Claims Division or a final judgment or order made on a short-term residential lease claim in the Real Property Division must file and

serve on all other parties a notice of appeal within 14 days of the date of the judgment or order, and, if they are made on different dates, whichever is made later, unless the Court orders otherwise.

(7) A notice of appeal to the Commercial and Civil Division must be filed in the appropriate form in accordance with the relevant practice direction.

(8) A party who wishes to respond to a notice of appeal must, within 14 days of service of the notice, file and serve on the other parties to the proceedings a written response made in the appropriate form in accordance with the relevant practice direction.

(9) Rules 209C to 211 and 213 apply to appeals to the Commercial and Civil Division from the Small Claims Division or appeals from a final judgment or order made on a short-term residential lease claim in the Real Property Division in the same way as they apply to appeals from the Commercial and Civil Division, the Employment Division or the Real Property Division (other than in relation to a short term residential lease claim) to the Court of Appeal.

A challenge to jurisdiction in the Small Claims Division must be made at the start of proceedings and not by appeal

25.205(3).1

Although the question of jurisdiction was one on which an appeal may be brought in the Small Claims Division (since it was a question of law for the purposes of Rule 205(3)), a challenge to jurisdiction must be made at the outset of proceedings (*Mussab Mubarak Abdulla Mubarak Aldarmaki v Abu Dhabi Commercial Bank* [2022] ADGMCFI 0004 at [15]–[18], [25]).

25.205(3).2

In *Laila Abdulla Hassan Abdulla Belhoush v Abu Dhabi Commercial Bank* [2022] ADGMCFI 0005 the Notice of Appeal was filed out of time and was treated by the Court as including an application for extension of time within which to appeal against the order refusing to set aside the judgment that had been entered. The Court held (at [8]) that the Appellant had not provided any explanation for having failed to appeal within time and had not demonstrated a clearly arguable case demonstrating an error of law (as required by rule 205(3)), so that the application for an extension of time was refused.

206. Appeals from the Court of First Instance (except for the Small Claims Division or a short-term residential lease claim in the Real Property Division) to the Court of Appeal – permission to appeal

(1) An appellant requires permission to appeal from an order or judgment of a Judge in the Court of First Instance to the Court of Appeal.

(2) An application for permission to appeal must, in accordance with the relevant practice direction, be made to the Court of First Instance in the form of an application notice and written argument in support, and:

(a) if the application for permission to appeal relates to a case management or interim order, be filed and served within 7 days of the date when the order or judgment to be appealed was made;

(b) if the application for permission to appeal relates to an order or judgment from the Court of First Instance refusing permission to apply for judicial review, be filed and served within 10 days of the date when the order to be appealed was made; or

(c) in any other case, be filed and served within 21 days after the date when the order or judgment to be appealed was made.

(3) For the purpose of paragraph (2), and unless the Court orders otherwise, where both an order and a judgment are made in relation to the matter to be appealed but the order and judgment are made on different dates, time begins to run from the date of whichever is made later.

(4) Where the Court of First Instance refuses an application for permission to appeal under Rule 206(2) a further application for permission to appeal may be made to the Court of Appeal by filing and serving the application within 7 days of the date of the refusal.

(5) There must be filed with the application notice a copy of the order or judgment appealed from and a copy of any order refusing permission to appeal to the Court of Appeal.

207. Objection by respondent to application for permission to appeal

(1) A respondent who wishes to object to an application for permission to appeal to the Court of Appeal must, in accordance with the relevant practice direction, file and serve on the applicant and all other parties to the application a written argument in response to the application:

(a) if the application for permission to appeal relates to a case management or interim order, within 7 days of the respondent being served with the application notice and written argument in support;

(b) if the application for permission to appeal relates to an order from the Court of First Instance refusing permission to apply for judicial review, within 10 days of the respondent being served with the application notice and written argument in support; or

(c) in any other case, within 21 days of the respondent being served with the application notice and written argument in support.

(2) A respondent who does not file and serve a written argument in response will not be permitted to participate in the application and will not be given notice of its progress.

208. Determination of application for permission to appeal

(1) Applications for permission to appeal will ordinarily be decided by the Court on the papers without an oral hearing.

(2) The Court may grant or refuse permission to advance all or any of the grounds of appeal or invite the parties to file written submissions within 14 days as to the grant of permission on terms.

(3) Where the Court has invited the parties' submissions as to terms, it shall reconsider the application without a hearing and may refuse permission or grant permission, either unconditionally or on terms, to advance all or any of the grounds of appeal.

(4) Permission to appeal may be given only where the Court considers that the appeal would have a real prospect of success or there is some other compelling reason why the appeal should be heard.

(5) An order giving permission to appeal may limit the issues to be heard and be made subject to conditions.

Test for permission to appeal a case management decision
25.208.1

See Practice Direction 11, paragraph 11.6.

Permission to appeal will only be granted where the appeal has a real prospect of success or there is some other compelling reason why the appeal should be heard.

In *Rosewood Hotel Abu Dhabi LLC v Skelmore Hospitality Group Ltd.* [2019] ADGMCFI 0005 at [17] it was held that where the appeal is in respect of the exercise of a discretion as to case management, the appellant must show a serious procedural irregularity in the sense of the Court having taken into account matters which it should not, or having failed to take into account a matter which it should have; or the decision must be plainly wrong or manifestly unjust.

209. Appeals before Court of Appeal

(1) If permission to appeal is given, the appellant must, in accordance with the relevant practice direction, file and serve a notice of appeal within 7 days of the order granting permission to appeal.

(2) The appellant must, in accordance with the relevant practice direction, file and serve its written argument in support of the appeal:

(a) if the appeal relates to a case management or interim order, at the same time as the appellant files and serves its notice of appeal;

(b) if the appeal relates to an order from the Court of First Instance refusing permission to apply for judicial review, within 14 days of filing its notice of appeal; or

(c) in any other case, within 21 days of filing its notice of appeal.

209A. Objection by respondent to appeal

(1) Other than in respect of an appeal that relates to a case management or interim order, a respondent who wishes to object to an appeal must, in accordance with the relevant practice direction, file and serve an acknowledgment of service on the applicant and all other parties to the appeal within 7 days of being served with the appellant's written argument in support of the appeal.

(2) A respondent who wishes to object to an appeal must, in accordance with the relevant practice direction, file and serve on the applicant and all other parties to the appeal a written argument in response to the appeal:

(a) if the appeal relates to a case management or interim order, within 7 days of the respondent being served with the appellant's written argument in support of the appeal;

(b) if the appeal relates to an order from the Court of First Instance refusing permission to apply for judicial review, within 14 days of the respondent being served with the appellant's written argument in support of the appeal; or

(c) in any other case, within 21 days of the respondent being served with the appellant's written argument in support of the appeal.

209B. Reply to objection by respondent

If the respondent has filed and served a written argument in response to the appeal, or if there are two or more respondents and at least one of them has done so, and the time for filing and serving any other written argument or arguments has expired, an appellant may, in accordance with the relevant practice direction, file and serve a written argument in reply:

(a) if the appeal relates to a case management or interim order, within 5 days;

(b) if the appeal relates to an order from the Court of First Instance refusing permission to apply for judicial review, within 7 days; or

(c) in any other case, within 14 days.

209C. Hearing of the appeal

(1) Every contested appeal before the Court of Appeal shall be heard in open court which may be conducted by way of public video link except:

(a) where it is necessary in the interests of justice or in the public interest for the Court to sit in private or to conduct the hearing by private video link; or

(b) where the Court considers that the appeal can be fairly determined on the papers without an oral hearing and, in all the circumstances of the case, it would be appropriate to do so.

(2) Hearings shall be conducted in accordance with the relevant practice direction.

(3) The Court may give directions to limit any oral submissions to a specified duration.

210. Judgment

A judgment of the Court of Appeal may be delivered in open court or, if the Court so directs, promulgated by the Registrar.

211. Powers of the Court of Appeal

(1) In relation to an appeal, the Court of Appeal has all the powers of the Court of First Instance and may –

(a) affirm, set aside or vary any order, judgment or decision made or given by that court;

(b) refer any claim or issue for determination by that court;

(c) order a new trial or hearing;

(d) make orders for the payment of interest; or

(e) make a costs order.

(2) The Court of Appeal may exercise its powers in relation to the whole or part of a judgment, order or decision that is the subject of the appeal.

(3) An order of the Court of Appeal may be enforced in the same manner as an order of the Court of First Instance.

(4) Subject to section 12(3) of the Regulations, or unless it orders otherwise, the Court of Appeal will not receive oral evidence or evidence which was not before the lower court.

(5) At the hearing of an appeal, a party may not rely on a matter not contained in his application unless the Court of Appeal gives permission.

212. Stay

(1) Unless the Court orders otherwise, an appeal to the Court of Appeal shall not operate as a stay of any judgment, order or decision of the Court of First Instance.

(2) Any appellant who wishes to obtain a stay of execution of the judgment or order appealed from must:

(a) seek it from the Court of First Instance where an application for permission to appeal has been filed with that Court and the application has not yet been determined;

(b) in all other cases, seek it from the Court of Appeal,

and only in wholly exceptional circumstances will the Court grant a stay.

Test on an application to stay a judgment or order pending an appeal to the Court of Appeal

25.212.1

An appeal to the Court of Appeal does not operate as a stay of any judgment or order, which will be granted only in wholly exceptional circumstances. As was observed in *Federal Properties Limited - Sole Proprietorship L.L.C (also known as Federal Properties Limited) v Rawafid H Jazairi Ibrahim* [2025] ADGMCFI 0020, "That is a high bar for any intended appellant to overcome". In that case the Court held that there was no basis for a general stay (having refused permission to appeal) but was prepared to grant a limited stay of 7 days to allow any application to be made to the Court of Appeal for permission to appeal (7 days being the relevant time limit for applying for permission under Rule 206(2)).

213. Non-disclosure of Part 18 offers and payments

(1) The fact that a Part 18 offer or payment in Court has been made must not be disclosed to any Judge who is to hear or determine an application for permission to appeal or an appeal until all questions (other than costs) have been determined.

(2) Paragraph (1) does not apply if the Part 18 offer or payment into Court is relevant to the substance of the appeal, and it does not prevent disclosure in any application in the appeal proceedings if disclosure of the fact that a Part 18 offer or payment into Court has been made is properly relevant to the matter to be decided.

214. Judicial review appeals from the Court of First Instance

(1) Where permission to apply for judicial review has been refused at a hearing in the Court of First Instance, the person seeking that permission may apply to the Court of Appeal for permission to appeal.

(2) On an application under paragraph (1), the Court of Appeal may, instead of giving permission to appeal, give permission to apply for judicial review.

(3) Where the Court of Appeal gives permission to apply for judicial review in accordance with paragraph (2), the case will proceed in the Court of First Instance.

215. Reopening of final appeals

(1) The Court will not reopen a final determination of any appeal unless –

(a) it is necessary to do so in order to avoid a real injustice; or

(b) the circumstances are exceptional and make it appropriate to reopen the appeal; and

(c) there is no alternative effective remedy.

(2) Permission is needed under this Rule to reopen the final determination of an appeal.

(3) An application for permission under paragraph (2) will be considered by a single Judge, who must not have been a member of the Court which made the determination.

(4) There is no right to an oral hearing on an application for permission under paragraph (2) unless, exceptionally, the Judge so directs.

(5) The decision of the Judge on the application for permission is final and not open to appeal.

PART 26:
JUDICIAL REVIEW

216. Interpretation

In this Part –

(a) an "appeal" means an appeal against an order, judgment, decision or procedure of a Global Market Authority under section 25 of the Regulations;

(b) a "claim for judicial review" means a claim to review the lawfulness of an ADGM enactment; or a decision, action or failure to act in relation to the exercise of a public function;

(c) "the judicial review procedure" means the procedure set out in this Part and the relevant practice direction;

(d) "interested party" means any person (other than the claimant or defendant) who is directly affected by the claim; and

(e) "Court" means the Court of First Instance, unless otherwise stated.

217. When the judicial review procedure must be used

(1) The judicial review procedure must be used in a claim for judicial review where the claimant is seeking –

(a) a mandatory, prohibiting or quashing order;

(b) an injunction under section 18 of the Regulations; or

(c) a declaration or an injunction under section 20(2) of the Regulations.

(2) A claim for judicial review may include a claim for damages, restitution or the recovery of a sum due but may not seek such a remedy alone.

(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.

218. Permission required to proceed with a claim for judicial review

(1) No person may bring a claim for judicial review without the Court's prior permission.

(2) An application for permission under paragraph (1) must be made pursuant to section 20 of the Regulations and in accordance with the relevant practice direction.

219. Claim form

(1) In addition to the particulars referred to in Rule 27(3), the claimant must also state the name and address of any person he considers to be an interested party and

any relief (including any interim relief) he is claiming.

(2) The claim form must be accompanied by documents providing the information required by section 20(6)(b) of the Regulations and the relevant practice direction.

220. Filing and service of the claim form

(1) The claim form must be filed promptly, and in any event within 3 months after the grounds to make the claim first arose.

(2) The claim form must be served on the defendant and, unless the Court otherwise directs, any person the claimant considers to be an interested party, within 7 days after the date of issue.

(3) Paragraph (1) does not apply when any other ADGM enactment specifies a shorter time limit for making a claim for judicial review.

221. Acknowledgment of service

Any person served with the claim form who wishes to take part in the claim for judicial review must file and serve an acknowledgment of service.

222. Contents of the acknowledgment of service

(1) Where the person filing the acknowledgment of service intends to contest the claim, the acknowledgment must set out a summary of his grounds for doing so.

(2) Where the person filing the acknowledgment intends to contest the application for permission on the basis that it is highly likely that the outcome for the claimant would not have been substantially different if the conduct complained of had not occurred, set out a summary of the grounds for doing so.

(3) The acknowledgment must state the name and address of any person the person filing it considers to be an interested party, and it may include or be accompanied by an application for directions.

223. Filing and service of the acknowledgment of service

Any acknowledgment of service must be filed not more than 21 days after service of the claim form, served on the claimant and, subject to any direction under Rule 220(2), on any other person named in the claim form as soon as practicable and, in any event, not later than 7 days after it is filed.

224. Failure to file acknowledgment of service

(1) Where a person served with a claim form has failed to file an acknowledgment of service in accordance with Rule 221, he may not take part in a hearing to decide whether permission to proceed with the claim for judicial review should be given, unless the Court allows him to do so; but, provided he complies with Rule 222 (2) or any other direction of the Court regarding the filing and service of detailed grounds for contesting the claim or supporting it on additional grounds and any written evidence, he may take part in the hearing of the judicial review.

(2) Where that person takes part in the hearing of the judicial review, the Court will take his failure to file an acknowledgment of service into account when deciding what order to make about costs.

(3) Rule 36(4) does not apply to a claim under this Part.

225. Permission given to proceed

(1) Where permission to proceed with a claim for judicial review is given, the Court may also give directions.

(2) Directions given under paragraph (1) may include a stay of the proceedings to which the claim relates.

226. Service of order giving or refusing permission

(1) The order giving or refusing permission to proceed with the claim for judicial review, any certificate (if not included in the order) that permission has been granted for reasons of exceptional public interest in accordance with section 20(4) of the Regulations and any directions shall be served on the claimant, the defendant and any other person who filed an acknowledgment of service in accordance with Rule 178(1), unless that Court makes an order requiring a different method of service.

(2) Neither the defendant nor any other person served with the claim form under this Part may apply to set aside an order giving permission to proceed with a claim for judicial review.

227. Response

(1) A defendant and any other person served with the claim form who wishes to contest the claim for judicial review or support it on additional grounds must file and serve detailed grounds for contesting the claim for judicial review or supporting it on additional grounds, and any written evidence, within 35 days after service of the order giving permission to proceed.

(2) Rule 37 does not apply to a claim under this Part.

228. Claimant seeking to rely on additional grounds

The Court's permission is required if a claimant seeks to rely on grounds other than those for which he has been given permission to proceed with a claim for judicial review.

229. Evidence

No written evidence may be relied on unless it has been served in accordance with any rule or practice direction under this Part or the Court gives permission.

230. Court's powers

The scope and application of the Court's powers under this Part to hear representations at the hearing of the judicial review, to decide the claim for judicial review without a hearing and where the Court makes a quashing order in respect of the decision to which the claim for judicial review relates are as set out in the relevant practice direction.

230A. Appeal against decisions or procedures of Global Market Authorities

(1) Any order, judgment, decision or procedure made by any Global Market Authority may be appealed against or questioned by any interested party, or by any party to the proceedings, on the grounds that it is wrong in law or is in excess of jurisdiction by applying to the Commercial and Civil Division of the Court.

(2) Any such application is to be brought in accordance with the relevant practice direction.

(3) Rules 220, 221, 219(1), 222(1) and (3), 223, 224(3), 227(2), 229 and 230 shall apply to an appeal under this section of this Part and for that purpose any reference to "judicial review" in those rules should be read as "appeal".

Statutory appeal against Monetary Penalty Notice
26.230A.1

Elnaggar & Partners Limited v Abu Dhabi Global Market Registration Authority [2023] ADGMCFI 0019 was a statutory appeal brought by the claimant (who was a ADGM Licensed Person) against the defendant (the ADGM Registration Authority). The appeal was against the issuance of a Monetary Penalty Notice against the claimant for failure to comply with sections 2 and 3 of the Beneficial Ownership and Control Regulations (BOCR). Rule 230A of the ADGM Court Procedure Rules set out the procedure for an appeal, including the permissible grounds of appeal. Rule 230A also states that the Rule 30 procedure should be used for an appeal (alternative procedure). The Court held that the Registration Authority did fairly investigate the case and allowed the claimant to make representations, therefore the appeal failed.

PART 27:
ARBITRATION

231. Arbitration Claims

(1) In this Rule "arbitration claim" means –

(a) any application to the Court under the Arbitration Regulations;

(b) a claim to determine whether there is a valid arbitration agreement, whether an arbitration tribunal is properly constituted or what matters have been submitted to arbitration in accordance with an arbitration agreement;

(c) a claim to declare that an award by an arbitral tribunal is not binding on a party; and

(d) any other application affecting arbitration proceedings (whether started or not) or an arbitration agreement.

(2) Except for a claim for recognition or enforcement made under Rule 232, an arbitration claim must be started by the issue of an arbitration claim form in accordance with the relevant practice direction.

(3) Unless the Court orders otherwise, an arbitration claim form must be served on the defendant within 1 month from the date of issue.

(4) The directions as to case management set out in the relevant practice direction apply, unless the Court orders otherwise.

(5) All arbitration claims are to be heard in closed court unless the Court orders otherwise under section 32(4) of the Arbitration Regulations.

232. Recognition or Enforcement

(1) An application under section 61 of the Arbitration Regulations to recognise or enforce an award in the same manner as a judgment or order, other than by a claim on the award, may be made without notice in an arbitration claim form.

(2) The Court may specify parties to the arbitration on whom the arbitration claim form must be served, in which case the Court shall make such case management directions as it considers appropriate.

(3) The parties on whom the arbitration claim form is served must acknowledge service and the enforcement proceedings will continue as if they were an arbitration claim.

(4) The arbitration claim form may be served out of the jurisdiction without the Court's permission irrespective of where the award is, or is treated as, made.

(5) Where the applicant applies to recognise or enforce an award on agreed terms within the meaning of section 53 of the Arbitration Regulations, the arbitration claim form must state that the award is an agreed award and any order made by the Court must also contain such a statement.

233. Evidence

(1) An application for recognition or enforcement under Rule 232 must be supported by written evidence exhibiting the documents required by the relevant practice direction.

(2) The application must also state the name and usual or last known place of residence or business of the claimant and of the person against whom it is sought to recognise or enforce the award, and either that the award has not been complied with or the extent to which it has not been complied with at the date of the application.

(3) Where a body corporate is a party, any reference in this Rule to a place of residence or business shall have effect as if the reference were to the registered or principal address of the body corporate.

234. Orders for permission to enforce

(1) This Rule applies to an order recognising or giving permission to enforce an award that was made without notice to the defendant.

(2) An order recognising, or giving permission to enforce, an award must be

served on the defendant by the claimant in accordance with Part 4 of these Rules.

(3) The order may be served out of the jurisdiction without permission as if the order were an arbitration claim form.

(4) Within 14 days after service of the order or, if the order is to be served out of the jurisdiction, within such other period as the Court may set the defendant may apply to set aside the order and the award must not be enforced until after the end of that period or any application made by the defendant within that period has been finally disposed of.

(5) The order must contain a statement of the right to make an application to set the order aside and the restriction on enforcement under paragraph (4).

235. Enforcement of an award of interest

(1) Where an applicant seeks an order for the recognition or enforcement of an award of interest the whole or any part of which relates to a period after the date of the award, he must file a statement giving the particulars set out in the relevant practice direction.

(2) A statement under paragraph (1) must be filed whenever the amount of interest has been quantified for the purpose of obtaining a judgment or order under section 56 of the Arbitration Regulations or enforcing such a judgment or order.

236. Registration in Court of First Instance of foreign awards

(1) Where an award is made in proceedings on an arbitration in any territory to which sections 169 to 174 of the Regulations extend and has, under the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place, the Rules in Part 29 apply in relation to the award as they apply in relation to a judgment given by the Court, subject to paragraph (2).

(2) The written evidence required by Rule 233(1) must state, in addition to the matters required by that rule, that to the best of the information or belief of the maker of the statement the award has, under the law in force in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place.

PART 28:

COURT'S POWER TO APPOINT A RECEIVER

237. Court's power to appoint receive

(1) Pursuant to the power of appointment under section 41 of the Regulations the Court may appoint a receiver before proceedings have started, in existing proceedings or on or after judgment.

(2) The Court may at any time terminate the appointment of a receiver and appoint another receiver in his place.

238. Application for the appointment

(1) An application for the appointment of a receiver may be made without notice.

(2) The application must be made in accordance with the relevant practice direction.

239. Service of order appointing receiver

An order appointing a receiver must be served by the party who applied for it on the person appointed as receiver unless the Court orders otherwise, on every other party to the proceedings and on such other persons as the Court may direct.

240. Security

(1) The Court may direct that before a receiver begins to act or within a specified time he either give such security as the Court may determine, or file and serve on all parties to the proceedings evidence that he already has in force sufficient security to cover his liability for his acts and omissions as a receiver.

(2) The Court may terminate the receiver's appointment if he fails to give the security or satisfy the Court as to the security he has in force by the date specified.

241. Discharge of receiver

(1) A receiver or any party may apply for the receiver to be discharged on completion of his duties.

(2) The application must be served on the persons who were required under Rule 239 to be served with the order appointing the receiver.

(3) An order discharging or terminating the appointment of a receiver may require him to pay into Court any money held by him or specify the person to whom he must pay any money or transfer any assets still in his possession, and make provision for the discharge or cancellation of any guarantee given by the receiver as security.

(4) The order must be served on the persons who were required under Rule 239 to be served with the order appointing the receiver.

242. Receiver's application for directions

The receiver may apply to the Court at any time for directions to assist him in carrying out his functions as a receiver.

243. Receiver's remuneration

(1) A receiver may only charge for his services if the Court so directs and specifies the basis on which the receiver is to be remunerated.

(2) The Court may specify who is to be responsible for paying the receiver and the fund or property (including income from real property) from which the receiver is to recover his remuneration.

(3) If the Court directs that the amount of a receiver's remuneration is to be

determined by the Court the receiver may not recover any remuneration for his services without a determination by the Court, and the receiver or any party may apply at any time for such a determination to take place.

(4) Unless the Court orders otherwise, in determining the remuneration of a receiver, the Court shall award such sum as is reasonable and proportionate in all the circumstances and which takes into account the factors set out in the relevant practice direction.

244. Non-compliance by receiver

(1) If a receiver fails to comply with any rule, practice direction or direction of the Court, the Court may order him to attend a hearing to explain his non-compliance.

(2) At the hearing, the Court may make any order it considers appropriate.

PART 29:

GENERAL RULES ABOUT ENFORCEMENT OF JUDGMENTS AND ORDERS

245. Scope and interpretation

(1) This Part contains general rules about enforcement of judgments and orders.

(2) In this Part –

(a) "judgment creditor" means a person who has obtained or is entitled to enforce a judgment or order;

(b) "judgment debtor" means a person against whom a judgment or order was given or made;

(c) "judgment or order" includes an award which the Court has registered for enforcement, ordered to be enforced or given permission to enforce as if it were a judgment or order of the Court; and

(d) "judgment or order for the payment of money" includes a judgment or order for the payment of costs, but does not include a judgment or order for the payment of money into Court.

246. Methods of enforcing judgments or orders

(1) The relevant practice direction sets out methods of enforcing judgments or orders for the payment of money.

(2) A judgment creditor may, except where a rule, practice direction or ADGM enactment provides otherwise use any method of enforcement which is available and use more than one method of enforcement, either at the same time or consecutively.

247. Court may order act to be done at expense of disobedient party

(1) In this Rule "disobedient party" means a party who has not complied with a

mandatory order, an injunction or a judgment or order for the specific performance of a contract.

(2) Subject to paragraph (4), if a mandatory order, an injunction or a judgment or order for the specific performance of a contract is not complied with, the Court may direct that the act required to be done, so far as practicable, be done by another person, being the party who obtained the judgment or order or by some other person appointed by the Court.

(3) Where paragraph (2) applies, the costs to another person of doing the act will be borne by the disobedient party.

(4) Upon the act being done, the expenses incurred may be ascertained in such manner as the Court directs and execution may issue against the disobedient party for the amount so ascertained and for costs.

(5) Paragraph (3) does not affect the Court's powers under section 96 of the Regulations to punish the disobedient party for contempt of court.

248. Enforcement of judgment or order by or against non-party

If a judgment or order is given or made in favour of or against a person who is not a party to proceedings, it may be enforced by or against that person by the same methods as if he were a party.

249. Enforcement of decisions of bodies other than the Court and compromises enforceable by ADGM enactment

(1) Rules 250 to 252 apply where an ADGM enactment provides that a decision of a tribunal, panel, body or person other than the Court or a compromise, may be enforced as if it were a Court order or that any sum of money payable under that decision or compromise may be recoverable as if payable under a Court order.

(2) This Rule does not apply to arbitration awards.

250. The application for enforcement

(1) Unless paragraph (2) applies, a party may enforce the decision or compromise by applying for a specific method of enforcement under any ADGM enactment, and must file with the Court a copy of the decision or compromise being enforced and provide the Court with the information required by the relevant practice direction.

(2) If an ADGM enactment provides that a decision or compromise is enforceable or that a sum of money is recoverable if a Court so orders, an application for such an order must be made in accordance with paragraphs (3) to (5).

(3) The application may, unless paragraph (4) applies, be made without notice.

(4) Where a compromise requires a person to whom a sum of money is payable under the compromise to do anything in addition to discontinuing or not starting proceedings ("a conditional compromise"), an application under paragraph (2) must be made on notice.

(5) The application notice must contain the information required by the relevant practice direction, and a copy of the decision or compromise must be filed with the application notice.

251. The procedure

(1) An application other than in relation to a conditional compromise may be dealt with by the Court without a hearing.

(2) Where an application relates to a conditional compromise, the respondent may oppose it by filing a response within 14 days of service of the application notice, and –

(a) if the respondent does not file a response before the expiry of that period, the Court will make the order; or

(b) if the respondent files a response before the expiry of that period, the Court will make such order as appears appropriate.

(3) If an ADGM enactment provides that a decision or compromise may be enforced in the same manner as an order of the Court of First Instance if it is registered, any application to the Court of First Instance for registration must be made in accordance with the relevant practice direction.

252. Effect of setting aside judgment or order

If a judgment or order is set aside, any enforcement of the judgment or order shall cease to have effect unless the Court otherwise orders.

PART 30:

ORDERS TO OBTAIN INFORMATION FROM JUDGMENT DEBTOR

253. Application for order

(1) A judgment creditor may apply for an order requiring a judgment debtor or, if a judgment debtor is a company or other body corporate or a partnership, an officer or director of that company or body or partner of that partnership, to attend Court to provide information about the judgment debtor's means or any other matter about which information is needed to enforce a judgment or order.

(2) An application under paragraph (1) may be made without notice, may be dealt with by the Court without a hearing.

(3) The application must contain the information required by the relevant practice direction.

(4) The Court may direct that a person who is required to provide information under Rule 253(1) to file and serve an affidavit containing such information no less than 7 days before his attendance is required at Court.

Power to order requiring an officer or director of a judgment debtor company to attend Court to provide information about the company's means
30.253(1).1
See Practice Direction 10, paragraphs 10.40 to 10.43.
In *Rosewood Hotel Abu Dhabi LLC v Skelmore Hospitality Group Ltd* [2020] ADGMCFI 0002 the Court held that its power under the rule applied where the judgment debtor's director was outside the jurisdiction, but where he was taken by his actions to have accepted and caused the judgment debtor to submit to the jurisdiction of the Court. On the facts of that case, the Court rejected the submission that it had no power to order the attendance of a director outside the jurisdiction, relying upon the decision of the House of Lords in *Masri v Consolidated Contractors International Co SAL and others* [2009] UKHL 43. The Court held at [25] that Rule 253 applied to all officers, directors and partners within the UAE and that the Rule could not have been intended to be limited to those within the ADGM.

254. Terms of order

(1) If the application complies with Rule 253(3), an order to attend Court will be issued in the terms of paragraph (2).

(2) A person served with an order issued under this Rule must attend Court at the time and place specified in the order and, when he does so, produce at Court documents in his control which are described in the order and answer on affirmation such questions as the Court may require.

(3) For the purpose of paragraph (2), the person served with the order may produce the documents in his control by attaching those documents to the affidavit described in Rule 253(4).

(4) An order under this Rule must contain a notice to the effect that if the person against whom the order is made does not comply with the order, he may be held in contempt of Court and fined, or his assets may be seized.

255. Failure to comply with order

(1) If a person against whom an order has been made under Rule 254 fails to attend Court, refuses at the hearing to make the affirmation or to answer any questions or otherwise fails to comply with the order, the Court will refer the matter to a Judge who may, subject to paragraph (2), impose a fine not exceeding US$10,000 against that person.

(2) A fine for failing to attend Court may not be imposed unless the judgment creditor has complied with Rules 257(2) and 258.

256. Service of order

An order to attend Court must, unless the Court otherwise orders, be served in accordance with a relevant practice direction.

257. Travelling expenses

(1) Subject to any relevant practice direction, a person ordered to attend Court may,

within 7 days of being served with the order, ask the judgment creditor to pay him a sum reasonably sufficient to cover his travelling expenses to and from Court.

(2) The judgment creditor must pay such a sum if requested in accordance with any relevant practice direction.

258. Judgment creditor's affidavit

(1) The judgment creditor must file an affidavit or affidavits by the person who served the order giving such information as required by the relevant practice direction.

(2) He must file the affidavit or affidavits not less than 2 days before the hearing.

259. Conduct of the hearing

(1) The person ordered to attend Court will be questioned at a hearing before a Judge.

(2) The judgment creditor or his representative must attend and conduct the questioning at the hearing.

PART 31:

THIRD PARTY DEBT ORDERS

260. Scope and interpretation

(1) This Part contains rules which provide for a judgment creditor to obtain an order for the payment to him of money which a third party who is within the jurisdiction owes to the judgment debtor, referred to in this Part as a "third party debt order".

(2) In this Part "bank or deposit-taker" includes any person carrying on a business in the course of which he lawfully accepts deposits in the Abu Dhabi Global Market or the Emirate.

The exercise of the discretion to make a third party debt order 31.260.1

See Practice Direction 10, paragraphs 10.45 to 10.51.

In *Rosewood Hotel Abu Dhabi LLC v Skelmore Hospitality Group Ltd* [2020] ADGMCFI 0004 the Court provided guidance as to the exercise of the discretion to make a third party debt order under Rules 260-267 at [29], [30]. In deciding whether to grant a third party debt order the Court would be guided by the principles summarised by the English Court of Appeal in *Roberts Petroleum Ltd v Bernard Kenny Ltd* [1982] 1 WLR 307 (principles which were subsequently approved by the House of Lords in the same case, reported at [1983] 2 AC 192). The question was one for the discretion of the Court, and in exercising its discretion the Court has "both the right and the duty to take into account all the circumstances of any particular case, whether such circumstances arose before or after the making of the order nisi" and that in principle the court "should so exercise its discretion to do equity, so far as possible, to all the various parties involved, that is to say, the judgment creditor, the judgment debtor and all other unsecured creditors." The grant of an *ex parte* order did not have the effect of reversing the ultimate legal burden which remains on the applicant throughout. On an application which both parties had agreed should be decided on the papers the Court could not treat the witness

evidence of the judgment debtor as untruthful or of no consequence. The alleged insolvency of the judgment debtor did not preclude the making of a third party debt order where the judgment debtor had not yet been placed into liquidation.

261. Application for third party debt order

(1) An application for a third party debt order may be made without notice.

(2) The application must contain the information required by the relevant practice direction.

262. Interim third party debt order

(1) An application for a third party debt order will initially be dealt with by the Court without a hearing.

(2) The Court may make an interim third party debt order –

(a) fixing a hearing to consider whether to make a final third party debt order; and

(b) specifying the amount of money which the third party must retain to be calculated in accordance with the relevant practice direction and directing that until that hearing the third party must not make any payment which reduces the amount he owes to the judgment debtor to less than the amount specified in the order.

(3) An interim third party debt order becomes binding on a third party when it is served on him.

263. Service of interim third party debt order

Copies of an interim third party debt order, the application notice and any documents filed in support of it must be served on the third party and on the judgment debtor in accordance with any relevant practice direction.

264. Obligations of third parties served with interim order

(1) A bank or deposit-taker served with an interim third party debt order must carry out a search to identify all accounts held with it by the judgment debtor, and must disclose to the Court and the judgment creditor within 7 days of being served with the interim order such details and information in respect of each account held by the judgment debtor as may be required by the order and any relevant practice direction.

(2) If the judgment debtor does not hold an account with the bank or deposit-taker or the bank or deposit-taker is unable to comply with the interim order for any other reason, the bank or deposit-taker must inform the Court and the judgment creditor of that fact within 7 days of being served with the interim order.

(3) Any third party other than a bank or deposit-taker served with an interim third party debt order must notify the Court and the judgment creditor in writing within 7 days of being served with the order, if he claims not to owe any money to the

judgment debtor or to owe less than the amount specified in the interim order.

265. Final third party debt order

(1) Subject to paragraph (2), the Court may make a final third party debt order requiring a third party to pay to the judgment creditor –

(a) the amount of any debt due or accruing due to the judgment debtor from the third party; or

(b) so much of that debt as is sufficient to satisfy the judgment debt and the judgment creditor's costs of the application.

(2) The Court will not make a final third party debt order under paragraph (1) without first making an interim third party debt order as provided under Rule 262.

(3) In deciding whether money standing to the credit of the judgment debtor in an account to which section 44 of the Regulations relates may be made the subject of a third party debt order, any condition in section 44 of the Regulations applying to accounts and any other condition applying to the account that a receipt for money deposited in the account must be produced before any money is withdrawn will be disregarded.

266. Further consideration of the application

(1) If the judgment debtor or the third party –

(a) objects to the Court making a final third party debt order, he must file and serve written evidence stating the grounds for his objections;

(b) knows or believes that a person other than the judgment debtor has any claim to the money specified in the interim third party debt order, he must file and serve written evidence stating his knowledge of that matter.

(2) If –

(a) the third party has given notice under Rule 264(3) that he does not owe any money to the judgment debtor, or that the amount which he owes is less than the amount specified in the interim third party debt order; and

(b) the judgment creditor wishes to dispute this,

(c) the judgment creditor must file and serve written evidence setting out the grounds on which he disputes the third party's case.

(3) Written evidence under paragraphs (1) and (2) must be filed and served in accordance with the relevant practice direction.

(4) If it has not already done so, the Court may fix a hearing, at which the Court may –

(a) make a final third party debt order;

(b) discharge the interim third party debt order and dismiss the application;

(c) decide any issues in dispute between the parties, or between any of the parties and any other person who has a claim to the money specified in the interim third party debt order; or

(d) direct a trial of any such issues, and if necessary give directions.

267. Effect of a final third party debt order

A final third party debt order shall be enforceable as an order to pay money.

268. Money in Court

(1) If money is standing to the credit of the judgment debtor in Court the judgment creditor may not apply for a third party debt order in respect of that money, but he may apply, in accordance with the relevant practice direction, for an order that the money in Court, or so much of it as is sufficient to satisfy the judgment or order and the costs of the application, be paid to him.

(2) If an application notice has been issued under this Rule, the money in Court must not be paid out to the judgment creditor until the application has been disposed of.

PART 32:

CHARGING ORDERS, STOP ORDERS AND STOP NOTICES

269. Scope of this Part and interpretation

(1) This Part contains rules which provide for a judgment creditor to enforce a judgment by obtaining a charging order, a stop order or a stop notice over or against the judgment debtor's interest in an asset.

(2) "Funds in Court" includes securities held in Court and "securities" means securities of any of the kinds specified in section 116(2)(b) of the Regulations.

270. Charging orders

(1) Rules 270 to 277 apply to an application by a judgment creditor for a charging order under section 115 of the Regulations.

(2) A judgment creditor may apply for a single charging order in respect of more than one judgment or order against the same debtor.

(3) An application for a charging order may be made without notice.

(4) The application must contain the information required by the relevant practice direction and be verified by a statement of truth.

271. Interim charging order

(1) An application for a charging order will initially be dealt with by the Court without a hearing.

(2) The Court may make an interim charging order imposing a charge over the judgment debtor's interest in the assets to which the application relates and fixing a hearing to consider whether to make a final charging order as provided under Rule 275(2).

272. Service of interim charging order

(1) Copies of the interim charging order, the application notice and any documents filed in support of it must be served in accordance with the relevant practice direction on the judgment debtor and such other creditors as the Court directs.

(2) If the interim charging order relates to an interest under a trust, the documents referred to in paragraph (1) must be served on such of the trustees as the Court directs.

(3) If the interest charged is in securities other than securities held in Court, then service must be –

(a) in the case of stock of any body incorporated within the Abu Dhabi Global Market, on that body;

(b) in the case of stock of any body incorporated outside the Abu Dhabi Global Market or of any state or territory outside the United Arab Emirates, which is registered in a register kept in the Abu Dhabi Global Market, on the keeper of that register; and

(c) in the case of units of any unit trust in respect of which a register of the unit holders is kept in the Abu Dhabi Global Market, on the keeper of that register.

273. Effect of interim charging order in relation to securities

(1) If a judgment debtor disposes of his interest in any securities, while they are subject to an interim charging order which has been served on him, that disposition shall not, so long as that interim order remains in force, be valid as against the judgment creditor.

(2) A person served under Rule 272(3) with an interim charging order relating to securities must not, unless the Court gives permission, permit any transfer of any of the securities or pay any dividend, interest or redemption payment relating to them.

(3) If a person acts in breach of paragraph (2), he will be liable to pay to the judgment creditor an amount calculated in accordance with the relevant practice direction.

274. Effect of interim charging order in relation to funds in Court

If a judgment debtor disposes of his interest in funds in Court while they are subject to an interim charging order which has been served on him and on the keeper of the relevant register in accordance with Rule 272, that disposition shall not, so long as that interim charging order remains in force, be valid as against the judgment creditor.

275. Further consideration of the application

(1) If any person objects to the Court making a final charging order, he must apply to the Court in accordance with the relevant practice direction.

(2) At the hearing, the Court may –

(a) make a final charging order confirming that the charge imposed by the interim charging order shall continue, with or without modification;

(b) discharge the interim charging order and dismiss the application;

(c) decide any issues in dispute between the parties, or between any of the parties and any other person who objects to the Court making a final charging order; or

(d) direct a trial of any such issues, and if necessary give directions.

(3) If the Court makes a final charging order which charges securities other than securities held in Court, the order will include a stop notice unless the Court otherwise orders.

276. Enforcement of charging order by sale

(1) Subject to the provisions of any ADGM enactment, the Court may, upon a claim by a person who has obtained a charging order over an interest in property (including real property), order the sale of the property to enforce the charging order.

(2) The claimant must file a copy of the charging order with the claim form and ensure that his claim includes the information required by the relevant practice direction.

277. Stop Orders

"Stop order" means an order of the Court of First Instance not to take, in relation to funds in Court or securities specified in the order, any of the steps listed in section 119(5) of the Regulations.

278. Application for stop order

(1) The Court of First Instance may make a stop order –

(a) relating to funds in Court, on the application of any person who has a mortgage or charge on the interest of any person in the funds or to whom that interest has been assigned or who is a judgment creditor of the person entitled to that interest; or

(b) relating to securities other than securities held in Court, on the application of any person claiming to be beneficially entitled to an interest in the securities.

(2) An application for a stop order must be made in accordance with the relevant practice direction, and must be served on every person specified in the application in accordance with Part 4 of these Rules.

279. Stop order relating to funds in Court

A stop order relating to funds in Court shall prohibit the transfer, sale, delivery out, payment

or any other dealing with the funds or any part of them or any income on the funds.

280. Stop order relating to securities

(1) A stop order relating to securities other than securities held in Court may prohibit all or any of the steps set out in the relevant practice direction.

(2) The order must specify the securities to which it relates, the name in which the securities stand, the steps which may not be taken; and whether the prohibition applies to the securities only or to the dividends or interest as well.

281. Stop notices

(1) "Stop notice" means a notice issued by the Court of First Instance which requires a person or body not to take, in relation to securities specified in the notice, any of the steps listed in section 119(5) of the Regulations, without first giving notice to the person who obtained the notice.

(2) "Securities" referred to in paragraph (1) do not include securities held in Court.

282. Request for stop notice

(1) The Court may, on the request of any person claiming to be beneficially entitled to an interest in securities, issue a stop notice.

(2) A request for a stop notice must be made by filing a draft stop notice and written evidence which sets out the matters required by the relevant practice direction.

(3) If the Court considers that the request complies with paragraph (2), it will issue a stop notice which the applicant must serve, together with his written evidence, on the person to whom the stop notice is addressed.

283. Effect of stop notice

(1) A stop notice takes effect when it is served in accordance with Rule 282(3) and remains in force unless it is withdrawn or discharged in accordance with the relevant practice direction.

(2) While a stop notice is in force, the person on whom it is served must not register a transfer of the securities described in the notice or take any other step restrained by the notice without first giving 14 days' notice to the person who obtained the stop notice.

(3) The person on whom the stop notice is served may not, by reason only of the notice, refuse to register a transfer or to take any other step, after he has given 14 days' notice under paragraph (2) and that period has expired.

284. Amendment of stop notice

(1) If any securities are incorrectly described in a stop notice which has been obtained and served in accordance with Rule 282, the applicant may request an amended stop notice in accordance with those paragraphs.

(2) The amended stop notice will take effect when it is served.

PART 33:

APPLICATIONS IN RELATION TO CONTEMPT OF COURT

285. Scope and interpretation

(1) This Part sets out the procedure in respect of contempt of Court.

(2) So far as applicable, and with the necessary modifications, this Part applies in relation to an order requiring a person found to be in contempt of Court or punishable by virtue of any ADGM enactment as if that person had been found to be in contempt of the Court of First Instance to pay a fine or to give security for good behaviour.

(3) Unless otherwise stated, this Part applies to proceedings in the Court of Appeal and all Divisions of the Court of First Instance.

286. Saving for other powers

(1) This Part is concerned only with procedure, and does not itself confer upon the Court the power to make an order for the imposition of a fine in respect of contempt of Court.

(2) Nothing in this Part affects the power of the Court to make an order requiring a person found to be in contempt of Court or who is punishable by virtue of any ADGM enactment as if that person had been found to be in contempt of the Court of First Instance, to pay a fine or give security for good behaviour.

287. Penalty for breach of a Judgment, Order or Undertaking to do or abstain from doing an act

(1) If a person required by a judgment or order to do an act other than for the payment of a sum of money does not do it within the time fixed by the judgment or order, or disobeys a judgment or order not to do an act, the judgment or order may be enforced by an order for a penalty.

(2) If the time fixed by the judgment or order for doing an act has been varied by a subsequent order or agreement of the parties, then references in paragraph (1)to the time fixed are references to the time fixed by that subsequent order or agreement.

(3) If the person referred to in paragraph (1) is a company or other corporation or a partnership, the penalty order may be made –

(a) in the case of a company or other corporation, against any director or other officer of that company or corporation; and

(b) in the case of a partnership, against any partner with a managerial position.

(4) So far as applicable, and with the necessary modifications, this Rule applies to undertakings given by a party as it applies to judgments and orders.

(5) Unless the Court dispenses with service or a rule, relevant practice direction or ADGM enactment provides otherwise, a judgment or order may not be enforced unless a copy of it has been served on the person required to do the act or not do the act in question and, in the case of a judgment or order requiring a person to do an act, in accordance with and within the time provided by, the judgment or order.

(6) A judgment or order to do or not do an act may not be enforced under paragraph (1) unless there is prominently displayed, on the front on the copy of the judgment or order served in accordance with paragraph (5), a warning to the person required to do or not do the act in question that disobedience to the order would be contempt of court punishable by a penalty.

(7) An undertaking to do or not do an act which is contained in a judgment or order may be enforced under paragraph (1) notwithstanding it does not contain the warning described in paragraph (6).

Application for an order for contempt

33.287.1

In *AEFO Technical Services LLC v Aquarius Global Limited* [2021] ADGMCFI 0003 at [27]-[28] the claimant applied for an order for a penalty by way of a contempt of court against the defendant company's sole director. The Court expressed doubt (at [27]-[36]) as to whether an order requiring payment into court was capable of attracting a contempt order, when an order for payment of money direct to a claimant would not. The Court declined to make a penalty order. The failure to pay a sum into court attracted its own procedural sanction (the striking out of the Defence). A failure to make a payment was not unequivocal conduct, since it might amount to deliberate flouting of a court order but equally might be caused by an inability to pay. If breach of an order is to attract a contempt order, the order itself should include a penal notice.

An application for contempt brought under Rule 287 must be proved to the criminal standard. In determining whether the respondents should be held in contempt for helping or permitting a breach of the order, the question was whether the respondents have so conducted themselves "as to obstruct the course of justice in assisting a breach". A director will permit a breach if the director wilfully fails to take reasonable steps to ensure the order is obeyed (referring to A-*G for Tuvalu v Philatelic Distribution Corporation* [1990] 1 WLR 926 at 936G): *NMC Healthcare LTD and associated companies* [2023] ADGMCFI 0003 at [28], [32].

288. Penalty application under Rule 287

(1) A penalty application under Rule 287 is made by an application notice under Part 8 in the proceedings in which the judgment or order was made or the undertaking was given.

(2) Where the penalty application is made against a person who is not an existing party to the proceedings, it is made against that person by an application under Part 8.

(3) The application notice must set out the matters required by the relevant practice direction, be supported by one or more affidavits containing all the

evidence relied upon and, subject to paragraph (4), be served, together with the evidence in support, on the respondent.

(4) The Court may dispense with service under paragraph (3) if it considers it just to do so.

289. Penalty for interference with the due administration of justice

(1) This Rule regulates penalty applications in relation to interference with the due administration of justice in connection with proceedings in the Court of Appeal, the Court of First Instance or in an inferior court, panel or tribunal, except where the contempt is committed in the face of the Court or consists of disobedience to an order of the Court or a breach of an undertaking to the Court.

(2) This Rule also regulates penalty applications otherwise than in connection with any proceedings.

(3) A penalty application under this Rule may be made without the permission of the Court.

290. Penalty application under Rule 289

(1) Where contempt of Court is committed in connection with any proceedings in the Court of Appeal or the Court of First Instance, the penalty application may be made only to the Chief Justice.

(2) Where contempt of Court is committed in connection with any proceedings in another court, panel or tribunal, the penalty application may be made only to a Judge of the Courts, other than the Chief Justice, who is sitting in the Court of First Instance.

(3) The penalty application must be made in accordance with the relevant practice direction and must include or be accompanied by the statements and documents required by the relevant practice direction and be served in accordance with the relevant practice direction.

291. Contempt in the face of the Court

Where contempt has occurred in the face of the Court, the Court may deal with the matter of its own initiative and give such directions as it thinks fit for the disposal of the matter.

292. False statement or disclosure

(1) This Rule contains rules about penalty applications in relation to making or causing to be made a false statement in a document or a false disclosure statement without an honest belief in its truth.

(2) Where the penalty application relates only to a false statement or disclosure statement, Rule 287 applies.

(3) Where the penalty application relates to both a false statement or disclosure statement and a breach of a judgment, order or undertaking to do or abstain from doing an act, Rule 287 applies.

(4) Where the penalty application relates to both a false statement or disclosure statement and other interferences with the due administration of justice, Rule 289 applies.

293. Penalty application in relation to a false statement or disclosure statement

A penalty application in relation to a false statement or disclosure statement may be made only by any party to the proceedings in which the false statement or disclosure statement was made.

294. Contravention of section 96 of the Regulations

(1) This Rule applies where it is alleged that any person has committed a contravention under section 96 of the Regulations by wilfully insulting a judge, witness or any officer of the Court or by wilfully interrupting the proceedings of the Court or otherwise misbehaving in Court.

(2) The Court will issue a summons, which must be served on the alleged contravener in accordance with any directions of the Court.

295. Non-payment of fine

(1) If a fine is not paid in accordance with the order imposing it, the Registrar will, as soon as reasonably possible, report the matter to a Judge.

(2) Where by an order imposing a fine the amount of the fine is directed to be paid in instalments and default is made in the payment of any instalment, the same proceedings may be taken as if default had been made in payment of the whole of the fine.

(3) If the Court makes an order for payment of a fine to be enforced by writ of control, the order will be treated as an application to the Court for the issue of the writ at the time when the order was made.

296. Repayment of fine

If a person pays a fine, and later gives evidence to satisfy the Court that if the evidence had been given earlier no fine or a smaller fine would have been imposed, the Court may order the whole or part of the fine to be repaid.

PART 34:

RECIPROCAL RECOGNITION AND ENFORCEMENT OF JUDGMENTS OF RECOGNISED COURTS

297. Interpretation and scope

(1) In this Part -

(a) “applicable treaty” means a treaty between the United Arab Emirates and a foreign country relating to the mutual recognition and enforcement of judgments;

(b) "judgment" means a judgment, decision or order given or made by a recognised court in any civil proceedings;

(c) "recognised court" means the judicial authorities of the Emirate and Emirate Members of the United Arab Emirates, courts of countries which have entered into applicable treaties, and a recognised foreign court;

(d) "recognised foreign court" means a court recognised by the Courts in accordance with the procedure set out in section 171 of the Regulations;

(2) This Part also applies to any arbitral award which has, in pursuance of the law in the place where it was made, become enforceable in the same manner as a judgment given by a court in that place.

298. Applications for registration

(1) An application for registration of a recognised court's judgment is to be made in accordance with the relevant practice direction.

(2) To apply to register a judgment of a recognised court, other than the judicial authorities of the Emirate or the Emirate Members of the United Arab Emirates, the claim must be supported by written evidence and the documents required by the relevant practice direction.

299. Security for costs

A judgment creditor may apply for security for costs of the claim for registration of a recognised court's judgment; any proceedings commenced to set aside the registration; and any appeal against the granting of the registration, as if the judgment creditor was a claimant.

300. Service of notice of registration of judgment

Following the granting of a registration order by the Court, the judgment creditor must serve the registration order on the judgment debtor in accordance with Part 4 and within 21 days after the date of issuing of the order or within such other period as the Court may order otherwise.

301. Applications to set aside registration

(1) Section 175 of the Regulations prescribes the cases in which registered judgments must or may be set aside.

(2) An application to set aside registration of a judgment must be made by application notice filed in the claim in which the judgment was registered within the time specified in the registration order.

(3) Section 173(5) of the Regulations provides that where any party has made an application to have the registration of a judgment set aside, the judgment shall not be enforced until after the application has been finally determined.

PART 35:
ENFORCEMENT OF THE COURTS' JUDGMENTS

302. Procedure for enforcement of Courts' judgments

(1) In this Part, "judgment" includes decisions, orders or arbitral awards that have been recognised by the Court.

(2) An application for a certified copy of a judgment of the Court made by any judgment creditor seeking to enforce it outside of ADGM must be supported by the documents set out in the relevant practice direction.

(3) A judgment creditor seeking to enforce a judgment of the Court by the judicial authorities of the Emirate or the Emirate Members of the United Arab Emirates must comply with the applicable provisions of any relevant law, memorandum of understanding and practice direction.

PART 36:
COURT-ANNEXED MEDIATION

303. Interpretation

In this part, "court-annexed mediation" means the mediation services provided by ADGM Courts and conducted in accordance with the relevant practice direction. This part is to be read together with Rule 78.

304. Referral to mediation

(1) In accordance with the relevant practice direction, a dispute may be referred to court- annexed mediation:

(a) voluntarily by all parties to the dispute prior to or after commencement of proceedings; or

(b) by an order of the Court.

(2) The Court will expect the parties to have considered whether mediation might enable the settlement of the dispute prior to the commencement of proceedings. Parties should continue to consider the possibility of reaching a settlement at all times, including after commencement of proceedings.

305. Voluntary referral to mediation

Parties may refer their dispute to court-annexed mediation prior to the commencement of proceedings, provided that the Court ordinarily would have jurisdiction to hear the dispute if proceedings were to be commenced.

306. Court-ordered mediation

(1) If proceedings have been commenced, the parties may be required by the Court to provide evidence that a mediation has been considered or taken place. For the

avoidance of doubt, in complying with this Rule the parties will not be required to divulge any information or documentation that was exchanged or discussed on a without prejudice basis within such mediation.

(2) In accordance with the Court's general powers of management under Rule 8(1), the Court may, on its own initiative or upon the application of any party, make an order referring the dispute or any part of the dispute to court-annexed mediation, where in the opinion of the Court such order appears appropriate.

(3) Whilst the making of an order referring a dispute to court-annexed mediation is at all times a matter for the discretion of the Court, should the Court make such an order, in the normal course it will do so at the first case management conference unless there is a compelling reason why such an order should not be made at that stage.

307. Costs

In exercising its discretion as to costs in the proceedings, the Court may take into account the parties' conduct in relation to any attempt to resolve the dispute by mediation.

PART 37:

SMALL CLAIMS DIVISION

308. Application of this Part

(1) This Part contains special provisions dealing with claims in the Small Claims Division ("small claim").

(2) Other Rules shall apply to small claims except to the extent that a rule or a practice direction limits such application or the Court orders otherwise.

309. The claim form

(1) Proceedings are started on the date entered on the claim form when the Court issues the claim form at the claimant's request.

(2) The claim form must –

(a) state what final orders the claimant seeks;

(b) include the particulars of the claimant's case;

(c) include the name and address for service of the defendant, together with any other available information. Where the defendant is a company, partnership or other entity the claimant shall state the defendant's registered office or any place of business of the defendant which has a real connection with the claim;

(d) where the claim form is to be served outside the jurisdiction, include the grounds on which the claimant is entitled to bring the claim against the defendant; and

(e) contain any other matter that may be set out in the relevant practice direction.

310. Service of the claim form

(1) 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 in accordance with Rule 15(7); or

(b) any rule, practice direction, ADGM enactment or Court order provides otherwise.

(2) 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.

311. Responding to a small claim

(1) Within 7 days after a defendant is served with the claim, a defendant must file in accordance with the relevant practice direction:

(a) an admission and any request for time to pay in accordance with Rules 42 and 43;

(b) an admission and any request for time to pay in accordance with Rules 42 and 43, and a defence, together with any counterclaim, if the defendant admits only part of the claim;

(c) a defence, together with any counterclaim, if the defendant disputes the whole of the claim; or

(d) an application to dispute the Court's jurisdiction to try the claim.

(2) Where any counterclaim is filed and served, Rule 311(1) shall apply as appropriate.

(3) In relation to the time period for responding to a claim specified in paragraph (1):

(a) the parties may agree that the time period shall be extended by up to 7 days; or

(b) the defendant may request, in accordance with the relevant practice direction, that the Court extend the time period by up to 7 days.

(4) For the purpose of paragraph (3)(b), the request shall be dealt with by the Registry of the Court unless the Registry considers that, in the circumstances, the request should be dealt with by a Judge.

(5) Any extension beyond the period referred to in paragraph (3) may only be obtained by application to the Court.

Challenge to jurisdiction in the Small Claims Division

37.311.1

On the timing of a challenge to jurisdiction in the Small Claims Division see *Mussab Mubarak Abdulla Mubarak Aldarmaki v Abu Dhabi Commercial Bank* [2022] ADGMCFI 0004 at [15]-[18], [25] and note 25.205(3).1 above.

311A. Reply to Defence

A claimant may file a reply to a defence in accordance with the relevant practice direction.

312. Default judgment

(1) In this Rule, "default judgment" means judgment without trial or a hearing where a defendant has failed to file a defence.

(2) Judgment in default of a defence may be obtained where the defendant:

(a) at the date on which judgment is entered has not filed a defence and the relevant time for doing so has expired; or

(b) has filed a counterclaim and at the date on which judgment is entered a defence has not been filed and the relevant time for doing so has expired.

(3) A default judgment may include interest as provided for by a practice direction.

(4) The provisions of Rules 40, 40A and 41 apply to default judgments entered in the Small Claims Division.

(5) A default judgment will be made available to the applicant through the eCourts Platform and will be served by the registry on all other parties to the proceeding by any method permitted under Part 4 of these Rules.

313. Admissions and request for time to pay

The provisions of Rules 42 and 43 apply to admissions and a request for time to pay.

313A. Claim stayed if not defended or admitted

(1) Where at least 3 months have expired since the end of the period for filing and serving a defence, no defendant has filed or served an admission or a defence or a counterclaim and the claimant has not entered or applied for default judgment under Rule 312 or for summary judgment under Rule 68, the claim shall be stayed.

(2) Where a claim is stayed under this Rule, any party may apply for the stay to be lifted.

PART 38:
EMPLOYMENT DIVISION

314. Application of this Part

(1) This Part contains special provisions dealing with claims in the Employment Division ("employment claim").

(2) Other Rules shall apply to employment claims except to the extent that a rule or a practice direction limits such application or the Court orders otherwise.

315. The claim form

(1) Proceedings are started on the date entered on the claim form when the Court issues the claim form at the claimant's request.

(2) The claim form must –

(a) state what final orders the claimant seeks;

(b) include the particulars of the claimant's case;

(c) include the details of, and attach, all documents which record the terms of employment between the claimant and the defendant as set out in the relevant practice direction;

(d) include the name and address for service of the defendant, together with any other available information. Where the defendant is a company, partnership or other entity the claimant shall state the defendant's registered office or any place of business of the defendant which has a real connection with the claim;

(e) where the claim form is to be served outside the jurisdiction, include the grounds on which the claimant is entitled to bring the claim against the defendant; and

(f) contain any other matter that may be set out in the relevant practice direction.

316. Service of the claim form

(1) 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 in accordance with Rule 15(7); or

(b) any rule, practice direction, ADGM enactment or Court order provides otherwise.

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

317. Responding to an employment claim

(1) Within 14 days after the defendant is served with the claim, the defendant must file in accordance with the relevant practice direction:

(a) an admission and any request for time to pay in accordance with Rules 42 and 43;

(b) an admission and any request for time to pay in accordance with Rules 42 and 43, and a defence, together with any counterclaim, if the defendant admits only part of the claim;

(c) a defence, together with any counterclaim, if the defendant disputes the whole of the claim; or

(d) an application to dispute the Court's jurisdiction to try the claim.

(2) Where any counterclaim is filed and served, Rule 317(1) shall apply as appropriate.

(3) The parties may agree that the time period for responding to a claim specified in paragraph (1) shall be extended by up to 14 days.

(4) Any extension beyond the period referred to in paragraph (3) may only be obtained by application to the Court.

317A. Reply to Defence

A claimant may file a reply to a defence in accordance with the relevant practice direction.

318. Default judgment

(1) In this Rule, "default judgment" means judgment without trial or a hearing where a defendant has failed to file a defence.

(2) Judgment in default of a defence may be obtained where the defendant:

(a) at the date on which judgment is entered has not filed a defence and the relevant time for doing so has expired; or

(b) has filed a counterclaim and at the date on which judgment is entered a defence has not been filed and the relevant time for doing so has expired.

(3) A default judgment may include interest as provided for by a practice direction.

(4) The provisions of Rules 40, 40A and 41 apply to default judgments entered in the Employment Division.

(5) A default judgment will be made available to the applicant through the eCourts Platform and will be served by the registry on all other parties to the proceeding by any method permitted under Part 4 of these Rules.

319. Admissions and request for time to pay

The provisions of Rules 42 and 43 apply to admissions and a request for time to pay.

319A. Claim stayed if not defended or admitted

(1) Where at least 3 months have expired since the end of the period for filing and serving a defence, no defendant has filed or served an admission or a defence or a counterclaim and the claimant has not entered or applied for default judgment under Rule 318 or for summary judgment under Rule 68, the claim shall be stayed.

(2) Where a claim is stayed under this Rule, any party may apply for the stay to be lifted.

PART 39:

WRIT OF CONTROL

320. Interpretation and application

(1) In this Part –

(a) "debtor" has the meaning set out in section 1(3)(b) of Schedule 1 of the Regulations;

(b) "creditor" has the meaning set out in section 1(3)(c) of Schedule 1 of the Regulations;

(c) "writ of control" means an order that commands an enforcement agent to take control and sell enough of a debtor's goods in order to obtain the funds to satisfy a money judgment;

(d) "enforcement agent" means an individual authorised by section 123(2) of the Regulations to act as an enforcement agent;

(e) "insolvency practitioner" has the meaning set out in section 298 of the Insolvency Regulations 2015;

(f) "Schedule 1" means Schedule 1 of the Regulations; and

(g) "TCG Rules" means the Taking Control of Goods and Commercial Rent Arrears Recovery Rules 2015.

(2) This Part relates to the procedure for obtaining a writ of control for the purpose of taking control of goods and selling them in accordance with Schedule 1 and the TGC Rules.

321. Request for writ of control

(1) Subject to Rule 322, a creditor may apply for a writ of control by submitting a request in accordance with the relevant practice direction.

(2) A request for a writ of control may be made without notice being served on any other party unless the Court directs otherwise.

(3) The request must be signed by or on behalf of the person entitled to execution, or by that person's legal representative.

(4) Issue of a writ of control takes place on it being sealed by the Court.

(5) The writ will not be sealed unless at the time it is presented for sealing:

(a) the person making the request produces:

(i) the judgment or order on which the writ is to issue;

(ii) where permission was required for the writ to be issued, the order granting such permission or evidence of the granting of it; and

(b) the period, if any, specified in the judgment or order for the payment of any money or the doing of any other act thereunder has expired.

(6) Every writ of control shall bear the date of the day on which it is issued.

322. Permission of the Court

(1) A writ of control must not be issued without the permission of the Court where:

(a) six years or more have elapsed since the date of the judgment or order;

(b) any change has taken place, whether by death or otherwise, in the parties:

(i) entitled to enforce the judgment or order; or

(ii) liable to have it enforced against them;

(c) the judgment or order is against the assets of a deceased person coming into the hands of that person's executors or administrators after the date of the judgment or order, and it is sought to issue execution against such assets;

(d) any goods to be seized under a relevant writ are in the hands of a receiver or insolvency practitioner appointed by the Court;

(e) under the judgment or order, any person is entitled to a remedy subject to the fulfilment of any condition, and it is alleged that the condition has been fulfilled (other than where non-compliance with the terms of suspension of enforcement of the judgment or order is the failure to pay money); or

(f) the writ of control sought is to be in aid of another writ.

(2) An application for permission must be made in accordance with Part 8 of these Rules and in accordance with the relevant practice direction.

(3) An application for permission may be made without notice being served on any other party unless the court directs otherwise.

(4) Where the Court grants permission, whether under Rule 322(1) or otherwise, for the issue of a writ of control and the writ is not issued within one year after the date of the order granting such permission, the order shall cease to have effect, without prejudice, however, to the making of a fresh order.

(5) Rule 322(1) is without prejudice to any enactment or Rule by virtue of which a person is required to obtain the permission of the Court for the issue of a writ of control or to proceed to execution on or otherwise to the enforcement of a judgment or order.

323. Duration of writ of control and priority

(1) A writ of control will be valid for the period in which an enforcement agent may take control of goods in question in accordance with section 8 of Schedule 1 and Rule 6 of the TCG Rules.

(2) For the avoidance of doubt, if a period in which to take control of goods is extended by the Court under section 8(3) of Schedule 1 and Rule 6(3) of the TCG Rules, the validity of the writ will be extended for the same period.

(3) Irrespective of whether it has been extended, the priority of a writ will be determined by reference to the time it is originally received by the person who is under a duty to endorse it.

PART 40:

FAST TRACK FOR COMMERCIAL AND CIVIL CLAIMS

Part 40 of the Rules is a new set of provisions that have been added by the 17 October 2025 re-issue. This procedure replaces the Rule 30 procedure that has been removed.

In summary, Part 40 provides for a fast track procedure to resolve cases commenced in the Commercial and Civil Division. The Court has discretion, in accordance with Practice Direction 2, to allocate a case to the Fast Track.

It is the intention of the Court that all Fast Track cases will be determined within 6 months of being allocated to the Fast Track (paragraph 2.213 of Practice Direction 2).

In accordance with paragraph 2.125 of Practice Direction 2, a case may be suitable for the Fast Track where, in the opinion of the party proposing the Fast Track, the case will require:

(a) a hearing of two days or fewer;

(b) no expert evidence;

(c) two fact witnesses or fewer per party;

(d) limited disclosure; and

(e) limited, if any, interlocutory applications.

Further, paragraph 2.126 of Practice Direction 2 provides that a case that is suitable for the Fast Track may also have one or more of the following features:

(a) the case has a financial value of between US$100,000 and US$500,000, excluding interest;

(b) the case is straightforward, does not involve a substantial dispute of fact, and does not fall under the Small Claims, Employment or Real Property Divisions; or

(c) the case is urgent.

Further, paragraph 2.127 of Practice Direction 2 provides that a case is also likely to be suitable for the Fast Track where it is or involves:

(a) a liquidated debt claim;

(b) an arbitration claim;

(c) a claim for declaratory or other relief which is unlikely to involve a substantial dispute of fact;

(d) an application for contempt of court

(e) an application for extension of period for delivery of a charge under s. 789(3) of the Companies Regulations 2020;

(f) an application for a freezing injunction, search order or interim remedy made in relation to proceedings which are taking place, will take place, or have taken place outside the jurisdiction; or

(g) an application for an interim remedy made under section 36 of the Regulations.

Claims considered to be suitable for the Fast Track by the Claimant are also subject to shorter time periods for the filing of acknowledgments of service and defences.

See generally Practice Direction 2, Section L.

324. Application of this Part

(1) This Part applies to any case in the Commercial and Civil Division that is placed on the Fast Track in accordance with paragraphs (2) and (3).

(2) A practice direction will set out the circumstances in which it will be appropriate to allocate a case to the Fast Track.

(3) Where a case is commenced in the Commercial and Civil Division, the Court may, on a request made by the claimant when filing its claim form, or the defendant when filing its acknowledgment of service, or at its own initiative, make an order on the papers placing the case on the Fast Track.

(4) A Judge sitting in the Commercial and Civil Division has full discretion under their case management powers to allocate cases to the Fast Track or to remove them from the Fast Track at any stage of the proceedings.

(5) Where a Judge sitting in the Commercial and Civil Division makes an order under paragraphs (3) or (4), the decision of the Judge is final.

(6) Where a case is on the Fast Track, an appeal cannot be brought against any case management order of a Judge in the case.

(7) Except as otherwise provided in this Part, all other Rules pertaining to the Commercial and Civil Division continue to apply to proceedings in the Fast Track.

(8) In this Part —

(a) when the Court makes an order for a case to be placed on the Fast Track, this Part applies to that case on and from the date the order is made;

(b) when the Court makes an order for the removal of a case from the Fast Track, this Part ceases to apply to that case on and from the date the order is made; and

(c) references to the Fast Track, or to a case being placed on or removed from the Fast Track, are to be construed in accordance with sub-paragraphs (a) and (b).

325. The claim form and standard disclosure

In a case proposed by the claimant to be allocated to the Fast Track, the claimant must make standard disclosure of all documents on which he will rely at trial by listing and attaching those documents to the claim form.

326. Acknowledgment of service

(1) In a case proposed by the claimant to be allocated to the Fast Track –

(a) the acknowledgment of service must be filed and served within 7 days of service of the claim form; and

(b) the acknowledgment of service must contain the defendant's response to the claimant's proposal that the case be placed on the Fast Track. Where the defendant contends that the case should not be placed on the Fast Track because the use of the Fast Track procedure is not appropriate for the case or permitted by a rule or practice direction, he must state his reasons when he files his acknowledgment of service.

(2) If the claimant has not proposed that the case be allocated to the Fast Track, a defendant may propose that the case be allocated to the Fast Track in accordance with Rule 324(3) when filing his acknowledgement of service.

327. Directions for the conduct of the case

Where a party has proposed that a case be allocated to the Fast Track, within 3 days of the acknowledgment of service being filed, or the last acknowledgment of service being filed where there is more than one defendant, the Court may give directions or make an order in relation to the allocation of the case to the Fast Track. The Court may confirm whether the case is allocated to the Fast Track in accordance with Rule 324(3), or reserve its decision on the allocation of the case to the Fast Track until the defendant or defendants have answered the claim.

328. Answering a claim in the Fast Track

(1) In a case that has been placed on the Fast Track, within 21 days after the defendant is served with the claim form, the defendant must file and serve in accordance with the relevant practice direction –

(a) an admission and any request for time to pay in accordance with Rules 42 and 43;

(b) an admission and any request for time to pay in accordance with Rules 42 and 43 and a defence, together with any counterclaim, if the defendant admits only part of the claim;

(c) a defence, together with any counterclaim, if the defendant disputes the whole of the claim; or

(d) an application to dispute the Court's jurisdiction to decide the case in accordance with Rule 38.

(2) Where the Court has reserved its decision on the allocation of the case to the Fast Track under Rule 327 until after the defendant has answered the claim, the defendant must file and serve an answer to the claim in accordance with Rule 328(1) within 28 days of being served with the claim form.

(3) The parties may agree that the time period specified in paragraphs (1) and (2) for answering a claim shall be extended by up to 14 days.

(4) Any extension beyond the period referred to in paragraph (3) may only be obtained by application to the Court.

329. Reply to Defence

In a case that has been placed on the Fast Track, if a claimant wishes to file a reply to the defence, he must file the reply and serve the reply within 14 days after service of the defence.

330. Disclosure

Unless the Court otherwise orders, where a case is placed on the Fast Track –

(a) the party filing and serving any pleading must make standard disclosure of all documents on which he will rely at trial by listing and attaching those documents to the pleading (save for any documents that have previously been filed on the eCourts Platform);

(b) where any party has filed and served a pleading before the case was placed on the Fast Track, that party must, within 14 days after the date on which the case is placed on the Fast Track, make standard disclosure of all documents on which he will rely at trial by filing and serving on every other party a list attaching a copy of all documents on which that party intends to rely at trial (save for any documents that have previously been filed on the eCourts Platform;

(c) any application for specific disclosure under Rule 86(5) must be made within 7 days of the close of pleadings or where the time period for the close of pleadings has lapsed, whichever is earlier.

331. Default judgment

The Court may deliver default judgment for cases on the Fast Track in accordance with Rules 39, 40, 40A and 41.

332. Summary judgment

The Court may deliver summary judgment for cases on the Fast Track in accordance with Part 9 of these Rules.

333. Evidence of fact witnesses

(1) Unless the Court otherwise orders, after pleadings have closed or the time period for the close of pleadings has lapsed (whichever is earlier), every party to the case must file and serve simultaneously –

(a) within 21 days, all witness statements for that party's witnesses; and

(b) within 14 days of receipt of witness statements under sub-paragraph (a), any witness statements in reply.

(2) Each party may adduce witness evidence from a maximum of 2 fact witnesses, unless the Court orders otherwise.

334. Power to decide claim on the papers

The Court may decide the case on the papers without a hearing if –

(a) the parties agree in accordance with the relevant practice direction; or

(b) the Court considers that the case can be fairly determined on the papers and in all of the circumstances of the case it would be appropriate to do so.

PART 41:

REAL PROPERTY DIVISION

Part 41 of the Rules is a new set of provisions that have been added by the 17 October 2025 re-issue. In summary, Part 41 applies to cases commenced in the Real Property Division and provides for a simplified procedure, as further set out in Practice Direction 15, to determine such cases.

Paragraph 15.1 of Practice Direction 15 defines a "real property claim" broadly to include a claim or dispute:

a. deriving from an interest in real property, including, without limitation: (i) an ownership, leasehold or security interest in real property (including a mortgage); (ii) an easement, caveat, covenant or other real property-related right, obligation or restriction; (iii) the appointment of a receiver (other than under the Insolvency Regulations 2022) over real property; (iv) the possession or sale of real property; or (v) a construction related claim or dispute that involves or affects an interest in real property; or

b. brought pursuant to or in connection with any of the following: (i) the Real Property Regulations 2024; (ii) the Off-Plan Development Regulations 2024; (iii) Chapter 7 of Part 6 of the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015; (iv) the Strata Title Regulations 2015; or (iv) the Registration of Future Interest Regulations 2024.

Note that as provided by paragraph 15.5 of Practice Direction 15, this Practice Direction applies to all real property claims save for short-term residential lease claims, to which Practice Direction 16 applies.

See Practice Direction 15 and Practice Direction 16 generally.

See Practice Direction 15 generally.

335. Application of this Part

(1) This Part contains special provisions dealing with cases in the Real Property Division ("real property claim").

(2) Other Rules shall apply to real property claims except as otherwise provided for in this Part, as limited by any rule or practice direction, or if the Court orders otherwise.

(3) A practice direction will set out simplified procedures for the determination of real property claims arising out of short-term residential leases.

(4) For the purpose of this Part, a "short-term residential lease claim" is a claim or dispute arising under or in relation to a short-term residential lease.

336. The claim form

(1) Proceedings are started on the date entered on the claim form when the Court issues the claim form at the claimant's request.

(2) The claim form must –

(a) include the details of the real property at issue, and attach, as set out in the relevant practice direction, all documents necessary to identify the real property at issue and which record the claimant's interest in it;

(b) state what final orders the claimant seeks;

(c) include the particulars of the claimant's case;

(d) include the name and address for service of the defendant, together with any other available information. Where the defendant is a company, partnership or other entity the claimant shall state the defendant's registered office or any place of business of the defendant which has a real connection with the claim;

(e) where the claim form is to be served outside the jurisdiction, include the grounds on which the claimant is entitled to bring the claim against the defendant; and

(f) contain any other matter that may be set out in the relevant practice direction.

337. Service of the claim form

(1) 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 in accordance with Rule 15(7); or

(b) any rule, practice direction, ADGM enactment or Court order provides otherwise.

(2) 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 Real Property Division.

338. Responding to a real property claim

(1) Subject to paragraph (2), within 21 days after a defendant is served with the claim, a defendant must file in accordance with the relevant practice direction:

(a) an admission and any request for time to pay in accordance with Rules 42 and 43;

(b) an admission and any request for time to pay in accordance with Rules 42 and 43, and a defence, together with any counterclaim, if the defendant admits only part of the claim;

(c) a defence, together with any counterclaim, if the defendant disputes the whole of the claim; or

(d) an application to dispute the Court's jurisdiction to decide the claim or requesting that the Court should not exercise its jurisdiction.

(2) In relation to a short-term residential lease claim, within 7 days after a defendant is served with the claim, a defendant must file in accordance with the relevant practice direction:

(a) an admission and any request for time to pay in accordance with Rules 42 and 43;

(b) an admission and any request for time to pay in accordance with Rules 42 and 43, and a defence, together with any counterclaim, if the defendant admits only part of the claim;

(c) a defence, together with any counterclaim, if the defendant disputes the whole of the claim; or

(d) an application to dispute the Court's jurisdiction to decide the claim or requesting that the Court should not exercise its jurisdiction.

(3) In relation to the time period for responding to a claim specified in paragraphs (1) and (2):

(a) the parties may agree that the time period shall be extended by up to 7 days; or

(b) the defendant may request, in accordance with the relevant practice direction, that the Court extend the time period by up to 7 days.

(4) Any extension beyond the period referred to in paragraph (3) may only be obtained by application to the Court

339. Reply to Defence

Unless otherwise ordered, a claimant may file and serve a reply to a defence:

(a) within 14 days of a defence being filed and served, other than in relation to a short-term residential lease claim; or

(b) within 7 days of a defence being filed and served in relation to a short-term residential lease claim.

340. Default judgment

(1) In this Rule, "default judgment" means judgment without trial or a hearing where a defendant has failed to file a defence.

(2) Unless the Court otherwise orders, default judgment only may be obtained in relation to a money claim.

(3) Judgment in default of a defence may be obtained where the defendant:

(a) at the date on which judgment is entered has not filed a defence and the relevant time for doing so has expired; or

(b) has filed a counterclaim and at the date on which judgment is entered a defence to the counterclaim has not been filed and the relevant time for doing so has expired.

(4) A default judgment may include interest as provided for by a practice direction.

(5) The provisions of Rules 40, 40A and 41 apply to default judgments entered in the Real Property Division.

(6) A default judgment will be made available to the applicant through the eCourts Platform and will be served by the registry on all other parties to the proceeding where those parties are within the United Arab Emirates by any method permitted under Part 4 of these Rules.

341. Summary judgment

The Court may deliver summary judgment for a claim in the Real Property Division, including a short-term residential lease claim, in accordance with Part 9 of these Rules.

342. Case management

(1) To resolve real property claims, a Judge in the Real Property Division shall have the same case management powers set out under these Rules, including the power contained in Rule 7(2) to extend or shorten the time for compliance set in any Rule or practice direction where appropriate.

(2) These powers shall be exercised with the aim of expeditiously resolving real property claims in accordance with the relevant practice direction.

(3) Where default judgment is not available or pursued under Rule 340, the Court shall manage the case as it considers appropriate in accordance with the relevant practice direction.

343. Power to decide claim on the papers

The Court may decide a real property claim on the papers without a hearing if –

(a) the parties agree in accordance with the relevant practice direction; or

(b) where the Court considers that the case can be fairly determined on the papers and in all the circumstances of the case it would be appropriate to do so.

344. Claim stayed if not defended or admitted

(1) Where 3 months have expired since the end of the period for the defendant to file a response under Rule 338 and no response is filed and the claimant has not entered or applied for default judgment under Rule 340 or for summary judgment under Rule 341 and Part 9, the claim shall be stayed.

(2) Where a claim is stayed under this Rule, any party may apply for the stay to be lifted.

345. Disclosure

(1) In accordance with the relevant practice direction, every pleading filed and served by a party must list and attach a copy of every document referred to in that pleading or relied on by that party to prove any allegation contained in that pleading (to the extent that the document has not already been filed in the proceedings).

(2) In accordance with the relevant practice direction, a party to a proceeding in the Real Property Division:

(a) must provide standard disclosure of any additional documents that it will seek to rely on at trial that were not attached to his pleadings; and

(b) may make an application for further or specific disclosure from any other party to the proceedings.

346. Expert evidence

(1) No party may file expert evidence or call an expert without permission of the Court.

(2) Any request by a party to use expert evidence in a case must be made in accordance with the relevant practice direction.

347. Real Property orders

(1) In a real property claim, the Court may upon application by a party grant (without limitation):

(a) an order for possession; or

(b) a writ of possession.

(2) In any real property claim relating to a lease of real property, the Court may, upon application by a party, make an interim or final order for relief against forfeiture on a summary basis.

(3) In a real property claim relating to a short-term residential lease, the Court may, upon application by a party, grant an order to terminate the lease.

(4) In a real property claim relating to a mortgage, the Court may, upon application by a party, make the following orders:

(a) an order allowing the exercise of a mortgagee's power of sale;

(b) an order restraining the mortgagee's power of sale;

(c) a foreclosure order; or

(d) an order appointing a receiver under a mortgage or charge to manage, secure and realise real property on the mortgagee's behalf, or otherwise deal with real property.

(5) Nothing in this Rule prevents the Court from making such order as it considers appropriate in relation to a real property claim.

348. Appeal

Appeals against an order or judgment of the Real Property Division shall be governed by Part 25 of these Rules.

PRACTICE DIRECTION 1:
GENERAL

Date re-issued: 30 November 2023

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;

(a) 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;

(b) if a party wishes to dispute a decision on any such application, the party may apply to have the decision reviewed by the Registrar;

(c) the Registrar's decision on review shall be final and not subject to further administrative review; and

(d) ordinarily, an application for remission or deferral of court fees will not be granted post judgment at the enforcement stage.

1.7 Any application made in accordance with paragraph 1.6 must be submitted by email to the Registry at the same time as the court document which generates the filing fee is submitted for filing on the eCourts Platform.

D. ELECTRONIC SERVICES

1.8 To ensure accessibility, efficiency and fairness for all parties, ADGM Courts' operations and services are fully digitised.

1.9 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.

1.10 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

1.11 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

1.12 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.

1.13 A person or organisation must be registered to file a document with the Court. A person or an organisation can register at https://adgmcourts.com/#/registration.

Requirements for electronic filing of uploaded documents

1.14 A true and complete copy of each document must be uploaded in a format that is permitted by the eCourts Platform.

1.15 The eCourts Platform has the capability to "parse" (read and 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).

1.16 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.

1.17 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.

1.18 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.

1.19 Where any rule or practice direction requires a document to be signed, that requirement shall be satisfied if the signature is electronic.

1.20 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.

1.21 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

1.22 Subject to paragraphs 1.9 and 1.23, 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.

1.23 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]

1.24 Except as provided for under Rules 15(2), Rule 310(1) and Rule 316(1), 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).

1.25 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 of the CPR as if the document were a claim form.

1.26 Part 4 of the CPR (along with Practice Directions 2, 3, 4 and 6) provides for how and where to serve a claim form. Practice Direction 14 provides for how and where to serve any document (including a claim form) in an insolvency proceeding.

1.27 Practice Direction 5 – Particular Claims, includes provisions that require some documents to be served personally.

1.28 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

129 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

130 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

131 In the Rules, and in practice directions, "lawyer" has the meaning given to it in the Regulations.

132 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]

133 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.

134 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.

(d) 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 Friday 22 October.
The last day for service is Monday 18 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 Saturday, Sunday or a public holiday, that day does not count.

Example

(a) 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 Tuesday 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.

PRACTICE DIRECTION 2:
COMMERCIAL AND CIVIL CLAIMS

Date re-issued: 17 October 2025

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.

This Practice Direction must be read in conjunction with:

- Practice Direction 1 – General
- Practice Direction 5 – Particular Claims
- Practice Direction 6 – Service of Documents
- Practice Direction 7 – Applications
- Practice Direction 8 – Evidence
- Practice Direction 9 – Costs
- Practice Direction 10 – Enforcement
- Practice Direction 11 – Appeals
- Practice Direction 13 – Court-Annexed Mediation

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

A. MAKING A CLAIM [r.27]

2.1 A claim form which commences proceedings in the Commercial and Civil Division shall be in accordance with Form CFI 1.

Requirements

2.2 The claim form must:

(a) state what final orders the claimant seeks;

(b) include particulars of the claimant's case in numbered paragraphs within the form, which shall include:

(i) particulars of the factual matters relevant to the claim;

(ii) any relevant calculations for the amount or amounts claimed;

(iii) particulars of any sum sought by way of interest from a date earlier than the date of judgment (including: (i) the interest rate claimed; the date from which interest is claimed; and (ii) any relevant calculations); and

(iv) the propositions of law which entitle the claimant to the final orders sought;

(c) Include the name and address for service of the defendant together with the defendant's email address and mobile phone number (if known)[1]

(d) state whether the claimant is self-represented or is represented by an authorised officer or lawyer, and state as applicable the contact name, address, telephone number and email address of the claimant's representative;

(e) attach a copy of any document (other than any ADGM enactment) referred to in the claim form;

(f) where the claim form is to be served outside the jurisdiction, include the grounds on which the claimant is entitled to bring the claim against the defendant.

2.3 Where a claimant proposes that a proceeding be commenced under the Fast Track[2], paragraph 2.128 sets out additional matters that must be set out in the claim form.

Service of the claim form

2.4 Rule 15(2) provides that the Registry will serve the claim form on the defendant, 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 in accordance with Rule 15(7); or

(b) any rule, practice direction, ADGM enactment or Court order provides otherwise.

2.5 Part 4 of the CPR prescribes how a claim form may be served.

2.6 Where the claim form has not been served on a defendant by the Registry in accordance with paragraph 2.4, the claimant must file a certificate of service in accordance with Rule 21.

B. ANSWERING A CLAIM [r.35, r.36, r.37, r.38, r.42, r.43 r.44, r.48, r.49, r.326 and r. 328]

2.7 Subject to paragraph 2.10 below, the Rules require that a defendant must file and serve an acknowledgement of service within 14 days after service of the claim form.

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1 Where the defendant is a company, partnership or other entity, the claimant must include the defendant's registered office or any place of business of the defendant which has a real connection with the claim together with an email address and mobile phone number (if known) of a person who meets the description set out in Practice Direction 6, paragraph 6.13.

2 See Part 40 of the CPR and Section L below.

2.8 An acknowledgment of service shall be in accordance with Form CFI 7.

2.9 Subject to paragraph 2.11 below, within 28 days after a defendant is served with the claim, the defendant must file and serve:

(a) an admission and any request for time to pay in accordance with Rules 42 and 43;

(b) an admission and any request for time to pay in accordance with Rules 42 and 43, and a defence, together with any counterclaim, if the defendant admits only part of the claim;

(c) a defence, together with any counterclaim, if the defendant disputes the whole of the claim; or

(d) an application to dispute the Court's jurisdiction to try the claim.

2.10 In relation to a case that is proposed by a claimant in the claim form to be allocated to the Fast Track, the relevant time period for a defendant to file and serve his acknowledgment of service is within 7 days after service of the claim form as set out in Rule 326(1) and at paragraph 2.130 below.

2.11 In relation to a case that has been placed on the Fast Track, the relevant time period for a defendant to file and serve his response to the claim (see the options for responding to a claim in paragraph 2.9 above) is within 21 days after service of the claim form as set out in Rule 328 and at paragraph 2.134 below.

Admission and request for time to pay [r.42 and r.43]

2.12 The defendant may file an admission, together with any request for time to pay, in accordance with Form CFI 34 which must include:

(a) whether the admission is for the whole or part of the claim;

(b) details of the timing, amounts and frequency of payments proposed (with any payment plan not to exceed 3 years from the date the first payment is to be made);

(c) reasons for the request for time to pay, and the reasonableness of the request; and

(d) information about the employment (if applicable) and financial circumstances of the defendant.

Response to admission and request for time to pay [r.43]

2.13 A claimant must respond to a defendant's admission and request for time to pay in accordance with Form CFI 45 within 14 days after the admission and request for time to pay is served on him.

Disputing jurisdiction [r.38]

2.14 An application to dispute the Court's jurisdiction to decide the claim must be made by filing an application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

2.15 If a defendant makes an application to dispute the Courts' jurisdiction, he need not, before the hearing of the application, file a defence.

C. FILING A DEFENCE AND MAKING A COUNTERCLAIM [r.44, r.49 and r.50]

2.16 A defence shall be in accordance with Form CFI 8 and must:

(a) set out, in numbered paragraphs, the defendant's answer to the particulars of the claim and the propositions of law advanced by the claimant; and

(b) attach a copy of any document (other than any ADGM enactment) referred to in the defence, unless the document has previously been filed on the eCourts Platform.

2.17 A defendant who wishes to make a counterclaim must:

(a) state what final orders the counterclaimant seeks by counterclaim;

(b) include particulars of the counterclaim in numbered paragraphs within the form, which shall include:

(i) particulars of the factual matters relevant to the counterclaim;

(ii) any relevant calculations for the amount or amounts claimed;

(iii) particulars of any sum sought by way of interest from a date earlier than the date of judgment (including: (i) the interest rate claimed; the date from which interest is claimed; and (ii) any relevant calculations); and

(iv) the propositions of law advanced by the counterclaimant;

(c) if a counterdefendant is not a party to the claim[3], include the name and address for service of the counterdefendant together with the counterdefendant's email address and mobile phone number (if known)[4].

(d) state whether the counterclaimant is self-represented or is represented by an authorised officer or lawyer, and state as applicable the contact name, address, telephone number and email address of the counterclaimant's representative;

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3 Where a counterclaimant wishes to join a new party to the proceedings as a counterdefendant, the counterclaimant must first make an application that that person be added as an additional party in accordance with CPR 50(3).

4 Above n1.

(e) attach a copy of any document referred to in the claim form except for any ADGM enactment, unless the document has previously been filed on the eCourts Platform; and

(f) where the claim form is to be served outside the jurisdiction, include the grounds on which the claimant is entitled to bring the claim against the defendant.

2.18 A counterclaim shall be in accordance with Form CFI 9.

2.19 Rule 15(3)(f) provides that a counterclaim may be served through the eCourts platform where the person to be served has access (including through a legal representative) to the eCourts Platform.

D. REPLY TO A DEFENCE [r.45, r.329]

2.20 Subject to paragraph 2.23, a claimant who seeks to reply to a defence must file and serve the reply within 21 days after service of the defence and must set out the claimant's reply to the particulars of the defence and the propositions of law advanced by the defendant.

2.21 The reply must attach a copy of any document (other than any ADGM enactment) referred to in the reply, unless the document has previously been filed on the eCourts Platform.

2.22 The reply shall be in accordance with Form CFI 10.

2.23 In relation to a case that has been placed on the Fast Track, the relevant time period for a claimant to file and serve his reply to defence is within 14 days after service of the defence as set out in Rule 329 and at paragraph 2.138 below.

E. DEFENCE TO ANY COUNTERCLAIM AND SUBSEQUENT REPLY [r.44, r.45, r.49, r.328, r.329]

2.24 Subject to paragraph 2.30(a), a party who wishes to defend all or part of any counterclaim must file and serve the defence within 28 days after service of the counterclaim and must set out that party's answer to the particulars of the counterclaim and the propositions of law advanced by the defendant.

2.25 A defence to counterclaim must attach a copy of any document (other than any ADGM enactment) referred to in the defence to counterclaim, unless the document has previously been filed on the eCourts Platform.

2.26 A defence to counterclaim shall be in accordance with Form CFI 8.

2.27 Subject to paragraph 2.30(b), a party who seeks to reply to the defence to counterclaim must file and serve a reply within 21 days after service of the defence to counterclaim and must set out the party's reply to the particulars of the defence and the propositions of law advanced by that party.

2.28 A reply to a defence to counterclaim must attach a copy of any document (other than any ADGM enactment) referred to in the reply, unless the document has

previously been filed on the eCourts Platform.

2.29 A reply to a defence to counterclaim shall be in accordance with Form CFI 10.

2.30 In relation to a case that has been placed on the Fast Track, the relevant time period for a party who wishes to file and serve:

(b) a defence to counterclaim is within 21 days after service of the counterclaim as set out in Rule 328 and at paragraph 2.140 below; or

(c) a reply to a defence is within 14 days after service of the counterclaim as set out in Rule 329 and at paragraph 2.142 below.

F. EXTENSION OF TIME TO RESPOND TO A CLAIM OR FILE A PLEADING

2.31 An application for an extension of time to file:

(b) a defence, reply to defence, counterclaim, defence to counterclaim or reply to defence to counterclaim (each referred to for the purpose of this section as a "pleading"); or

(c) a response to a claim (other than a defence as to which see sub-paragraph

(a) above),

must be made by application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

2.32 An application made pursuant to paragraph 2.31 must:

(b) be made at least 2 clear days before the deadline for the filing of the pleading or response unless it is not practicable to do so;

(c) attach or set out an outline of the pleading or response proposed to be filed (or a draft of the pleading or response if the application is made after the due date unless it is not possible to do so);

(d) provide an explanation for why the pleading or response is/was not able to be filed within the relevant time period;

(e) state the time by which the applicant proposes to file the pleading or response; and

(f) attach the applicant's written request to the other parties to the proceedings seeking their consent to an extension of time to file the pleading or response and any response(s) received to that request.

G. CASE MANAGEMENT [r.8, r.306 and Part 12]

Introduction

2.33 The aim of case management is to further the overriding objective of the Rules: to ensure that the ADGM Courts are accessible, fair and efficient. To that end, case management is directed to identifying, as soon as reasonably practicable,

the real issues in dispute between the parties and trying those issues fairly and expeditiously.

2.34 The Court will manage cases proportionately, having regard to the amounts at stake and the complexity of the issues.

2.35 In managing a case, the Court may make any order, give any direction or take any step it considers appropriate having regard to the nature of the claim, the circumstances of the case and the overriding objective.

General Provisions

2.36 The Court may, upon the request of a party or on its own initiative, convene a case management conference at any time during the proceedings to facilitate the effective management of the case. A case management conference will ordinarily be conducted by video conference as arranged by the Court. For the purposes of this Practice Direction, a case management conference shall be taken to include (as the context requires) the initial case management conference, a progress monitoring hearing, a pre-trial review or any similar hearing or arrangement.

2.37 The parties must endeavour to agree appropriate directions for the management of the proceedings, and in accordance with this Practice Direction to submit agreed directions or their respective proposals to the Court prior to any case management conference.

2.38 At any case management conference, the Court may:

(a) review the steps which the parties have taken in preparation of the case, and in particular their compliance with any directions that the Court may have given;

(b) decide and give directions about the steps which are to be taken to ensure the progress of the claim in accordance with the overriding objective;

(c) ensure, as far as it can, that all agreements that can be reached between the parties about the matters in issue and the conduct of the claim are made and recorded;

(d) discuss the issues in the case and the requirements of the case; and

(e) in the case of the initial case management conference, fix a timetable for the conduct of the case, including if possible the appointment of trial dates or provisional trial dates, or, if that is not practicable, to fix as much of the pre-trial timetable as is possible.

2.39 The topics the Court will consider at a case management conference are likely to include[5]:

5 Special provisions apply in relation to a case that has been placed on the Fast Track as to which see Part 40 of the CPR and Section L below. Accordingly, not all of the matters set out in paragraph 2.39 may be considered in in a Fast Track case management conference.

(a) whether the parties have attempted to settle the dispute and/or would like a further opportunity to do so;

(b) whether the claimant has made clear the claim he is bringing, in particular the amount he is claiming, so that the other party can understand the case he has to meet (similar considerations will apply in relation to any counterclaim);

(c) whether any amendments are required to the claim, a statement of case or any other document;

(d) what disclosure of documents, if any, is necessary;

(e) what expert evidence, if any, is reasonably required and how and when that evidence should be obtained and disclosed;

(f) what factual evidence should be obtained and disclosed;

(g) whether it will be just and will save costs to order a split trial or the trial of one or more preliminary issues; and

(h) what, if any, pre-trial applications do the parties intend to bring and the impact that this is likely to have on the timetable.

2.40 Where a party has a legal representative, such representative must attend the case management conference, must be familiar with the case and must possess sufficient authority to deal with any issues that are likely to arise. That person should be someone who personally is involved in the conduct of the case, and who has authority to deal with any matter which may reasonably be expected to be dealt with at such hearing, including the fixing of the timetable, the identification of issues and matters of evidence. Where the inadequacy of the person attending or of his instructions leads to the adjournment of a hearing, a wasted costs order may be considered appropriate.

2.41 The parties will be required to provide the Court with an agreed list of issues that are to be litigated. In this respect, the parties are reminded that:

(a) a list of issues is not intended to supersede the parties' statements of case;

(b) a list of issues should identify the issues neutrally in a way that will best reflect the expected structure of the case. It is a case management tool, not an opportunity for advocacy; and

(c) as a case progresses, the list of issues may be susceptible to change.

2.42 Wherever relevant, the parties are to consult and co-operate with the aim of providing the documents required to be submitted to the Court within the time limits prescribed.

2.43 If any party fails to comply with this Practice Direction or any order or direction made in connection with this Practice Direction, the Court may:

(a) impose such sanction as it sees fit, which may include the making of an

adverse costs order against the defaulting party;

(b) proceed with or adjourn any scheduled case management conference;

(c) proceed to make such orders as it considers appropriate for the future conduct of the proceedings having regard to the overriding objective;

(d) in appropriate circumstances, strike out any claim or defence.

Case Management Conferences

2.44 The Court will convene an initial case management conference:

(a) for all claims filed in the Commercial and Civil Division (other than any case which has been placed on the Fast Track) within 14 days of the close of pleadings (which in normal course will be after the filing of a Reply); and

(b) where a case has been placed on the Fast Track, the Court will convene an initial case management conference within 10 days of the close of pleadings (which in normal course will be after the filing of a Reply).

2.45 Not less than 3 clear days before the initial case management conference:

(a) each party must file and serve on all other parties completed copies of the directions questionnaire;

(b) the claimant is to file with the Court and provide to all other parties a copy of any proposed directions that are agreed;

(c) in the event that there is no agreement between the parties on the proposed directions, each party must file with the Court and serve on all other parties a copy of its proposed directions;

(d) the claimant is to file with the Court and provide to all other parties a copy of an agreed list of the significant issues in the case; and

(e) in the event that there is no agreement between the parties as to the list of significant issues, each party must file with the Court and serve on all other parties a copy of its proposed list of issues.

2.46 The directions questionnaire form:

(a) for a case (other than a case that is on the Fast Track) is set out in Appendix A to this Practice Direction; and

(b) for a case that is on the Fast Track is set out at Appendix B.

2.47 A proposed directions guidance note which the parties are encouraged to consider when providing the Court with proposed directions:

(a) for a case (other than a case that is on the Fast Track) is set out in Appendix C; and

(b) for a case that is on the Fast Track is set out at Appendix D.

2.48 At the initial case management conference, the parties' legal representatives (or any party appearing in person) should be in a position fully to inform the Court of the following:

(a) the issues likely to arise in the proceedings;

(b) the directions which each party seeks, including any agreement reached between the parties in regard to those directions;

(c) whether it is proposed to file any application notices in respect of pre-trial issues and the nature of those pre-trial issues;

(d) the volume of material likely to comprise standard disclosure between the parties, save for any case which has been placed on the Fast Track (as to which paragraph 2.144 applies); and

(e) any other matter dealt with in the directions questionnaire or which the legal representatives may wish to bring to the Court's attention to achieve the efficient management of the case to trial.

2.49 At the initial case management conference:

(a) the Court will decide a timetable for the pre-trial steps necessary to be taken, which may include the holding of a further case management conference, a progress monitoring hearing and/or a pre-trial review;

(b) if and insofar as it is not possible to fix trial dates or provisional trial dates, the Court will endeavour to manage the case so as to fix such dates at the first available opportunity; and

(c) if there is no agreement between the parties as to the list of significant issues in the case, the Court itself may state the significant issues in the case and from time to time thereafter the Court may state or restate those issues as it sees fit.

Court-ordered mediation

2.50 The Court may, if it considers it appropriate, refer the parties to mediation at any stage of the proceedings whether on the request of a party or parties, or on its own initiative.

2.51 The Court's power to refer a dispute to mediation does not depend on the consent of the parties.

2.52 Where the Court has ordered mediation, the mediation shall be conducted in accordance with Parts D to N of Practice Direction 13.

Progress Monitoring

2.53 Where appropriate, a progress monitoring date will be fixed at the initial case management conference; such date will normally be after the date fixed

in the pre-trial timetable for the exchange of any witness statements and (if applicable) any expert reports.

2.54 At least 2 clear days before the progress monitoring date, the parties must file and serve a procedural compliance statement to inform the Court:

(a) whether, as at that date, they have complied with the pre-trial timetable, and if they have not, the respects in which they have not; and

(b) whether they will be ready for trial commencing on the trial dates or provisional trial dates fixed in the pre-trial timetable, and if they will not be ready, why they will not be ready.

2.55 The form of the procedural compliance statement is set out in Appendix E to this Practice Direction.

2.56 The Court may direct that a further case management conference be convened if, in its view, the information in the procedural compliance statement reasonably requires such action. The Court may make such orders and give such directions as it considers appropriate whether at a case management conference or at any time on its own initiative with the primary objective of preserving the trial dates or provisional trial dates.

2.57 In appropriate cases, the Court may decide to consolidate the progress monitoring of the case with the pre-trial review.

Pre-trial Review

2.58 Subject to the following provisions, the pre-trial review normally will take place between 4 to 8 weeks before the date fixed for trial (this time period may be modified for a Fast Track case).

2.59 In all appropriate cases, no later than 5 clear days before the pre-trial review, or by the date specified by the Court:

(a) each party must file and serve on all other parties a completed copy of the pre-trial checklist in the form set out in Appendix F;

(b) the claimant is to file with the Court and provide to all other parties an agreed timetable for the trial providing for (as necessary) oral submissions, witnesses of fact and expert evidence; in the event the trial timetable is not agreed, any differences of view should be identified with clarity;

(c) in the event that there are any outstanding matters in relation to the trial requiring directions from the Court, the claimant is to file with the Court and provide to all other parties a copy of any proposed directions that are agreed; and

(d) in the event that there is no agreement between the parties on the proposed directions, each party must file with the Court, and serve on all other parties, a copy of its proposed directions.

2.60 Upon receipt of the required documents, the Court may, on the papers, approve, modify or set the trial timetable and give such other directions for the conduct of the trial as it considers appropriate. If, upon receipt of the required documents, the Court decides to hold a pre-trial review hearing or to cancel a pre-trial review hearing which previously has been fixed, it will notify the parties of its decision.

2.61 In any event, as soon as practicable after each party has filed a completed pre-trial checklist or the Court has held a pre-trial review, the Court may:

(a) set a timetable for the trial, unless a timetable has already been fixed or the Court considers that it would be inappropriate to do so;

(b) confirm the date for trial.

Timetables

2.62 The parties must comply with the Court's procedural timetable.

2.63 If a party seeks an adjustment to the timetable for the taking of a procedural step, they must:

(a) first seek the written consent of the other party or parties to the case; and

(b) in any correspondence with the Court, provide evidence that they have sought the written consent of the other party or parties to the case together with any response received.

2.64 If the parties agree that the timetable should be adjusted, the party who first sought the adjustment must file a consent order to the adjusted timetable in accordance with Form CFI 22. The consent order must also be sent to the Registry by email in Word format.

2.65 If the parties cannot agree to make an adjustment to the timetable which is sought by a party, and:

(a) the due time has not passed for carrying out the step in respect of which an adjustment is sought and the adjustment sought will not affect or have a consequential impact on the dates fixed for a hearing or a trial:

(i) the party seeking the adjustment must file and serve, at least 4 days before the due time for carrying out the step in respect of which an adjustment is sought, a statement in accordance with Form CFI 36 setting out its justification for the adjustment it seeks; and

(ii) the other party or parties must file and serve any response in accordance with Form CFI 36 within 2 days of receipt of such statement. (The Court will ordinarily resolve that dispute on the papers);

or

(b) the due time has passed for carrying out the step in respect of which an

adjustment is sought or the adjustment sought will affect or have a consequential impact on the dates fixed for a hearing or a trial, the party seeking the adjustment must make an application for an extension of time in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

Hearing and trial dates

2.66 When the Court fixes the date for a hearing or a trial, it expects the application or the case to be ready to proceed on that day and at the appointed time.

H. DISCLOSURE [Part 13 CPR]

2.67 Section L contains special provisions for disclosure in relation to a case that has been placed on the Fast Track.

Definitions

2.68 In this Section:

(a) "document" means anything in which information of any description is recorded and includes an electronic document;

(b) "copy", in relation to a document, means anything onto which information recorded in the document has been copied, by whatever means and whether directly or indirectly; and

(c) "electronic document" means any document held in electronic form and includes, for example, email and other electronic communications such as text messages and voicemail, word-processed documents and databases, and documents stored on portable devices such as memory sticks and mobile phones. In addition to documents that are readily accessible from computer systems and other electronic devices and media, it includes documents that are stored on servers and back-up systems and documents that have been deleted. It also includes metadata and other embedded data which is not typically visible on screen or a printout.

Disclosure by parties [r.86]

2.69 Rarely, if at all, will the Court direct general disclosure of documents or disclosure by interrogation.

Standard disclosure [r.86]

2.70 Other than a case on the Fast Track[6], the Court will ordinarily provide directions relating to the time by which standard disclosure is to be made at the initial case management conference.

2.71 "Standard disclosure" is defined by the Rules and requires a party to disclose all documents on which he will rely at trial, except for documents that have already

6 For Fast Track cases, see paragraphs 2.144 and 2.145 below. For a case on the Fast Track, the Court will expect the parties to have already provided standard disclosure by the time of the initial case management conference.

been submitted by a party.

When standard disclosure not required

2.72 The obligation to give standard disclosure of documents does not apply to judicial review proceedings.

Cooperation between the parties

2.73 Before the initial case management conference, the parties should discuss any issues that may arise regarding searches for and the preservation of electronic documents. This may involve the parties seeking and providing information about the categories of electronic documents within their control, the computer systems, electronic devices and media on which any relevant documents may be held, the storage systems maintained by the parties, their document retention policies and the anticipated time and cost of carrying out any searches which might be requested.

2.74 The parties should, where possible, seek to exchange preliminary production requests for specific disclosure in draft form before the initial case management conference.

2.75 Documents (regardless of their original form) are to be disclosed in electronic format capable of being searched.

2.76 For the purpose of paragraph 2.73, the parties should cooperate at an early stage as to the format in which electronic copy documents are to be provided on inspection of documents.

2.77 If the physical structure of a file is, or is claimed to be, of evidential value:

(a) any such claim should be raised at the earliest opportunity; and

(b) the legal representatives of the party holding the file should make one complete copy of the file in the form in which they received it before any documents are removed for the purpose of inspecting documents.

2.78 In the case of difficulty or disagreement on any of the matters referred to in this section of the Practice Direction, the matter should be referred to the Court for directions at the earliest practical date and, if possible, at the initial case management conference.

Applications for further or specific disclosure [r. 86 and r.87]

2.79 The Court discourages unfocused or disproportionate requests for further disclosure of documents.

2.80 If a party seeks further or specific disclosure of documents, that party must identify what documents or classes of documents are sought and state why their provision would assist the fair and effective trial of the proceedings.

2.81 An application for further or specific disclosure must be made by application

notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

Further or specific disclosure

2.82 When giving further or specific disclosure, a party is required to make a reasonable search for documents.

2.83 The factors relevant in deciding the reasonableness of a party's search include the following –

(a) the number of documents involved;

(b) the nature and complexity of the proceedings;

(c) the ease and expense of retrieval of any particular document; and

(d) the significance of any document which is likely to be located during the search.

2.84 A search undertaken by a party shall not be considered to be unreasonable solely because that party has used artificial intelligence (such as predictive coding or some other form of technology) in conducting the search.

2.85 Where a party intends to use artificial intelligence in conducting a search for documents, that party must inform all other parties of that intention and provide sufficient details of the parameters of the search.

2.86 Where a party has not searched for a category or class of document on the grounds that to do so would be unreasonable, he must state this in his disclosure statement and identify the category or class of document.

Disclosure of copies

2.87 A party need not disclose more than one copy of a document.

2.88 A copy of a document must conform fully to the original. The Court may order that the original of a document be presented for inspection. A copy of a document that contains a modification, obliteration or other marking or feature shall be treated as a separate document.

Making disclosure – Redfern Schedule and disclosure statement

2.89 Other than a case on the Fast Track [7], a party giving further or specific disclosure must do so in the form of a Redfern Schedule, supported by a disclosure statement in accordance with Form CFI 13.

2.90 A party must state in his Redfern Schedule whether he has a right or duty to withhold from inspection any document, or part of a document, or categories of documents and the grounds on which he claims that right or duty.

2.91 The disclosure statement must –

[7] For Fast Track cases, see paragraphs 2.146 and 2.147. For the avoidance of doubt, the requirement to use a Redfern Schedule does not apply to a case on the Fast Track.

(a) expressly state that the disclosing party believes the extent of the search to have been reasonable in all the circumstances; and

(b) draw attention to any particular limitations to the extent of the search and give the reasons for such limitations.

2.92 Attention is drawn to Rule 91(2) in regard to false disclosure statements.

2.93 Every additional disclosure which a party makes must be made by adding to his Redfern Schedule so that there is at all times a single complete record of each party's disclosure.

Inspection of documents referred to in statements of case and other documents [r.90]

2.94 Nothing in this Practice Direction affects a party's right under the Rules to inspect any document which is referred to in:

(a) an opposing party's statement of case;

(b) a witness statement;

(c) a witness summary; or

(d) an affidavit.

Inspection of documents mentioned in an expert's report [r.90]

2.95 If a party wishes to inspect documents referred to in the expert report of another party he should first request inspection of the documents informally and inspection should be provided by agreement unless the request is unreasonable.

2.96 Where an expert report refers to a large number or volume of documents and it would be burdensome to provide them in electronic format or copy or collate them, the Court will only order inspection of such documents if it is satisfied that it is necessary for the just disposal of the proceedings and the party cannot reasonably obtain the documents from another source.

Disputing a claim to withhold from inspection [r.90]

2.97 If a party seeks to inspect a document, or part of a document, which the disclosing party claims he has a right or duty to withhold from inspection, the requesting party must complete the relevant part of the disclosing party's Redfern Schedule and serve it on the disclosing party.

2.98 If the disclosing party presses his claim to withhold the document, or part of a document, from inspection, he must:

(a) complete the relevant part of his Redfern Schedule;

(b) file and serve the completed Redfern Schedule through the eCourts

Platform; and

(c) identify those items in the Redfern Schedule in respect of which he seeks the determination of the Court.

2.99 The Court may determine any objection to production, without receiving any further submission by any party, by recording its decision in the Redfern Schedule.

Failure to disclose or permit inspection [r.91]

2.100 The Rules provide that a party may not rely on any document which he fails to disclose or in respect of which he fails to permit inspection unless the Court gives permission. Any application for that permission must be made by filing an application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15 and:

(a) should be made at the earliest opportunity; and

(b) be supported by material explaining why the party concerned did not disclose or permit inspection of the document earlier.

Order for disclosure against non-party [r.88]

2.101 Any application made to the Court for disclosure by a person who is not a party to the proceedings must be made by filing an application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

2.102 The supporting evidence for an application for disclosure by a non-party must be contained in a witness statement detailing the specific facts, matters or circumstances relied upon to demonstrate that –

(a) the documents of which disclosure is sought are likely to support the case of the applicant or adversely affect the case of one of the other parties to the proceedings; and

(b) that disclosure is necessary in order to dispose fairly of the claim or to save costs.

2.103 An order for disclosure by a non party must –

(a) specify the documents or the classes of documents which the non party must disclose; and

(b) require the non party, when making disclosure, to specify any of those documents –

(i) which are no longer in his control; or

(ii) in respect of which he claims a right or duty to withhold inspection.

2.104 Such an order may –

(a) require the non party to indicate what has happened to any documents which are no longer in his control; and

(b) specify the time and place for disclosure and inspection.

2.105 A non-party need not disclose more than one copy of a document.

2.106 A copy of a document must conform fully to the original.

Application for permission to disclose and/ or inspect documents containing confidential information of a non-party

2.107 Any application made to the Court seeking permission for a party to disclose and/or inspect documents containing confidential information of a non-party must be made in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15 and must include:

(a) a written request made of the non-party seeking their consent to disclose and/ or inspect the documents containing the confidential information of that non-party; and

(b) the non-party's response to the written request (if any).

2.108 Any application must be served by the applicant on the non-party to whom the written request was made in accordance with paragraph 2.107(a) within 7 days of the application being made.

2.109 The applicant must file a certificate of service in accordance with Form CFI 31

within 7 days of service of the application on the non-party.

I. PAPERS FOR TRIAL

2.110 The Court will make directions, as appropriate, for the filing and serving of papers for the trial. Depending on the circumstances of the case and the nature of the issues in dispute, these papers may include an updated list of issues, a chronology of relevant events, a dramatis personae, an index of the hearing bundle and such other documents as the Court may direct. These papers should be prepared in neutral terms and the Court expects the parties to consult and agree on their contents so that agreed papers can be provided to the Court.

2.111 If it is not possible for the parties to reach agreement on any document or documents, this fact must be notified to the Court, which will resolve the issue upon hearing representations from the parties.

2.112 The Court may also make directions relating to the form of opening and closing submissions (whether written, oral, or both) as is appropriate for the case.

2.113 Where relevant, the papers to be used at the trial should be cross-referenced to relevant documents contained within the hearing bundle.

2.114 The hearing bundle shall be:

(a) in electronic form;

(b) filed by the claimant based upon the index agreed with the other parties on the eCourts Platform;

(c) allocated into the following categories: (i) pleadings (including application notices); (ii) orders; (iii) witness statements of fact (including exhibits); and (iv) any other relevant documents; and

(d) prepared in such manner as to avoid the duplication of exhibits and supporting documents.[8]

2.115 A template for a hearing bundle index is set out in Appendix G. Any hearing bundle must be filed in accordance with Form CFI 36.

2.116 When providing any authorities, the parties should only include the relevant part or section of any legislation or rule relied upon.

2.117 Any supplementary hearing bundle must only contain additional documents not already included in the hearing bundle. The supplementary hearing bundle must also contain an index, and the pagination numbering should run consecutively from the last paginated page number in the hearing bundle.

J. BUNDLES OTHER THAN IN RELATION TO A TRIAL

2.118 Unless otherwise directed, in relation to any:

(a) case management conference, a case management conference bundle shall be filed by the claimant on the eCourts Platform not less than 3 clear days before the case management conference containing, as applicable, those documents that are required for the case management conference by reference to the categories of documents referred to in paragraph 2.114(c) above.

(b) hearing (including the hearing of any application), a hearing bundle shall be filed by the applicant on the eCourts Platform not less than 3 clear days before the hearing containing, as applicable, those documents that are required for the hearing by reference to the categories of documents referred to in paragraph 2.114(c) above.

2.119 The parties are referred to Appendix G which may be modified (as appropriate) for a bundle to be filed in relation to a case management conference or hearing other than in relation to a trial. The provisions in paragraphs 2.116 and 2.117 also apply.

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8 When preparing the hearing bundle every effort should be made to avoid the duplication of documents. The purpose of this provision is to reduce the size of the hearing bundle by removing multiple copies of the same document from the bundle. Appropriate placeholders and cross-references should be included in the index and hearing bundle to accommodate the removal of duplicate copies of the same document.

K. INTEREST [r.179]

2.120 Where interest is payable on a judgment debt and there is no agreed rate, it shall be at the rate of 5 per cent per annum from the date that judgment is given until payment.

2.121 Subject to any ADGM enactment, where interest is payable on all or any part of a debt or damages in relation to a period prior to, or as at, the date of judgment and there is no agreed rate, it shall be at the rate of 5 per cent per annum.

L. THE FAST TRACK

2.122 Part 40 of the CPR contains special provisions dealing with cases allocated to the Fast Track in the Commercial and Civil Division. Except as otherwise provided for in Part 40 of the CPR or this Practice Direction, all other Rules, Practice Directions, and court forms pertaining to the Commercial and Civil Division shall apply to proceedings in the Fast Track. Section L of this Practice Direction is to be read subject to any other Rule or Practice Direction that deals with particular types of claims or applications.

2.123 It is the intention of the Court that all Fast Track cases be determined within 6 months of being allocated to the Fast Track.

Cases suitable for the Fast Track [r.324]

2.124 Before a claimant files a claim form, or a defendant files an acknowledgement of service, the relevant party should consider whether the case is suitable for the Fast Track.

2.125 A case may be suitable for the Fast Track where, in the opinion of the party proposing the Fast Track, the case will require:

(a) a hearing of two days or fewer;

(b) no expert evidence;

(c) two fact witnesses or fewer per party;

(d) limited disclosure; and

(e) limited, if any, interlocutory applications.

2.126 A case that is suitable for the Fast Track may also have one or more of the following features:

(a) the case has a financial value of between US$100,000 and US$500,000, excluding interest;

(b) the case is straightforward, does not involve a substantial dispute of fact, and does not fall under the Small Claims, Employment or Real Property Divisions;

(c) the case is urgent.

2.127 A case is also likely to be suitable for the Fast Track where it is or involves:

(a) a liquidated debt claim;

(b) an arbitration claim;

(c) a claim for declaratory or other relief which is unlikely to involve a substantial dispute of fact;

(d) an application for contempt of court

(e) an application for extension of period for delivery of a charge under s. 789(3) of the Companies Regulations 2020;

(f) an application for a freezing injunction, search order or interim remedy made in relation to proceedings which are taking place, will take place, or have taken place outside the jurisdiction;

(g) an application for an interim remedy made under section 36 of the Regulations;

The claim form [r. 27, r. 325]

2.128 Where a claimant proposes that a case be allocated to the Fast Track, the claim form must (in addition to the requirements at paragraph 2.2 above):

(a) state that the claimant wishes for the case to be allocated to the Fast Track, together with concise reasons (by reference to the matters listed in paragraphs 2.125 to 2.127); and

(b) list and attach a copy of all documents on which the claimant will rely at trial.

2.129 A claim form which commences proceedings and proposes the Fast Track shall be in accordance with Form CFI 1.

The acknowledgment of service [r.326]

2.130 Where the claimant has proposed in his claim form that the case be allocated to the Fast Track, the Rules require that a defendant must file an acknowledgment of service within 7 days after service of the claim form. This time limit applies regardless of whether the defendant accepts or disputes the proposed allocation to the Fast Track.

2.131 An acknowledgment of service shall be in accordance with Form CFI 7.

2.132 A defendant:

(a) shall include his response to the claimant's proposal for the case to be allocated to the Fast Track in his acknowledgment of service; or

(b) may propose in his acknowledgment of service that the case be allocated to the Fast Track if the claimant has not included this proposal in his claim form.

2.133 Where the defendant either objects to the case being allocated to the Fast Track in accordance with paragraph 2.132(a) above or proposes that the case be allocated to the Fast Track in accordance with paragraph 2.132(b) above, he must state his concise reasons (by reference to the indicia listed in paragraphs 2.125 to 2.127) when he files his acknowledgment of service.

Answering a claim [r. 327, r.328]

2.134 In a case that has been placed on the Fast Track, a defendant must file and serve within 21 days of the claim being served on him either:

(a) an admission and any request for time to pay in accordance with Rules 42 and 43;

(b) an admission and any request for time to pay in accordance with Rules 42 and 43, and a defence, together with any counterclaim, if the defendant admits only part of the claim;

(c) a defence, together with any counterclaim, if the defendant disputes the whole of the claim; or

(d) an application to dispute the Court's jurisdiction to try the claim.

2.135 Where a defendant files and serves:

(a) an admission, together with any request for time to pay, it shall be in accordance with Form CFI 34;

(b) a defence to all or part of the claim, it shall be in accordance with Form CFI 8;

(c) any counterclaim, it shall be in accordance with Form CFI 9;

(d) an application to dispute the Court's jurisdiction, it shall be in accordance with Form CFI 12 supported by witness statement evidence in accordance with Form CFI 15.

2.136 Where a party has proposed that a case be allocated to the Fast Track, within 3 days of the acknowledgment of service being filed, or the last acknowledgment of service being filed where there is more than one defendant, the Court may give directions or make an order in relation to the allocation of the case to the Fast Track. The Court may confirm whether the case is allocated to the Fast Track in accordance with Rule 324(3), or reserve its decision on the allocation of the case to the Fast Track until the defendant or defendants have answered the claim.

2.137 Where the Court reserves its decision on allocation until after receipt of the defendant's answer to the claim, the defendant shall file his answer to the claim within 28 days of being served with the claim.

Reply to a defence [r.329]

2.138 In a case that has been placed on the Fast Track, a claimant who wishes to reply to a defence must file and serve his reply within 14 days after service of the defence.

2.139 A reply shall be in accordance with Form CFI 10.

Defence to any counterclaim and subsequent reply [r.328, r.329]

2.140 A counterdefendant who wishes to defend all or part of any counterclaim must file and serve his defence to counterclaim within 21 days after service of the counterclaim.

2.141 A defence to counterclaim shall be in accordance with Form CFI 8.

2.142 A party may file a reply to the defence to counterclaim within 14 days after service of the defence to counterclaim.

2.143 A reply to a defence to counterclaim shall be in accordance with Form CFI 10.

Disclosure on the Fast Track [r.85 to r.91 and r.330]

2.144 Where the Court has allocated a case to the Fast Track, the parties shall provide standard disclosure when filing their pleadings. Where the claimant proposes the Fast Track, it must provide standard disclosure with its claim form in accordance with paragraph 2.128(b).

2.145 Where a case is allocated to the Fast Track after any party to the case has served a pleading and standard disclosure was not given with that party's pleading, that party must provide standard disclosure in accordance with Rules 330(b).

2.146 An application for further or specific disclosure will only be granted on the Fast Track where the Court considers that such disclosure is appropriate having regard to the circumstances of the case. An application for further or specific disclosure must be made by application notice in accordance Form CFI 12, supported by witness statement evidence in accidence with Form CFI 15 and must:

(a) be made within 7 days of the close of pleadings or where the time period for the close of pleadings has lapsed, whichever is earlier.;

(b) identify the document or documents sought to be disclosed; and

(c) set out reason(s) why such disclosure would assist the fair and effective trial of the proceedings.

2.147 If a party makes an application for further or specific disclosure, the Court will make such directions as it considers appropriate in relation to the application, which will usually include:

(a) response(s) to the application to be filed and served within 7 days of the application being made;

(b) where any objection is made to a document or documents sought to be disclosed, the applicant is to file and serve any reply within 3 days of the response; and

(c) the Court will determine any disputed requests on the papers.

Witness statements [r.333]

2.148 The parties shall file and serve witness statements of fact in accordance with

Form CFI 15 and within the time limits set out in Rule 333.

2.149 Expert evidence is not permitted in a case allocated to the Fast Track unless the Court orders otherwise.

Hearings [r.334]

2.150 For all cases allocated to the Fast Track, the Court may decide the case on the papers without a hearing:

(a) if the parties agree as to the terms of any order or direction to be made or given by the Court;

(b) if the parties agree that the Court should dispose of the claim without a hearing; or

(c) where the Court considers that the case can be fairly determined on the papers and in all of the circumstances of the case it would be appropriate to do so.

APPENDIX A

Directions Questionnaire for all cases other than a case placed on the Fast Track

Case Details	
Division	Commercial and Civil
Case number	

Title of Proceedings	
[First] Claimant	[full name]
[Second Claimant] [include number of Claimants (if more than two)]	[#full name #number]
[First] Defendant	[full name]
[Second Defendant] [include number of Defendants (if more than two)]	[#full name #number]

Filing Details	
Filed for	[name of party(ies)]
Legal representative	[name]
Firm	[name of firm]
Firm reference	[reference number]
Contact name	[name]
Contact telephone	[telephone]
Contact email	[email address]

*Please read the **Notes** section before completing each question in this form. The answers which you provide in this form are intended to help the Court manage the case in the most fair, proportionate and efficient manner having regard to the circumstances of the case.*

Although it may be difficult to accurately answer any question due to the early stage of the proceedings, the parties are required to answer all questions on a "best efforts" basis. A failure by any party to do so, including a failure by a party to answer a question, may be considered by the Court when it deals with the question of costs, or may result in some other sanction being imposed on the defaulting party.

Wherever relevant, the parties are expected to consult and co-operate to the fullest extent possible on any question which would benefit from a joint discussion between the parties before completing and submitting this form.

You should note the date by which this questionnaire must be returned.

If you have settled this claim (or you settle it on a future date) and do not need to have it heard or tried, you must let the Court know immediately.

A: Nature of dispute	Notes
1. What amount of the claim (and any counterclaim) is in dispute? 2. Are there any non-pecuniary remedies sought which are relevant to how this case should be managed?	*The parties are encouraged to consider the nature of the dispute when providing their answers to the questions below (having regard to the principles of fairness, proportionality and efficiency).*
B: Settlement	
3. Do you wish to attempt to settle the claim by court-annexed mediation? 4. If you answered 'No' to question 3, please state below the reasons why you consider it inappropriate to try and settle the claim at this stage.	*If you think that you and the other party may be able to negotiate a settlement, you should answer 'Yes' to Q3.* *The parties are encouraged to read Practice Direction 13 (Court-annexed Mediation) and Court Procedure Rules 2016 ("CPR") Part 36 (Court-annexed Mediation) before completing this section.* *The Court may order that the parties go to court-annexed mediation, whether or not all the other parties to the claim agree.* ***You should still complete the whole of the form, even if you are requesting a referral to mediation.***
C: Pre-trial Applications	
5. Do you intend to make, or foreshadow making, any future application(s) in this proceeding? If Yes: • Provide details of all such applications including the Rule or provision pursuant to which each application will be made. • For each application, set out how the application will assist the Court with its determination of the issues in the proceeding. • If the application will not assist the Court with its determination of the issues in the proceeding, set out the reason why the application is proposed to be made.	*It is important for the Court to know if you intend to make any applications, what they will be for and when you wish them to be heard. The parties are encouraged to read Practice Direction 7 (Applications), the relevant sections of the CPR before completing this section.*

6. Are any of the issues in the case suitable for trial as preliminary issues?	
D: Statements of Case	
7. Do you wish to file any further statements of case (including by way of amendment)? If Yes, please specify. 8. Is any further information about any statement of case required? If yes, please give brief details of what is required.	*The parties are encouraged to read CPR 52 to 54 in relation to amendments to statements of case and requests for further information before completing this section.*
E: Disclosure of Documents	
9. Approximately how many documents and how many pages of documents do you intend to produce on standard disclosure of documents? 10. By what date can you provide standard disclosure of documents? 11. Have the parties discussed standard disclosure of documents and how they will be exchanged? If so, please provide a summary of material areas of agreement and disagreement between the parties. 12. Is production of specific documents likely to be required on any issue? If so, please give as much detail as is currently available. 13. Have the parties discussed likely or potential requests for production of specific documents and how they will be exchanged? If so, please provide a summary of material areas of agreement and disagreement between the parties.	*The parties are encouraged to read Practice Direction 2 (Disclosure) and CPR Part 13 (Disclosure and Inspection of Documents) before completing this section.*
F: Witnesses of Fact	
14. So far as you know at this stage, how many witnesses of fact do you intend to rely on at the trial?	*The parties are encouraged to read Practice Direction 8 (Evidence) and CPR Part 14 (Evidence) before completing this section.*

15. Do you wish to seek any orders from the Court as to the maximum length or format of any witness statements? If so, please specify. 16. By what date can you serve signed witness statements?	
G: Experts	
17. Do you wish to use expert evidence at the trial? If yes, please specify: • the discipline of each proposed expert; and • broadly what issue(s) they will likely address which will help to resolve the issues in the proceedings. 18. Do you consider the case suitable for a single joint expert (see Rule 144) or an assessor (see Rule 148) in any field? 19. By what date can you serve signed expert reports?	*The parties are encouraged to read Practice Direction 8 (Evidence) and CPR Part 17 (Expert and Assessors) before completing this section. In particular, the parties are reminded that CPR 142(1) mandates that expert evidence shall be restricted to that which reasonably is required to resolve the proceedings. Therefore, the Court requires a short explanation of any proposals with regard to expert evidence.*
H: Translation of Documents	
20. Are you relying upon any translated document? If yes, please indicate whether the parties have agreed the translation of the document. If no, please indicate whether the parties have discussed a regime for the resolution of disputed translations.	
I: List of Issues	
21. Have the parties provided the Court with an agreed list of issues that are to be litigated? 22. If there is no agreement between the parties as to the list of issues, have you filed with the Court and served on all other parties a copy of your proposed list of issues?	*The parties are reminded of the importance that the Court places on the list of issues, as set out in Practice Direction 2.41. The parties are also encouraged to review Practice Direction 2.45, which contains further provisions relating to the list of issues to be provided for the purposes of the initial case management conference.*

J: Trial	
23. What are your present provisional estimates of the minimum and maximum lengths of the trial? 24. What is the earliest date by which you believe you can be ready for trial? 25. Is this a case in which the fixing of a progress monitoring date and/or pre-trial review is likely to be helpful? 26. Are there likely to be any special requirements at trial (i.e. use of an interpreter for any witness, evidence of a witness by video-link, disability of any witness or party)? 27. What is your present provisional esti0mate of the volume of the trial hearing bundle? Is this a case where any additional technological requirements (outside of the eCourts Platform capabilities provided by the ADGM Courts) are likely to be required for the hearing bundle?	
K: Other	
28. Set out any other information you consider will help the judge manage the claim.	
L: Directions	
29. You must attempt to agree proposed directions with all other parties. Whether agreed or not, a draft of the order for directions you seek must accompany this form.	

APPENDIX B

Directions Questionnaire for cases placed on the Fast Track

Case Details	
Division	Commercial and Civil
Case number	

Title of Proceedings	
[First] Claimant	[full name]
[Second Claimant] [include number of Claimants (if more than two)]	[#full name #number]
[First] Defendant	[full name]
[Second Defendant] [include number of Defendants (if more than two)]	[#full name #number]

Filing Details	
Filed for	[name of party(ies)]
Legal representative	[name]
Firm	[name of firm]
Firm reference	[reference number]
Contact name	[name]
Contact telephone	[telephone]
Contact email	[email address]

Please read the Notes section before completing each question in this form. The answers which you provide in this form are intended to help the Court manage the case in the most fair, proportionate and efficient manner having regard to the circumstances of the case.

Although it may be difficult to accurately answer any question due to the early stage of the proceedings, the parties are required to answer all questions on a "best efforts" basis. A failure by any party to do so, including a failure by a party to answer a question, may be considered by the Court when it deals with the question of costs, or may result in some other sanction being imposed on the defaulting party.

Wherever relevant, the parties are expected to consult and co-operate to the fullest extent possible on any question which would benefit from a joint discussion between the parties before completing and submitting this form.

You should note the date by which this questionnaire must be returned.

If you have settled this claim (or you settle it on a future date) and do not need to have it heard or tried, you must let the Court know immediately.

A: Nature of dispute	**Notes**
1. What amount of the claim (and any counterclaim) is in dispute? 2. Are there any non-pecuniary remedies sought which are relevant to how this case should be managed?	*The parties are encouraged to consider the nature of the dispute when providing their answers to the questions below (having regard to the principles of fairness, proportionality and efficiency).*
B: Settlement	
3. Do you wish to attempt to settle the claim by court-annexed mediation? 4. If you answered 'No' to question 3, please state below the reasons why you consider it inappropriate to try and settle the claim at this stage.	*If you think that you and the other party may be able to negotiate a settlement, you should answer 'Yes' to Q3.* *The parties are encouraged to read Practice Direction 13 (Court-annexed Mediation) and Court Procedure Rules 2016 ("CPR") Part 36 (Court-annexed Mediation) before completing this section.* *The Court may order that the parties go to court-annexed mediation, whether or not all the other parties to the claim agree.* ***You should still complete the whole of the form, even if you are requesting a referral to mediation.***
C: Pre-trial Applications	
5. Do you intend to make, or foreshadow making, any future application(s) in this proceeding? If Yes: • Provide details of all such applications including the Rule or provision pursuant to which each application will be made. • For each application, set out how the application will assist the Court with its determination of the issues in the proceeding and how the application will impact on the timetable for the determination of the case.	*It is important for the Court to know if you intend to make any applications, what they will be for and when you wish them to be heard. The parties are encouraged to read Practice Direction 7 (Applications) and the relevant sections of the CPR before completing this section, together with Practice Direction 2.125(e).*

E: Disclosure of Documents	
6. Have you made standard disclosure of all documents on which you will rely at trial in accordance with Rule 330? If not, why not, and what further standard disclosure do you seek permission to make? 7. Is production of specific documents likely to be required on any issue? If so, have you made an application for specific disclosure in accordance with Rule 328? If not, why not and please give as much detail as possible on the specific disclosure application that you seek permission to make.	*Where a claim has been allocated to the Fast Track, the parties are encouraged to read Practice Direction CPR 330 and Practice Direction 2.125(d) and 2.144 to 2.147.*
F: Witnesses of Fact	
8. So far as you know at this stage, how many witnesses of fact do you intend to rely on at the trial? 9. Do you wish to seek any orders from the Court as to the maximum length or format of any witness statements? If so, please specify. 10. By what date can you serve signed witness statements?	*The parties are encouraged to read Practice Direction 8 (Evidence) and CPR Part 14 (Evidence) before completing this section. Where a claim has been allocated to the Fast Track the parties are also encouraged to read Practice CPR 333 and Practice Direction 2.125(c).*
H: Translation of Documents	
11. Are you relying upon any translated document? If yes, please indicate whether the parties have agreed the translation of the document. If no, please indicate whether the parties have discussed a regime for the resolution of disputed translations.	

I: List of Issues	
12. Have the parties provided the Court with an agreed list of issues that are to be litigated? 13. If there is no agreement between the parties as to the list of issues, have you filed with the Court and served on all other parties a copy of your proposed list of issues?	*The parties are reminded of the importance that the Court places on the list of issues, as set out in Practice Direction 2.41. The parties are also encouraged to review Practice Direction 2.45, which contains further provisions relating to the list of issues to be provided for the purposes of the initial case management conference.*
J: Trial	
14. Is this case suitable to be determined on the papers? 15. What are your provisional estimate for the length of any trial? 16. What is the earliest date by which you believe you can be ready for trial? 17. Is this a case in which the fixing of a progress monitoring date and/or pre-trial review is likely to be helpful? 18. What is your provisional estimate of the volume of the trial hearing bundle? 19. Are there likely to be any special requirements at trial (i.e. use of an interpreter for any witness, evidence of a witness by video-link, disability of any witness or party, any additional technological requirements outside of the eCourts Platform for the hearing bundle)?	*Where a claim has been allocated to the Fast Track the parties are encouraged to read Practice Direction 2.125(a).*
L: Directions	
20. You must attempt to agree proposed directions with all other parties. Whether agreed or not, a draft of the order for directions you seek must accompany this form.	

APPENDIX C

Proposed Directions Guidance Note for all cases other than a case placed on the Fast Track

This document is provided as a guidance note to assist the parties when considering what procedural directions to seek from the Court. It is not intended to be prescriptive on either the parties or the Court. The parties are reminded that in accordance with CPR 8(1), the Court may make any order, give any direction or take any steps it considers appropriate for the purpose of managing the proceedings and furthering the overriding objective of the Rules.

Nor is the guidance note intended to cover every scenario which might arise during the course of a matter which requires a direction or order from the Court. To that end, the parties will need to consider the specific circumstances of their case and what directions they should seek from the Court against the overriding objective of the Court to manage cases proportionally through a process that is accessible, fair and efficient having regard to the amounts at stake and the complexity of the issues in dispute.

This guidance note deals with some of the more common procedural steps in the pre-trial timetable, along with the trial itself. In more complex cases, it may be desirable for the Court to issue directions in stages. However, the parties are encouraged, for the purposes of the first case management conference, to submit proposed directions which deal with as many of the procedural steps in the proceedings as possible having regard to the circumstances of their particular case. Further, the parties are reminded that the Court is alert to performing its duty to fix a trial date as soon as practicable and to establish a pre-trial timetable which provides for the timely carrying out of the procedural steps in the proceedings.

The parties are to submit their proposed directions by the due date in accordance with Form CFI 37.

Proposed Order
Terms of draft Order (delete, amend or supplement as appropriate)
Applications for Further Information[9] 1. By no later than 4.00 pm on [ ], the Parties may make any application(s) for further information, in accordance with CPR 54 and Practice Direction 7. **List of Issues**[10] 2. An updated list of issues shall be compiled and agreed between the Parties, with cross-references to paragraphs of the pleadings, and filed with the Court by 4.00 pm on [ ].

9 In relation to applications for further information, the parties are encouraged to read CPR 54 and Practice Direction 7.

10 The parties are reminded of the importance that the Court places on the list of issues, as set out in Practice Direction2.41. With this in mind, the Court will ordinarily expect the parties to deal with the list of issues in the proposed directions.

Disclosure – Standard Disclosure, Further or Specific Disclosure and Inspection of Documents[11]

Standard Disclosure

3. By no later than 4.00 pm on [ ], each party shall submit to the other, by way of standard disclosure in accordance with CPR 86, all documents upon which it will rely at trial, except for any documents that have already been submitted by a party.

Further or Specific Disclosure

4. By no later than 4:00 pm on [ ], the Parties may make any application(s) for further or specific disclosure, in accordance with Practice Direction 2.80–2.81

5. A party giving further or specific disclosure must do so by no later than 4:00 pm on [ ], in accordance with Practice Direction 2.89–2.93, in the form of a Redfern Schedule supported by a disclosure statement.

6. If the requesting party seeks to inspect a document, or part of a document, which the disclosing party claims it has a right or duty to withhold from inspection, the requesting party must complete the relevant part of the disclosing party's Redfern Schedule and serve it on the disclosing party by no later than 4:00 pm on [ ].

7. If the disclosing party presses its claim to withhold the document, or part of a document, from inspection, the disclosing party must comply with Practice Direction 2.98 by no later than 4.00 pm on [ ].

8. The Court will determine any objection to production, without receiving any further submission by any party, by recording its decision in the Redfern Schedule within a timeframe to be determined by the Court.

Witness Statements[12]

9. Any witness statements of fact in accordance with CPR 94 and Practice Direction 8 shall be filed and served by [both/all] Parties by no later than 4.00 pm on [ ].

10. Any reply witness statements of fact shall be filed and served by [both/all] Parties by no later than 4.00 pm on [ ].

11. Unless otherwise ordered, witness statements of fact shall stand as evidence in chief of the witness at trial.

11 In relation to disclosure and inspection of documents, the Parties are encouraged to read Practice Direction 2 and Part 13 of CPR.

12 In relation to witness statements of fact, the Parties are encouraged to read Practice Direction 8 and Part 14 of the CPR.

Expert Evidence[13]

12. In accordance with CPR 142(2), the Court grants its permission for the Parties to file and serve by no later than 4.00 pm on [ ], expert reports which meet the requirements of CPR 141 and Practice Direction 8 in relation to the following issues (the "identified expert issues"):

    - [ ]
    - [ ]

13. Any reply expert reports which deal with the identified expert issues shall be filed and served by no later than 4.00 pm on [ ].

14. Experts of common disciplines are to meet to discuss (as relevant) the identified expert issues and shall file a joint report by no later than 4.00 pm on [ ] setting out those issues which are agreed and those which are in dispute.

15. The Parties may make any application(s) to add to the list of identified expert issues by no later than 4.00 pm on [ ].

16. In accordance with CPR 142(2), the Parties may apply to the Court for permission to call an expert by no later than 4.00 pm on [ ].

Disputed Translation of Documents

17. Within [ ] days from the service of (i) witness statements; (ii) reply witness statements; (iii) expert reports; and (iv) reply expert reports pursuant to paragraphs 9, 10, 12 and 13 above, the parties shall each notify the other of any translations in dispute referred to and/or exhibited to each of (i) – (iv) above (the Disputed Translation(s)).

18. In respect of each Disputed Translation the disputing party shall identify which portions of the translation are agreed (and therefore not in dispute).

19. The Parties jointly engage [ ] (XX) as an independent translation service provider for the purposes of translating the disputed portions of the Disputed Translations. The Parties shall agree which team members of XX shall undertake these translations, such team members being either those with a legal background or extensive experience in legal translation. No party shall engage XX in relation to these proceedings except for the purposes of providing a third-party translation of the Disputed Translation(s).

20. The parties shall equally bear the costs of commissioning XX as and when they fall due with such costs to be costs in the case.

[13] In relation to expert evidence, the parties are encouraged to read Practice Direction 8 and Part 17 of the CPR.

21. Unless a party objects to a translation within 14 days of the translation being provided to it, the translation will be treated as authoritative. Liberty to any party to apply in respect of any Disputed Translation to which objection is raised.

22. The Parties shall seek to reach agreement about translations of other documents which either party proposes to include in the hearing bundle and by no later than

    4.00 pm on [ ] (i) the Claimant shall inform the Court of any agreement that has been reached and (ii) if and to the extent that agreement has not been reached the

    parties are to inform the Court of their respective positions with regard thereto.

Progress Monitoring

23. The progress monitoring date in this matter is fixed for [ ].

24. The Parties shall file and serve a procedural compliance statement in the form set out at Appendix C at least 2 clear days before the progress monitoring date.

25. If, upon receipt of the Parties procedural compliance statements, the Court decides to hold a case management conference, it will liaise with the Parties and notify the Parties of the date on which it is to occur.

Hearing Bundle

26. By no later than 4.00 pm on [ ], the Claimant shall provide the [Defendant/other Parties] with a draft index of the hearing bundle to be used at the hearing.

27. By no later than 4.00 pm on [ ], the [Defendant/other Parties] shall provide the Claimant with its comments in relation to the draft index of the hearing bundle to be used at the hearing.

28. By no later than 4.00 pm on [ ], the Claimant shall file the index of the hearing bundle with the Court.

29. By no later than 4.00 pm on [ ], the Claimant shall confirm that the hearing bundle has been compiled in accordance with the agreed index, has been duly paginated and is available to the Parties through the eCourts Platform. By this direction, the Court grants permission for an additional electronic folder to be added to the hearing bundle for expert reports (and accompanying exhibits).

Pre-Trial Checklist

30. In accordance with CPR82(2) and Practice Direction 2.59, the Parties shall file and serve the pre-trial checklist by 4.00 pm on [ ].

31. In accordance with Practice Direction 2.59, at the same time as providing the pre-trial checklist, the Claimant shall provide the Court with an agreed trial timetable; in the event that the timetable is not agreed, any differences of view should be clearly identified. Similarly, proposed directions dealing with any outstanding issues shall be provided to the Court at this time.

32. If the Court decides to hold a pre-trial review in accordance with CPR82(3) and Practice Direction 2.60, it will liaise with the Parties and notify the Parties of the date on which it is to occur.

Papers for Trial

33. By no later than 4.00 pm on [ ], the Claimant in consultation with the [Defendant/ other Parties] shall file and serve an agreed:

    - [ ]
    - [ ]

34. By no later than 4.00 pm on [ ], the Parties shall file and serve skeleton arguments of fact and law.

Trial

35. The trial of this matter is to take place on a day not before [ ], with a time estimate of [ ] days. The Court and the Parties have indicated a possible potential date for trial as being for [ ] days from [ ]. The Parties shall inform the Court as soon as possible if the provisional date for trial is suitable and, if not, shall liaise with the Court to arrange a listing appointment by telephone.

Closing submissions

36. By no later than 4.00 pm on [ ], the Parties shall file and serve their written closing submissions of fact and law. The written closings are to include any submissions which the Parties may wish to make as to costs.

General

37. Costs in the case.

38. Liberty to apply.

APPENDIX D

Proposed Directions Guidance Note for a case placed on the Fast Track

This document is provided as a guidance note to assist the parties when considering what procedural directions to seek from the Court. It is not intended to be prescriptive on either the parties or the Court. The parties are reminded that in accordance with CPR 8(1), the Court may make any order, give any direction or take any steps it considers appropriate for the purpose of managing the proceedings and furthering the overriding objective of the Rules.

Nor is the guidance note intended to cover every scenario which might arise during the course of a matter which requires a direction or order from the Court. To that end, the parties will need to consider the specific circumstances of their case and what directions they should seek from the Court against the overriding objective of the Court to manage cases proportionally through a process that is accessible, fair and efficient having regard to the amounts at stake and the complexity of the issues in dispute.

This guidance note deals with some of the more common procedural steps in the pre-trial timetable, along with the trial itself. However, the parties are encouraged, for the purposes of the first case management conference, to submit proposed directions which deal with as many of the procedural steps in the proceedings as possible having regard to the circumstances of their particular case. Further, the parties are reminded that the Court is alert to performing its duty to fix a trial date as soon as practicable and to establish a pre-trial timetable which provides for the timely carrying out of the procedural steps in the proceedings.

The parties are to submit their proposed directions by the due date in accordance with Form CFI 37.

Proposed Order
Terms of draft Order (delete, amend or supplement as appropriate)
List of Issues[14] 1. An updated list of issues shall be compiled and agreed between the Parties, with cross-references to paragraphs of the pleadings, and filed with the Court by 4.00 pm on [ ].

[14] The parties are reminded of the importance that the Court places on the list of issues, as set out in Practice Direction 2.41. With this in mind, the Court will ordinarily expect the parties to deal with the list of issues in the proposed directions.

Disclosure – Standard Disclosure, Further or Specific Disclosure[15]

Standard Disclosure (if applicable)[16]

2. By 4.00 pm on [ ], each party shall submit to the other, by way of standard disclosure in accordance with CPR 86, any further documents upon which it will rely at trial.

Further or Specific Disclosure

3. [By 4:00 pm on [ ], the Parties may make any application for further or specific disclosure].[17]

4. By 4.00 pm on [ ], a responding party shall file and serve its response to the application.

5. Where any objection is made by a responding party a document or documents sought to be disclosed, the applicant is to file and serve any reply by 4.00 pm on [ ].

6. The Court will determine any disputed requests on the papers.

Witness Statements[18]

7. Any witness statements of fact in accordance with CPR 94 and Practice Direction 8 shall be filed and served by [both/all] Parties by no later than 4.00 pm on [ ].

8. Any reply witness statements of fact shall be filed and served by [both/all] Parties by no later than 4.00 pm on [ ].

9. Unless otherwise ordered, witness statements of fact shall stand as evidence in chief of the witness at trial.

Disputed Translation of Documents

10. Within [ ] days from the service of (i) witness statements; (ii) reply witness statements; (iii) pursuant to paragraphs 7 and 8 above, the parties shall each notify the other of any translations in dispute referred to and/or exhibited to each of (i) and (ii) above (the Disputed Translation(s)).

11. In respect of each Disputed Translation the disputing party shall identify which portions of the translation are agreed (and therefore not in dispute).

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15 In relation to disclosure of documents, the Parties are encouraged to read Practice Direction 2 (Section L) and Parts 13 and 40 of CPR.

16 Where a case has been allocated to the Fast Track, the parties are reminded of the provisions of Practice Direction 2.144 to 2.147 and CPR 330. With this in mind, the Court will expect the parties to have already provided standard disclosureby the time of the first case management conference.

17 Where a case has been allocated to the Fast Track, the parties are reminded of the provisions of Practice Direction 2.144 to 2.147 and CPR 330. With this in mind, the Court will expect the parties to have made any application for specific disclosure by the time of the first case management conference.

18 In relation to witness statements of fact, the Parties are encouraged to read Practice Direction 8 and Part 14 of the CPR. Where a case has been allocated to the Fast Track the parties are also encouraged to read Practice Direction 2.125(c) and CPR 333.

12. The Parties jointly engage [ ] (**XX**) as an independent translation service provider for the purposes of translating the disputed portions of the Disputed Translations. The Parties shall agree which team members of XX shall undertake these translations, such team members being either those with a legal background or extensive experience in legal translation. No party shall engage XX in relation to these proceedings except for the purposes of providing a third-party translation of the Disputed Translation(s).

13. The parties shall equally bear the costs of commissioning XX as and when they fall due with such costs to be costs in the case.

14. Unless a party objects to a translation within 7 days of the translation being provided to it, the translation will be treated as authoritative. Liberty to any party to apply in respect of any Disputed Translation to which objection is raised.

15. The Parties shall seek to reach agreement about translations of other documents which either party proposes to include in the hearing bundle and by no later than

    4.00 pm on [ ] (i) the Claimant shall inform the Court of any agreement that has been reached and (ii) if and to the extent that agreement has not been reached the

    parties are to inform the Court of their respective positions with regard thereto.

Progress Monitoring

16. The progress monitoring date in this matter is fixed for [ ].

17. The Parties shall file and serve a procedural compliance statement in the form set out at Appendix C at least 2 clear days before the progress monitoring date.

18. If, upon receipt of the Parties procedural compliance statements, the Court decides to hold a case management conference, it will liaise with the Parties and notify the Parties of the date on which it is to occur.

Hearing Bundle

19. By no later than 4.00 pm on [ ], the Claimant shall provide the [Defendant/other Parties] with a draft index of the hearing bundle to be used at the hearing.

20. By no later than 4.00 pm on [ ], the [Defendant/other Parties] shall provide the Claimant with its comments in relation to the draft index of the hearing bundle to be used at the hearing.

21. By no later than 4.00 pm on [ ], the Claimant shall file the index of the hearing bundle with the Court.

22. By no later than 4.00 pm on [ ], the Claimant shall confirm that the hearing bundle has been compiled in accordance with the agreed index, has been duly paginated and is available to the Parties through the eCourts Platform. By this direction, the Court grants permission for an additional electronic folder to be added to the hearing bundle for expert reports (and accompanying exhibits).

Pre-Trial Checklist

23. In accordance with CPR82(2) and Practice Direction 2.59, the Parties shall file and serve the pre-trial checklist by 4.00 pm on [ ].

24. In accordance with Practice Direction 2.59, at the same time as providing the pre-trial checklist, the Claimant shall provide the Court with an agreed trial timetable; in the event that the timetable is not agreed, any differences of view should be clearly identified. Similarly, proposed directions dealing with any outstanding issues shall be provided to the Court at this time.

25. If the Court decides to hold a pre-trial review in accordance with CPR82(3) and Practice Direction 2.60, it will liaise with the Parties and notify the Parties of the date on which it is to occur.

Papers for Trial

26. By no later than 4.00 pm on [ ], the Claimant in consultation with the [Defendant/ other Parties] shall file and serve an agreed:

    - [ ]
    - [ ]

27. By no later than 4.00 pm on [ ], the Parties shall file and serve skeleton arguments of fact and law.

Trial

28. The trial of this matter is to take place on a day not before [ ], with a time estimate of [ ] days. The Court and the Parties have indicated a possible potential date for trial as being for [ ] days from [ ]. The Parties shall inform the Court as soon as possible if the provisional date for trial is suitable and, if not, shall liaise with the Court to arrange a listing appointment by telephone.

Closing submissions

29. By no later than 4.00 pm on [ ], the Parties shall file and serve their written closing submissions of fact and law. The written closings are to include any submissions which the Parties may wish to make as to costs.

General

30. Costs in the case.

31. Liberty to apply.

APPENDIX E

Procedural Compliance Statement

Case Details	
Division	Commercial and Civil
Case number	

Title of Proceedings	
[First] Claimant	[full name]
[Second Claimant] [include number of Claimants (if more than two)]	[#full name #number]
[First] Defendant	[full name]
[Second Defendant] [include number of Defendants (if more than two)]	[#full name #number]

Filing Details	
Filed for	[name of party(ies)]
Legal representative	[name]
Firm	[name of firm]
Firm reference	[reference number]
Contact name	[name]
Contact telephone	[telephone]
Contact email	[email address]

This form must be completed by each party and filed with the Registry (with a copy to all other parties) at least 2 clear days before the progress monitoring date.

The Court may direct that a case management conference be convened if, in the Court's view, the information provided in the procedural compliance statement by any party reasonably requires such action.

Procedural compliance questions
1. in all respects?
2. If you have not complied, in what respects have you not complied and why?
3. Will you be ready for a trial commencing on the fixed trial date (or, where applicable, on the provisional trial dates) specified in the pre-trial timetable?

4. As at the date of signing this form, have you complied with the pre-trial timetable If you will not be ready, why will you not be ready and have you made an application to the Court for a change to the timetable?

Signature	
Signature of legal representative	_____
Signature of party if not legally represented	_____
Capacity (if not legal representative or party)	**[e.g. authorised officer]**
Date of signature	_____
Notice to filing party	
Your answers to these questions may be considered by the Court when it deals with the question of costs: see ADGM Court Procedure Rules 2016 Part 24 and Practice Direction 9.	

APPENDIX F
Pre-Trial Checklist

Case Details	
Division	Commercial and Civil
Case number	

Title of Proceedings	
[First] Claimant	[full name]
[Second Claimant] [include number of Claimants (if more than two)]	[#full name #number]
[First] Defendant	[full name]
[Second Defendant] [include number of Defendants (if more than two)]	[#full name #number]

Filing Details	
Filed for	[name of party(ies)]
Legal representative	[name]
Firm	[name of firm]
Firm reference	[reference number]
Contact name	[name]
Contact telephone	[telephone]
Contact email	[email address]

Trial Details	
Trial Date	[include start and end date of trial]
Counsel appearing at trial	[include name and chambers (as appropriate)]
Counsel instructed by	[include name of firm (as appropriate)]

*Please read the **Notes** section before completing each question in this form. The answers which you provide in this form are intended to help the Court manage the case in the lead up to, and during the trial of this matter.*

All questions must be answered by a party. A failure by a party to answer a question may be considered by the Court when it deals with the question of costs, or may result in some other sanction being imposed on the defaulting party.

Wherever relevant, the parties are expected to consult and co-operate to the fullest extent possible on any question which would benefit from a joint discussion between the parties before completing and submitting this form.

You should note the date by which this checklist must be returned.

A: Procedural compliance / future directions	**Notes**
1. Have you previously completed a procedural compliance statement in this matter? 2. If no, or if there is any material change to the answers previously provided, please address here. 3. Are any further directions required to prepare this case for trial? 4. If yes, you must attempt to agree proposed directions with all other parties. Whether agreed or not, a draft of the order for directions you seek must accompany this form.	*The procedural compliance statement is found at Appendix C to Practice Direction 2.*
B: Witnesses	
5. Which witnesses of fact do you intend to call to give evidence on your behalf at trial? 6. Are all witnesses of fact available to attend the hearing in person? If not, please specify with reasons. 7. Which witnesses of fact from the other parties do you intend to cross-examine at trial?	*It is important for the Court and the other parties to know whether you intend to call all witnesses of fact in respect of which you have submitted a witness statement. Similarly, it is important for the Court and the other parties to know what witness* *of fact you intend to cross-examine at trial. Each party is also responsible for confirming the availability of its witnesses of fact to attend the trial in person.* Where a case has been allocated to the Fast Track the parties are reminded of the provisions of Practice Direction 2.125(c) and CPR 333 in respect of witness statements.

C: Experts	
8. Please provide the following information for any expert evidence you intend to rely on at trial: (a) Name. (b) Field of Expertise. (c) Whether the expert is (i) a party-appointed expert, (ii) a single joint expert, (iii) an assessor. (d) Whether permission has been given for use of written expert evidence? (e) Whether permission has been given for oral evidence? 9. If permission has been granted for oral evidence, are the experts available to attend the hearing in person? If not, please specify with reasons. 10. If applicable, has there been a discussion between experts of common discipline and have they filed a joint expert report? 11. How is it intended to deal with the expert evidence at trial?	*You are reminded that you may not use an expert's report or have your expert give oral evidence unless the Court has given permission (CPR 142(2)). If you do not have permission, you must make an application.* *If permission has been granted for expert evidence to be given at trial, the* *parties ought to consider how that expert evidence is best dealt with at the trial. For example:* • *The order and/or manner in which the experts should be called to give evidence.* • *Should one party call all of its expert evidence, followed by each other party calling all of its expert evidence?* • *Should one party call its expert in a particular discipline, followed by the other parties calling their experts in that discipline?* Where a case has been allocated to the Fast Track the parties are not ordinarily required to complete this section in accordance with Practice Direction 2.125(b) and 2.149.
D: Special arrangements	
12. Are there any special facilities or arrangements needed at Court for any of the witnesses of fact, experts or parties, or for the trial itself (e.g. anyone with a disability, use of an interpreter, evidence by video-link, real-time transcript)? 13. Please confirm that appropriate arrangements have been made and whether any directions are required in relation to these matters.	

E: Trial Bundle	
14. What is the likely volume of documents for the trial bundle? 15. Are any additional technological requirements (outside of the eCourts Platform hearing bundle capabilities provided by the Court) required for the trial? If yes, please specify.	
F: The Trial	
16. What is the confirmed estimate of the time needed for the trial? Is this consistent with the dates allocated for the trial? 17. Should the trial proceed on a chess-clock basis? 18. What is the recommended reading time for the Judge? 19. You must attempt to agree a proposed trial timetable with all other parties. Whether agreed or not, a draft of the proposed trial timetable must accompany this form.	*The trial timetable should (as applicable) deal with the following matters:* • *opening submissions;* • *sequence of oral evidence; (for example, whether all the factual evidence should be called before the expert evidence);* • *timetabling of oral evidence making allowances for evidence-in-chief, cross-examination and re-examination;* • *the manner in which expert evidence is to be presented or dealt with at trial;* • *closing submissions.* *If there is any day within the trial period that a witness of fact or expert is not available to give oral evidence, this should be noted in the trial timetable (with reasons).* Where a case has been allocated to the Fast Track the parties are reminded of the provisions of Practice Direction 2.125(a) in respect of the estimate of time needed for the trial.
H: Other	
20. Set out any other information which you consider will help the Judge manage the claim.	

Signature	
Signature of legal representative	_____
Signature of party if not legally represented	_____
Capacity (if not legal representative or party)	**[e.g. authorised officer]**
Date of signature	_____

Notice to filing party
Your answers to these questions may be considered by the Court when it deals with the question of costs: see ADGM Court Procedure Rules 2016 Part 24 and Practice Direction 9.

APPENDIX G

Hearing Bundle Index

A. Pleadings (including Application Notices)			
No.	Description	Date	Pagination
1.	Claim Form	1 January 20XX	1–50
2.	Attachment 1[19]– [Description]	XXX	51–60
3.	Attachment 2 – [Description]	XXX	61–64
4.	Defence	28 January 20XX	65–85
5.	Attachment 1[20] – [Description]	XXX	85–92
6.	Attachment 2 – [Description]	XXX	93–98
7.	Reply	11 February 20XX	99–108
8.	Attachment 1[21] – [Description]	XXX	108–111
XX	XXX	XXX	112–XXX
B. Orders			
XX[22]	Order (Case Management) [23]	15 March 20XX	XXX[24]–XXX
XX	Order (Extension of Time for Witness Statements)	8 July 20XX	XXX–XXX
XX	Order (Directions to Trial)	1 September 20XX	XXX–XXX
XX	Order (XXX)	XXX	XXX–XXX

19 Any supporting documents attached to the pleading must be separately identified.

20 Ibid.

21 Ibid.

22 The index numbers are to run sequentially.

23 A short description of the Order should be provided.

24 The pagination numbers are to run sequentially.

C. Witness Statements of Fact (including Exhibits)[25]			
XX	First Witness Statement of [ABC]	15 August 20XX	XXX–XXX
XX	Exhibit 1 – [Description][26]	XXX	XXX–XXX
XX	Exhibit 2 – [Description]	XXX	XXX–XXX
XX	Exhibit 3 – [Description]	XXX	XXX–XXX
XX	XXX	XXX	XXX–XXX
13.21 Other Relevant Documents			
XX	[Description]	XXX[27]	XXX–XXX
XX	[Description]	XXX	XXX–XXX
XX	[Description]	XXX	XXX–XXX

25 In cases where a number of witness statements have been filed by the parties, this section may be divided into the witness statements filed by each party (i.e. Claimant's witness statements first to be followed by the Defendant's witness statements).

26 Any exhibits to a witness statement must be separately identified.

27 These documents are to be set out in date order.

PRACTICE DIRECTION 3:
SMALL CLAIMS

Date re-issued: 17 October 2025

This Practice Direction is to be read with, and subject to, the ADGM Court Procedure Rules 2016 ("**CPR**") and the Divisions and Jurisdiction (Court of First Instance) Rules 2015. Except as provided otherwise in this Practice Direction, terms have the meanings set out in the CPR and a reference to a Rule is a reference to the CPR.

APPLICATION

This Practice Direction must be read in conjunction with the following Practice Directions:

- **Practice Direction 1 – General**
- **Practice Direction 6 – Service of Documents**
- **Practice Direction 8 – Evidence**
- **Practice Direction 9 – Costs**
- **Practice Direction 10 – Enforcement**
- **Practice Direction 13 – Court-annexed Mediation**

To the extent to which the provisions of this Practice Direction differ from or are inconsistent with provisions of other Practice Directions, the provisions of this Practice Direction prevail in relation to all claims that are, or are dealt with as, small claims.

Part 37 of the CPR contains special provisions dealing with claims in the Small Claims Division.

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

A. MAKING A CLAIM [r.309]

3.1 A "small claim" is a claim or dispute for US$100,000 or less except for employment claims, all of which must be commenced in the Employment Division.

3.2 A claim form which commences proceedings in the Small Claims Division shall be in accordance with Form CFI 2.

Requirements

3.3 The claim form must:

(a) state what final orders the claimant seeks;

(b) include particulars of the claimant's case in numbered paragraphs within the form, which shall include:

(i) particulars of the factual matters relevant to the claim;

(ii) any relevant calculations for the amount or amounts claimed; and

(iii) particulars of any sum sought by way of interest from a date earlier than the date of judgment, including: (i) the interest rate claimed;

(ii) the date from which interest is claimed; and (ii) any relevant calculations;

(c) include the name and address for service of the defendant together with the defendant's email address and mobile phone number (if known)[1];

(d) state whether the claimant is self-represented, or is represented by an authorised officer or lawyer, and state as applicable the contact name, address, telephone number and email address of the claimant's representative;

(e) attach a copy of any document (other than an ADGM enactment) referred to in the claim form or relied on to prove any allegation contained in the claim form; and

(f) where the claim form is to be served outside the jurisdiction, include the grounds on which the claimant is entitled to bring the claim against the defendant.

Service of the claim form

3.4 Rule 310(1) provides that the Registry will serve the claim form on the defendant, 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 in accordance with Rule 15(7); or

(b) any rule, practice direction, ADGM enactment or Court order provides otherwise.

3.5 Part 4 of the CPR prescribes how a claim form may be served.

3.6 Where the claim form has not been served on a defendant by the Registry in accordance with paragraph 3.4, the claimant must file a certificate of service in accordance with Rule 21.

B. ANSWERING A CLAIM [r.311]

3.7 For the avoidance of doubt, a defendant is not required to file an acknowledgement of service in relation to a small claim.

1 Where the defendant is a company, partnership or other entity, the claimant must include the defendant's registered office or any place of business of the defendant which has a real connection with the claim together with an email address and mobile phone number (if known) of a person who meets the description set out in Practice Direction 6, paragraph 6.14.

3.8 Rule 311(1) provides that within 7 days after a defendant is served with a claim form, a defendant must file in accordance with the relevant practice direction:

(a) an admission and any request for time to pay in accordance with Rules 42 and 43;

(b) an admission and any request for time to pay in accordance with Rules 42 and 43, and a defence, together with any counterclaim, if the defendant admits only part of the claim;

(c) a defence, together with any counterclaim, if the defendant disputes the whole of the claim; or

(d) an application to dispute the Court's jurisdiction to try the claim.

Admission and request for time to pay [r.42, r.43 and r.313]

3.9 The defendant may file an admission, together with any request for time to pay, in accordance with Form CFI 34 which must include:

(a) whether the admission is for the whole or part of the claim;

(b) details of the timing, amounts and frequency of payments proposed (with any payment plan not to exceed 3 years from the date the first payment is to be made);

(c) reasons for the request for time to pay, and the reasonableness of the request; and

(d) information about the employment (if applicable) and financial circumstances of the defendant.

3.10 Unless otherwise directed by the Court, an order for time to pay shall be limited to 3 years from the date the first payment is due and payable.

Response to admission and request for time to pay [r.43]

3.11 A claimant must respond to a defendant's admission and request for time to pay in accordance with Form CFI 45 within 14 days after the admission and request for time to pay is served on him.

Disputing jurisdiction [r.311]

3.12 An application to dispute the Court's jurisdiction to try the claim must be made by filing an application notice in accordance with Form CFI 12C.

3.13 If a defendant makes an application to dispute the Courts' jurisdiction, he need not, before the hearing of the application, file a defence.

C. FILING A DEFENCE AND MAKING A COUNTERCLAIM [r.49, r.50 and r.311]

3.14 A defence must set out the defendant's answer to the particulars of the claim advanced by the claimant.

3.15 A defence shall be in accordance with Form CFI 8.

3.16 A defendant who wishes to make a counterclaim must:

(a) state what final orders the counterclaimant seeks by counterclaim;

(b) include particulars of the counterclaim in numbered paragraphs within the form, which shall include:

(c) particulars of the factual matters relevant to the counterclaim;

(i) any relevant calculations for the amount or amounts claimed; and

(ii) particulars of any sum sought by way of interest from a date earlier than the date of judgment, including: (i) the interest rate claimed;

(ii) the date from which interest is claimed; and (ii) any relevant calculations;

(d) if a counterdefendant is not a party the claim[2], include the name and address for service of the counterdefendant together with the counterdefendant's email address and mobile phone number (if known)[3];

(e) state whether the counterclaimant is self-represented, or is represented by an authorised officer or lawyer, and state as applicable the contact name, address, telephone number and email address of the counterclaimant's representative; and

(f) where the claim form is to be served outside the jurisdiction, include the grounds on which the counterclaimant is entitled to bring the counterclaim against the counterdefendant.

3.17 A counterclaim shall be in accordance with Form CFI 9.

3.18 A copy of any document (other than any ADGM enactment) referred to in the defence or counterclaim or relied on to prove any allegation contained in the defence or counterclaim must be attached to the defence or the counterclaim, unless that document has previously been filed on the eCourts Platform.

D. REPLY TO A DEFENCE [r.311A]

3.19 The claimant may file a reply to a defence within 7 days after service of the defence setting out the claimant's reply to the particulars of the defence.

3.20 A reply shall be in accordance with **Form CFI 10**.

3.21 A copy of any document (other than any ADGM enactment) referred to in the reply or relied on to prove any allegation contained in the reply must be

2 Where a counterclaimant wishes to join a new party to the proceedings as a counterdefendant, the counterclaimant must first make an application that that person be added as an additional party in accordance with Rule 50(3).

3 Above n1.

attached to the reply, unless that document has previously been filed on the eCourts Platform.

E. DEFENCE TO ANY COUNTERCLAIM AND SUBSEQUENT REPLY [r.49, r.311 and r.311A]

3.22 A party who wishes to defend all or part of any counterclaim must file a defence within 7 days after service of the counterclaim and must set out that party's answer to the particulars of the counterclaim.

3.23 A defence to counterclaim shall be in accordance with Form CFI 8.

3.24 A copy of any document (other than any ADGM enactment) referred to in the defence to counterclaim or relied on to prove any allegation contained in the defence to counterclaim must be attached to the defence to counterclaim, unless that document has been previously filed on the eCourts Platform.

3.25 A party may file and serve a reply to a defence to counterclaim within 7 days after service of the defence to counterclaim.

3.26 A reply to the defence to counterclaim shall be in accordance with Form CFI 10.

3.27 A copy of any document (other than any ADGM enactment) referred to in the reply to the defence to counterclaim or relied on to prove any allegation contained in the reply to the defence to counterclaim must be attached to the reply to the defence to counterclaim, unless that document has previously been filed on the eCourts Platform.

F. EXTENSION OF TIME TO RESPOND TO A CLAIM OR FILE A PLEADING [r.311]

3.28 Rule 311(3)(a) provides that the parties may agree that the time period for responding to a claim (including a counterclaim) be extended by up to 7 days. Any agreement must be in writing and provided to the Registry before the deadline for the filing of the response.

3.29 Rule 311(3)(b) provides that a defendant may request that the Court extend the time period for responding to a claim (including a counterclaim) by up to 7 days. Any request should be made by email to registry@adgmcourts.com and must:

(a) identify the proceedings to which the request relates;

(b) state the reason or reasons for the request;

(c) specify how much additional time (up to a maximum of 7 days from the date the response is due) the claimant needs to respond; and

(d) be made before the deadline for filing the response (otherwise paragraph 3.30 shall apply).

3.30 In all other cases, an application for an extension of time to file:

(a) a defence, reply to defence, counterclaim, defence to counterclaim or reply to defence to counterclaim (each referred to for the purpose of this section as a "pleading"); or

(b) a response to a claim (other than a defence as to which see sub-paragraph (a) above),

must be made by application notice in accordance with Form CFI 12C.

3.31 An application made pursuant to paragraph 3.30 must:

(a) be made at least 2 clear days before the deadline for the filing of the pleading or response unless it is not practicable to do so;

(b) attach or set out an outline of the pleading or response proposed to be filed (or a draft of the pleading or response if the application is made after the due date unless it is not possible to do so);

(c) provide an explanation for why the pleading or response is/was not able to be filed within the relevant time period;

(d) state the time by which the applicant proposes to file the pleading or response; and

(e) attach the applicant's written request to the other parties to the proceedings seeking their consent to file the pleading or response and any response(s) received to that request.

G. APPLICATION FOR DEFAULT JUDGMENT [r.312]

3.32 An application for default judgment shall be made in accordance with Form CFI 12B and must include:

(a) the order or orders that the claimant seeks from the Court; and

(b) evidence addressing the default relied on and confirming that the default has not been remedied.

3.33 An application for default judgment may be made without notice if a defendant has failed to file a defence. Any evidence relied on by a claimant in support of his application need not be served on a party who has failed to file a defence.

3.34 Subject to Rule 40A, a default judgment may include interest at the rate agreed between the parties or, if there is no agreed rate, at the rate of 5 per cent per annum from the date the money was due.

3.35 A default judgment will be made available to the claimant through the eCourts Platform and will be served by the Registry on all other parties to the proceeding who are to be served within the United Arab Emirates.

H. CASE MANAGEMENT [r.8, r.78, r.86, r.88, r.97, r.142(2), r.175 and r.306]

Case Management [r.8]

3.36 The Court may make any order, give any direction or take any step it considers appropriate for the purpose of managing the proceedings.

Court-ordered mediation [r.78 and r.306]

3.37 The Court may, if it considers it appropriate, refer the parties to mediation at any stage of the proceedings whether on the request of a party or parties, or on its own initiative.

3.38 The Court's power to refer a dispute to mediation does not depend on the consent of the parties.

3.39 Where the Court has ordered mediation, the mediation shall be conducted in accordance with Parts D to N of **Practice Direction 13**.

Timetables [r.8]

3.40 The parties must comply with the Court's procedural timetable.

3.41 If a party seeks an adjustment to the timetable for the taking of a procedural step, they must:

(a) first seek the written consent of the other party or parties to the case; and

(b) in any correspondence with the Court, provide evidence that they have sought the written consent of the other party or parties to the case together with any response received.

3.42 If the parties agree that the timetable should be adjusted, the party who first sought the adjustment must file a consent order to the adjusted timetable in accordance with Form CFI 22. The consent order must also be sent to the Registry by email in Word format.

3.43 If the parties cannot agree to make an adjustment which is sought by a party and:

(a) the due time has not passed for the carrying out of the step in respect of which the adjustment is sought and the adjustment sought will not affect or have a consequential impact on the dates fixed for a hearing or a trial:

(i) the party seeking the adjustment must file and serve, at least 4 days before the due time for carrying out the step in respect of which an adjustment is sought, a statement in accordance with Form CFI 36 setting out its justification for the adjustment it seeks; and

(ii) the other party or parties shall file and serve any response in accordance with Form CFI 36 within 2 days of receipt of such statement. (The Court will ordinarily resolve that dispute on the papers);

or

(b) the due time has passed for carrying out the step in respect of which an adjustment is sought or the adjustment sought will affect or have a consequential impact on the dates fixed for a hearing or a trial, the party seeking the adjustment must make an application for an extension of time in accordance with Form CFI 12C.

Order for specific disclosure [r.86(5)]

3.44 Where a party has good reason to believe that documents held by the other party would be likely to support their case or adversely affect the other party's case, they may seek an order from the Court for the specific disclosure of such documents, and the Court may make an order for specific disclosure of those documents if it is satisfied that disclosure is necessary in order to dispose fairly of the claim or to save costs.

3.45 An application for specific disclosure must be made by application notice in accordance with Form CFI 12C.

Order for disclosure against non-party [r.88]

3.46 Any application made to the Court for disclosure by a person who is not a party to the proceedings must be made in accordance with paragraphs 2.101-2.106 of Practice Direction 2.

Witness statements [r.97]

3.47 The Court will make any order as to the filing of witness statements it considers appropriate. All witness statements ordered by the Court must be prepared and filed in accordance with Form CFI 15. Any supporting document referred to in a witness statement must be given an exhibit number and attached to the witness statement unless that document has previously been filed on the eCourts Platform (in which case an appropriate cross-reference should be made to that document in the witness statement).[4]

Experts [r.142(2)]

3.48 No expert may give evidence, whether written or oral, at a hearing without the permission of the Court.

Determination of the claim on the papers [r.8]

3.49 The Court may decide the claim on the papers without a hearing:

(a) if the parties agree as to the terms of any order or direction to be made or given by the Court;

(b) if the parties agree that the Court should dispose of the claim without a hearing; or

(c) where the Court considers that the claim can be fairly determined on the papers without a hearing.

Conduct of the hearing [r. 8 and r.175]

3.50 If the Court decides to list the case for a hearing, it will provide such orders and directions as it considers appropriate in relation to:

4 The purpose of this provision is so that all supporting documents referred to in a witness statement can be readily located by the Judge.

(a) any pre-hearing steps to be undertaken by the parties; and

(b) the conduct of the hearing.

3.51 The Court may adopt any method of proceedings at a hearing that it considers to be fair.

3.52 The Court may give permission to a party who is not a natural person to be represented by an employee or director who is not a lawyer, on being satisfied that the person is likely to be able to present the party's case efficiently and to assist the Court in reaching a just result in accordance with the overriding objective set out in Rule 2(2).

I. OTHER MATTERS

Interest [r.179]

3.53 Where interest is payable on a judgment debt and there is no agreed rate, it shall be at the rate of 5 per cent per annum from the date that judgment is given until payment.

3.54 Subject to any ADGM enactment, where interest is payable on all of or any part of a debt or damages in relation to a period prior to, or as at, the date of judgment and there is no agreed rate, it shall be at the rate of 5 per cent per annum.

Remission or deferral of fees [r.10]

3.55 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.

J. APPLICATIONS

Pre-claim applications [r.64(3)]

3.56 An applicant who wishes to apply to the Court for an urgent interim remedy prior to a claim being filed must file an application notice in accordance with

Form CFI 12A, supported by witness statement evidence in accordance with Form CFI 15.

3.57 The application notice must include or attach:

(a) the order or orders that the applicant seeks from the Court;

(b) all witness statements that the applicant relies on in support of the application;

(c) an undertaking by the applicant to file a claim within 2 days of the issuing of the application notice by the Court; and

(d) a statement as to whether the applicant requests a without notice hearing of the application and the reasons for the request.

3.58 Where the application is to be made *upon* notice, the application notice and witness statement evidence must be served by the applicant on each respondent within 7 days after the filing of such documents, and thereafter the applicant must file a certificate of service in accordance with Form CFI 31 within a further 7 days. For the purpose of this paragraph, service is to be effected by the claimant in accordance with Part 4 of the CPR.

3.59 A respondent to an application notice must file a notice of appearance in accordance with Form CFI 23 within 7 days of being served with the application notice, if the respondent wishes to raise any matter before the Court in response to the application or in relation to the order(s) sought by the applicant.

Post claim applications [r.64]

3.60 Unless specifically provided for in this practice direction, any application to the Court is to be made in accordance with Form CFI 12C.

3.61 The application notice must include:

(a) the order or orders that the applicant seeks from the Court;

(b) the evidence that the applicant relies on in support of the application; and

(c) a statement as to whether the applicant requests:

(d) a hearing or that the application can be determined without a hearing;

(e) an expedited hearing of the application or for the hearing to be without notice, and the reasons for the request.

Without notice applications [r.64 and r.65]

3.62 Post claim applications made without notice are to be submitted on the eCourts Platform. It is the responsibility of the party submitting the application to select the without notice filing option on the eCourts Platform.

3.63 An application may be made without notice if this is permitted by a rule, a practice direction or otherwise is with the Court's permission. The Court's permission will be granted only where:

(a) there is exceptional urgency;

(b) it is otherwise desirable to do so in the interests of justice; or

(c) there are good reasons for making the application without notice, for example, because the notice would or might defeat the object of the application.

3.64 Where the Court is asked to make an order on an application without notice, the applicant must bring to the Court's attention any matter which, if the respondent was represented, the respondent would wish the Court to be aware of. This includes any matters which might tend to undermine the application.

3.65 Where the Court makes an order on an application without notice, whether granting or dismissing an application, the Court may make such orders as it considers appropriate in relation to the service of the order and any other documents on every person against whom an order was sought or made.

Hearing [r.8 and r.175]

3.66 The Court may give such directions regarding the hearing of an application as it considers appropriate.

Proceeding without a hearing [r.8]

3.67 The Court may deal with any application on the papers without a hearing:

(a) if the parties agree as to the terms of the order or orders that the applicant seeks from the Court;

(b) if the parties agree that the Court should dispose of the application without a hearing; or

(c) where the Court considers that the application can be fairly determined on the papers without a hearing and, in all of the circumstances, it would be appropriate to do so.

Particular Applications

3.68 Subject to paragraph 3.60, an application:

(a) for further information;

(b) for security for costs;

(c) to set aside a notice of discontinuance;

(d) for a freezing injunction, or to vary or discharge a freezing injunction;

(e) for permission to make a counterclaim against a claimant pursuant to Rule 50(1); or

(f) for permission to make a counterclaim against a person other than the claimant pursuant to Rule 50(3),

is to be dealt with in accordance with the applicable provisions in Practice Direction 7.

3.69 A claimant may apply for summary judgment following the filing of a defence in accordance with Form CFI 12C.

3.70 An application to set aside or vary a default judgment order must:

(a) be made in accordance with Form CFI 12C; and

(b) address (as applicable) the matters set out in Rule 41.

K. APPEALS TO THE COMMERCIAL AND CIVIL DIVISION OF THE COURT OF FIRST INSTANCE

Form of notice [r.205]

3.71 A notice of appeal must:

(a) be filed and served within 14 days of the date of the final judgment or order;

(b) be in accordance with Form CFI 19;

(c) not exceed 10 pages;

(d) attach a copy of the reasons given for the judgment or order against which the appeal is brought;

(e) state the question or questions of law which the appellant alleges arise;

(f) state in summary form why the appeal should be allowed; and

(g) state what judgment or order the appellant alleges should have been given or made.

Response to notice of appeal [r.205]

3.72 A party who seeks to respond to a notice of appeal may file and serve on the other parties to the proceedings a written response within 14 days of being served with the notice.

3.73 Any response to a notice of appeal must:

(a) be in accordance with Form CFI 20;

(b) not exceed 10 pages; and

(c) set out the grounds on which the appeal should be refused.

3.74 The Court may give written directions to the parties about the further conduct of the appeal.

Conduct of the appeal [r.8 and r.205]

3.75 The Court may decide the appeal on the papers without a hearing where the Court considers that the appeal can be fairly determined on the papers alone.

3.76 The decision by the Court on the appeal is final, and it may not be challenged by any proceeding in the Court, whether by way of review, appeal or otherwise.

PRACTICE DIRECTION 4:
EMPLOYMENT CLAIMS

Date re-issued: 17 October 2025

This Practice Direction is to be read with, and subject to, the ADGM Court Procedure Rules 2016 ("CPR") and the Divisions and Jurisdiction (Court of First Instance) Rules 2015. Except as provided otherwise in this Practice Direction, terms have the meanings set out in the CPR and a reference to a Rule is a reference to the CPR.

APPLICATION

This Practice Direction must be read in conjunction with the following Practice Directions:

- **Practice Direction 1 – General**
- **Practice Direction 6 – Service of Documents**
- **Practice Direction 8 – Evidence**
- **Practice Direction 9 – Costs**
- **Practice Direction 10 – Enforcement**
- **Practice Direction 11 – Enforcement**
- **Practice Direction 13 – Court-annexed Mediation**

To the extent to which the provisions of this Practice Direction differ from or are inconsistent with provisions of other Practice Directions, the provisions of this Practice Direction prevail in relation to all employment claims commenced in the Employment Division.

Part 38 of the CPR contains special provisions dealing with claims in the Employment Division.

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

A. MAKING A CLAIM [r.315]

4.1 An "employment claim" is a claim or dispute:

(a) brought pursuant to or in connection with the ADGM Employment Regulations 2024; or

(b) relating to any other employment matter to which sub-paragraph (a) does not apply.

4.2 A claim form which commences proceedings in the Employment Division shall be in accordance with Form CFI 3.

Requirements

4.3 The claim form must:

(a) state what final orders the claimant seeks;

(b) include particulars of the claimant's case in numbered paragraphs within the form, which shall include:

(i) particulars of the factual matters relevant to the claim;

(ii) any relevant calculations for the amount or amounts claimed; and

(iii) particulars of any sum sought by way of interest from a date earlier than the date of judgment, including: (i) the interest rate claimed;

(ii) the date from which interest is claimed; and (ii) any relevant calculations;

(c) include the details of, and attach:

(i) all documents which record any of the terms of employment between the claimant and the defendant, including letters of offer and acceptance of employment, contracts or agreements for employment and any variations to the terms during the period of employment; and

(ii) any other documents (other than any ADGM enactment) referred to in the claim form or relied on to prove any allegation contained in the claim form;

(d) state the claimant's rate of remuneration prior to the commencement of the claim;

(e) include the name and address for service of the defendant together with the defendant's email address and mobile number (if known)[1];

(f) state whether the claimant is self-represented, or is represented by an authorised officer or lawyer, and state as applicable the contact name, address, telephone number and email address of the claimant's representative; and

(g) where the claim form is to be served outside the jurisdiction, include the grounds on which the claimant is entitled to bring the claim against the defendant.

Service of the claim form

4.4 Rule 316(1) provides that the Registry will serve the claim form on the defendant, 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 in accordance with Rule 15(7); or

[1] Where the defendant is a company, partnership or other entity, the claimant must include the defendant's registered office or any place of business of the defendant which has a real connection with the claim together with an email address and mobile phone number (if known) of a person who meets the description set out in Practice Direction 6, paragraph 6.14.

(b) any rule, practice direction, ADGM enactment or Court order provides otherwise.

4.5 Part 4 of the CPR prescribes how a claim form may be served.

4.6 Where the claim form has not been served on a defendant by the Registry in accordance with paragraph 4.4, the claimant must file a certificate of service in accordance with Rule 21.

B. ANSWERING A CLAIM [r.317]

4.7 For the avoidance of doubt, a defendant is not required to file an acknowledgment of service in relation to an employment claim.

4.8 Rule 317(1) provides that within 14 days after a defendant is served with a claim form, a defendant must file in accordance with the relevant practice direction:

(a) an admission and any request for time to pay in accordance with Rules 42 and 43;

(b) an admission and any request for time to pay in accordance with Rules 42 and 43, and a defence, together with any counterclaim, if the defendant admits only part of the claim;

(c) a defence, together with any counterclaim, if the defendant disputes the whole of the claim; or

(d) an application to dispute the Court's jurisdiction to try the claim.

Admission and request for time to pay [r.42, r.43 and r.319]

4.9 The defendant may file and serve an admission, together with any request for time to pay, in accordance with Form CFI 34 which must include:

(a) whether the admission is for the whole or part of the claim;

(b) details of the timing, amounts and frequency of payments proposed (with any payment plan not to exceed 3 years from the date the first payment is to be made);

(c) reasons for the request for time to pay, and the reasonableness of the request; and

(d) information about the employment (if applicable) and financial circumstances of the defendant.

4.10 Unless otherwise directed by the Court, an order for time to pay shall be limited to 3 years from the date the first payment is due and payable.

Response to admission and request for time to pay [r.43]

4.11 A claimant must respond to a defendant's request for time to pay in accordance with Form CFI 45 within 14 days after an admission and request for time to pay is served on him.

Disputing jurisdiction [r.317]

4.12 An application to dispute the Court's jurisdiction to try the claim must be made by filing an application notice in accordance with Form CFI 12C.

4.13 If a defendant makes an application to dispute the Courts' jurisdiction, he need not, before the hearing of the application, file a defence.

C. FILING A DEFENCE AND MAKING A COUNTERLAIM [r.49, r.50 and r.317]

4.14 A defence must set out the defendant's answer to the particulars of the claim advanced by the claimant.

4.15 A defence shall be in accordance with Form CFI 8.

4.16 A defendant who wishes to make a counterclaim must:

(a) state what final orders the counterclaimant seeks by counterclaim;

(b) include particulars of the counterclaim in numbered paragraphs within the form, which shall include:

(i) particulars of the factual matters relevant to the counterclaim;

(ii) any relevant calculations for the amount or amounts claimed; and

(iii) particulars of any sum sought by way of interest from a date earlier than the date of judgment, including: (i) the interest rate claimed, (ii) the date from which interest is claimed, and (ii) any relevant calculations;

(c) if a counterdefendant is not a party the claim[2], include the name and address for service of the counterdefendant together with the counterdefendant's email address and mobile phone number (if known)[3];

(d) state whether the counterclaimant is self-represented, or is represented by an authorised officer or lawyer, and state as applicable the contact name, address, telephone number and email address of the counterclaimant's representative; and

(e) where the claim form is to be served outside the jurisdiction, include the grounds on which the counterclaimant is entitled to bring the counterclaim against the counterdefendant.

4.17 A counterclaim shall be in accordance with Form CFI 9.

4.18 A copy of any document (other than any ADGM enactment) referred to in the defence or counterclaim, or relied on to prove any allegation contained in the

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2 Where a counterclaimant wishes to join a new party to the proceedings as a counterdefendant, the counterclaimant must first make an application that that person be added as an additional party in accordance with Rule 50(3).

3 Above n1.

defence or counterclaim, must be attached to the defence or the counterclaim, unless that document has previously been filed on the eCourts Platform.

D. REPLY TO A DEFENCE [r.317A]

4.19 The claimant may file a reply to a defence within 7 days after service of the defence setting out the claimant's reply to the particulars of the defence.

4.20 A reply shall be in accordance with Form CFI 10.

4.21 A copy of any document (other than an ADGM enactment) referred to in the reply or relied on to prove any allegation contained in the reply must be attached to the reply, unless that document has previously been filed on the eCourts Platform.

E. DEFENCE TO ANY COUNTERCLAIM AND ANY SUBSEQUENT REPLY [r.49, r.317 and r.317A]

4.22 A party who wishes to defend all or part of any counterclaim must file and serve a defence to counterclaim within 14 days after service of the counterclaim and must set out that party's answer to the particulars of counterclaim.

4.23 A defence to counterclaim shall be in accordance with Form CFI 8.

4.24 A copy of any document (other than any ADGM enactment) referred to in the defence to counterclaim or relied on to prove any allegation in the defence to counterclaim must be attached to the defence to counterclaim, unless that document has previously been filed on the eCourts Platform.

4.25 A party may file and serve a reply to a defence to counterclaim within 7 days after service of the defence to counterclaim.

4.26 A reply to the defence to counterclaim shall be in accordance with Form CFI 10.

4.27 A copy of any document (other than any ADGM enactment) referred to in the reply to the defence to counterclaim or relied on to prove any allegation contained in the reply to the defence to counterclaim must be attached to the reply to the defence to counterclaim, unless that document has previously been filed on the eCourts Platform.

F. EXTENSION OF TIME TO RESPOND TO A CLAIM OR FILE A PLEADING [r.317]

4.28 Rule 317(3) provides that the parties may agree that the time period for responding to a claim (including a counterclaim) be extended by up to 14 days. Any agreement must be in writing and provided to the Registry before the deadline for the filing of the response.

4.29 In all other cases, an application for an extension of time to file:

(a) a defence, reply to defence, counterclaim, defence to counterclaim or reply to defence to counterclaim (each referred to for the purpose of this section as a "pleading"); or

(b) a response to a claim (other than a defence as to which see sub-paragraph (a) above),

must be made by application notice in accordance with Form CFI 12C.

4.30 An application made pursuant to paragraph 4.29 must:

(a) be made at least 2 clear days before the deadline for the filing of the pleading or response unless it is not practicable to do so;

(b) attach or set out an outline of the pleading or response proposed to be filed (or a draft of the pleading or response if the application is made after the due date unless it is not possible to do so);

(c) provide an explanation for why the pleading or response is/was not able to be filed within the relevant time period;

(d) state the time by which the applicant proposes to file the pleading or response; and

(e) attach the applicant's written request to the other parties to the proceedings seeking their consent to file the pleading or response and any response(s) received to that request.

G. APPLICATION FOR DEFAULT JUDGMENT [r.318]

4.31 An application for default judgment shall be made in accordance with Form CFI 12B and must include:

(a) the order or orders that the claimant seeks from the Court; and

(b) evidence addressing the default relied on and confirming that the default has not been remedied.

4.32 An application for default judgment may be made without notice if a defendant has failed to file a defence. Any evidence relied on by a claimant in support of his application need not be served on a party who has failed to file a defence.

4.33 Subject to Rule 40A, a default judgment may include interest at the rate agreed between the parties or, if there is no agreed rate, at the rate of 5 per cent per annum from the date the money was due.

4.34 A default judgment will be made available to the claimant through the eCourts Platform and will be served by the Registry on all other parties to the proceeding who are to be served within the United Arab Emirates.

H. CASE MANAGEMENT [r.8, r.78, r.79, r.86, r.88, r.97, r.142(2), r.175 and r.306]

4.35 The Court may make any order, give any direction or take any step it considers appropriate for the purpose of managing the proceedings.

Case management conference [r.8 and r.79]

4.36 Within 7 days after the close of pleadings (which in the normal course will be after the filing of a reply or the deadline for doing so having elapsed), the parties shall each file a completed copy of the directions questionnaire set out in Appendix A. If all parties agree to attempt to settle the claim by court-annexed mediation, a mediation shall take place within 21 days of the date that the last

directions questionnaire is filed.

4.37 Subject to paragraph 4.36, the Court will convene an initial case management conference within 14 days of the close of pleadings. Case management conferences will ordinarily be conducted by video conference as arranged by the Court.

4.38 At the initial case management conference, the parties' legal representatives (or any party appearing in person) should be in a position to inform the Court of the following:

(a) whether the parties wish for the matter to be referred to court-annexed mediation;

(b) the issues likely to arise in the proceedings;

(c) the number of witnesses, if any, and the provision of witness statements;

(d) the directions which each party seeks in relation to the pre-hearing steps and any other relevant matters, including any agreement reached between the parties in regard to those directions; and

(e) any other matter which the parties may wish to bring to the Court's attention to achieve the efficient management of the case to hearing.

4.39 At the initial case management conference, the Court may:

(a) decide a timetable for the pre-hearing steps necessary to be taken; and

(b) fix a hearing date or a provisional hearing date.

4.40 The Court may hold more than one case management conference with the parties depending on the circumstances of the case.

Court-ordered mediation [r.78 and r.306]

4.41 The Court may, if it considers it appropriate, refer the parties to mediation at any stage of the proceedings whether on the request of a party or parties, or on its own initiative.

4.42 The Court's power to refer a dispute to mediation does not depend on the consent of all or any of the parties.

4.43 Where the Court refers the parties to mediation, the mediation shall be conducted in accordance with Parts D to N of Practice Direction 13.

Timetables [r.8]

4.44 The parties must comply with the Court's procedural timetable.

4.45 If a party seeks an adjustment to the timetable for the taking of a procedural step, they must:

(a) first seek the written consent of the other party or parties to the case; and

(b) in any correspondence with Court, provide evidence that they have sought the written consent of the other party or parties to the case together with any response received.

4.46 If the parties agree that the timetable should be adjusted, the party who first sought the adjustment must file a consent order to the adjusted timetable in accordance with Form CFI 22. The consent order must also be sent to the Registry by email in Word format.

4.47 If the parties cannot agree to make an adjustment which is sought by a party and:

(a) the due time has not passed for the carrying out of the step in respect of which the adjustment is sought and the adjustment sought will not affect or have a consequential impact on the dates fixed for a hearing or a trial:

(i) the party seeking the adjustment must file and serve, at least 4 days before the due time for carrying out the step in respect of which an adjustment is sought, a statement in accordance with Form CFI 36 setting out its justification for the adjustment it seeks; and

(ii) the other party or parties shall file and serve any response in accordance with Form CFI 36 within 2 days of receipt of such statement. (The Court will ordinarily resolve that dispute on the papers);

or

(b) the due time has passed for the carrying out of the step in respect of which the adjustment is sought or the adjustment as sought will affect or have a consequential impact on the dates fixed for a hearing or a trial, the party seeking the adjustment must make an application in accordance with Form CFI 12C.

Order for specific disclosure [r.86(5)]

4.48 Where a party has good reason to believe that documents held by the other party would likely support their case or adversely affect the other party's case, they may seek an order from the Court for the specific disclosure of such documents, and the Court may make an order for specific disclosure of those documents if it is satisfied that disclosure is necessary in order to dispose fairly of the claim or to save costs.

4.49 An application for specific disclosure must be made by application notice in accordance with Form CFI 12C.

Order for disclosure against non-party [r.88]

4.50 Any application made to the Court for disclosure by a person who is not a party to the proceedings must be made in accordance with paragraphs 2.101-2.106 of Practice Direction 2.

Witness statements [r.97]

4.51 The Court will make any order as to the filing of witness statements it considers appropriate. All witness statements ordered by the Court must be prepared and filed in accordance with Form CFI 15. Any supporting document referred to in a witness statement must be given an exhibit number and attached to the witness statement unless that document has previously been filed on the eCourts Platform (in which case an appropriate cross-reference should be made to that document in the witness statement).[4]

Experts [r.142(2)]

4.52 No expert may give evidence, whether written or oral, at a hearing without the permission of the Court.

Determination of the claim on the papers [r.8]

4.53 The Court may decide the claim on the papers without a hearing:

(a) if the parties agree as to the terms of any order or direction to be made or given by the Court;

(b) if the parties agree that the Court should dispose of the claim without a hearing; or

(c) where the Court considers that the claim can be fairly determined on the papers without a hearing and, in all of the circumstances, it would be appropriate to do so.

Conduct of the hearing [r.8 and r.175]

4.54 If the Court decides to list the case for a hearing, it will provide such orders and directions as it considers appropriate in relation to:

(a) any pre-hearing steps to be undertaken by the parties; and

(b) the conduct of the hearing.

4.55 The Court may adopt any method of proceedings at a hearing that it considers to be fair.

4.56 The Court may give permission to a party who is not a natural person to be represented by an employee or director who is not a lawyer, on being satisfied

4 The purpose of this provision is so that all supporting documents referred to in a witness statement can be readily located by the Judge.

that the person is likely to be able to present the party's case efficiently and to assist the Court in reaching a just result in accordance with the overriding objective set out in Rule 2(2).

Bundles [r.8]

4.57 If the Court directs that a party file any bundle for any trial, hearing (including the hearing of an application) or case management conference, the bundle shall be prepared having regard to paragraphs 2.114 to 2.119 of Practice Direction 2 (as applicable).

I. OTHER MATTERS

Interest [r.179]

4.58 Where interest is payable on a judgment debt and there is no agreed rate, it shall be at the rate of 5 per cent per annum from the date that judgment is given until payment.

4.59 Subject to any ADGM enactment, where interest is payable on all of or any part of a debt or damages in relation to a period prior to, or as at, the date of judgment and there is no agreed rate, it shall be at the rate of 5 per cent per annum.

Remission or deferral of fees [r.10]

4.60 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.

J. APPLICATIONS

Pre-claim applications [r.64(3)]

4.61 An applicant who wishes to apply to the Court for an urgent interim remedy prior to a claim being filed must file an application notice in accordance with Form CFI 12A, supported by witness statement evidence in accordance with Form CFI 15.

4.62 The application notice must include or attach:

(a) the order or orders that the applicant seeks from the Court;

(b) all witness statements that the applicant relies on in support of the application;

(c) an undertaking by the applicant to file a claim within 2 days of the issuing of the application notice by the Court; and

(d) a statement as to whether the applicant requests a without notice hearing of the application and the reasons for the request.

4.63 Where the application is to be made upon notice, the application notice and witness statement evidence must be served by the applicant on each respondent within 7 days after the filing of such documents, and thereafter the applicant must file a certificate of service in accordance with Form CFI 31 within a further 7 days. For the purpose of this paragraph, service is to be effected by the claimant in accordance with Part 4 of the CPR.

4.64 A respondent to an application notice must file a notice of appearance in accordance with Form CFI 23 within 7 days of being served with the application notice, if the respondent wishes to raise any matter before the Court in response to the application or in relation to the order(s) sought by the applicant.

Post claim applications [r.64]

4.65 Unless specifically provided for in this practice direction, any application to the Court is to be made in accordance with Form CFI 12C.

4.66 The application notice must include:

(a) the order or orders that the applicant seeks from the Court;

(b) the evidence that the applicant relies on in support of the application; and

(c) a statement as to whether the applicant requests:

(i) a hearing or that the application can be determined without a hearing;

(ii) an expedited hearing of the application or for the hearing to be without notice, and the reasons for the request.

Without notice applications [r.64 and r.65]

4.67 Post claim applications made without notice are to be submitted on the eCourts Platform. It is the responsibility of the party submitting the application to select the without notice filing option on the eCourts Platform.

4.68 An application may be made without notice if this is permitted by a rule, a practice direction or otherwise is with the Court's permission. The Court's permission will be granted only where:

(a) there is exceptional urgency;

(b) it is otherwise desirable to do so in the interests of justice; or

(c) there are good reasons for making the application without notice, for example, because the notice would or might defeat the object of the application.

4.69 Where the Court is asked to make an order on an application without notice, the applicant must bring to the Court's attention any matter which, if the respondent was represented, the respondent would wish the Court to be aware of. This includes any matters which might tend to undermine the application.

4.70 Where the Court makes an order on an application without notice, whether granting or dismissing an application, the Court may make such orders as it considers appropriate in relation to the service of the order and any other documents on every person against whom an order was sought or made.

Hearing [r.8 and r.175]

4.71 The Court may give such directions regarding the hearing of an application as it considers appropriate.

Proceeding without a hearing [r.8]

4.72 The Court may deal with any application without a hearing:

(a) if the parties agree as to the terms of the order or orders that the applicant seeks from the Court;

(b) if the parties agree that the Court should dispose of the application without a hearing; or

(c) where the Court considers that the application can be fairly determined on the papers without a hearing and, in all of the circumstances, it would be appropriate to do so.

Particular Applications

4.73 Subject to paragraph 4.65, an application:

(a) for further information;

(b) for security for costs;

(c) to set aside a notice of discontinuance;

(d) for a freezing injunction, or to vary or discharge a freezing injunction;

(e) for any other type of injunction;

(f) for permission to make a counterclaim against a claimant pursuant to Rule 50(1); or

(g) for permission to make a counterclaim against a person other than the claimant pursuant to Rule 50(3),

is to be dealt with in accordance with the applicable provisions in Practice Direction 7.

4.74 A claimant may apply for summary judgment following the filing of a defence in accordance with Form CFI 12C.

4.75 An application to set aside or vary a default judgment order must:

(a) be made in accordance with Form CFI 12C; and

(b) address (as applicable) the matters set out in CPR 41.

APPENDIX A

Directions Questionnaire

Case Details	
Division	
Case number	**[select division]**

Title of Proceedings	
[First] Claimant	[full name]
[Second Claimant] [include number of Claimants (if more than two)]	[#full name #number]
[First] Defendant	[full name]
[Second Defendant] [include number of Defendants (if more than two)]	[#full name #number]

Filing Details	
Filed for	[name of party(ies)]
Legal representative	[name]
Firm	[name of firm]
Firm reference	[reference number]
Contact name	[name]
Contact telephone	[telephone]
Contact email	[email address]

*Please read the **Notes** section before completing each question in this form. The answers which you provide in this form are intended to help the Court manage the case in the most fair, proportionate and efficient manner having regard to the circumstances of the case.*
Although it may be difficult to accurately answer any question due to the early stage of the proceedings, the parties are required to answer all questions on a "best efforts" basis. A failure by any party to do so, including a failure by a party to answer a question, may be considered by the Court when it deals with the question of costs, or may result in some other sanction being imposed on the defaulting party.
Wherever relevant, the parties are expected to consult and co-operate to the fullest extent possible on any question which would benefit from a joint discussion between the parties before completing and submitting this form.

You should note the date by which this questionnaire must be returned.

A: Settlement	
1. Do you wish to attempt to settle the claim by court-annexed mediation? 2. If you answered 'No' to question 1, please state below the reasons why you consider it inappropriate to try and settle the claim at this stage.	*If you think that you and the other party may be able to negotiate a settlement, you should answer 'Yes' to Q1.* *The parties are encouraged to read Practice Direction 13 (Court-annexed Mediation) and Court Procedure Rules 2016 ("CPR") Part 36 (Court-annexed Mediation) before completing this section.* *The Court may order that the parties go to court-annexed mediation , whether or not all the other parties to the claim agree.* ***You should still complete the whole of the form, even if you are requesting a referral to court-annexed mediation**.*
B: Pre-trial Applications	
3. Do you intend to make, or foreshadow making, any future application(s) in this proceeding? If Yes: • provide details of all such applications including the Rule or provision pursuant to which each application will be made; • for each application, set out how the application will assist the Court with its determination of the issues in the proceeding; and • if the application will not assist the Court with its determination of the issues in the proceeding, set out the reason why the application is being made.	*It is important for the Court to know if you intend to make any applications, what they will be for and when you wish them to be heard. The parties are encouraged to read Practice Direction 7 (Applications) and the relevant sections of the CPR before completing this section.*

C: Production of Documents	
4. Approximately how many documents do you intend to rely on at the trial? 5. By what date can you provide any documents that you intend to rely on that have not previously been filed on the eCourts Platform? 6. Do you intend to seek the production of specific documents from any other party? If so, please give as much detail as is currently available.	*The parties are encouraged to read Practice Direction 2 (Disclosure) and CPR Part 13 (Disclosure and Inspection of Documents) before completing this section.*
F: Witnesses of Fact	
7. So far as you know at this stage, how many witnesses of fact do you intend to rely on at the trial? 8. By what date can you serve signed witness statements?	*The parties are encouraged to read Practice Direction 8 (Evidence) and CPR Part 14 (Evidence) before completing this section.*
G: Experts	
9. Do you wish to use expert evidence at the trial? If yes, please specify: • the discipline of each proposed expert; and • broadly what issue(s) they will likely address which will help to resolve the issues in the proceedings.	*The parties are encouraged to read Practice Direction 8 (Evidence) and CPR Part 17 (Expert and Assessors) before completing this section. In particular, the parties are reminded that CPR 142(1) mandates that expert evidence shall* *be restricted to that which reasonably is required to resolve the proceedings.* *Therefore, the Court requires a short explanation of any proposals with regard* *to expert evidence.*
I: Trial	
10. What is your estimate of the minimum and maximum length of the trial? 11. What is the earliest date by which you believe you can be ready for trial?	

PRACTICE DIRECTION 5:
PARTICULAR CLAIMS

Date re-issued: 17 October 2025

This Practice Direction is to be read with, and subject to, the ADGM Court Procedure Rules 2016 ("CPR") and the Divisions and Jurisdiction (Court of First Instance) Rules 2015. Except as provided otherwise in this Practice Direction, terms have the meanings set out in the CPR and a reference to a Rule is a reference to the CPR.

This Practice Direction must be read in conjunction with other Practice Directions including, in particular:

- **Practice Direction 1 – General**
- **Practice Direction 2 – Commercial and Civil Claims**
- **Practice Direction 3 – Small Claims**
- **Practice Direction 4 – Employment Claims**
- **Practice Direction 6 – Service of Documents**
- **Practice Direction 9 – Costs**
- **Practice Direction 13 – Court-annexed Mediation**
- **Practice Direction 15 – Real Property Claims**
- **Practice Direction 16 – Short-Term Residential Lease Claims**

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

A. GROUP LITIGATION ORDERS

Procedures [r.63(2)]

5.1 If a claimant alleges that there are, or are likely to be, a number of claimants making similar claims which give rise to common or related issues of fact or law ("the GLO issues") the claimant may apply, before or after the commencement of a proceeding in the Court, for a Group Litigation Order ("a GLO").

5.2 The application for a GLO must be made by application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

5.3 The application notice must specify:

(a) each issue of fact or law which the claimant alleges is a GLO issue;

(b) each pending proceeding in the Court in which that GLO issue arises or is likely to arise;

(c) the claimant's estimate of the number of persons who have made or are likely to make claims raising one or more of those GLO issues;

(d) what steps the claimant will allege should be taken to identify which claims are to be managed as a group under the GLO; and

(e) the terms on which a person may enter a claim on the group register to be managed as one of the group of claims managed under the GLO.

No default judgment [r.40(1)(d)]

5.4 A claimant whose claim is entered on the group register may not obtain a default judgment under Rule 39 without the permission of the Court.

B. CLAIMS FOR DAMAGES FOR PERSONAL INJURY

Matters to be stated in claim form [r.189]

5.5 A claimant claiming damages for personal injury must set out the following matters in the claim form:

(a) date of birth;

(b) business, profession or occupation at the time of the injury for which he claims damages;

(c) what amounts are claimed for past costs or expenses, including medical, hospital and like expenses;

(d) whether the claimant claims any amount for past loss of income and, if so:

(i) the period of the loss and the amount claimed; and

(ii) the claimant's total income in the 12 months immediately preceding the injury for which damages are claimed, and the source and amount of each part of that income;

(e) whether the claimant claims any amount for loss of future earning capacity and, if so:

(i) the annual earnings the claimant claims that the damages should be based on; and

(ii) the discount rate that should be applied to yield a net present value of the alleged loss;

(f) whether the claimant claims provisional damages; and

(g) whether the claimant claims that part or all of the damages claimed should take the form of periodical payments.

Offer to settle a claim for future pecuniary loss [r.164(4)]

5.6 If an offeror makes a Part 18 offer proposing to settle a claim for damages for personal injury, which is or includes a claim for future pecuniary loss, the offer:

(a) must state the amount of any offer to pay or to accept the whole or part of any damages in the form of a lump sum;

(b) may state what part of the lump sum, if any, relates to damages for future pecuniary loss and what part, if any, relates to other damages to be paid or accepted in the form of a lump sum;

(c) must state what part of the offer relates to damages for future pecuniary loss to be paid or accepted in the form of periodical payments and, if it does, must specify:

(i) the amount and duration of the periodical payments;

(ii) the amount of any payments for substantial capital purchases and when they are to be made;

(iii) whether the amount of any of those payments is to vary according to some identified index; and

(iv) how such damages are to be paid and how the continuity of their payment is to be secured.

Claims for provisional damages [r.186 and r.187]

5.7 In any case where a claimant claims provisional damages, the claimant must identify in the claim form:

(a) why section 35 of the Regulations applies;

(b) the disease or type of deterioration which the claimant claims the Court should assume, when assessing damages, that the claimant will not develop or suffer; and

(c) the period within which, or the date from which, the claimant claims that the Court should permit a subsequent application for damages to be made if the claimant develops that disease or suffers that type of deterioration.

Offer to settle a claim for provisional damages [r.165]

5.8 If an offeror makes a Part 18 offer proposing to settle a claim for damages for personal injury on terms that the settlement shall include an award of provisional damages, the offer must contain the following information:

(a) what disease or deterioration the offeror proposes that the claimant should be assumed not to develop or suffer; and

(b) the period during which, or the date from which, the offeror proposes that a subsequent application for damages is to be made if the claimant develops that disease or suffers that type of deterioration.

Claims for damages in the form of periodical payments [r.188 and r.189]

5.9 In any case where a claimant claims damages in the form of periodical payments, the claimant must identify in the claim form:

(a) why section 51 of the Regulations applies; and

(b) why the claimant seeks an award of damages in the form of periodical payments.

5.10 The factors to which the Court shall have regard to when deciding whether to make an award of damages in the form of periodical payments include:

(a) the scale of the annual payments taking into account any deduction for contributory negligence; and

(b) the form of award preferred by the claimant including:

(i) the reason for the claimant's preference;

(ii) the nature of any financial advice the claimant received when considering whether to claim damages by way of periodical payments; and

(iii) the form of award preferred by the defendant.

5.11 An order awarding damages in the form of periodical payments must state:

(a) the annual amount awarded, how each payment is to be made during the year and at what intervals;

(b) the amount awarded for future loss of earnings and other income;

(c) the amount allowed for future care and medical costs and other recurring or capital costs;

(d) that the claimant's annual future pecuniary losses, as assessed by the Court, are to be paid for the duration of the claimant's life, or such other period as the Court orders; and

(e) that the amount of the payments shall vary annually by reference to a stated index.

5.12 If an amount awarded for future loss of earnings and other income is to increase or decrease on a certain date, the order must also specify:

(a) the date on which the increase or decrease is to take effect; and

(b) the method by which the amount of the increase or decrease is to be calculated.

5.13 In deciding whether special circumstances make an assignment or change of periodical payments necessary, the Court must have regard to such matters as are relevant to the particular case, bearing in mind the need to ensure that the claimant receives the fullest possible use of and benefit from the payments.

C. JUDICIAL REVIEW

Application for permission [r.218(2)] and content of claim form [r.219(2)]

5.14 An application for permission to bring a claim for judicial review is made by filing a claim form in accordance with Form CFI 4.

5.15 The claim form is to be served in accordance with Rule 220(2).

5.16 The claim form must state, in numbered paragraphs:

(a) what ADGM enactment, decision, action or failure to act the claimant challenges;

(b) what interest the claimant has in the matter to which the application relates;

(c) the grounds for the claimant's challenge;

(d) where the claimant challenges the lawfulness of a decision, action or failure to act, what person or authority the claimant alleges made the decision, took the action or failed to act;

(e) what other person or persons is or are interested in the matter to which the application relates;

(f) what relief the claimant seeks from the Court;

(g) where the claimant seeks to make a claim for damages, restitution or the recovery of any sum due, the grounds for that claim; and

(h) the source, nature and extent of the financial resources available, or likely to be available, to the claimant to meet liabilities arising in connection with the application.

Acknowledgment of service [r.221]

5.17 An acknowledgment of service of a claim for judicial review must be in accordance with Form CFI 7A.

Service of evidence [r.229]

5.18 Evidence on which the claimant seeks to rely, whether in support of his application for permission, or his claim if permission is given, is to be in accordance with Form CFI 15 and must be served with the claim form.

5.19 Rule 35(2) does not apply to these proceedings, but evidence on which a defendant seeks to rely, whether in opposition to the application for permission or the claim, is to be in accordance with Form CFI 15 and must be served within 21 days after the defendant files and serves an acknowledgment of service.

Powers of Court [r.230]

5.20 The Court will conduct hearings proportionately, having regard to the amounts or issues at stake and the complexity of the issues.

5.21 In managing a case, the Court may make any order, give any direction or take any step it considers appropriate having regard to the circumstances of the case and the overriding objective in Rule 2(2).

5.22 The Court may decide, at a preliminary hearing, to refuse permission to bring a claim for judicial review if the Court considers that:

(a) the claimant has no real prospect of succeeding in the claim for judicial review and there is no other compelling reason why the application for permission should be disposed of after a hearing;

(b) it is highly likely that the outcome for the claimant would not have been substantially different if the conduct complained of had not occurred; or

(c) the claimant is likely to be unable to meet an order for costs if the claim for judicial review is dismissed.

No default judgment [r.40(1)(d)]

5.23 A claimant for judicial review may not obtain a default judgment under Rule 39.

Obligations of disclosure of documents

5.24 Neither the claimant nor any defendant to a claim for judicial review need provide disclosure of documents.

Appeal against decisions or procedures of Global Market Authorities [r.230A]

5.25 An appeal made against any order, judgment, decision or procedure made by any Global Market Authority must be made by way of a claim form in accordance with Form CFI 1.

5.26 The claim form must state, in numbered paragraphs:

(a) what order, judgment, decision or procedure the claimant challenges;

(b) what interest the claimant has in the matter to which the application relates;

(c) set out the grounds alleged that the order, judgment, decision or procedure is wrong in law or is in excess of jurisdiction;

(d) what other person or persons is or are interested in the matter to which the appeal relates; and

(e) what relief the claimant seeks from the Court.

5.27 Any evidence on which the claimant seeks to rely is to be in accordance with

Form CFI 15 and must be served with the claim form.

5.28 The claim form and evidence in support must be served on the defendant and, unless the Court otherwise directs, on any person the claimant considers to be an interested party within 7 days after the date of issue.

5.29 An acknowledgment of service of the claim form must:

(a) be in accordance with Form CFI 7A; and

(b) where the person filing the acknowledgment of service intends to contest the claim, set out a summary of the grounds for doing so.

5.30 Rule 35(2) does not apply to these proceedings, but evidence on which a defendant seeks to rely is to be in accordance with Form CFI 15 and must be served within 21 days after the defendant files and serves an acknowledgment of service.

5.31 A claimant may not obtain default judgment under Rule 39 in relation to an appeal against any order, judgment, decision or procedure of a Global Market Authority.

5.32 Paragraphs 5.20, 5.21, 5.23 and 5.24 apply to an appeal brought pursuant to Rule 230A.

D. DERIVATIVE CLAIMS [r.59 and r.60]

Documents required to be served on the company

5.33 Rule 59(3) provides that a derivative claim is commenced by issuing a claim form. A claimant must use Form CFI 44 when making a derivative claim. The company must be made a defendant to the claim.

5.34 In order to seek permission to continue the claim, as required under Rule 60(1), a claimant must file an application notice in accordance with Form CFI 12 ("permission application"). The company must not be made a respondent to the permission application.

5.35 The permission application must be supported by written evidence in accordance with Form CFI 15 that the claimant relies upon to seek the Courts' permission to continue with the claim.

5.36 The claimant must notify the company of the claim and the permission application by serving a copy of the following documents upon the company at least 14 days before the date allocated for the hearing of the permission application:

(a) the claim form;

(b) the permission application; and

(c) the written evidence in support of the permission application.

5.37 A permission application will ordinarily be decided on the papers without further argument or submission.

E. CONTEMPT

Application for penalty and service [r.288 and r.290]

5.38 The application notice making a penalty application:

(a) under Rule 288 is to be made in accordance with Form CFI 12; and

(b) under Rule 290 is to be made in accordance with Form CFI 1 supported by an affidavit in accordance with Form CFI 14.

5.39 A penalty application under Rule 288 must be supported by an affidavit in accordance with Form CFI 14 and must state:

(a) what judgment, order or undertaking it is alleged that the respondent has disobeyed;

(b) when and how a copy of the judgment or order, or judgment or order recording the undertaking, was served on the person alleged to have disobeyed the judgment, order or undertaking or, if the judgment or order was not served, when the Court dispensed with service;

(c) when and how the respondent is alleged to have disobeyed that judgment, order or undertaking; and

(d) the propositions of law which entitle the applicant to the orders sought.

5.40 A penalty application made under Rule 290 must be accompanied by the following statements and documents:

(a) the claimant must identify the acts matters and circumstances alleged to constitute an interference with the due administration of justice and identify what proceedings in a court, panel or tribunal the claimant alleges have been, or may have been, affected by that conduct;

(b) any document which the claimant proposes to tender in evidence at the trial of the application; and

(c) the propositions of law which entitle the applicant to the orders sought.

5.41 A penalty application made under Rule 290 must be served personally on the respondent by the applicant[1] unless the Court gives permission to serve it in some other manner.

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1 For the avoidance of doubt, the Registry is not responsible for serving the penalty application on the respondent.

No default judgment [r. 40(1)(d)]

5.42 An applicant for a penalty under Rule 290 may not obtain a default judgment under Rule 39.

F. ARBITRATION CLAIMS

Privacy of arbitration claims [r.231(5)]

5.43 All arbitration claims are to be heard in closed court.

5.44 Judgments relating to arbitration claims will ordinarily be published in anonymised form.

Arbitration claims [r.231]

5.45 An arbitration claim must be made in accordance with Form CFI 28 and must be accompanied by written evidence in accordance with Form CFI 15.

5.46 A defendant to an arbitration claim must file and serve an acknowledgment of service in accordance with Form CFI 7B:

(a) within 7 days of being served with the claim if the Claimant has proposed in the claim form for the case to be allocated to the Fast Track;

(b) in all other cases, within 14 days of being served with the claim.

5.47 A claimant may not obtain default judgment on an arbitration claim without the Court's permission.

5.48 Following the filing of an acknowledgment of service, the Court will give such written directions about the further conduct of the claim as it considers appropriate.

G. APPLICATIONS UNDER AN ADGM ENACTMENT

General

5.49 This section does not apply to any proceedings commenced under the Insolvency Regulations 2022.

5.50 ADGM enactments, including Article 13(7) of Abu Dhabi Law No. 4 of 2013 (as amended by Abu Dhabi Law No. 12 of 2020), provide for certain applications to be made to the Court.

5.51 An application of the kind referred to in paragraph 5.50 of this Practice Direction: is to be made in accordance with any provision made by the relevant ADGM enactment, but subject to any contrary provision made by any ADGM enactment, Rule or practice direction; and may be made by filing a claim form in accordance with Form CFI 1.

5.52 Further steps in any proceedings referred to in paragraph 5.50 of this Practice Direction shall be in accordance with the provisions of the relevant ADGM enactment or as the Court shall direct.

Application for extension of period for delivery of a charge under s. 789(3) of the Companies Regulations 2020

5.53 An application for the extension of the period for delivery of a charge to the Registrar of Companies under s.789(3) of the Companies Regulations 2020 must be made in accordance with Form CFI 1.

5.54 An application under s.789(3) of the Companies Regulations 2020 must be supported by written evidence in accordance with Form CFI 15 which must:

(a) set out the circumstances of the failure to deliver the required document(s) to the Registrar of Companies within time;

(b) unless the application is made by the chargor, confirm whether the relevant parties are in agreement for the Court to grant the extension of time sought;

(c) attach the document(s) which are sought to be delivered to the Registrar of Companies; and

(d) attach any other supporting documents that are sought to be relied upon in making the application (for example, any documents evidencing the agreement referred to in sub-paragraph (b)).

5.55 If there is an agreement in place for the purpose of paragraph 5.54(b), or if the application is made by the chargor, the claim form may be issued without naming a defendant.

PRACTICE DIRECTION 6:
SERVICE OF DOCUMENTS

Date re-issued: 17 October 2025

This Practice Direction is to be read with, and subject to, the ADGM Court Procedure Rules 2016 ("**CPR**") and, in particular, Part 4 of the CPR. Except as provided otherwise in this Practice Direction, terms have the meanings set out in the CPR and a reference to a Rule is a reference to the CPR.

APPLICATION

This Practice Direction must be read in conjunction with the following Practice Directions:

- **Practice Direction 1 – General**
- **Practice Direction 2 – Commercial and Civil Claims**
- **Practice Direction 3 – Small Claims**
- **Practice Direction 4 – Employment Claims**
- **Practice Direction 5 – Particular Claims**
- **Practice Direction 7 – Applications**
- **Practice Direction 8 – Evidence**
- **Practice Direction 9 – Costs**
- **Practice Direction 11 – Appeals**
- **Practice Direction 15 – Real Property Claims**
- **Practice Direction 16 – Short-Term Residential Lease Claims**

To the extent to which the provisions of this Practice Direction differ from or are inconsistent with provisions of other Practice Directions, the provisions of this Practice Direction prevail in relation to the service of a claim form.

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

A. INTRODUCTION

6.1 Rule 15(2) provides that the Registry will serve the claim form on the defendant by any method permitted under Part 4 of the CPR, 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) any rule, practice direction, ADGM enactment or Court order provides otherwise.

6.2 Subject to Rule 15(1), in relation to documents other than a claim form:

(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 may be served on that person under Part 4 of the CPR as if the document were a claim form.

6.3 The provisions which follow in this Practice Direction relate to the service of a claim form (also known as "service of process").

6.4 Service of process is the method by which a party formally is notified that an action against him is pending before the Court. Part 4 of the CPR and this Practice Direction have been developed to provide that, as far as is reasonably possible, a party is notified of the proceedings against him whilst adopting a pragmatic and proportionate approach to service of process. This includes the use of technology to effect service of process.

6.5 For the purpose of Part 4 of the CPR and this Practice Direction, and subject to Rule 15(7) as to service outside the United Arab Emirates, a party to the proceedings may use a legal representative or a third party to effect service in lieu of that party effecting service in person, including by means of engaging a courier, process server or like provider.

6.6 A claimant should avoid serving a claim form after 1.00 pm on a Friday if the party to be served would likely take offence. Nothing in this paragraph modifies the time limits within which a party is required to serve a claim form under any rule, practice direction, ADGM enactment or Court order.

B. PERSONAL SERVICE ON AN INDIVIDUAL [r. 16]

6.7 Rules 16(2)(a) and 16(4)(a) provide that if the individual to be served refuses to receive the claim form, then the claim form is deemed to have been served on the individual at the time of such refusal if the document is left in his presence.

6.8 If the claimant elects to leave the claim form with a person for the purpose of Rule 16(2)(b), then the claimant must include the following in any certificate of service filed pursuant to Rule 21:

(a) the name of the person who received the document;

(b) a signed receipt of the document; and

(c) details of the follow up email, text message, WhatsApp (or like message) that was sent for the purpose of Rule 16(3).

6.9 If the claimant elects to affix the claim form on the door or gate of the residence of the defendant for the purpose of Rule 16(2)(c), then the claimant must include in, or append to, any certificate of service filed pursuant to Rule 21:

(a) the reason why the claimant elected to affix the claim form on the door or gate;

(b) the evidence relied on to show that the individual to be served with the document still resides at the place of residence at the time the document was affixed on the door or gate;

(c) photographic evidence which shows the claim form affixed on the door or gate; and

(d) details of the follow up email, text message, WhatsApp (or like message) that was sent for the purpose of Rule 16(3).

6.10 If the claimant elects to leave the claim form with a member of management or a co-worker for the purpose of Rule 16(4)(b), then the claimant must include the following in any certificate of service filed pursuant to Rule 21:

(a) the name and address of the company, business or other place of work where the document was left, the name of the person who received the document and their position in the company, business or other place of work;

(b) a signed receipt of the document; and

(c) details of the follow up email, text message, WhatsApp (or like message) that was sent for the purpose of Rule 16(5).

6.11 If the claimant elects to affix the claim form on the door or gate of the individual's workplace for the purpose of Rule 16(4)(c), then the claimant must include in, or append to, any certificate of service filed pursuant to Rule 21:

(a) the reason why the claimant elected to affix the claim form on the door or gate of the workplace;

(b) the evidence relied on to show that the individual to be served with the document still worked at the workplace at the time the document was affixed on the door or gate;

(c) photographic evidence that the claim form was affixed on the door or gate of the workplace; and

(d) details of the follow up email, text message, WhatsApp (or like message) that was sent for the purpose of Rule 16(5).

6.12 For the purpose of Rules 16(2)(c) and 16(4)(c):

(a) where the claimant elects to affix the claim form to the door or gate of a place of residence or workplace, affix is to include attach, stick, fasten, bind, fix, post, secure, join, connect and couple. If these actions are not reasonably possible, the claimant may place the claim form against the base of the door or gate and secure it by means of a dense object;

(b) the door or gate of a place of residence may include the front or back door or gate; and

(c) the door or gate of a workplace is a reference to the main door or gate of the workplace unless, in all the circumstances, it is reasonably necessary to affix the claim form to another door or gate.

6.13 It is the responsibility of the claimant to take due care when affixing a claim form to a door or a gate. For the avoidance of doubt, the claimant is not authorised or permitted under Part 4 of the CPR or this Practice Direction to cause damage to a door or a gate when affixing a claim form.

C. SERVICE ON A COMPANY, PARTNERSHIP OR ANY OTHER ENTITY [r. 16A]

6.14 For the purpose of Rule 16A, a claimant who leaves a claim form or sends it by post is encouraged to place it in a sealed envelope marked to the attention of one of the following:

(a) in respect of a company, a director or the chief financial officer, secretary, chief executive, manager or other officer of the company;

(b) in respect of a partnership, a member of the partnership or other officer of the partnership;

(c) in respect of any other entity, in addition to those persons set out in sub-paragraphs (a) and (b), the chairman, president or other officer of the entity; or

(d) in respect of subparagraphs (a), (b) or (c) above, a representative of a company, partnership or other entity who has previously been involved in dealing with the subject matter of the claim.

6.15 For the purpose of Rule 16A, post shall include registered post.

6.16 Any certificate of service filed must adequately address the matters set out in paragraph 6.14 above.

D. EMAIL OR OTHER MEANS OF ELECTRONIC COMMUNICATION [r. 16B]

6.17 This section applies to Rule 16B.

Email

6.18 Rule 16B(3)(a) provides that service of a claim form by email is only permitted if it can be shown that the email account to which the document is sent belongs to the person to be served. Depending on the circumstances, this may be demonstrated by one of, or a combination of, the following:

(a) the person to be served has provided the email account for the purpose of receiving the document;

(b) the person to be served has provided the email account as his contact email account in relation to any contractual arrangement entered into between the parties;

Example 1:

Where a bank customer provides his email account in a bank application form.

Example 2:

Where a bank customer updates his email account with the bank as recorded by the bank in its internal records. For the avoidance of doubt, if the bank's internal records for a customer designate an email address for that person, that address shall be deemed to be the current email address that belongs to that person.

(c) a course of conduct which shows that the person to be served uses the email account;

(d) an internet, website or social media search which shows that the person to be served holds out the email account as belonging to them;

(e) any government or official record which shows that the email account belongs to the person to be served;

(f) any other document which shows that the person to be served holds out the email account as belonging to them; and

(g) any other means which reasonably shows that the email account belongs to the person to be served.

6.19 For the purpose of service on a company, partnership or other entity, the person to be served must fall within the description in paragraph 6.14. This may include a representative of a company, partnership or other entity who has previously been involved in dealing with the subject matter of the claim (for example, an employment claim brought by an employee may be served on a representative from the human resources department of the employer who has been dealing with the subject matter of the claim).

6.20 Any certificate of service filed must adequately address (as applicable) the matters set out in paragraphs 6.18 and 6.19 and shall attach any relevant supporting documents. For the avoidance of doubt, where paragraph 6.18(b) is relied on, the email account shall be deemed as belonging to the person to be served.

6.21 If the claimant receives a failed delivery notification or an out of message notification in relation to the email sent, service of the document is deemed to have not been effected.

Mobile SMS, WhatsApp or like messaging

6.22 Rule 16B(3)(b) provides that service of a claim form by mobile text message (SMS), WhatsApp (or like messaging) is only permitted if it can be shown that the mobile number to which the document, or notice of the document, is sent belongs to the person to be served. Depending on the circumstances, this may be demonstrated by one of, or a combination of, the following:

(a) the person to be served has provided the mobile number for the purpose of receiving the document or notice of the document;

(b) the person to be served has provided the mobile number as his contact mobile number in relation to any contractual arrangement entered into between the parties;

Example 1:

Where a bank customer provides his mobile number in a bank application form.

Example 2:

Where a bank customer updates his mobile number with the bank as recorded by the bank in its internal records. For the avoidance of doubt, if the bank's internal records for a customer designate a mobile number for that person, that number shall be deemed to be the current mobile number that belongs to that person.

(c) a course of conduct which shows the person to be served uses the mobile number;

(d) an internet, website or social media search which shows that the person to be served holds out the mobile number as belonging to them;

(e) any government or official record which shows that the mobile number belongs to the person to be served;

(f) any other document which shows that the mobile number belongs to the person to be served; and

(g) any other means which reasonably shows that the mobile number belongs to the person to be served.

6.23 For the purpose of service on a company, partnership or other entity, the person to be served must fall within the description in paragraph 6.14. This may include a representative of a company, partnership or other entity who has previously been involved in dealing with the subject matter of the claim (for example, an employment claim brought by an employee may be served on a representative from the human resources department of the employer who has been dealing with the subject matter of the claim).

6.24 For the purpose of Rules 16(3), 16(5), 16B(3)(b) and paragraph 6.22:

(a) "like messaging" includes notification via Messenger and any such like applications; and

(b) "notice" requires the recipient to be notified of the:

(i) ADGM Courts' case number;

(ii) parties to the proceeding;

(iii) any step that the party served must take, otherwise default judgment may be entered against him; and

(iv) means by which the recipient can obtain a copy of the claim form.

Any certificate of service filed must adequately address (as applicable) the matters set out in paragraphs 6.22 to 6.24 and shall attach any relevant supporting documents. For the avoidance of doubt, where paragraph 6.22(b) is relied on, the mobile number shall be deemed as belonging to the person to be served.

6.25 For the purpose of Rule 16B(3)(c):

(a) "like messaging" has the same meaning as in paragraph 6.246.24(a);

(b) the claimant should seek to agree with the person to be served the email address, mobile number or such other contact details of the lawyer nominated for the purpose of accepting service of the claim form; and

(c) if the claimant receives a failed delivery or similar notification in relation to the mobile text message (SMS), WhatsApp or like message, service of the document is deemed not to have been effected.

E. PLACE TO SERVE THE CLAIM FORM [r. 17]

Proceedings against ADGM and Authorities

6.26 A document, including a claim form, must be served by email on:

(a) ADGM, at adgm.courtsservice@adgm.com;

(b) ADGM Registration Authority, at ra.courtsservice@adgm.com; and

(c) ADGM Financial Services Regulatory Authority, at fsra.courtsservice@adgm.com.

F. SERVICE OF DOCUMENTS BY AN ALTERNATIVE METHOD OR AT AN ALTERNATIVE PLACE [r.19]

6.27 In making any application to the Court under Rule 19, the applicant is encouraged to consider alternative methods or places of service that are likely to be effective in bringing the claim form to the attention of the person

to be served. In this respect, the applicant ought to consider making use of technology for alternative means of service.

6.28 For example, the applicant should consider whether the person has any social media accounts which are active where the claim form, or notice of the claim form, could be provided to the person. In making any such application for alternative service, the criteria set out in paragraph 6.22 are likely to be relevant here too.

6.29 An application under Rule 19 for service by publication in any newspaper should only be considered as a last resort and should contain evidence that the person to be served is literate in the language of the newspaper in which the advertisement will be placed.

G. SERVICE OUTSIDE THE JURISDICTON [r. 15(4), (5), (6), (7), (8), r.24 and r.25]

6.30 Where a claimant is to effect service of a claim form outside the jurisdiction but within the United Arab Emirates, he is not required to serve the claim form through the court in the jurisdiction where he is seeking to effect service.

6.31 Rule 15(7) does not prohibit a claimant from making an application for an order for alternative service under Rule 19.

PRACTICE DIRECTION 7:
APPLICATIONS

Date re-issued: 17 October 2025

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

This Practice Direction does not relate to any applications made in respect of insolvency proceedings. Any such applications are to be made in accordance with **Practice Direction**

14. Applications made in:

- the Commercial and Civil Division are dealt with in **Practice Direction 2**;
- the Small Claims Division are dealt with in **Practice Direction 3**;
- the Employment Division are dealt with in **Practice Direction 4**;
- the Real Property Division (other than in relation to a Short-Term Residential lease claim) are dealt with in **Practice Direction 15**; and
- relation to a Short-Term Residential Lease claim are dealt with in **Practice Direction 16**.

In addition to the above Practice Directions, this Practice Direction must be read in conjunction with the following Practice Directions:

– **Practice Direction 1 – General**

– **Practice Direction 6 – Service of Documents**

– **Practice Direction 9 – Costs**

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

A. PRE-CLAIM APPLICATIONS [r.64(3)]

7.1 An application for an urgent interim remedy may be made prior to the filing of a claim on condition that an undertaking is given to the Court to file such a claim within a period of 2 days after the application is filed.

7.2 An applicant who wishes to apply to the Court for an urgent interim remedy prior to a claim being filed must file an application notice in accordance with Form CFI 12A, supported by witness statement evidence in accordance with Form CFI 15.

7.3 The application notice must include or attach:

(a) the order or orders that the applicant seeks from the Court;

(b) all witness statements that the applicant relies on in support of the application;

(c) an undertaking by the applicant to file a claim within 2 days of the issuing of the application notice by the Court; and

(d) a statement as to whether the applicant requests a without notice hearing of the application and the reasons for the request.

Applications made without notice [r.64 and r.65]

7.4 Applications made without notice are to be submitted on the eCourts Platform. It is the responsibility of the party submitting the application to select the without notice filing option on the eCourts Platform.

7.5 An application may be made without notice if this is permitted by a Rule, a practice direction or otherwise is with the Court's permission. The Court's permission will be granted only where:

(a) there is exceptional urgency;

(b) it is otherwise desirable to do so in the interests of justice; or

(c) there are good reasons for making the application without notice, for example, because the notice would or might defeat the object of the application.

7.6 Where the Court is asked to make an order on an application without notice, the applicant must bring to the Court's attention any matter which, if the respondent was represented, the respondent would wish the Court to be aware of. This includes any matters which might tend to undermine the application.

7.7 Further to Rule 65(1), where the Court makes an order on an application without notice, whether granting or dismissing an application, the Court may make orders that the applicant serve on every person against whom an order was sought or made:

(a) the application notice;

(b) all written material on which the applicant sought to rely in support of his application;

(c) a transcript of the hearing of the application;

(d) a copy of the order; and

(e) notice that any person against whom an order was sought or made may apply to have the order set aside or varied.

Applications made with notice

7.8 Where the application is to be made *upon* notice, the application notice, the witness statement evidence and any other written material on which the applicant may seek to rely at the hearing of the application must be served on each respondent within 7 days after the filing of such documents, and thereafter:

(a) the applicant must file a certificate of service in accordance with Form CFI 31 within a further 7 days;

(b) a respondent to an application notice must file a notice of appearance in accordance with Form CFI 23 within 7 days of being served with the application notice, if the respondent wishes to raise any matter before the Court in response to the application or in relation to the order(s) sought by the applicant; and

(c) the Court may give directions regarding the hearing of the application, including the filing of any evidence in response by the respondent, as the Court considers appropriate.

Proceeding in the absence of a party

7.9 If an applicant or respondent to an application does not attend the hearing of the application, the Court may proceed in his absence.

Proceeding without a hearing

7.10 The Court may deal with any application without a hearing:

(a) if the parties agree as to the terms of the order or orders that the applicant seeks from the Court;

(b) if the parties agree that the Court should dispose of the application without a hearing; or

(c) where the Court considers that the application can be fairly determined on the papers without an oral hearing and, in all of the circumstances, it would be appropriate to do so.

B. POST-CLAIM APPLICATIONS

Application notice [r.64]

7.11 A party wishing to make an application to the Court before the trial commences, or after judgment has been given, must file an application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

7.12 The application notice must include or attach:

(a) the order or orders that the applicant seeks from the Court;

(b) all witness statements that the applicant relies on in support of the application; and

(c) whether the applicant requests a hearing of the application and, if so, whether the hearing is to be conducted on a without notice or on an expedited basis including any reasons supporting the request.

Service of application notice and material in support

7.13 The applicant must serve the following on each respondent to the application:

(a) the application notice;

(b) the witness statement evidence in support;

(c) notice of any written material previously served on that respondent and on which the applicant may seek to rely at the hearing of the application; and

(d) any other written material on which the applicant may seek to rely at the hearing of the application.

Applications made without notice [r.64 and r.65]

7.14 Applications made without notice are to be submitted on the eCourts Platform. It is the responsibility of the party submitting the application to select the without notice filing option on the eCourts Platform.

7.15 An application may be made without notice if this is permitted by a Rule, a practice direction or otherwise is with the Court's permission. The Court's permission will be granted only where:

(a) there is exceptional urgency;

(b) it is otherwise desirable to do so in the interests of justice; or

(c) there are good reasons for making the application without notice, for example, because the notice would or might defeat the object of the application.

7.16 Where the Court is asked to make an order on an application without notice, the applicant must bring to the Court's attention any matter which, if the respondent was represented, the respondent would wish the Court to be aware of. This includes any matters which might tend to undermine the application.

7.17 Further to Rule 65(1), where the Court makes an order on an application without notice, whether granting or dismissing an application, the Court may make orders that the applicant serve on every person against whom an order was sought or made:

(a) the application notice;

(b) all written material on which the applicant sought to rely in support of his application;

(c) a transcript of the hearing of the application;

(d) a copy of the order; and

(e) written notice that any person against whom an order was sought or made may apply to have the order set aside or varied.

Proceeding in the absence of a party

7.18 If an applicant or respondent to an application does not attend the hearing of the application, the Court may proceed in his absence.

Proceeding without a hearing

7.19 The Court may deal with any application without a hearing:

(a) if the parties agree as to the terms of the order or orders that the applicant seeks from the Court;

(b) if the parties agree that the Court should dispose of the application without a hearing; or

(c) where the Court considers that the application can be fairly determined on the papers without an oral hearing and, in all of the circumstances, it would be appropriate to do so.

C. PARTICULAR APPLICATIONS

General

7.20 The following directions (relating to some particular applications that may be made before trial) are to be read as supplementing and varying the general directions about applications before trial.

Application for default judgments [r.39 and r.40A]

7.21 Subject to paragraph 7.23, an application for default judgment must be made by application notice in accordance with Form CFI 12, supported by witness statement evidence addressing the following:

(a) the occurrence of the default relied on; and

(b) that the default has not been remedied.

All witness statements must be in accordance with Form CFI 15.

7.22 The application must contain sufficient detail of any claim for costs having regard to Practice Direction 9.

7.23 An application for default judgment may be made without notice if the defendant has failed to file an acknowledgment of service. Any evidence relied on by a claimant in support of his application need not be served on a party who has failed to file an acknowledgment of service.

7.24 Subject to Rule 40A, a default judgment on a money claim may include interest at the rate agreed between the parties or, if there is no agreed rate, at the rate of 5 per cent from the date the money was due.

Application for permission to make a counterclaim against a claimant [r.50(1)]

7.25 An application for permission to make a counterclaim against a claimant must be made by application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

7.26 The application must:

(a) attach a draft of the counterclaim or, if that is not possible, an outline of the counterclaim that the applicant seeks the permission of the Court to file;

(b) provide an explanation for why the counterclaim was not filed at the same time as the applicant filed his defence;

(c) state the time by which the applicant proposes to file the counterclaim; and

(d) attach the applicant's written request to the other parties to the proceedings seeking their consent to file a counterclaim and any written responses received to that request.

Application for permission to make a counterclaim against a person other than the claimant [r.50(3)]

7.27 An application for permission to make a counterclaim against a person other than the claimant:

(a) must be made by application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15; and

(b) may not be made solely to obtain documents or evidence from the person against whom the counterclaim is sought to be made.

7.28 The application must:

(a) attach a draft of the counterclaim that the applicant seeks the permission of the Court to file; and

(b) set out whether the application is made without notice to the person sought to be joined to the proceedings and, if so, why.

Application for further information [r.54]

7.29 The Court may exercise its powers to order a party to clarify any matter which is in dispute in a proceeding and to give additional information in relation to any such matter having regard to the overriding objective of the Rules: to secure that the ADGM Courts are accessible, fair and efficient.

7.30 An application for further information must be made by application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

7.31 A party seeking an order that another party clarify any matter in dispute or give additional information in relation to any such matter should state in the witness statement how and why the provision of the further information sought is necessary to dispose fairly of the claim.

Applications for security for costs [r.75 and r.76]

7.32 An application for security for costs must be made by application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

7.33 The Court may order that security for costs be provided where an ADGM enactment permits the Court to require security for costs or if the Court is satisfied that, having regard to all the circumstances of the case, it is just to do so.

7.34 Without limiting paragraph 7.33, the Court may (but is not obliged to) conclude that it would be just to order security for costs if it is satisfied that:

(a) the claimant is resident out of the UAE;

(b) the claimant is a company or other body (whether incorporated inside or outside ADGM) and there is reason to believe that it will be unable to pay the defendant's costs if ordered to do so;

(c) the claimant has changed his address since the claim was commenced with a view to evading the consequences of the litigation;

(d) the claimant gave an incorrect address in the claim form;

(e) the claimant is acting as a nominal claimant, other than as a representative claimant under Rule 57, and there is reason to believe that he will be unable to pay the defendant's costs if ordered to do so; or

(f) the claimant has taken steps in relation to his assets that would make it difficult to enforce an order for costs against him.

7.35 Where an order for security for costs is made, security shall be given in such manner as, and at the time, the Court directs.

7.36 The Court may also order security for costs of an appeal as it may order security for costs in the circumstances set out in paragraphs 7.33 and 7.34.

Applications to set aside a notice of discontinuance [r.171]

7.37 An application to set aside a notice of discontinuance must be made by application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

7.38 The defendant may not make an application under Rule 171 to set aside a notice of discontinuance more than 28 days after the date when the notice of discontinuance was served on him.

D. INTERIM REMEDIES

7.39 This section is to be read together with Sections A and B as applicable.

7.40 Rule 108(2) sets out the circumstances in which affidavit evidence is required.

7.41 The Court may give directions immediately after an application for an interim remedy is made, whether on the application of a party or on its own initiative.

Application and order for an injunction (other than a freezing injunction) [r.71(1)(a)]

7.42 An application for an injunction must be made as follows:

(a) in relation to an application made prior to the filing of a claim, in accordance with Form CFI 12A, supported by witness statement evidence in accordance with Form CFI 15, together with a draft order in accordance with Form CFI 37;

(b) in relation to an application made after a claim has been filed, in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15, together with a draft order in accordance with Form CFI 37; or

(c) in relation to an application made in relation to proceedings which are taking place, will take place, or have taken place outside the jurisdiction, in accordance with Form CFI 1, supported by witness statement evidence in accordance with Form CFI 15, together with a draft order in accordance with Form CFI 37.

7.43 An application for an injunction must address the following:[1]

(a) whether there is a serious issue to be tried;

(b) whether damages are an adequate remedy for the claimant;

(c) whether damages are an adequate remedy for the defendant (under the claimant's cross-undertaking as to damages);

(d) the balance of convenience; and

(e) if the application is made without notice, any matter which, if the respondent was represented, the respondent would wish the Court to be aware of. This includes any matters which might tend to undermine the application.

7.44 An example of an order for a freezing injunction is set out in Schedule A to this Practice Direction. It may be modified as appropriate in any particular case

1 When making an application for an interim injunction, the parties should have regard to the guidelines laid down by the House of Lords in American Cyanamid Co v Ethicon Ltd [1975] A.C. 396 at 407G, as more recently summarised in Create Financial Management LLP v Lee and another [2021] 1 W.L.R. 78 at [52]

for an order for an injunction (other than a freezing injunction). In particular, the Court may, if it considers it appropriate, require the applicant's legal representatives, as well as the applicant, to give undertakings.

7.45 Without limiting paragraph 7.44, any order for an injunction must contain:

(a) (save where the applicant is a Global Market Authority) an undertaking by the applicant to the Court to pay any damages which the respondent sustains as a consequence of the order which the Court considers the applicant should pay;

(b) if made without notice to any other party, an undertaking by the applicant to the Court to serve on the respondent the prescribed documents pursuant to Rule 65(1) and (as applicable) paragraphs 7.7 or 7.17, as soon as practicable; and

(c) if made without notice to any other party, a return date for a further hearing at which the other party can be present.

7.46 When the Court makes an order for an injunction, it should consider whether to require an undertaking by the applicant to pay any damages sustained by a person other than the respondent, including another party to the proceedings or any other person who may suffer loss as a consequence of the order.

7.47 Any order for an injunction must set out clearly what the respondent must do or not do.

7.48 An order for an interim remedy should normally include a proviso which permits acts which would otherwise be a breach of the order to be done with the written consent of the claimant's legal representatives. This enables the parties to agree in effect to variations (or the discharge) of the order without the necessity of coming back to the Court.

7.49 If the parties agree, the return date may be postponed to a later date on which all parties will be ready to deal with any substantive issues. In this event, an agreed form of order continuing the injunction to the postponed return date should be submitted in accordance with Form CFI 37 for consideration by the Judge. If the order is made in the terms submitted, there will be no need for the parties to attend on the day originally fixed as the return date. In such a case, the respondent and any other interested party will continue to have liberty to apply to vary or set aside the order.

Application for a freezing injunction [r.71(1)(f)]

7.50 An application for a freezing injunction (also referred to as a "freezing order") must be made as follows:

(a) in relation to an application made prior to the filing of a claim, in accordance with Form CFI 12A, supported by affidavit evidence in accordance with Form CFI 14, together with a draft order in accordance with Form CFI 37;

(b) in relation to an application made after a claim has been filed, in accordance with Form CFI 12, supported by affidavit evidence in accordance with Form CFI 14, together with a draft order in accordance with Form CFI 37; or

(c) in relation to an application made in relation to proceedings which are taking place, will take place, or have taken place outside the jurisdiction, in accordance with Form CFI 1, supported by affidavit evidence in accordance with Form CFI 14, together with a draft order in accordance with Form CFI 37.

7.51 An example of an order for a freezing injunction is set out in Schedule A to this Practice Direction. It may be modified as appropriate in any particular case, but any modification to the standard form by an applicant should be expressly brought to the Judge's attention at the application hearing. In particular, the Court may, if it considers it appropriate, require the applicant's legal representatives, as well as the applicant, to give undertakings.

7.52 A freezing injunction in respect of assets outside the jurisdiction should normally include wording to allow overseas branches of banks or similar institutions which have offices within the jurisdiction to comply with what they reasonably believe to be their obligations under the laws of the country where the assets are located or under any other applicable law.

7.53 In addition to the matters set out in paragraphs 7.50 to 7.52 above, an application for a freezing injunction must address the following: [2]

(a) the facts and matters that the applicant relies on to show that it has a good arguable case or serious issue to be tried against the respondent;

(b) whether there is a real risk, judged objectively, that a (future) judgment would not be met because of an unjustified dissipation of assets (in this context dissipation means putting the assets out of reach of a judgment whether by concealment or transfer);

(c) whether a freezing order is just and convenient; and

(d) if the application is made without notice, any matter which, if the respondent was represented, the respondent would wish the Court to be aware of. This includes any matters which might tend to undermine the application.

7.54 The Court will not, except in exceptional circumstances, make a freezing injunction without a hearing.

2 When making an application for a freezing injunction, the parties should have regard to the principles laid down in Lakatamia Shipping Co Ltd v Morimoto [2019] EWCA Civ 2203 as applied by ADGM Courts in Abu Dhabi Commercial Bank PJSC and Prasanth Manghat [2022] ADGMCFI 0007. See also Isabel dos Santos v Unitel SA [2024] EWCA Civ 1109 which was considered in Sky Property Holdings Ltd v Corporate Sky Business Center L.T.D. [2025] ADGMCFI 0021.

Application to vary or discharge freezing injunction

7.55 An application to vary or discharge a freezing injunction must be made by application notice in accordance with Form CFI 12, and any evidence in support of the application must be by way of affidavit evidence in accordance with Form CFI 14.

7.56 Applications to discharge or vary freezing injunctions are treated as matters of urgency for listing purposes. Those representing applicants for discharge or variation should ascertain before a date is fixed for the hearing whether, having regard to the evidence which they wish to adduce, the claimant would wish to adduce further evidence in opposition. If so, all reasonable steps must be taken by all parties to agree upon the earliest practicable date at which they can be ready for the hearing, so as to avoid the last minute need to vacate a fixed date.

7.57 Any bank or third party served with, notified of or affected by a freezing injunction may apply to the Court without notice to any party for directions, or notify the Court in writing without notice to any party, in the event that the order affects or may affect the position of the bank or third party under legislation, regulations or procedures aimed to prevent money laundering.

7.58 If a freezing injunction is discharged or varied, the Judge will consider whether it is appropriate to hear immediately any application under a cross-undertaking for compensation and whether it is appropriate to direct immediate payment of such compensation by the applicant.

Application for a search order [r.71(1)(h)]

7.59 An application for a search order must be made as follows:

(a) in relation to an application made prior to the filing of a claim, in accordance with Form CFI 12A, supported by affidavit evidence in accordance with Form CFI 14;

(b) in relation to an application made after a claim has been filed, in accordance with Form CFI 12, supported by affidavit evidence in accordance with Form CFI 14; or

(c) in relation to an application made in relation to proceedings which are taking place, will take place, or have taken place outside the jurisdiction, in accordance with Form CFI 1, supported by affidavit evidence in accordance with Form CFI 14.

7.60 An example of a search order is set out in Schedule B. It may be modified as appropriate in any particular case but any modification to the standard form by an applicant should be expressly brought to the Judge's attention at the application hearing. In particular, the Court may, if it considers it appropriate, require the applicant's legal representatives, as well as the applicant and any other relevant persons, to give undertakings.

7.61 The following provisions apply to search orders in addition to those listed above.

The Supervising Legal Representative

7.62 The Supervising Legal Representative must be experienced in the operation of search orders (whether in ADGM or in any other jurisdiction) and must not be an employee or member of the applicant's firm of legal representatives.

Evidence

7.63 The affidavit must:

(a) state the name, firm and its address, and experience of the Supervising Legal Representative, also the address of the premises to be searched and whether it is a private or business address; and

(b) set out very fully the reason the order is sought, including as to the probability that relevant material would disappear if the order were not made.

7.64 For the avoidance of doubt, it is the applicant's responsibility to undertake all such enquiries as may be required to identify the Supervising Legal Representative for the purpose of paragraph 7.62.

Service

7.65 The order must be served personally by the Supervising Legal Representative and must be accompanied by the evidence in support and any documents capable of being copied. If the Court orders that the order need not be served by the Supervising Legal Representative, the reason for so ordering must be set out in the order.

7.66 Confidential exhibits need not be served but they must be made available for inspection by the respondent in the presence of the applicant's legal representatives while the order is carried out, and must afterwards be retained by the respondent's legal representatives on their undertaking not to permit the respondent:

(a) to see them or copies of them except in their presence; and

(b) to make or take away any note or record of them.

7.67 The Supervising Legal Representative may be accompanied only by the persons mentioned in the order. If one of those persons is a police officer, the order need not name the police officer. It is sufficient for the order to refer to an Abu Dhabi police officer.

7.68 The Supervising Legal Representative must explain the terms and effect of the order to the respondent in everyday language (with the assistance of an interpreter if necessary) and advise him:

(a) of his right to take legal advice and to apply to vary or discharge the order; and

(b) that he may be entitled to avail himself of:

(i) legal professional privilege; and

(ii) the privilege against self-incrimination.

7.69 Where the Supervising Legal Representative is a man and the respondent is likely to be an unaccompanied woman, at least one other person named in the order must be a woman and must accompany the Supervising Legal Representative.

7.70 The order may only be served between 9.30 a.m. and 5.30 p.m. Monday to Friday.

Search and custody of materials

7.71 No material shall be removed unless clearly covered by the terms of the order.

7.72 The premises must not be searched and no items shall be removed from them except in the presence of the respondent or a person who appears to be a director, officer, partner or responsible employee of the respondent.

7.73 Where documents are removed from the premises for the purpose of making copies, the documents removed from the premises should be retained for no more than 2 days before being return to the owner.

7.74 Where material in dispute is removed pending trial, the applicant's legal representatives should place it in the custody of the respondent's legal representatives on their undertaking to retain it in safekeeping and to produce it to the Court when required.

7.75 In appropriate cases the applicant should insure the material retained in the respondent's legal representatives' custody.

7.76 The Supervising Legal Representative must make a list of all material removed from the premises and supply a copy of the list to the respondent.

7.77 No material shall be removed from the premises until the respondent has had reasonable time to check the list.

7.78 If any of the listed items exists only in computer readable form, the respondent must immediately give the applicant's legal representatives effective access to the computers, with all necessary passwords, to enable them to be searched, and cause the listed items to be printed out.

7.79 The applicant must take all reasonable steps to ensure that no damage is done to any computer or data.

7.80 The applicant and his representatives may not themselves search the respondent's computers unless they have sufficient expertise to do so without damaging the respondent's system.

7.81 The Supervising Legal Representative shall provide a report on the carrying out of the order to the applicant's legal representatives.

7.82 As soon as the report is received the applicant's legal representatives shall:

(a) serve a copy of it on the respondent; and

(b) file a copy of it with the Court.

7.83 Where the Supervising Legal Representative is satisfied that full compliance with paragraphs 7.80 and 7.81 above is impracticable, he may permit the search to proceed and items to be removed without compliance with the impracticable requirements.

7.84 The search order must not be carried out at the same time as a search under a police search warrant (or such similar process undertaken by the police independent from the search order).

Application to vary or discharge search order

7.85 An application to vary or discharge a search order must be made by application notice in accordance with Form CFI 12, and any evidence in support of the application must be by way of affidavit evidence in accordance with Form CFI 14.

7.86 Applications to discharge or vary search orders are treated as matters of urgency for listing purposes. Those representing applicants for discharge or variation should ascertain before a date is fixed for the hearing whether, having regard to the evidence which they wish to adduce, the applicant would wish to adduce further evidence in opposition. If so, all reasonable steps must be taken by all parties to agree upon the earliest practicable date at which they can be ready for the hearing, so as to avoid the last minute need to vacate a fixed date.

Delivery up orders

7.87 Where orders, other than search orders, have been made for delivery up or preservation of evidence or property and where it is likely that such an order will be executed at the premises of the respondent or a third party, the Court shall consider whether to include in the order for the benefit or protection of the parties similar provisions to those specified above in relation to injunctions and search orders.

Application where remedy is sought in relation to proceedings which are taking place, will take place, or have taken place outside the jurisdiction [r.72(7)(a)]

7.88 An application for an interim remedy in relation to proceedings which are taking place, will take place or have taken place outside the jurisdiction must be made in accordance with Form CFI 1, supported by:

(a) witness statement evidence in accordance with Form CFI 15; unless

(b) an ADGM enactment, Rule or practice direction requires the written evidence to be by way of affidavit in which case it must be made in accordance with Form CFI 14.

Application for an interim remedy under s. 36 of the Regulations [r.72(7)(b)]

7.89 An application for an interim remedy made under section 36 of the Regulations must be made in accordance with Form CFI 1, supported by:

(a) witness statement evidence in accordance with Form CFI 15; unless

(b) an ADGM enactment, Rule or practice direction requires the written evidence to be by way of affidavit in which case it must be made in accordance with Form CFI 14.

Injunctions against third parties

7.90 The following provisions apply to orders which will affect a person other than the applicant or respondent who:

(a) did not attend the hearing at which the order was made; and

(b) is served with the order.

7.91 Where such a person served with the order requests:

(a) a copy of any materials read by the Judge, including material prepared after the hearing at the direction of the Judge or in compliance with the order; or

(b) a transcript of the hearing;

the applicant, or his legal representative, must comply promptly with the request.

Application in connection with, or to support, a power granted to a Global Market Authority under an ADGM enactment [r.72(7)(c)]

7.92 The provisions in this Practice Direction apply to any application or order made in connection with, or to support, a power granted to a Global Market Authority under an ADGM enactment unless any Rule, practice direction, ADGM enactment or Court order provides otherwise.

7.93 Notwithstanding any other paragraph in this Practice Direction, an application for an interim remedy or any other remedy before a claim has been commenced made in connection with, or to support, a power granted to a Global Market Authority under an ADGM enactment must be made in accordance with Form CFI 48 supported by:

(a) witness statement evidence in accordance with Form CFI 15; unless

(b) an ADGM enactment, Rule or practice direction requires the written evidence to be on oath, in which case the written evidence must be by way of affidavit in accordance with Form CFI 14.

7.94 If a Global Market Authority is satisfied that compliance with any provision or requirement in this Practice Direction is impracticable in the context of the exercise of the powers granted to it under an ADGM enactment, it may bring this matter to the Court's attention and request that it be discharged from complying with such provision or requirement.

Other matters [r.40(1)(d)]

7.95 A claimant may not obtain default judgment under Rule 39 in relation to an application made in accordance with Practice Direction 7.42(c), 7.50(c), 7.59(c), 7.88 or 789.

SCHEDULE A

In the name of

His Highness Sheikh Mohamed bin Zayed Al Nahyan

President of the United Arab Emirates/ Ruler of the Emirate of Abu Dhabi

COURT OF FIRST INSTANCE
COMMERCIAL AND CIVIL DIVISION
BETWEEN

[ ]	Applicant
and	
[Individual]	First Respondent
[Corporation]	Second Respondent
[Corporation]	Third respondent

ORDER

PENAL NOTICE

IF ANY OF YOU, (1) [ ]; (2) [ ]; (3) [ ], DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE FINED OR REFERRED TO THE ATTORNEY GENERAL OF ABU DHABI.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE RESPONDENT TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE MAY BE FINED OR REFERRED TO THE ATTORNEY GENERAL OF ABU DHABI.

JUDGE	Justice [ ]
DATE OF ORDER	[ ]
CASE NUMBER	ADGMCFI [ ]

UPON the Applicant's Application filed on [ ] seeking, inter alia, orders for a freezing inunction (the **"Injunction Application"**)

[**AND UPON** the Injunction Application being made without notice to the Respondents]

AND UPON considering the documents on the Court file

AND UPON hearing [ ] for the Applicant at the virtual without notice hearing of the Injunction Applicaton held on [ ]

ORDER

1. This order made on [ ] by Justice [ ] is:

   (a) a Domestic Freezing Injunction made against the First Respondent, being [ ]; and

   (b) a Worldwide Freezing Injunction made against the Second and Third Respondents, being respectively [ ].

2. [This order was made at a hearing without notice to the Respondents. The Respondents have a right to apply to the Court to vary or discharge the order – see paragraph 14 below.]

3. There will be a further hearing in respect of this order on [ ] (the "return date").

4. As there is more than one Respondent:

   (a) unless otherwise stated, references in this order to "the Respondent" mean all of them;

   (b) unless otherwise stated, references in this order to "the Corporate Respondents" mean the Second and Third Respondents; and

   (c) this order is effective against any Respondent on whom it is served or who is given notice of it.

FREEZING INJUNCTIONS

<u>The First Respondent</u>

5. Until the return date or further order of the Court, the First Respondent must not remove from the Abu Dhabi Global Market ("ADGM") or in any way dispose of, deal with or diminish the value of any of his assets which are in the ADGM up to the value of [AED ...]/[US$...].

6. Paragraph 5 applies to all the First Respondent's assets whether or not they are in his own name, whether they are solely or jointly owned and whether the First Respondent is interested in them legally, beneficially or otherwise, including any asset which he has the power, directly or indirectly, to dispose of or deal with as if it were his own. The First Respondent is to be regarded as having such power if a third party holds or controls the asset in accordance with his direct or indirect instructions.

7.

(1) If the total value free of charges or other securities (the "unencumbered value") of the First Respondent's assets in the ADGM exceeds [AED…]/[US$…], the First Respondent may remove any of those assets from the ADGM or may dispose of or deal with them so long as the total unencumbered value of the First Respondent's assets still in the ADGM remains above [AED …]/[US$…].

(2) If the total unencumbered value of the First Respondent's assets in the ADGM does not exceed [AED …]/[US$…], the First Respondent must not remove any of those assets from the ADGM and must not dispose of or deal with any of them.

The Corporate Respondents

8. Until the return date or further order of the Court, each of the Corporate Respondents must not:

(1) remove from the ADGM any of its assets which are in the ADGM up to the value of [AED …]/[US$…]; or

(2) in any way dispose of, deal with or diminish the value of any of its assets whether they are in or outside the ADGM up to the same value.

9. Paragraph 8 applies to each Corporate Respondent's assets whether or not they are in its own name, whether they are solely or jointly owned and whether the relevant Respondent is interested in them legally, beneficially or otherwise, including any asset which it has the power, directly or indirectly, to dispose of or deal with as if it were its own. A Corporate Respondent is to be regarded as having such power if a third party holds or controls the asset in accordance with its direct or indirect instructions.

10.

(1) If the total value free of charges or other securities (the "unencumbered value") of any Corporate Respondent's assets in the ADGM exceeds [AED …]/[US$ …], that Corporate Respondent may remove any of those assets from the ADGM or may dispose of or deal with them so long as the total unencumbered value of that Corporate Respondent's assets still in the ADGM remains above [AED…]/[US$…].

(2) If the total unencumbered value of a Corporate Respondent's assets in the ADGM does not exceed [AED …]/[US$…], that Corporate Respondent must not remove any of those assets from the ADGM and must not dispose of or deal with any of them. If any Corporate Respondent has other assets outside the ADGM, it may dispose of or deal with those assets outside the ADGM so long as the total unencumbered value of all its assets whether in or outside the ADGM remains above [AED …]/[US$…].

PROVISION OF INFORMATION

11.

(1) Each Respondent must by [ ] on [ ] swear or affirm and serve on the Applicant's legal representatives an affidavit or affidavits setting out its assets worldwide exceeding [AED…]/[US$…] in value whether in its own name or not and whether solely or jointly owned, giving the value, location and details of all such assets.

(2) If the provision of this information is likely to incriminate a Respondent, it may be entitled to refuse to provide it, but is recommended to take legal advice before refusing to provide the information. Wrongful refusal to provide the information is contempt of Court and may render that Respondent liable to be fined or referred to the Attorney General of Abu Dhabi.

EXCEPTIONS TO THIS ORDER

12.

(1) This order does not prohibit the First Respondent from spending [AED ...]/[US$....

] a week towards his ordinary living expenses. The First Respondent may agree with the Applicant's legal representatives that the above spending limit should be increased or that this order should be varied in any other respect, but any agreement must be in writing.

(2) This order does not prohibit any of the Respondents from spending a reasonable sum on legal advice and representation.

(3) This order does not prohibit any Respondent from dealing with or disposing of any of his or its assets in the ordinary and proper course of business [but before doing so the relevant Respondent must tell the Applicant's legal representatives].

(4) The order will cease to have effect in respect of a Respondent:

(a) if that Respondent provides security by paying the sum of [AED...]/[US$...] into Court, to be held to the order of the Court; or

(b) if that Respondent makes provision for security in that sum by another method agreed in writing with the Applicant's legal representatives.

COSTS

13. Costs of the Application are reserved to the Judge hearing the Injunction Application on the return date.

VARIATION OR DISCHARGE OF THIS ORDER

14. Anyone served with, notified of, or affected by this order may apply to the Court at any time for directions or to vary or discharge this order (or so much of it as affects that person), but they must first inform the Applicant's legal representatives. If any evidence is to be relied on in support of the application, the substance of it must be communicated in writing to the Applicant's legal representatives in advance.

15. This order may be varied with the written consent of the parties.

INTERPRETATION OF THIS ORDER

16. Where the First Respondent is ordered not to do something he must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.

17. Where any of the Corporate Respondents is ordered not to do something it must not do it itself or by its directors, officers, partners, employees or agents or others acting on its behalf or on its instructions or with its encouragement or in any other way.

PARTIES OTHER THAN THE APPLICANT AND RESPONDENTS

18. Effect of this order

It is a contempt of Court for any person knowingly to assist in or permit a breach of this order. Any person doing so may be fined or referred to the Attorney General of Abu Dhabi.

19. Set off by banks

This injunction does not prevent any bank from exercising any right of set off it may have in respect of any facility which it gave to a Respondent before it was notified of this order.

20. Withdrawals by the Respondent

No bank need enquire as to the application or proposed application of any money withdrawn by a Respondent if the withdrawal appears to be permitted by this order.

21. Persons outside the ADGM

(1) Except as provided in sub-paragraph (2) below, the terms of this order do not affect or concern anyone outside the jurisdiction of this Court.

(2) The terms of this order will affect the following persons outside the jurisdiction of this Court:

(a) the Respondents;

(b) a Corporate Respondents' officers or his, her or its agents appointed by power of attorney;

(c) any person who:

(i) is subject to the jurisdiction of this Court;

(ii) has been given written notice of this order at its, her or his residence or place of business within the jurisdiction of this Court; and

(iii) is able to prevent acts or omissions outside the jurisdiction of this Court which constitute or assist in a breach of the terms of this order; and

(d) any other person, only to the extent that this order is declared enforceable by or is enforced by a Court in that jurisdiction.

22. Assets located outside the ADGM

Nothing in this order shall, in respect of assets located outside the ADGM, prevent any third party from complying with:

(1) what it reasonably believes to be its obligations, contractual or otherwise, under the laws and obligations of the jurisdiction in which those assets are situated or under the proper law of any contract between itself and a Respondent; and

(2) any orders of the Courts of that jurisdiction, provided that reasonable notice of any application for such an order is given to the Applicant's legal representatives.

COMMUNICATIONS WITH THE COURT

All communications to the Court about this order should be sent to Abu Dhabi Global Market Authorities Building, ADGM Square, Al Maryah Island, PO Box 111999, Abu Dhabi, UAE quoting the case number. The telephone number is T +971 2 333 8976; registry@adgmcourts.com. The offices are open between 8.30am and 4:30pm Monday to Friday except public holidays.

SCHEDULE A—AFFIDAVITS

The Applicant relied on the following affidavits:

(1) First Affidavit of [ ] sworn on [ ]; and

(2) Second Affidavit of [ ] sworn on [ ].

SCHEDULE B—UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANT

(1) If the Court later finds that this order has caused loss to any of the Respondents, and decides that such Respondent should be compensated for that loss, the Applicant will comply with any order the Court may make.

(2) [The Applicant will on or before [ ]:

(a) cause a written guarantee in a form acceptable to the Court in the sum of [AED ...]/[US$ ...] to be issued from a bank with a place of business within the ADGM in respect of any order that the Court may make pursuant to the undertaking in paragraph (1) above/pursuant to the undertakings in paragraph (1) above and paragraph (6) below; and

(b) cause a copy of such guarantee to be served on the Respondents.]

(3) By [ ] on [ ] the Applicant shall file and serve on each of the Respondents a claim form claiming the appropriate relief.

(4) Pursuant to ADGM CPR r.65(1) the Applicant shall serve on the Respondents as soon as practicable:

(a) this order;

(b) the Application including the Affidavits in support set out in Schedule A; and

(c) an application notice for continuation of this order.

(5) Anyone notified of this order by the Applicant will be given a copy of it by the Applicant's legal representatives.

(6) The Applicant will pay the reasonable costs of anyone, other than: (i)

a Respondent; or (ii) directors, officers, partners, employees or agents of a Respondent, which have been incurred as a result of this order including the costs of finding out whether that person holds any of the Respondent's assets and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the Applicant will comply with any order the Court may make.

(7) If this order ceases to have effect (for example, if a Respondent provides security as provided for above) the Applicant will immediately take all reasonable steps to inform in writing anyone to whom he has given notice of this order, or who it has reasonable grounds for supposing may act upon this order, that it has ceased to have effect.

(8) The Applicant will notify the Court as soon as reasonably practicable if substantial sums are recovered by the Applicant such that the limits of [AED…']/ [US$ …] in paragraphs 5, 7, 8, 10 and 12(4) above (or any of them) may be affected.

(9) The Applicant will not without the permission of the Court use any information obtained as a result of this order for the purpose of any civil or criminal proceedings, either in the ADGM or in any other jurisdiction, other than this claim.

(10) The Applicant will not without the permission of the Court seek to enforce this order in any jurisdiction outside the ADGM.

NAME AND ADDRESS OF APPLICANT'S LEGAL REPRESENTATIVES

The Applicant's legal representatives are:

[ ]

SCHEDULE B

In the name of

His Highness Sheikh Mohamed bin Zayed Al Nahyan

President of the United Arab Emirates/ Ruler of the Emirate of Abu Dhabi

COURT OF FIRST INSTANCE
COMMERCIAL AND CIVIL DIVISION
BETWEEN

[ ]	Applicant
and	
[Corporation/Individual]	Respondent

ORDER

PENAL NOTICE

IF YOU, THE RESPONDENT, DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE FINED OR REFERRED TO THE ATTORNEY GENERAL OF ABU DHABI.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE RESPONDENT TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE FINED OR REFERRED TO THE ATTORNEY GENERAL OF ABU DHABI.

JUDGE	Justice [ ]
DATE OF ORDER	[ ]
CASE NUMBER	ADGMCFI [ ]

UPON the Applicant's Application filed on [ ] seeking, inter alia, orders for a search injunction (the **"Search Application"**)

[**AND UPON** the Search Application being made without notice to the Respondents]

AND UPON considering the documents on the Court file

AND UPON hearing [ ] for the Applicant at the virtual without notice hearing of the Search Applicaton held on [ ]

ORDER

1. This is a Search Order made against [ ] (the "Respondent") on [ ] by Justice [ ].

2. [This order was made at a hearing without notice to the Respondent. The Respondent has a right to apply to the Court to vary or discharge the order — see paragraph 27 below.]

3. There will be a further hearing in respect of this order on [ ] (the "return date").

4. If there is more than one Respondent:

   (a) unless otherwise stated, references in this order to 'the Respondent' mean both or all of them; and

   (b) this order is effective against any Respondent on whom it is served or who is given notice of it.

5. This order must be complied with:

   (a) by the Respondent;

   (b) if the Respondent is a company, partnership or other entity, by any director, officer, partner or responsible employee of the Respondent; and

   (c) if the Respondent is an individual, by any other person having responsible control of the premises to be searched.

THE SEARCH

6. The Respondent must permit the following person[3]

   (a) [ ] (the "Supervising Legal Representative");

   (b) [ ], a legal representative in the firm of [ ], the Applicant's legal representatives; and

[3] Where the premises are likely to be occupied by an unaccompanied woman and the Supervising Legal Representative is a man, at least one of the persons accompanying him should be a woman.

(c) up to [ ] other persons[4] being [their identity or capacity] accompanying them,

(together, the "search party"), to enter the premises mentioned in Schedule A to this order and any other premises of the Respondent set out under paragraph 18 below and any vehicles under the Respondent's control on or around the premises (the "premises") so that they can search for, inspect, photograph or photocopy, and deliver into the safekeeping of the Applicant's legal representatives all the documents and articles which are listed in Schedule B to this order (the "listed items").

7. Having permitted the search party to enter the premises, the Respondent must allow the search party to remain on the premises until the search is complete. In the event that it becomes necessary for any of those persons to leave the premises before the search is complete, the Respondent must allow them to re-enter the premises immediately upon their seeking re-entry on the same or the following day in order to complete the search.

RESTRICTIONS ON SEARCH

8. This order may not be carried out at the same time as a search under a police search warrant (or such similar process undertaken by the police independent from the search order).

9. Before the Respondent allows anybody onto the premises to carry out this order, he is entitled to have the Supervising Legal Representative explain to him what it means in everyday language.

10. The Respondent is entitled to seek legal advice and to ask the Court to vary or discharge this order. Whilst doing so, he may ask the Supervising Legal Representative to delay starting the search for up to two hours or such other longer period as the Supervising Legal Representative may permit. However, the Respondent must:

    (a) comply with the terms of paragraph 20 and 21 below;

    (b) not disturb or remove any listed items; and

    (c) permit the Supervising Legal Representative to enter, but not start to search.

11. Before permitting entry to the premises by any person other than the Supervising Legal Representative, the Respondent may, for a short time (not to exceed two hours, unless the Supervising Legal Representative agrees to a longer period) gather together any documents he believes may [be incriminating or] privileged; and hand them to the Supervising Legal Representative for him to assess whether they are [incriminating or] privileged as claimed. If the Supervising Legal Representative decides that any of the documents may be incriminating or privileged or is in any doubt as to their status, he will exclude them from the search and retain them in his possession pending further order of the Court.

4 None of these persons should be people who could gain personally or commercially from anything they might read or see on the premises, unless their presence is essential.

12. If the Respondent wishes to take legal advice and gather documents as permitted, he must first inform the Supervising Legal Representative and keep him informed of the steps being taken.

13. No item may be removed from the premises until a list of the items to be removed has been prepared, and a copy of the list has been supplied to the Respondent, and he has been given a reasonable opportunity to check the list.

14. The premises must not be searched, and items must not be removed from them, except in the presence of the Respondent.

15. If the Supervising Legal Representative is satisfied that full compliance with paragraphs 13 or 14 is not practicable, he may permit the search to proceed and items to be removed without fully complying with them.

DELIVERY UP OF ARTICLES/ DOCUMENTS

16. The Respondent must immediately hand over to the Applicant's legal representatives any of the listed items, which are in his possession or under his control, save for any computer or hard disk integral to any computer. Any items the subject of a dispute as to whether they are listed items must immediately be handed over to the Supervising Legal Representative for safe keeping pending resolution of the dispute or further order of the Court.

17. The Respondent must immediately give the search party effective access to the computers on the premises, with all necessary passwords, to enable the computers to be searched. If they contain any listed items the Respondent must cause the listed items to be displayed so that they can be read and copied[5]. The Respondent must provide the Applicant's legal representatives with copies of all listed items contained in the computers. All reasonable steps shall be taken by the Applicant and the Applicant's legal representatives to ensure that no damage is done to any computer or data. The Applicant and his representatives may not themselves search the Respondent's computers unless they have sufficient expertise to do so without damaging the Respondent's system

PROVISION OF INFORMATION

18. The Respondent must immediately inform the Applicant's legal representatives (in the presence of the Supervising Legal Representative) so far as he is aware:

    (a) where all the listed items are;

    (b) the name and address of everyone who has supplied him, or offered to supply him, with listed items;

---

5 If it is envisaged that the Respondent's computers are to be imaged (i.e. the hard drives are to be copied wholesale, thereby reproducing listed items and other items indiscriminately), special provision needs to be made and an independent computer specialist needs to be appointed by the Applicant (the "Independent Computer Specialist"), who should be required to give undertakings to the Court. An example of an Imaging Order is set out in Annexure A.

(c) the name and address of everyone to whom he has supplied, or offered to supply, listed items; and

(d) full details of the dates and quantities of every such supply and offer.

19. Within [ ] working days after being served with this order the Respondent must swear or affirm and serve on the Applicant's legal representatives an affidavit or affidavits setting out the above information.[6]

PROHIBITED ACTS

20. Except for the purpose of obtaining legal advice, the Respondent must not directly or indirectly inform anyone of these proceedings or of the contents of this order, or warn anyone that proceedings have been or may be brought against him by the Applicant until 4.30 p.m. on the return date or further order of the Court.

21. Until 4.30 p.m. on the return date the Respondent must not destroy, tamper with, cancel or part with possession, power, custody or control of the listed items otherwise than in accordance with the terms of this order.

22. [Insert any negative injunctions.]

23. [Insert any further order.]

COSTS

24. The costs of this Search Application are reserved to the Judge hearing the application on the return date.

RESTRICTIONS ON SERVICE

25. This order may only be served between [ ] am/pm and [ ] am/pm [and on a weekday].[7]

26. This order must be served by the Supervising Legal Representative, and paragraph 6 of the order must be carried out in his presence and under his supervision.

VARIATION AND DISCHARGE OF THIS ORDER

27. Anyone served with or notified of this order may apply to the Court at any time to vary or discharge this order (or so much of it as affects that person), but they must first inform the Applicant's legal representatives. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Applicant's legal representatives in advance.

28. This order may be varied with the written consent of the parties.

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6 The period should ordinarily be longer than the period in paragraph (4) of Schedule D, if any of the information is likely to be included in listed items taken away of which the Respondent does not have copies.

7 Normally, the order should be served in the morning (not before 9.30 a.m.) and on a weekday to enable the Respondent more readily to obtain legal advice.

INTERPRETATION OF THIS ORDER

29. Any requirement that something shall be done to or in the presence of the Respondent means:

    (a) if there is more than one Respondent, to or in the presence of any one of them; and

    (b) if a Respondent is not an individual, to or in the presence of a director, officer, partner or responsible employee.

30. A Respondent who is an individual who is ordered not to do something must not do it himself or in any other way. He must not do it through others acting on his behalf or on his instructions or with his encouragement.

31. A Respondent which is not an individual which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

COMMUNICATIONS WITH THE COURT

32. All communications to the Court about this order should be sent to: Abu Dhabi Global Market Authorities Building, ADGM Square, Al Maryah Island, PO Box 111999, Abu Dhabi, UAE quoting the case number. The telephone number is T +971 2 333 8976; registry@adgmcourts.com. The offices are open between 8.30am and 4:30pm Monday to Friday except public holidays.

SCHEDULE A - THE PREMISES

[ ]

SCHEDULE B – THE LISTED ITEMS

[ ]

SCHEDULE C - UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANT

1. If the Court later finds that this order or carrying it out has caused loss to the Respondent, and decides that such Respondent should be compensated for that loss, the Applicant will comply with any order the Court may make. Further if the carrying out of this order has been in breach of the terms of this order or otherwise in a manner inconsistent with the Applicant's legal representatives' duties as officers of the Court, the Applicant will comply with any order for damages the Court may make.

2. As soon as practicable the Applicant will issue a claim form [in the form of the draft produced to the Court] [claiming the appropriate relief].

3. The Applicant will not, without the permission of the Court, use any information or documents obtained as a result of carrying out this order nor inform anyone else of these proceedings except for the purposes of these proceedings (including adding further Respondents) or commencing civil proceedings in relation to the same or related subject matter to these proceedings until after the return date.

4. [The Applicant will on or before [ ]:

   (a) cause a written guarantee in a form acceptable to the Court in the sum of [AED ...]/[US$ ...] to be issued from a bank with a place of business within the ADGM in respect of any order that the Court may make pursuant to the undertaking in paragraph (1) above; and

   (b) cause a copy of such guarantee to be served on the Respondent.]

5. [The Applicant will insure the items removed from the premises.]

SCHEDULE D - UNDERTAKINGS GIVEN BY THE APPLICANT'S LEGAL REPRESENTATIVES

1. The Applicant's legal representatives will provide to the Supervising Legal Representative for service on the Respondent:

   (a) this order;

   (b) the application including the affidavits in support set out in Schedule F; and

   (c) an application notice for continuation of this order (as required).

2. The Applicants' legal representatives will answer at once to the best of their ability any question whether a particular item is a listed item.

3. Subject as provided below, the Applicant's legal representatives will retain in their own safe keeping all items obtained as a result of this order until the Court directs otherwise.

4. The Applicant's legal representatives will return the originals of all documents obtained as a result of this order (except original documents which belong to the Applicant) as soon as possible and in any event within [two] working days of their removal.

SCHEDULE E - UNDERTAKINGS GIVEN BY THE SUPERVISING LEGAL REPRESENTATIVE

1. The Supervising Legal Representative will use his best endeavours to serve this order upon the Respondent and at the same time to serve upon the Respondent the other documents required to be served and referred to in paragraph (1) of Schedule D.

2. The Supervising Legal Representative will offer to explain to the person served with the order its meaning and effect fairly and in everyday language, and to inform him of his right to take legal advice (including an explanation that the Respondent may be entitled to avail himself of the privilege against self-incrimination and legal professional privilege) and to apply to vary or discharge this order as mentioned in paragraph 27 above.

3. The Supervising Legal Representative will retain in the safe keeping of his firm all items retained by him as a result of this order until the Court directs otherwise.

4. Unless and until the Court otherwise orders, or unless otherwise necessary to comply with any duty to the Court pursuant to this order, the Supervising Legal Representative

shall not reveal to any person any information relating to those items, and shall keep the existence of such items confidential.

5. Within 48 hours of completion of the search the Supervising Legal Representative will make and provide to the Applicant's legal representatives and the Respondent or his legal representatives a written report on the carrying out of the order, and the Applicant's legal representatives shall file the report on the eCourts Platform as soon as practicable after receipt.

SCHEDULE F - AFFIDAVITS

The Applicant relied on the following affidavits:

(1) First Affidavit of [ ] sworn on [ ]; and

(2) Second Affidavit of [ ] sworn on [ ].

NAME AND ADDRESS OF APPLICANT'S LEGAL REPRESENTATIVES

The Applicant's legal representatives are:
[ ]

ANNEXURE A

In the name of

His Highness Sheikh Mohamed bin Zayed Al Nahyan

President of the United Arab Emirates/ Ruler of the Emirate of Abu Dhabi

COURT OF FIRST INSTANCE
COMMERCIAL AND CIVIL DIVISION
BETWEEN

[ ]	Applicant
and	
[Corporation/Individual]	Respondent

ORDER

PENAL NOTICE

IF YOU, THE RESPONDENT, DISOBEY THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE FINED OR REFERRED TO THE ATTORNEY GENERAL OF ABU DHABI.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE RESPONDENT TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE FINED OR REFERRED TO THE ATTORNEY GENERAL OF ABU DHABI.

JUDGE	Justice [ ]
DATE OF ORDER	[ ]
CASE NUMBER	ADGMCFI [ ]

UPON the Applicant's Application filed on [ ] seeking, iner alia, orders for an Imaging Order (the **"Imaging Application"**)

[**AND UPON** the Imaging Application being made without notice to the Respondent]

AND UPON considering the documents on the Court file

AND UPON hearing [ ] for the Applicant at the virtual without notice hearing of the

Imaging Applicaton held on [ ]

1. This is an Imaging Order made against [ ] (the "Respondent") on [ ] by Justice [ ].

2. [This order was made at a hearing without notice to the Respondent. The Respondent has a right to apply to the Court to vary or discharge the order — see paragraph 14 below.]

3. There will be a further hearing in respect of this order on [ ] (the "return date").

4. If there is more than one Respondent:

   (a) unless otherwise stated, references in this order to 'the Respondent' mean both or all of them; and

   (b) this order is effective against any Respondent on whom it is served or who is given notice of it.

5. This order must be complied with:

   (a) by the Respondent;

   (2) if the Respondent is a company, partnership or other entity, by any director, officer, partner or responsible employee of the Respondent; and

   (3) if the Respondent is an individual, by any other person having responsible control of the Electronic Storage Devices or Relevant Online Accounts as defined below.

IMAGING

6. The Respondent must immediately give, [the "Independent Computer Specialist"] (insert name of Independent Computer Specialist)[8]:

   (a) effective access to any electronic data storage devices, including but not limited to USBs, mobile telephones, PDAs, tablets, computers, laptops, internal or external hard disks, compact discs, magnetic tapes, electronic files, back-ups and servers (the "Electronic Data Storage Devices") in the control of the Respondent which contain the information defined in Schedule A at the end of this order the "Information";

   (b) effective access to any online accounts in the control of the Respondent, including but not limited to email accounts, online accounting or payment systems, online storage platforms or cloud services, online message services and online bank accounts which contain the Information (the "Relevant Online Accounts"). The Relevant Online Accounts include without limitation [modify as appropriate]:

8 For the avoidance of doubt, it is the Applicant's responsibility to undertake all such enquires as may be required to identify the Independent Computer Specialist.

(i) firstname.surname@webmail.com ;

(ii) the Dropbox associated with firstname.surname@webmail.com;

(iii) the online bank account: [insert relevant details]; and

(iv) [other – complete as appropriate]; and

(c) without limitation to (a) and (b), all relevant account information, user-names, PIN numbers, passwords, combinations, keys, codes, security tokens, software, permissions and/or devices associated with any two factor or other authentication in the knowledge, possession or control of the Respondent relevant to achieving such effective access to the Electronic Data Storage Devices and/or the Relevant Online Accounts.

7. The Independent Computer Specialist shall make two (2) electronic copies of the contents of the Electronic Data Storage Devices and of the Relevant Online Accounts.

8. The Electronic Copies will be held by the Independent Computer Specialist who will keep them safely in their custody to the order of the Court.

9. The Applicant is not allowed to access or inspect or use the Electronic Copies without the permission of the Court.

IMAGING

10. Until informed by the Independent Computer Specialist that the exercise of making the copies referred to in paragraph 7 above is complete, the Respondent must not access, use, change the password or prompt or otherwise obstruct access to, disturb, remove, conceal, erase, amend, destroy, or tamper with any Electronic Data Storage Device or Relevant Online Account or any information or documents contained in it; provided that once so informed, the Respondent is permitted to make use of any of the Electronic Storage Devices and Relevant Online Accounts in the ordinary course of business or for personal use.

COSTS

11. The costs of this Imaging Application are reserved to the Judge hearing the application on the return date.

RESTRICTIONS ON SERVICE

12. This order may only be served between [ ] am/pm and [ ] am/pm [and on a weekday].

13. This order must be served by the Supervising Legal Representative, and paragraph 6 of the order must be carried out in his presence and under his supervision.

VARIATION AND DISCHARGE OF THIS ORDER

14. Anyone served with or notified of this order may apply to the Court at any time to vary or discharge this order (or so much of it as affects that person), but they

must first inform the Applicant's Solicitors. If any evidence is to be relied upon in support of the application, the substance of it must be communicated in writing to the Applicant's Solicitors in advance.

15. This order may be varied with the written consent of the parties.

INTERPRETATION OF THIS ORDER

16. Any requirement that something shall be done to or in the presence of the Respondent means:

    (a) if there is more than one Respondent, to or in the presence of any one of them; and

    (b) if a Respondent is not an individual, to or in the presence of a director, officer, partner or responsible employee.

17. A Respondent who is an individual who is ordered not to do something must not do it themselves or in any other way. They must not do it through others acting on their behalf or on their instructions or with their encouragement.

18. A Respondent which is not an individual which is ordered not to do something must not do it itself or by its directors, officers, partners, employees or agents or in any other way.

COMMUNICATIONS WITH COURT

19. All communications to the Court about this order should be sent to Abu Dhabi Global Market Authorities Building, ADGM Square, Al Maryah Island, PO Box 111999, Abu Dhabi, UAE quoting the case number. The telephone number is T +971 2 333 8976; registry@adgmcourts.com. The offices are open between 8.30am and 4:30pm Monday to Friday except public holidays.

SCHEDULE A - THE INFORMATION

[ ]

SCHEDULE B – UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANT

1. If the Court later finds that this order or carrying it out has caused loss to the Respondent, and decides that such Respondent should be compensated for that loss, the Applicant will comply with any order the Court may make. Further if the carrying out of this order has been in breach of the terms of this order or otherwise in a manner inconsistent with the Applicant's legal representatives' duties as officers of the Court, the Applicant will comply with any order for damages the Court may make.

2. As soon as practicable the Applicant will issue a claim form [in the form of the draft produced to the Court] [claiming the appropriate relief].

3. The Applicant will not, without the permission of the Court, use any information obtained as a result of carrying out this order or access, inspect or use the Electronic Copies until after the return date.

4. [The Applicant will on or before []:

   (a) cause a written guarantee in a form acceptable to the Court in the sum of [AED…]/[US$ …] to be issued from a bank with a place of business within the ADGM in respect of any order that the Court may make pursuant to the undertaking in paragraph (1) above; and

   (b) cause a copy of such guarantee to be served on the Respondent.]

SCHEDULE C – UNDERTAKINGS GIVEN TO THE COURT BY THE APPLICANT'S SOLICITORS

The Applicant's legal representatives will provide to the Supervising Legal Representative for service on the Respondent:

(a) this order;

(2) the application including the affidavits in support set out in Schedule F; and

(3) an application notice for continuation of this order (as required).

SCHEDULE D – UNDERTAKINGS GIVEN BY THE INDEPENDENT COMPUTER EXPERT

1. The Independent Computer Specialist will make two electronic copies of the contents of the Electronic Data Storage Devices and the Relevant Online Accounts in accordance with paragraphs 6 to 8 of this order.

2. As soon as reasonably practical after completing the making of the said two electronic copies the Independent Computer Specialist will tell the Applicant's Solicitors and the Respondent that that has been completed.

3. The Independent Computer Specialist will take all reasonable steps to ensure that no damage is done to any Electronic Data Storage Device or Relevant Online Account or the data contained therein.

4. The Independent Computer Specialist will not use, deal with or dispose of any information obtained pursuant to this order for any purpose other than for the purposes of carrying out or complying with this order.

5. The Independent Computer Specialist will keep confidential any information learned about the Respondent as a consequence of performing the actions required by this order.

SCHEDULE F - AFFIDAVITS

The Applicant relied on the following affidavits:

(1) First Affidavit of [] sworn on []; and

(2) Second Affidavit of [] sworn on [].

NAME AND ADDRESS OF APPLICANT'S LEGAL REPRESENTATIVES

The Applicant's legal representatives are:
[ ]

PRACTICE DIRECTION 8:
EVIDENCE

Date re-issued: 30 November 2023

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

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

A. WITNESS STATEMENTS [r.97]

8.1 Except in the case of small claims and employment claims, a witness statement must be in accordance with Form CFI 15**.**

8.2 A witness statement stands as the evidence in chief of a witness.

8.3 The evidence in a witness statement must comply with the following requirements:

(a) it must be in the witness's own words;

(b) it must be concise and include all relevant details;

(c) it must contain only evidence that the witness would be allowed to give orally;

(d) it must not include lengthy quotations from documents;

(e) it must not contain argument;

(f) it must indicate which of the statements are made from the witness's own knowledge and which are made on information or belief, giving the source for any statement made on information or belief; and

(g) it must contain a statement by the witness that he believes the information contained in it is true.

8.4 The making of or causing to be made a false statement in a witness statement without an honest belief in its truth may result in proceedings being brought against the person for a contempt of court.

B. AFFIDAVITS [r.104]

8.5 An affidavit must be in accordance with Form CFI 14.

8.6 The provisions in paragraphs 8.3(a) – (f) and 8.4 also apply to affidavits.

C. EVIDENCE AT TRIAL AND OTHER HEARINGS

Witness summons and examination orders [r.120, 123, 124 and 125]

8.7 An application for a witness summons must be in accordance with Form CFI 16 and may be made without notice.

8.8 Rule 123 provides that a witness summons must be served personally.

8.9 Rules 124 and 125 provide that at the time of service of a witness summons or examination order, a witness or deponent must be offered or paid a sum:

(a) reasonably sufficient to cover his travelling expenses;

(b) by way of compensation for loss of time and,

(c) in the case of a witness summons under Rule 124, for costs otherwise incurred in compliance with it.

8.10 With regard to the sum to be offered or paid to a witness or deponent for the purpose of Rules 124 and 125, the applicant for the witness summons or examination order shall:

(a) offer or pay to the witness the sum of USD100 at the time the witness is served with the witness summons;

(b) offer or pay to the deponent the sum of USD100 at the time the deponent is served with the examination order; and

(c) in all cases, provide an undertaking in the application notice to pay such further sum as may be ordered by the Court.

8.11 The sums referred to in sub-paragraphs 8.10 (a) and (b) may be reduced by USD 20 where the Court orders that the attendance on a witness summons or examination order is to proceed by way of video-link.

Notice to admit facts or part of case and admission of facts or part of case [r.109]

8.12 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 Form CFI 47**.**

Hearsay, credibility, use of plans, photographs, models and other documentary evidence and questions of foreign law [r.112, 114, 115, 116 and 117]

8.13 Rule 112(3) provides for giving notice of intention to rely on hearsay evidence at trial in relation to all other cases not dealt with by Rules 112(1) or 112(2). For the purpose of Rule 112(3), the party proposing to rely on the hearsay evidence must:

(a) file and serve the notice in accordance with Form CFI 17 no later than the latest date for serving witness statements; and

(b) if the hearsay evidence is to be in a document, supply a copy to any party who requests him to do so.

8.14 Rule 114 provides for a party to apply to the Court for permission to call the maker of a statement that contains hearsay evidence to be cross-examined on the contents of the statement. An application under Rule 114 for permission to call the maker of a statement to be cross-examined must be made not

more than 14 days after the day on which a notice of intention to rely on the hearsay evidence was served on the applicant. The application must be made in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

8.15 Rule 115 provides for giving notice of intention to call evidence to attack the credibility of a person who made a statement of which hearsay evidence is to be given. A notice required by that rule must be filed and served in accordance with Form CFI 17 not more than 14 days after the day on which a hearsay notice relating to the hearsay evidence was served on him.

8.16 Rule 116(3) provides for notice to be given by a party intending to rely upon evidence which is not contained in a witness statement, affidavit or expert's report or is a document which may be received in evidence without further proof under section 65 of the Regulations. If the party is to serve witness statements in respect of the hearing at which he intends to rely on such evidence, the notice is to be filed and served in accordance with Form CFI 17 no later than the latest date for serving witness statements. Otherwise, it is to be filed and served at least 21 days before the hearing at which he intends to rely on the evidence.

8.17 Rule 117(3) provides for giving notice of intention to put in evidence a finding on a question of foreign law. A notice required by that rule must be filed and served in accordance with Form CFI 17 no later than 10 days before the day fixed for the commencement of the hearing or the trial.

D. LETTERS OF REQUEST TO JUDICIAL AUTHORITIES

Obtaining evidence from courts outside the jurisdiction [r.130, 137]

8.18 An application for an order for the issue of a letter of request to take a deposition from a person who is outside the jurisdiction shall be made by application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15. Such witness statement evidence must include or exhibit:

(a) a statement of the issues relevant to the proceedings;

(b) a list of the questions or the subject matter of the questions to be put to the proposed deponent; and

(c) a draft letter of request.

E. LETTERS OF REQUEST FROM JUDICIAL AUTHORITIES

Obtaining evidence for courts outside the jurisdiction [r.132, 138]

8.19 An application for an order for evidence to be taken for a court outside the jurisdiction shall be made by application notice in accordance with Form CFI 26 and must include or exhibit:

(a) the order sought from the Court;

(b) a statement of the issues relevant to the proceedings;

(c) a list of the questions or the subject matter of the questions to be put to the proposed deponent; and

(d) a certified copy of the letter of request from the foreign court and, if applicable, a certified English translation of the request.

F. EXPERT EVIDENCE [r.140, 141, 142]

8.20 Part 17 of the Rules makes provisions about expert evidence. The provisions of this Practice Direction amplify and supplement those requirements.

8.21 Rule 140 provides that it is the duty of experts to help the Court on matters within their expertise and that this duty overrides any obligation to the person from whom experts have received instructions or by whom they are paid. Hence, an expert must provide an opinion that is independent of the party retaining the expert and must not take on the role of advocate for a party.

8.22 An expert's report must comply with the requirements of the Rules, including, in particular, the requirements of Rule 141(2).

8.23 The expert report must be verified by a statement of truth in the following form: "I confirm that I have made clear which facts and matters referred to in this report are within my own knowledge and which are not. Those that are within my own knowledge I confirm to be true. The opinions I have expressed represent my true and complete professional opinions on the matters to which they refer".

8.24 The expert report must be signed personally by the expert and filed with the Court using Form CFI 36.

8.25 The Court decides what expert evidence may be called. Rule 142 provides that expert evidence shall be restricted to that which is reasonably required to resolve the proceedings and further provides that no party may call an expert or put in evidence an expert's report without the Court's permission.

PRACTICE DIRECTION 9:
COSTS

Date re-issued: 17 October 2025

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

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

A. INTRODUCTION

9.1 Part 24 of the Rules provides for Fees and Costs.

9.2 Rule 195(3) provides that Part 24 of the Rules is subject to any rule or practice direction which sets out special provisions with regard to any particular category of proceeding before the Court.

9.3 In this Practice Direction:

(a) Part B applies to small claims (as defined in Practice Direction 3), employment claims (as defined in Practice Direction 4) and short-term residential lease claims (as defined in Practice Direction 16);

(b) Parts C to F apply to all proceedings in the Court of First Instance other than small claims, employment claims and short-term residential lease claims where the costs in those proceedings are fixed in accordance with Part B.

9.4 The Court will not order a party to a small claim, an employment claim, a short-term residential lease claim or any appeal from those claims, to pay a sum to another party in respect of that other party's costs, fees and expenses, where the value of the claim does not exceed US$10,000, except:

(a) such part of any court fees paid by that other party as the Court may consider appropriate; and

(b) such further costs as the Court may assess by the summary procedure and ordered to be paid by a party who has behaved unreasonably.

B. SMALL CLAIMS, EMPLOYMENT CLAIMS AND SHORT-TERM RESIDENTIAL LEASE CLAIMS

Fixed costs for legal representatives

9.5 The following amounts will be fixed for legal representatives' costs in proceedings: (i) in the Small Claims Division; (ii) in the Employment Division; and (iii) relating to a short-term residential lease claim.

Event	Amount USD
Commencement Costs – where claim form is served on the defendant or defendants	1% of claim amount: minimum of USD300 (all claims) and maximum of USD1,000 (small claims), USD 10,000 (employment claims and short-term residential lease claims)
Where judgment in default of a defence is entered under Rule 312	USD300
Where judgment is entered under Rule 42 either on admission of whole or part of the claim and the claimant accepts the defendant's proposal as to the manner of payment	USD250
Where judgment is entered under Rule 42 either on admission of whole or part of the claim and the Court decides the date or time of payment	USD250
Where summary judgment is given under Rule 68	1% of judgment amount: minimum of USD300 (all claims) and maximum of USD1000 (small claims), USD 10,000 (employment claims and short-term residential lease claims)
Judgment entered on the papers for the claimant	2% of judgment amount: minimum of USD300 (all claims) and maximum of USD2,000 (small claims), USD 15,000 (employment claims and short-term residential lease claims)
Judgment entered on the papers for the defendant	2% of claim amount: minimum of USD300 (all claims) and maximum of USD2,000 (small claims), USD 15,000 (employment claims and short-term residential lease claims)
Judgment entered for the claimant after trial	5% of judgment amount: minimum of USD1,500 (all claims) and maximum of USD5,000 (small claims), USD 50,000 (employment claims and short-term residential claims)
Judgment entered for the defendant after trial	5% of claim amount: minimum of USD1,500 (all claims) and maximum of USD5,000 (small claims), USD 50,000 (employment claims and short-term residential lease claims)

9.6 Where the only claim is for a specified sum of money and the defendant pays the sum claimed together with the commencement costs specified in this table:

(a) in the case of a small claim or a short-term residential lease claim, within 7 days after service of the claim on him; and

(b) in the case of an employment claim, within 14 days after service of the claim on him,

(c) the defendant is not liable for any further costs.

9.7 Where a defendant has filed a counterclaim, costs will be allowed to the parties for bringing or defending that counterclaim (in addition to the costs referable to the bringing or defending of the claim) as if the parties to that counterclaim had been claimant and defendant in separate proceedings.

Fixed costs for litigants in person

9.8 Litigants in person will be allowed 50% of the amounts allowed for legal representatives set out in the table under paragraph 9.5 in addition to any recoverable disbursements.

C. SUMMARY ASSESSMENT OF COSTS

9.9 In relation to the standard basis, costs incurred are proportionate if they bear a reasonable relationship to:

(a) the sums in issue in the proceedings;

(b) the value of any non-monetary relief in issue in the proceedings;

(c) the complexity of the litigation;

(d) the additional work generated by the conduct of the paying party;

(e) any wider factors involved in the proceedings, such as reputation or public importance; and

(f) the indicative hourly rates set out in Annexure 1 to this Practice Direction which are designed to provide guidance to parties on charge out rates that are likely to be acceptable to the Court.

9.10 In relation to any assessment of costs the Court will have regard to:

(a) whether the costs were reasonably incurred and are reasonable in amount;

(b) the conduct of all the parties;

(c) the amount or value of any money or property involved;

(d) the importance of the matter to all of the parties;

(e) the particular complexity of the matter or the difficulty or novelty of the questions raised;

(f) the skill, effort, specialised knowledge and responsibility involved;

(g) the time spent on the case;

(h) the place where, and the circumstances in which, work or any part of it was done; and

(i) the receiving party's last approved budget.

9.11 A litigant in person is entitled to costs for the same categories of –

(a) work; and

(b) disbursements

which would have been allowed if the work had been done or the disbursements had been incurred by a legal representative on the litigant in person's behalf.

9.12 The amount which may be allowed to a litigant in person under paragraph 9.11(a) is set out in Annexure 1.

9.13 A template for a Statement of Costs for Summary Assessment:

(a) where the claiming party is legally represented is set out in Annexure 2; and

(b) where the claiming party is not legally represented is set out in Annexure 3.

9.14 Any Statement of Costs must be filed in accordance with Form CFI 36.

D. DETAILED ASSESSMENT OF COSTS

9.15 Where a party has been ordered to pay costs and the amount of the costs has not been agreed or the subject of a Costs Management Order, the party to whom the costs are to be paid (the "receiving party") may claim a detailed assessment of the costs.

Costs Officers

9.16 The Registrar of the Court is a costs officer.

9.17 The Chief Justice may appoint one or more other persons as a costs officer.

Bill of costs

9.18 The receiving party claims a detailed assessment of the costs by filing and serving on the party ordered to pay the costs (the "paying party") a bill of costs in accordance with Form COSTS 1.

9.19 The receiving party must, at the same time as service upon the paying party, also serve a copy of the bill of costs on any other relevant person including:

(a) any person who has taken part in the proceedings which gave rise to the assessment and who is directly liable under an order for costs made against him;

(b) any person who has given notice in writing to the receiving party that he has a financial interest in the outcome of the assessment and wishes to be a party accordingly; and/ or

(c) any other person whom the Court orders to be treated as such either on its own motion or on application of either party to the proceedings.

920 A claim for a detailed assessment of costs must be made no later than 3 months after:

(a) the date of final judgment in the proceedings in which the order was made;

(b) where a claim for detailed assessment has been stayed pending an appeal, the date of the order lifting the stay;

(c) the date of service of a notice of discontinuance under Rule 170;

(d) the date of the dismissal of an application to set aside a notice of discontinuance under Rule 171; or

(e) within such further time as the Court or a costs officer allows.

921 Where the receiving party fails to commence a claim for detailed assessment within the period required, the paying party may apply for an order requiring the receiving party to commence the claim within such time as the Court may direct. The Court may make directions upon such application that all or part of the costs and any interest to which the receiving party would otherwise be entitled be disallowed if the receiving party fails to commence a claim or detailed assessment within such time as the Court has directed.

Notice of Dispute

922 A paying party and any other paying party to the claim for detailed assessment who disputes the claim made by the receiving party must file and serve on the receiving party a notice of dispute no later than 28 days after the date of service of the claim for a detailed assessment or such further time as the Court or a costs officer allows.

923 A notice of dispute shall be in accordance with Form COSTS 2 and must state by reference to each item in the bill of costs the amount which the paying party says should be allowed as costs for the item.

924 An extension of the time for making a claim for a detailed assessment of costs or for filing and serving a notice of dispute will be allowed only if it is shown to be in the interests of justice to do so.

Optional reply

9.25 Where any party to the detailed assessment serves points of dispute, the receiving party may, within 21 days of being served with the points of dispute, serve a reply to those points on the other parties to the detailed assessment in accordance with Form COSTS 2A.

Default Costs Certificates

9.26 The receiving party may file an application for a default costs certificate if the period for filing a notice of dispute has expired and a notice of dispute has not been filed. An application for a default costs certificate should be in accordance with Form COSTS 6. Where a receiving party obtains a default costs certificate, the costs payable to him for making the application shall be US$160. A default costs certificate may be enforced as if it were an order or judgment of the Court.

9.27 Upon application by the paying party, the Court must set aside or vary a default costs certificate if the receiving party was not entitled to all or any amount of the costs certified or if it appears to the Court that there is a good reason why the claim for detailed assessment should continue. The application is to be made in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

Provisional assessment

9.28 In every case where a claim is made for a detailed assessment of costs, a costs officer will first make a provisional assessment of the amount that should be allowed.

9.29 A provisional assessment is to be carried out without a hearing on the papers provided by the parties. The costs officer may request additional documents from the receiving party in order to deal with a particular point.

9.30 The costs officer who makes a provisional assessment of the amount to be allowed will inform the parties in writing of the outcome of that assessment and the basis or bases on which it was made.

9.31 A party dissatisfied with a provisional assessment may file and serve on the opposite party, no later than 28 days after the costs officer issued the provisional assessment, a notice of dissatisfaction with the assessment stating, in summary form, the cause or causes of that dissatisfaction. A notice of dissatisfaction shall be in accordance with Form COSTS 3.

9.32 On the filing of a notice of dissatisfaction, a costs officer will appoint a time for the conduct of a detailed assessment of the costs.

9.33 Guidelines for detailed assessment

9.34 The detailed assessment of costs is to be conducted by reference to:

(a) in relation to an assessment on the standard basis, the matters set out in paragraph 9.9;

(b) in all cases, the matter set out in paragraph 9.10;

(c) the notice of dispute;

(d) any reply to the notice of dispute;

(e) the provisional assessment; and

(f) any other matter that the costs officer gives permission to a party to raise.

Costs of detailed assessment

9.35 If the amount allowed by the costs officer, after detailed assessment, differs from the provisional assessment by an amount in favour of the party requesting a detailed assessment which is less than one sixth of the provisional assessment, the party seeking the detailed assessment must pay the costs of the detailed assessment.

9.36 In any other case, the costs of the detailed assessment are to be in the discretion of the costs officer.

9.37 In exercising that discretion, the costs officer may have regard to the amounts originally claimed by the receiving party and estimated by the paying party to be due.

E. REVIEW OF COSTS OFFICER'S DECISION

9.38 Any party to a detailed assessment of costs who is dissatisfied with some or all of the final decision of the costs officer may apply to a Judge for review of the decision. An application for review of the final decision of the costs officer must be made no later than 28 days after the date of such final decision.

9.39 An application for review is to be made by filing and serving an application notice in accordance with Form COSTS 4, accompanied by such written submissions as the applicant seeks to rely on in support of the application.

9.40 The applicant's written submissions must state what part or parts of the costs officer's decision is or are challenged and the basis or bases for that challenge.

Notice of objection

9.41 A party who objects to the application for review may do so by filing and serving within 14 days of the service of the application for review, a notice of objection in accordance with Form COSTS 5, accompanied by such written submissions as the objecting party seeks to rely on in opposition to the application.

9.42 The objecting party's written submissions must identify which of the bases for challenge are disputed and on what basis or bases.

9.43 A judge may decide an application for review of the decision of a costs officer without any further submission or hearing.

F. CERTIFICATE OF COSTS OFFICER

9.44 A costs officer must certify the amount of costs agreed between parties or allowed following a detailed assessment of costs.

9.45 If, following a review of the costs officer's decision, the amount allowed is varied, the costs officer must certify the amount as so varied.

G. OTHER MATTERS

9.46 The costs incurred by a party in proceedings before another court are not recoverable in proceedings before ADGM Courts. Any costs incurred by a party in proceedings before another court must be claimed before that other court in accordance with any costs framework in place that applies to those proceedings.

9.47 For the avoidance of doubt, paragraph 9.46 does not apply to a judgment creditor who has the benefit of a foreign costs order that it wishes to enforce in ADGM.

ANNEXURE 1

INDICATIVE HOURLY LEGAL CHARGES

The rates set out in the following table should be considered a guideline as to rates likely to be acceptable to the Courts when assessing legal representative costs.

Level of Legal Experience Average Hourly Rate (AED)	Average Hourly Rate (AED)
Trainee/ Paralegal	1,700
Associate	2,900
Senior Associate	3,600
Counsel	3,900
Partners	4,500

The hourly rate likely to be acceptable to the Court when assessing the costs of a litigant in person is AED 150.

ANNEXURE 2

TEMPLATE FOR A STATEMENT OF COSTS FOR SUMMARY ASSESSMENT WHERE THE CLAIMING PARTY IS LEGALLY REPRESENTED

Description of fee earners

(a) *(name) (grade) (hourly rate claimed)*	
(b) *(name) (grade) (hourly rate claimed)*	
(c) *(name) (grade) (hourly rate claimed)*	
(d) *(name) (grade) (hourly rate claimed)*	

Attendances on (party)

Personal attendances

(a) *(number)*		hours at AED		AED	
(b) *(number)*		hours at AED		AED	
(c) *(number)*		hours at AED		AED	
(d) *(number)*		hours at AED		AED	

Letters out/emails

(a) *(number)*		hours at AED		AED	
(b) *(number)*		hours at AED		AED	
(c) *(number)*		hours at AED		AED	
(d) *(number)*		hours at AED		AED	

Telephone

(a) *(number)*		hours at AED		AED	
(b) *(number)*		hours at AED		AED	
(c) *(number)*		hours at AED		AED	

Attendances on opponents (including negotiations)

Personal attendances

(a) *(number)*		hours at AED		AED	
(b) *(number)*		hours at AED		AED	
(c) *(number)*		hours at AED		AED	
(d) *(number)*		hours at AED		AED	

Letters out/emails

(a) *(number)*		hours at AED		AED	
(b) *(number)*		hours at AED		AED	
(c) *(number)*		hours at AED		AED	
(d) *(number)*		hours at AED		AED	

Telephone

(a) *(number)*		hours at AED		AED	
(b) *(number)*		hours at AED		AED	
(c) *(number)*		hours at AED		AED	
(d) *(number)*		hours at AED		AED	

Attendances on others

Personal attendances

(a) *(number)*		hours at AED		AED	
(b) *(number)*		hours at AED		AED	
(c) *(number)*		hours at AED		AED	
(d) *(number)*		hours at AED		AED	

Letters out/emails

(a) *(number)*		hours at AED		AED	
(b) *(number)*		hours at AED		AED	
(c) *(number)*		hours at AED		AED	
(d) *(number)*		hours at AED		AED	

Telephone

(a) *(number)*		hours at AED		AED	
(b) *(number)*		hours at AED		AED	
(c) *(number)*		hours at AED		AED	
(d) *(number)*		hours at AED		AED	

Site inspections etc.

(a) *(number)*		hours at AED		AED	
(b) *(number)*		hours at AED		AED	
(c) *(number)*		hours at AED		AED	
(d) *(number)*		hours at AED		AED	

Work done on documents, as set out in schedule

Attendance at hearing.

(a) *(number)*		hours at AED		AED	
(b) *(number)*		hours at AED		AED	
(c) *(number)*		hours at AED		AED	
(d) *(number)*		hours at AED		AED	
(e) *Fixed costs*					

(a) *(number)*		hours travel and waiting time AED		AED	
(b) *(number)*		hours travel and waiting time AED		AED	
(c) *(number)*		hours travel and waiting time AED		AED	
(d) *(number)*		hours travel and waiting time AED		AED	

Sub-Total

Brought forward AED

Counsel's fees *(name)*
(year of call)

Fee for [advice/conference/documents]	AED	
Fee for hearing	AED	
Other expenses		
Court fees	AED	
Others (give a brief description)	AED	
Total	AED	
Grand Total	AED	

The costs stated above do not exceed the costs which the (party) is liable to pay in respect of the work which this statement covers. Counsel's fees and other expenses have been incurred in the amounts stated above and will be paid to the persons stated

(party)

Signed

Dated

Name of Partner signing

Name of firm of Solicitors

Schedule of work done on documents

Item	Description of work (one line only)	(A) hours	(B) hours	(C) hours	(D) hours	Total AED
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
Total						

ANNEXURE 3

TEMPLATE FOR A STATEMENT OF COSTS FOR SUMMARY ASSESSMENT WHERE THE CLAIMING PARTY IS NOT LEGALLY REPRESENTED

Part A - work undertaken on the case			
Item	Description of work	Hours	Amount claimed at rate of AED 150 per hour[1]
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
Sub Total A			
Part B - disbursements			
Item	Description of disbursement	Invoice No.	Amount (AED)[2]
1	ADGM Court fees		
2	Other (if applicable)		
Sub Total B			
Part C- Total			
TOTAL	Add sub totals A and B		

[1] See Annexure 1 which states that the hourly rate likely to be acceptable to the Court when assessing the costs of a litigant in person is AED 150.

[2] In accordance with Practice Direction 1.40, any exchange rate conversion between US Dollars and UAE Dirham shall be at the exchange rate of US$1: AED 3.6725.

The work undertaken on the case (as described in Part A) does not exceed the actual work undertaken on the case. The disbursements which I am liable to pay (as described in Part B) have been incurred in the amounts stated above and will be paid to the persons stated.

Name of Partner signing

Name of firm of Solicitors

Date

PRACTICE DIRECTION 10: ENFORCEMENT

Date re-issued: 17 October 2025

This Practice Direction is to be read with, and subject to, the ADGM Court Procedure Rules 2016 ("CPR") and the Divisions and Jurisdiction (Court of First Instance) Rules 2015. Except as provided otherwise in this Practice Direction, terms have the meanings set out in the CPR and a reference to a Rule is a reference to the CPR.

This Practice Direction must be read in conjunction with all other Practice Directions. Unless the Court orders otherwise, the following provisions shall apply.

A. ARBITRATION

Recognition and enforcement of an award [r.232 and r.233]

10.1 An application for recognition or enforcement of an award must be supported by written evidence exhibiting at least the following documents:

(a) a copy of the arbitration agreement pursuant to which the arbitral award was rendered; and

(b) the original or a duly certified copy of the arbitral award in respect of which enforcement is sought.

10.2 An application for recognition or enforcement of an award is to be made in accordance with Form CFI 5 together with a draft order in accordance with Form CFI 37. Witness statement evidence in support of the application is to be in accordance with Form CFI 15 setting out the following information:

(a) the parties to the arbitration;

(b) the arbitration agreement between the parties pursuant to which the dispute was referred to arbitration;

(c) a brief summary of the dispute that was referred to arbitration;

(d) the arbitral award that was delivered by the arbitral tribunal;

(e) the relief that is contained in the arbitral award; and

(f) whether any amounts have been paid under the arbitral award, and the amounts currently outstanding under the award.

10.3 The documents referred to in paragraph 10.1 must be exhibited to the witness statement referred to in paragraph 10.2, together with any other supporting documents that the Claimant seeks to rely on.

10.4 The Court may give written directions about the further conduct of the application.

10.5 If an order giving permission to recognise or enforce an award is made by the Court, it must be served in the same way a claim form may be served under Part 4 of the CPR.

Interest on awards [r.235]

10.6 An applicant seeking an order for the recognition or enforcement of an award of interest on the whole or part of the award which relates to a period after the date of the award must provide the following particulars in their claim:

(a) whether simple or compound interest was awarded;

(b) the rate or rates of interest claimed; and

(c) the period or periods for which each rate of interest is claimed.

B. RECIPROCAL RECOGNITION AND ENFORCEMENT OF JUDGMENTS OF RECOGNISED COURTS

10.7 The following directions apply unless otherwise provided for in an applicable treaty, agreement, memorandum of understanding or memorandum of guidance (whether or not any such memorandum be of binding effect) with the relevant jurisdiction.

10.8 In this section "judgment" includes decisions, orders or arbitral awards that have been recognised or ratified by a recognised court.

Applications for registration [r.298]

10.9 An application for registration for enforcement of a judgment of the judicial authorities of the Emirate and the Emirate Members of the United Arab Emirates must be made:

(a) in accordance with Abu Dhabi Law No. 12 of 2020 in relation to the enforcement of a judgment of the judicial authorities of the Emirate;

(b) in accordance with any relevant memorandum of understanding in relation to the enforcement of a judgment of the judicial authorities of the Emirate Members;[1]

(c) where direct application [2]is made by a judgment applicant to ADGM Courts for registration of a judgment of a court of the United Arab Emirates, by filing an application form in accordance with Form CFI 29;

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1 See Memorandum of Understanding between Abu Dhabi Judicial Department and ADGM Courts dated 11 February 2018 (the "ADJD MoU"); Memorandum of Understanding between Ministry of Justice and ADGM Courts dated 4 November 2019 (the "MoJ MoU"); Memorandum of Understanding between Ras Al Khaimah Courts and ADGM Courts dated 5 May 2019 (the "RAK MoU"); Memorandum of Understanding between Dubai Courts and ADGM Courts dated 14 January 2025 (the "Dubai MoU").

2 Ibid, see paragraph 8 of the ADJD MoU, paragraph 8 of the MoJ MoU; paragraph 8 of the RAK MoU; paragraph 7 of the Dubai MoU. See also Article 16(a) of Abu Dhabi Law No. 12 of 2020.

(d) where a court of the United Arab Emirates has deputised[3] ADGM Courts to recognise and enforce a judgment of that court, by filing a request form in accordance with Form CF1 49.

10.10 An application for registration for enforcement of a recognised court's judgment (other than a judgment of the judicial authorities of the Emirate and the Emirate Members of the United Arab Emirates) is made by filing a claim form in accordance with Form CFI 27, supported by witness statement evidence in accordance with Form CFI 15, setting out the following information:

(a) the name of the judgment applicant and his address for service within ADGM;

(b) the name of the judgment respondent and his address or place of business, if known;

(c) confirmation that the judgment is a money judgment;

(d) the amount in respect of which the judgment remains unsatisfied;

(e) the grounds on which the judgment applicant is entitled to enforce the judgment;

(f) whether the judgment can be enforced by execution in the country where it was given;

(g) where the judgment contains different provisions, some but not all of which can be registered for enforcement, details of those provisions in respect of which it is sought to register the judgment;

(h) where interest is recoverable under the State in which the judgment was given:

(i) the law of that State under which interest has become due under the judgment;

(ii) the amount of interest which has accrued up to the date of the application; and

(iii) the rate of interest, the date from which it is recoverable and the date on which it ceases to accrue; and

(i) any matter which, if the judgment respondent was represented, the judgment respondent would wish the Court to be aware of. This includes any matters which might tend to undermine the judgment applicant's application.

Security for costs [r.299]

10.11 Rule 299 provides that a judgment applicant may apply for security for costs as if the judgment applicant was a claimant. Practice Direction 7 sets out certain

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3 Above n1, see paragraph 9 of the ADJD MoU; paragraph 9 of the MoJ MoU; paragraph 9 of the RAK MoU; paragraph 8 of the Dubai MoU. See also Article 16(b) of Abu Dhabi Law No. 12 of 2020.

circumstances in which the Court may conclude that it would be just to order security for costs to an applicant.

Effect of registration of judgment

10.12 The effect of the registration of a judgment of a recognised court is set out in section 173 of the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015.

10.13 Subject to paragraphs 10.9 and 10.10 following registration any application for enforcement of a judgment of a recognised court is to be made in accordance with the relevant parts of the Rules and this Practice Direction.

C. ENFORCEMENT OF THE COURT'S ORDERS AND JUDGMENTS OUTSIDE THE JURISDICTION

Applications for certified copies of judgments [r.302]

10.14 An application for a certified copy of an order or judgment of the Court must be made in accordance with Form CFI 24 supported by the following:

(a) a copy of the order or judgment which the applicant seeks to enforce;

(b) where the applicant seeks to enforce an arbitral award, a copy of any order of the Court recognising the award; and

(c) a draft of any execution letter which is sought[4]

Executory Formula

10.15 If the application for a certified copy of an order or judgment of the Court is granted, the Registry will affix the following executory formula on the order or judgment:

> *"The authorities and competent bodies must proceed to execute this instrument and to carry out the requirements thereof, and they must give assistance in the execution thereof even by force if so requested."*

10.16 The Registry shall not affix an executory formula, for the purpose of recognition or enforcement in any other jurisdiction, to an order or judgment rendered by the Court in respect of the recognition or enforcement of:

(a) an order or judgment issued by a court outside the Emirate; or

(b) any arbitral award rendered by a tribunal where the seat is outside the jurisdiction.

10.17 The Registry will not affix the executory formula to an order or judgment rendered by the Court:

(a) until the relevant appeal period has passed; or

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[4] There is no requirement to provide a draft execution letter where the place of enforcement is Abu Dhabi.

(b) if the order or judgment is subject to an appeal (including any application for permission to appeal), until the appeal has been disposed of.

Enforcing an order or judgment of the Court in the Emirate

10.18 A judgment applicant may enforce an order or judgment of the Court through the judicial authorities of the Emirate either by way of:

(a) direct application; or

(b) deputisation,

to the judicial authorities of the Emirate as contained in Abu Dhabi Law No. 12 of 2020.

10.19 Both enforcement methods require the order or judgment of the Court to be affixed with the executory formula in accordance with paragraph 10.15.

10.20 The types of enforcement orders that the judicial authorities of the Emirate may make include attachment of the judgment respondent's bank accounts and/ or attachment of motor vehicles registered in the name of the judgment respondent.

Direct application method for enforcement

10.21 A judgment applicant may apply directly to the judicial authorities of the Emirate pursuant to its legal procedures for the enforcement of the order or judgment, by submitting the certified copy of the order or judgment with the executory formula and a copy of the judgment translated into Arabic by a legal translator.

10.22 Unless otherwise notified by the Court, where the judgment or order relates to an employment claim:

(a) the judgment applicant may attend an Injaz Centre in Abu Dhabi to register his enforcement case; and

(b) at the time of registration, the judgment applicant must produce the certified copy of the order or judgment with the executory formula (see paragraphs 10.15 and 10.16) and a copy of the judgment translated into Arabic and certified by a legal translator.

Deputisation method for enforcement

10.23 An application by a judgment applicant seeking to enforce an order or judgment of the Court by the Court's deputisation to the judicial authorities of the Emirate must be made in accordance with Form CFI 30.

D. COURT-APPOINTED RECEIVERS

10.24 This Section deals with Court-appointed receivers under Part 28 of the Rules. For provisions dealing with the appointment of a receiver other than by an order of the Court, see Practice Direction 14.

Application for appointment of receiver [r.238]

10.25 An application for the appointment of a receiver may be made without notice.

10.26 An application for the appointment of a receiver is to be made in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

10.27 The witness statement evidence must:

(a) explain the reasons why the appointment is required;

(i) give details of the property which it is proposed that the receiver should get in or manage, including estimates of:

(ii) the value of the property; and

(iii) the amount of income it is likely to produce;

(b) if the application is to appoint a receiver by way of equitable execution, give details of:

(i) the judgment which the applicant is seeking to enforce;

(ii) the extent to which the debtor has failed to comply with the judgment;

(iii) the result of any steps already taken to enforce the judgment; and

(iv) why the judgment cannot be enforced by any other method; and

(c) if the applicant is asking the Court to allow the receiver to act:

(i) without giving security; or

(ii) before he has given security or satisfied the Court that he has security in place;

explain the reasons why that is necessary.

10.28 The witness statement evidence must identify an individual whom the Court is to be asked to appoint as receiver and:

(a) state the name, address and position of the individual;

(b) include written evidence by a person who knows the individual, stating that he believes the individual is a suitable person to be appointed as receiver, and the basis of that belief; and

(c) be accompanied by written consent, signed by the individual, to act as receiver if appointed.

10.29 If the applicant does not nominate a person to be appointed as receiver, he must at the time of filing the application file a witness statement addressing the matters set out in paragraphs 15.112 to 15.115 of Practice Direction 15.

10.30 If the applicant does not nominate a person to be appointed as receiver, or if the Court decides not to appoint the individual nominated, the Court may:

(a) order that a suitable person be appointed as receiver;

(b) direct any party to nominate a suitable individual to be appointed;

(c) make such orders or give such directions as it considers appropriate.

10.31 A party directed to nominate a person to be appointed as receiver must file witness statement evidence in accordance with Form CFI 15 setting out the information required by paragraph 10.27 and attaching the written consent of the individual nominated.

Discharge of receiver [r.241]

10.32 An application by a receiver or any party for the receiver to be discharged on completion of his duties shall be made in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

Removal of receiver

10.33 An application by a receiver or any party for the receiver to be removed or for his appointment to come to an end for any reason other than by way of discharge under Rule 241 shall be made in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

Receiver's application for directions [r.242]

10.34 An application for directions to the Court shall be made in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

Remuneration of receiver [r.243(4)]

10.35 The remuneration of a receiver shall be fixed at such sum as is reasonable and proportionate in all the circumstances taking into account the nature, extent and complexity of the receiver's duties.

No default judgment [r.40(1)(d)]

10.36 An applicant for appointment of a receiver may not obtain a default judgment under Rule 39.

E. METHODS OF ENFORCEMENT

Enforcing a judgment or order for payment of money [r.246]

10.37 A judgment or order for the payment of money (including a judgment or order for the payment of costs) may be enforced by any one or more of the following methods:

(a) writ of control (taking control of goods);

(b) attachment of earnings;

(c) obtaining a third-party debt order;

(d) charging orders;

(e) orders for:

(i) possession of land;

(ii) sale of land or other property over which the judgment creditor has the benefit of a charge;

(iii) requiring judgment debtors to provide information about their means or any other matter about which information is needed for enforcement;

(iv) appointing receivers (as to which see Section D above);

(f) orders relating to insolvency procedures (as to which see Practice Direction 14);

(g) orders relating to real property (as to which see Practice Direction 15); and

(h) orders relating to short-term residential leases (as to which see Practice Direction 16).

Enforcement of decisions of bodies other than the Court [r.250 and r.251]

10.38 For the purpose of Rules 250(1) and 250(2), a party seeking to enforce a decision of a tribunal, panel, body or person other than the Court must commence that action by filing an enforcement application in accordance with Form CFI 25.

10.39 Rule 251(3) provides that where an ADGM enactment provides that a decision of a tribunal, panel, body or person other than the Court may be enforced in the same manner as an order of the Court of First Instance if it is registered. An application for registration must be made in accordance with Form CFI 25.

10.40 Paragraphs 10.38 and 4.65 apply *mutatis mutandis* to the enforcement of a compromise.

Application to obtain information from judgment debtor [r.253(3), r.256 and r.257]

10.41 An application to obtain information from a judgment debtor must be made by application notice filed in the proceeding in which the relevant judgment or order was obtained. Such an application notice is to be in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15, and must state:

(a) the judgment or order to which the application relates;

(b) the amount of the judgment debt (including any interest which has accrued) which the judgment creditor alleges to be outstanding; and

(c) the information which the judgment creditor seeks from the judgment debtor.

10.42 A party who obtains an order that a person attend Court, must serve the order on that person by personal service in accordance with Part 4 of the CPR.

10.43 With regards to the sum to be paid to a person as travelling expenses for the purpose of Rule 257, the applicant shall:

(a) pay to the person such sum not exceeding USD 50.00 as may be requested; and

(b) in all cases, provide an undertaking in the application notice to pay such sum as may be ordered by the Court.

10.44 For the purpose of paragraph 4.65 no sum shall be payable if the hearing is to take place by video-conference and physical attendance at court is not required.

Judgment creditor's affidavit [r.258(1)]

10.45 The affidavit or affidavits required to be filed under Rule 258(1) shall be in accordance with Form CFI 14 and must:

(a) provide details of how and when the order was served;

(b) state either that the person ordered to attend the Court has not requested payment of his travelling expenses or the judgment creditor has paid a sum in accordance with such a request; and

(c) stating how much of the judgment debt remains unpaid.

Application for third party debt order [r.261]

10.46 An application for a third party debt order must be made by application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15, and must state:

(a) the name and address of the judgment debtor;

(b) the judgment or order to which the application relates;

(c) the amount of the judgment debt (including any interest which has accrued) which the judgment creditor alleges to be outstanding;

(d) if the judgment debt is payable by instalments, the amount of any instalments which have fallen due and remain unpaid;

(e) the name and address of the third party, and if the third party is a bank, the branch and account number, if known;

(f) the nature and extent of the debt which the judgment creditor alleges that the third party owes to the judgment debtor; and

(g) the judgment creditor's estimate of his costs of the application for a third party debt order.

Interim third party debt order [r.262]

10.47 The amount of money specified in an interim third party debt order as the amount which the third party must retain is to be calculated as the sum of:

(a) the amount of the judgment debt outstanding at the date of the order (including interest accrued to that date);

(b) an amount equal to a further 7 days' interest on the judgment debt; and

(c) the estimate made by the Judge or Court officer making the interim third party debt order of the amount of the judgment creditor's costs of the application.

Service of interim third party debt order and associated documents [r.263]

10.48 Within 3 days of the making of an interim third party debt order the judgment creditor must serve on the third party and the judgment debtor a copy of the interim third party order together with a copy of the application notice and any documents filed in support of the application.

Obligations of third party served with interim order [r.264]

10.49 Within 7 days of being served with an interim third party debt order, the third party must file and serve on the judgment creditor a witness statement in accordance with Form CFI 15 disclosing:

(a) every account which the judgment debtor holds with the third party, stating the balance of each account;

(b) whether the third party claims not to owe any money to the judgment debtor;

(c) whether the third party claims to owe less than the amount specified in the interim order; and

(d) whether the third party claims to be unable to comply with the order and, if so, for what reason.

Service of evidence on objection to making final order [r.266(3)]

10.50 Written evidence to be relied on under Rule 266(1) by a judgment debtor or by a third party is to be in accordance with Form CFI 15 and must be filed and served on the judgment creditor and on the judgment debtor or third party (as the case requires) within 14 days of the service of the interim third party debt order.

10.51 Written evidence to be relied on under Rule 266(2) by a judgment creditor is to be in accordance with Form CFI 15 and must be filed and served on the judgment debtor and on the third party within 7 days of the judgment debtor or the third party filing their written evidence in accordance with Rule 266(1).

Application for money in court [r.268(1)]

10.52 If money is standing to the credit of a judgment debtor in Court, a judgment creditor may apply, in the proceeding in which the creditor obtained the judgment or order on which he relies, and served on the judgment debtor, for an order that the money in Court, or so much of it as is sufficient to satisfy the judgment or order and the costs of the application, be paid to him. Any application is to be made in accordance with Form CFI 36.

F. CHARGING ORDERS, STOP ORDERS AND STOP NOTICES

Application for charging order [r.270]

10.53 An application for a charging order must be made by application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

10.54 An application for a charging order must state:

(a) the name and address of the judgment debtor;

(b) the judgment or order of the Court which the applicant seeks to enforce by charging order;

(c) the amount of money due or to become due under that judgment or order payment of which the applicant seeks to secure by charging order;

(d) if the judgment debt is payable by instalments, the amount of any instalments which have fallen due and remain unpaid;

(e) whether the judgment creditor knows of the existence of any other creditors of the judgment debtor, and their names (if known);

(f) precisely what asset or assets it is sought to charge; and

(g) the nature of the judgment debtor's interest in the asset (or in each asset) which the applicant alleges to be sufficient to enable a charging order to be made in respect of that asset.

Service of interim charging order and associated documents [r.272]

10.55 Within 3 days of the making of an interim charging order the judgment creditor must serve on the judgment debtor a copy of the order together with a copy of the application notice and all documents filed in support of the application.

Amount of liability for breach of interim order [r.273(3)]

10.56 A person served with an interim charging order relating to securities who, without the permission of the Court, permits any transfer of any of the securities will be liable to pay to the judgment creditor such amount as is just and equitable having regard, *inter alia*, to the fair market value of those securities.

10.57 A person served with an interim charging order relating to securities who, without the permission of the Court, pays any dividend, interest or redemption payment relating to them will be liable to pay to the judgment creditor an amount equal to the amount of that dividend, interest or redemption payment.

Application to object to making final charging order [r.275(1)]

10.58 Unless the Court orders otherwise, any person who objects to the Court making a final charging order may apply to the Court within 14 days of being served with the interim charging order by filing an application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15, stating the ground or grounds of objection.

10.59 An application notice filed in accordance with paragraph 10.58 of this Practice Direction must be served, together with the material on which the objector relies in support of his objection, on the judgment creditor, the judgment debtor and each person served with the interim charging order within 7 days of filing the application notice and material in support.

Procedure for enforcement of charging order by sale [r.276(2)]

10.60 A judgment creditor seeking an order for the sale of property to enforce a charging order must have regard to the applicable provisions in Practice Direction 16.

10.61 Without limiting the applicable provisions in Practice Direction 16, the written evidence filed in support of the application or claim is to be in accordance with Form CFI 15 and must:

(a) identify the charging order and the property to be sold;

(b) state the amount in respect of which the charge was imposed and the amount due at the date of the issue of the claim;

(c) verify, so far as known, the debtor's title to the property charged;

(d) state, so far as the claimant is able to identify:

(i) the names and addresses of any other creditors who have a prior charge or other security over the property; and

(ii) the amount owed to each creditor;

(e) give an estimate of the price which would be obtained on sale of the property; and

(f) if the claim relates to land, give details of every person who to the best of the claimant's knowledge is in possession of the property.

Charging order against the property of a partnership

10.62 For the purpose of paragraph 10.55 of this Practice Direction (service of interim charging order) the specified documents must in the case of a judgment debtor that is a partnership be served on:

(a) a member of the partnership; or

(b) another officer of the partnership.

10.63 Where an order requires a partnership to appear before the Court, it will be sufficient for a partner to appear before the Court.

Application for a stop order [r.278]

10.64 An application for a stop order must be made by application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15, and must:

(a) identify the funds in court or the securities in respect of which a stop order is sought;

(b) state whether the applicant claims as a person having a mortgage or charge on the interest of any person in the funds or as a person to whom that interest has been assigned or as a person who is a judgment creditor of the person entitled to that interest; and

(c) in the case of securities, whether the applicant claims to be a person beneficially entitled to the securities.

Content of a stop order relating to securities [r.280]

10.65 A stop order relating to securities may prohibit all or any of the following steps:

(a) the registration of any transfer of the securities; and

(b) the making of any payment by way of dividend, interest or otherwise in respect of the securities.

Application for stop notice [r.282(2)]

10.66 An application for a stop notice must be made in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15, setting out the following matters:

(a) the securities in respect of which the stop notice is sought;

(b) the person or persons upon whom it is proposed to serve the stop notice; and

(c) a draft stop notice for the purpose of Rule 282(2).

Withdrawal or discharge of stop notice [r.283(1)]

10.67 A request for the withdrawal or discharge of a stop notice must be made in accordance with Form CFI 36 setting out the reasons for the request.

G. WRIT OF CONTROL (TAKING CONTROL OF GOODS)

Scope of Part 39 of the Rules

10.68 Part 39 of the Rules should be read together with:

(a) Schedule 1 of the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015 ("Courts Regulations"); and

(b) Taking Control of Goods and Commercial Rent Arrears Recovery Rules 2015.

Request for writ of control [r.321]

10.69 A request for a writ of control must be made in accordance with Form CFI 46.

Application for permission [r.322(2)]

10.70 An application for permission must be made in accordance with Form CFI 12 and be supported by witness statement evidence in accordance with Form CFI 15, and must:

(a) identify the judgment or order to which the application relates;

(b) if the judgment or order is for the payment of money, state the amount originally due and, if different, the amount due at the date the application notice is filed;

(c) where the case falls within Rule 322(1)(a), state the reasons for the delay in enforcing the judgment or order;

(d) where the case falls within Rule 322 (1)(b), state the change which has taken place in the parties entitled or liable to execution since the date of the judgment or order;

(e) where the case falls within Rule 322(c) or (d) state that a demand to satisfy the judgment or order was made on the person liable to satisfy it and that that person has refused or failed to do so;

(f) give such other information as is necessary to satisfy the court that the applicant is entitled to proceed to execution on the judgment or order and that the person against whom it is sought to issue execution is liable to execution on it.

H. ATTACHMENT OF EARNINGS

10.71 An application for an attachment of earnings is to be made in accordance with Form CFI 12 and be supported by witness statement evidence in accordance with Form CFI 15 and must deal, insofar as applicable, with the matters set out in Chapter 8 of the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015.

PRACTICE DIRECTION 11:
APPEALS

Date re-issued: 17 October 2025

This Practice Direction deals with:

- applications made to the Court of First Instance for permission to appeal; and
- applications for permission to appeal, and appeals, made to the Court of Appeal.

Appeals to the Court of First Instance in relation to Small Claims are dealt with in Practice Direction 3 – Small Claims. Appeals from a judgment or order made on a short-term residential lease claim are dealt with in Practice Direction 16 – Short-Term Residential Lease Claims.

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

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

A. PERMISSION TO APPEAL [r.206, r.207 and r.208]

Requirement to seek permission to appeal

11.1 Rule 206(1) provides that a party requires permission to appeal from an order or judgment of a Judge in the Court of First Instance to the Court of Appeal.

What constitutes an appeal

11.2 For the purpose of this Practice Direction, "appeal" includes:

(a) an appeal against the whole or part of an order or judgment; and

(b) a request for an order to be varied.

Categories of application for permission to appeal

11.3 Rule 206(2) provides for the following categories of application for permission to appeal to the Court of Appeal (each a "permission application"):

(a) permission application made in respect of a case management or interim order or judgment;

(b) permission application made in respect of an order or judgment refusing permission to apply for judicial review; and

(c) permission application made in respect of any other case.

11.4 For the purpose of Rule 206(2)(a):

(a) case management order or judgment includes an order, direction or judgment made under Parts 11 to 15 and 17 of the Rules and includes an

order or direction about disclosure, filing of witness statements or experts' reports, the timetable of the claim and adding a party to a claim and about security for costs; and

(b) interim order or judgment includes an order or judgment made under Part 10 of the Rules and includes an order or direction in relation to an interim remedy or an interim payment.

11.5 Where the application is for permission to appeal from a case management or interim order or judgment, the Court may take into account whether:

(a) the issue is of sufficient significance to justify the costs of an appeal;

(b) the procedural consequences of an appeal (e.g. loss of trial date) outweigh the significance of the case management or interim order; and

(c) it would be more convenient to determine the issue at or after trial.

Threshold test for grant of permission to appeal

11.6 Rule 208(4) provides that permission to appeal may only be given if the Court considers that the appeal would have a real prospect of success or there is some other compelling reason why the appeal should be heard.

Permission application – how made

11.7 Rules 206(2) to 206(4) prescribe:

(a) how a permission application is to be made;

(b) the time limit within which a permission application must be made; and

(c) the Court which is to hear and determine a permission application.

11.8 A permission application made to the Court of First Instance should be made to the trial judge.

11.9 A permission application made under Rules 206(2) or 206(4) must be made:

(a) to the Court of First Instance, by way of application notice in accordance with Form CFI 38; or

(b) to the Court of Appeal, by way of application notice in accordance with Form COA 1.

11.10 The application notice must identify:

(a) the order or judgment against which it is sought to appeal;

(b) any order refusing permission to appeal;

(c) the ground or grounds on which the appeal would be brought;

(d) the order or orders that would be sought in the appeal; and

(e) any other application that the applicant wishes to make (unless it is not practical to make such application in the notice).

11.11 At the same time as it files and serves its application notice, an applicant must file and serve its written argument in support of its permission application.

11.12 The written argument in support must be in accordance with Form CFI 39 (if filed in the Court of First Instance) or Form COA 2 (if filed in the Court of Appeal) and must:

(a) not, without the permission of the Court, exceed the page limit referred to in paragraph 11.13 below;

(b) attach a copy of:

(i) the order or judgment against which it is sought to appeal (including any reasons provided for the order or judgment);

(ii) any order refusing permission to appeal (including any reasons provided for the order);

(c) set out briefly in chronological form the history of the proceedings;

(d) identify, as shortly as the circumstances allow, the facts and the issue or issues of law in the proposed appeal;

(e) set out in summary form the reasons why permission to appeal should be granted;

(f) in relation to any other application, include a short statement as to why that application should be granted; and

(g) identify any documents that the applicant intends to rely on.

11.13 For the purpose of paragraph 11.12(a), the page limit of a written argument in support of a permission application that relates to:

(a) a case management or interim order or judgment, is 6 pages;

(b) an order or judgment refusing permission to apply for judicial review, is 8 pages; and

(c) any other case, is 12 pages.

Service

11.14 The application notice and written argument in support of a permission application must be served by the applicant on all other parties to the proceeding in which the order or judgment which is the subject of the application was made.

11.15 In relation to a permission application made to the Court of First Instance, service of all documents (including those referred to in paragraph 11.14) is ordinarily effected through the eCourts Platform in accordance with Practice Direction 1.

11.16 In relation to a permission application made to the Court of Appeal, the applicant must serve the documents referred to in paragraph 11.14 in accordance with Part 4 of the CPR and Practice Direction 6[1], and file a certificate of service in accordance with Form CFI 31 within 7 days after service.

11.17 Unless the Court orders otherwise, any respondent who wishes to participate in the permission application made to the Court of Appeal must do so by filing an acknowledgment of service in accordance with Form COA 6:

(a) in relation to a case management or interim order or judgment, within 4 days of being served with the permission application;

(b) in relation to any other case, within 7 days of being served with the permission application.

11.18 Thereafter, service of all documents filed in the proceeding is effected through the eCourts Platform in accordance with Practice Direction 1.

Respondent's written argument in response

11.19 A respondent's written argument in response to a permission application must be in accordance with Form CFI 40 (if filed in the Court of First Instance) or Form COA 3 (if filed in the Court of Appeal) and must;

(a) not, without the permission of the Court, exceed the page limit referred to in paragraph 11.20 below;

(b) set out the reasons why the permission application should be dismissed;

(c) set out any reasons why any other application made should be dismissed; and

(d) identify any documents that the respondent intends to rely on.

11.20 For the purpose of paragraph 11.19(a), the page limit of a written argument in response to a permission application that relates to:

(a) a case management or interim order or judgment, is 6 pages;

(b) an order or judgment refusing permission to apply for judicial review, is 8 pages; and

(c) any other case, is 12 pages.

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1 For the avoidance of doubt, the Registry is not responsible for serving an application for permission to appeal made to the Court of Appeal.

Reply to written argument in response

11.21 An applicant for permission to appeal may, if invited by the Court to do so, file and serve a written argument in reply to the written argument of the respondent or respondents.

11.22 The applicant's written argument in reply must be in accordance with Form CFI 41 (if filed in the Court of First instance) or Form COA 4 (if filed in the Court of Appeal) and must:

(a) not, without the permission of the Court, exceed 4 pages;

(b) only seek to reply to the written argument of the respondent or respondents; and

(c) identify any further documents that the applicant intends to rely on.

Nature of permission application and materials to be provided

11.23 The determination of a permission application is summary in nature.

11.24 As part of any permission application, the parties are encouraged to provide the Court with only those materials that will assist the Court in making a determination as to whether the relevant test for the grant of permission to appeal is met.

11.25 For example, ordinarily a permission application can, and should, be made and answered without production of any substantial part of the evidence tendered at the hearing which preceded the order or judgment which is challenged. If reference to a document in evidence (for example, the contract which was the subject of the proceedings) or a particular passage of oral evidence is necessary for a proper understanding of the permission application, or any response, the party should (subject to paragraph 4.65) annex that document or that passage of evidence to its written argument.

Documents to be uploaded to the eCourts Platform

11.26 Any document referred to by a party in a written argument must be uploaded by that party to the eCourts platform unless the document has previously been uploaded to the eCourts platform in the proceeding to which it relates.

11.27 Any document uploaded to the eCourts platform under paragraph 11.26 may be appended to the written argument to which it relates. For the avoidance of doubt, any appended document is not to be included in the page count for the purpose of paragraphs 11.13, 11.20 or 11.22.

Authorities

11.28 Any authorities to be relied on by a party should be referred to in the party's written argument.

11.29 A party is required to upload to the eCourts platform, using Form CFI 36, any authority that it intends to rely on so that it is available to the Court deciding the permission application.

Disposition of permission application

11.30 Permission applications before the Court of Appeal will be decided by a panel of three judges.

11.31 Permission applications will ordinarily be determined on the papers without an oral hearing.

11.32 The Court considering the permission application may direct that the permission application be referred for further written submissions, or for oral argument, on the question of whether permission should be granted.

11.33 A permission application may be referred for oral argument as on an appeal.

11.34 Where more than one party makes a permission application in connection with an order or judgment of the Court, the Court deciding the applications may:

(a) consolidate the permission applications into the same proceeding;

(b) determine the applications at the same time; or

(c) make such orders as it considers appropriate for the efficient determination of the applications.

11.35 A permission application may be granted, in whole or in part, and with or without conditions.

11.36 A permission application may be refused, with or without costs.

11.37 The decision by the Court of Appeal on a permission application may not be challenged by any proceeding in the Court, whether by way of review, appeal or otherwise.

B. THE APPEAL [r.209, r.209A, r.209B, r.209C and r.211]

Notice of appeal

11.38 Without permission of the Court, a notice of appeal may not allege any ground of appeal outside the scope of the grant of permission to appeal.

11.39 If permission to appeal is given, the appellant must file and serve a notice of appeal in accordance with Form COA 5 within 7 days of the order granting permission to appeal[2].

11.40 The notice of appeal must identify:

(a) the order or judgment against which the appeal is brought;

(b) the ground or grounds on which the appeal is brought;

(c) the order or orders sought in the appeal;

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2 For the avoidance of doubt, the Registry is not responsible for serving a notice of appeal.

(d) the order granting permission to appeal; and

(e) any other application that the appellant wishes to make (unless it is not practical to make such application in the notice).

Service

11.41 The notice of appeal must be served in accordance with Part 4 of the CPR and Practice Direction 6 on all parties to the proceeding in which the order or judgment which is the subject of the appeal was made.

11.42 The appellant must file a certificate of service in accordance with Form CFI 31

within 7 days after service of the notice of appeal.

Appellant's written argument and proposed appeal bundle index

11.43 Rule 209(2) prescribes the time limit within which an appellant must file and serve its written argument in support of the appeal. At the same time as it files and serves its written argument in support, an appellant must file and serve its proposed appeal bundle index. Service is to be effected in the same manner as set out in paragraph 11.41.

11.44 The appellant's written argument in support of its notice to appeal must be in accordance with Form COA 7 and must:

(a) not, without the permission of the Court, exceed the page limit referred to in paragraph 11.45 below;

(b) attach a copy of:

(i) the order or judgment against which it is sought to appeal (including any reasons provided for the order or judgment);

(ii) the order granting permission to appeal (including any reasons provided for the order);

(c) set out briefly in chronological form the history of the proceedings;

(d) identify the facts and the issue or issues of law in the appeal;

(e) set out the reasons why the appeal should be granted;

(f) set out the reasons why any other application made should be granted; and

(g) identify any documents that the appellant intends to rely on.

11.45 For the purpose of paragraph 11.44(a), the page limit of a written argument in support of an appeal that relates to:

(a) a case management or interim order or judgment, is 10 pages;

(b) an order or judgment refusing permission to apply for judicial review, is 12 pages; and

(c) any other case, is 20 pages.

Acknowledgment of Service

11.46 Any respondent who wishes to participate in the proceeding must do so by filing an acknowledgment of service in accordance with Form COA 6:

(a) in relation to a case management or interim order or judgment, within 4 days of being served with the appellant's written argument in support of the appeal;

(b) in relation to any other case, within 7 days of being served with the appellant's written argument in support of the appeal.

11.47 Thereafter, service of all documents filed in the proceeding is effected through the eCourts Platform in accordance with Practice Direction 1.

Respondent's written argument in opposition and proposed revised appeal bundle index

11.48 Rule 209A prescribes the time limit within which a respondent must file and serve any written argument in response to the appeal. At the same time as it files and serves its written argument in response, a respondent must file and serve any revised appeal bundle index.

11.49 The respondent's written argument in response to the appeal must be in accordance with Form COA 8 and must;

(a) not, without the permission of the Court, exceed the page limit referred to in paragraph 11.50 below;

(b) set out the reasons why the appeal should be dismissed;

(c) contain notice of any intention to support the order or judgment appealed against on a ground or grounds other than the ground or grounds on which the order or judgment is based (and such alternative grounds are to be set out in the written argument);

(d) set out any reasons why any other application made should be dismissed; and

(e) identify any documents that the respondent intends to rely on.

11.50 For the purpose of paragraph 11.49(a), the page limit of a written argument in response to an appeal that relates to:

(a) a case management or interim order or judgment, is 10 pages;

(b) an order or judgment refusing permission to apply for judicial review, is 12 pages; and

(c) any other case, is 20 pages.

Appellant's written argument in reply and further proposed appeal bundle index

11.51 Rule 209B prescribes the time limit within which an appellant may file and serve any written argument in reply. At the same time as it files and serves any written argument in reply, an appellant must file and serve any further revised appeal bundle index.

11.52 The appellant's written argument in reply must be in accordance with Form COA 9 and must:

(a) not, without the permission of the Court, exceed the page limit referred to in paragraph 11.53 below;

(b) only seek to reply to the written argument of the respondent or respondents; and

(c) identify any further documents that the appellant intends to rely on.

11.53 For the purpose of paragraph 11.52(a), the page limit of a written argument in reply that relates to:

(a) a case management or interim order or judgment, is 4 pages;

(b) an order or judgment refusing permission to apply for judicial review, is 5 pages; and

(c) any other case, is 10 pages.

Appeal bundle

11.54 Within:

(a) 7 days of the appellant filing and serving its written argument in reply and any further revised appeal bundle index;

(b) if a respondent has filed a written argument in response and any revised appeal bundle index, and no documents are filed and served under sub-paragraph (a), 3 days of the time limit for filing serving any written argument in reply and further revised appeal bundle index has expired; or

(c) if no respondent has filed a written argument in response or revised appeal index, 7 days of the time limit for filing and serving the last of any written argument in response and revised appeal index has expired,

the appellant is to prepare and file an electronic appeal bundle on the eCourts Platform.

Documents to be uploaded to the eCourts Platform

11.55 Any document referred to by a party in a written argument, or otherwise to be relied on, must be uploaded by that party to the eCourts platform, unless that document has already been uploaded for the purpose of the appeal.

11.56 Any document uploaded to the eCourts platform under paragraph 11.55 may be appended to the written argument to which it relates. For the avoidance of doubt, any appended document is not to be included in the page count for the purpose of paragraphs 11.45, 11.50 or 11.53.

Materials and appeal bundle

11.57 Parties to an appeal must cooperate in preparing the materials to be made available to the Court for the determination of the appeal ("the appeal record"). The appeal record is to be provided to the Court in the form of an electronic appeal bundle which is to be prepared in accordance with this Practice Direction.

11.58 Materials should be included in the appeal bundle only if required by this Practice Direction, or for the proper argument and disposition of the appeal.

11.59 The following materials must be included in the appeal bundle in the following order:

(a) the order or judgment appealed against (including any reasons provided for the order or judgment);

(b) the order granting permission to appeal (including any reasons provided for the order);

(c) the appellant's notice of appeal;

(d) where they are necessary for understanding the issues and argument in the appeal:

(e) the parties' statements of case; and

(f) the transcript of any relevant part of the evidence given at trial;

(g) the chronology of events relevant to the appeal;

(h) the statement of facts as found by, or agreed in, the Court below;

(i) the appellant's written argument;

(j) the respondents' written argument; and

(k) any written argument in reply.

11.60 For the purpose of the appeal bundle, the parties are to agree:

(a) a chronology of events relevant to the appeal; and

(b) the statement of facts as found by, or agreed in, the Court below.

11.61 The materials referred to in the paragraph 11.60 should be prepared in neutral terms and the Court expects the parties to consult and agree on their contents

so that they can be included in the bundle within the time limits provided for in this Practice Direction.

11.62 The appeal bundle is to be filed on the eCourts Platform using Form CFI 36.

Authorities

11.63 Any authorities to be relied on by a party should be referred to in their written argument and, in any event, not more than 5 days after the appeal bundle has been filed each party to the appeal must file and serve on all other parties their authorities bundle containing the authorities to which that party intends to refer the Court at the hearing of the appeal.

11.64 A party is to file their authorities bundle on the eCourts platform, using Form CFI 36. The authorities bundle is to contain an index and must be paginated.

11.65 Any replacement documents which require cross referencing to the authorities bundle, or to the appeal bundle as the case may be, are to be filed within 3 days of a party filing their authorities bundle or, if a party does not file an authorities bundle, within 3 days of the appeal bundle being filed.

Skeleton Arguments

11.66 Unless otherwise directed, a party is not required to file a skeleton argument for an appeal.

Determination of appeal

11.67 The Court shall make such directions as it considers appropriate for the listing of any appeal for hearing and may fix the time allowed to the parties for the presentation of oral argument.

11.68 Where permission to appeal is granted to more than one party, and an appeal is made by more than one party in connection with an order or judgment of the Court, the Court deciding the appeals may:

(a) consolidate the appeals into the same proceeding;

(b) determine the appeals at the same time; or

(c) make such orders as it considers appropriate for the efficient determination of the appeals.

11.69 An appeal may be granted, in whole or in part, and with or without conditions.

Costs

11.70 If permission to appeal is granted, the costs of the permission application shall be costs in the appeal unless some other order is made either when permission is given or later.

11.71 The Court may make such order in relation to the costs of the appeal as it considers appropriate.

C. PROVISIONS OF GENERAL APPLICATION

11.72 This Practice Direction sets out the page limits for documents. When preparing any document, a party must use:

(a) not less than 12-point font;

(b) margins of not less than 20 cm; and

(c) at least one and a half line spacing.

Applications

11.73 Where it is necessary to bring an application before the Court of Appeal, except for an application for an extension of time to file the permission application or notice of appeal, it should be included in the permission application or the notice of appeal. The Court may, as it considers appropriate, deal with the application either before or at the time the permission application or appeal is heard.

11.74 Where it is not practicable to include the application in the permission application or notice of appeal, a party must file and serve an application notice in accordance with Form COA 10 supported by witness statement evidence in accordance with Form COA 12.

11.75 An application for an extension of time to:

(a) file and serve an application with the Court of First Instance for permission to appeal to the Court of Appeal must be made by application notice in accordance with Form CFI 12 supported by witness statement evidence in accordance with Form CFI 15;

(b) file and serve an application with the Court of Appeal for permission to appeal to the Court of Appeal must be filed and served in accordance with Form COA 10A supported by witness statement evidence in accordance with Form COA 12;

(c) file and serve a notice of appeal must be filed and served in accordance with Form COA 10B supported by witness statement evidence in accordance with Form COA 12.

11.76 An application may be made without notice if it is permitted but only where it is shown to be in the interests of justice, either generally or in the particular case, that this should be allowed.

11.77 Where an application is made pursuant to paragraph 11.75(b) or 11.75(c), it is the responsibility of the applicant to serve the application on all other parties to the application.

11.78 The Court shall make such other directions as are necessary in relation to the application and may deal with any application made before the hearing of the permission application or appeal, or without a hearing if the Court does not consider that a hearing is appropriate or the parties agree that no hearing is appropriate.

PRACTICE DIRECTION 12:
FORMS

Date re-issued: 17 October 2025

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

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PRACTICE DIRECTION 13:
COURT-ANNEXED MEDIATION

Date re-issued: 2 July 2025

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

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

A. DEFINITIONS

13.1 In this Practice Direction:

(a) "court-annexed mediation" or "mediation" means mediation conducted in accordance with this Practice Direction and includes the entire process from the commencement of the mediation until its termination;

(b) "dispute" means a dispute between the parties and includes the subject matter of actual proceedings between the parties or any part thereof;

(c) "mediation agreement" means the agreement that provides the legal basis for the mediation and which is entered into by the parties, the legal representative of the parties (if applicable) and the mediator;

(d) "mediation session" means a meeting held for the mediation of a dispute;

(e) "mediator" means the court officer or pro bono mediator appointed by the Registrar to act as mediator in a dispute;

(f) "party" or "parties" means any party (whether a natural person, corporate entity or otherwise) involved in a dispute which is referred to mediation in accordance with the CPR and this Practice Direction; and

(g) "pro bono mediator" means a mediator appointed to the pro bono mediators panel of the ADGM court-annexed mediation scheme.

B. COURT-ANNEXED MEDIATION [r.304]

Introduction

13.2 This Practice Direction applies to disputes that have been referred to court-annexed mediation in accordance with the CPR and this Practice Direction.

13.3 The primary purpose of this Practice Direction is to set out the procedure for court-annexed mediation having regard to the overriding objective that the mediation be conducted in an efficient, expeditious and cost-effective manner.

13.4 Court-annexed mediation is a flexible and confidential process in which the mediator actively assists parties towards a negotiated resolution of a dispute, with the parties in ultimate control of the decision to settle the dispute and of the terms of settlement.

General provisions

13.5 All communications in relation to a court-annexed mediation shall be in English. The Court or the mediator may request from the parties a translation of any document written in a language other than English, where such a document is required for the mediator to fulfil his or her mandate in accordance with this Practice Direction.

13.6 Without limiting any other mode of delivery, a party may file or exchange any document required under this Practice Direction in electronic format.

Referral to mediation

13.7 A dispute may be referred to court-annexed mediation:

(a) voluntarily by all parties prior to or after commencement of proceedings; or

(b) by an order of the Court.

C. VOLUNTARY REFERRAL TO MEDIATION [r.305]

13.8 All parties to the dispute may refer their dispute voluntarily to court-annexed mediation (prior to or after commencement of proceedings), provided that the Court ordinarily would have jurisdiction to hear the dispute if proceedings were initiated.

13.9 For the purpose of paragraph 13.8, where the dispute is referred to court-annexed mediation prior to commencement of proceedings, the Registrar will, if required, make an assessment on a prima facie basis as to whether the jurisdictional requirement is satisfied.

13.10 Nothing in paragraphs 13.8 and 13.9 shall prejudice the Court's ability to make a subsequent ruling on jurisdiction in relation to the dispute.

Voluntary referral: prior to commencement of proceedings

13.11 Where the parties voluntarily refer the dispute to court-annexed mediation prior to commencement of proceedings, the parties must complete and jointly submit to the Registry a Request for Court-Annexed Mediation in the form attached to this Practice Direction in Schedule A (the "request for mediation").

13.12 The request for mediation must be signed by all parties to the dispute (or, as applicable, their legal representatives) and must include:

(a) the names and contact details of the parties;

(b) if applicable, the names and contact details of the parties' legal representatives;

(c) details of the dispute (which shall be expressed in neutral terms) in summary form (including the type, monetary value and particulars of the dispute);

(d) if the parties are unable to agree on the details of the dispute, each party may include a separate summary of the details of the dispute and attach it to the request for mediation; and

(e) any supporting documents upon which the parties intend to rely or which will assist in a settlement being reached at the mediation.

13.13 The Registry shall acknowledge in writing receipt of the request for mediation.

13.14 The Registrar may, within his or her sole discretion, reject a request for mediation with no obligation to disclose the reasons for such rejection, and shall notify the parties of that decision in writing.

13.15 The Registrar shall appoint a mediator as soon as is practicable and notify the parties of the appointment of the mediator in writing, at which time the mediation shall be deemed to have commenced.

Voluntary referral: after commencement of proceedings

13.16 Where the parties voluntarily refer the dispute to court-annexed mediation after commencement of proceedings, the parties must file a joint written request with the Registry for the appointment of a mediator (the "request for appointment of mediator") in the form attached to this Practice Direction in Schedule B.

13.17 The Registry shall acknowledge in writing receipt of the request for appointment of mediator.

13.18 The Registrar shall appoint a mediator as soon as is practicable and notify the parties of the appointment of the mediator in writing, at which time the mediation shall be deemed to have commenced. The decision as to whether to appoint a court officer mediator or a pro bon mediator shall be at the sole discretion of the Registrar.

13.19 Unless the parties apply to the Court and the Court orders the suspension of any steps in the proceedings, the time limits prescribed by the CPR for the taking of any steps by a party in the proceedings shall continue to apply, notwithstanding the voluntary referral of the dispute by the parties to court annexed mediation.

D. COURT ORDERED MEDIATION [r.306]

13.20 The Court may, at any stage of proceedings, either on its own initiative or upon the application of any party, refer the parties to court-annexed mediation where, in the opinion of the Court, mediation appears appropriate.

13.21 The Court's power to refer a dispute to mediation does not depend on the consent of all or any of the parties.

13.22 The Registrar shall appoint a mediator as soon as is practicable and notify the parties of the appointment of the mediator in writing, at which time the

mediation shall be deemed to have commenced. The decision as to whether to appoint a court officer mediator or a pro bon mediator shall be at the sole discretion of the Registrar.

E. ROLE AND FUNCTION OF THE MEDIATOR

13.23 Subject to paragraph 13.4, the role of the mediator is to assist the parties in their attempt to achieve a resolution of their dispute, with the parties in ultimate control of the decision to settle the dispute and the terms of the settlement.

13.24 The mediator shall:

(a) at any time, prior to or after his or her appointment, disclose all actual and potential conflicts of interest reasonably known to him or her;

(b) at all times, remain independent and maintain confidentiality in relation to the mediation;

(c) conduct the mediation fairly and diligently whilst taking into consideration the circumstances of the dispute;

(d) assist the parties to the best of his or her capabilities to resolve their dispute by:

(i) facilitating discussions between the parties;

(ii) assisting the parties in identifying underlying issues;

(iii) clarifying priorities; and

(iv) exploring areas of compromise and generating options in an attempt to resolve the dispute.

13.25 For the assistance of parties, Schedule C to this Practice Direction is a Guidance Note which includes information in regard to the appointment of mediators and safeguards for mediators' conflicts of interest.

F. THE PARTIES

13.26 It is the duty of each party to act and participate in the mediation in good faith and to use their best efforts to co-operate with each other and with the mediator to enable the mediation to proceed smoothly and to resolve the dispute.

13.27 Parties should:

(a) be prepared to treat all participants in the mediation with common courtesy;

(b) have considered the issues which have priority for them and the possible options for resolving them; and

(c) have a clear view on what the best outcome would be from the mediation, and also the extent to which they would compromise.

13.28 Subject to paragraph 13.26, a party may withdraw from the mediation by giving notice of withdrawal in writing to the other party and the mediator.

G. THE MEDIATION AGREEMENT

13.29 As soon as practicable after the appointment of the mediator, the parties, the legal representatives of the parties (if applicable) and the mediator shall enter into a mediation agreement in the form attached to this Practice Direction in Schedule D.

13.30 Without limiting any other provision at law, upon signature of the mediation agreement, the signatories will be deemed to have accepted and will be bound by the terms of the mediation agreement, the CPR and this Practice Direction.

13.31 For the avoidance of doubt, the parties at all times shall abide by the confidentiality provisions of this Practice Direction notwithstanding that a mediation agreement has not been entered into.

H. CONDUCT OF THE MEDIATION

13.32 The Court shall provide the necessary support and assistance required for the effective administration of the mediation, including (as required) organising conference calls, videoconference facilities or a venue for any preliminary meeting between the parties and the mediator prior to the mediation session and a venue for the mediation session.

13.33 Unless the mediator indicates otherwise, any preliminary meeting is to be conducted virtually.

13.34 Within 7 days of his or her appointment, the mediator shall schedule as appropriate:

(a) a preliminary meeting of the parties prior to the mediation session; and/ or

(b) the mediation session, and

shall notify the parties in writing of the date, time and place of the scheduled preliminary meeting and/ or the mediation session, and whether it is proposed to conduct the mediation session in-person or virtually or a combination of the two.

13.35 In a court ordered mediation, the Court may give directions regulating the practice and procedure to be followed in the mediation.

13.36 Unless the mediator otherwise indicates:

(a) the preliminary meeting and/ or the mediation session must be attended by each party and if a party is a corporate or other entity, by an officer of that entity having authority to settle the dispute;

(b) a party may be accompanied by a legal representative at the preliminary meeting and/ or the mediation session;

(c) all persons attending the virtual preliminary meeting may do so by telephone or video-link; and

(d) all persons attending the mediation session must do so in person or by video-link.

13.37 As soon as practicable after his or her appointment or during the preliminary session, the mediator shall provide instructions to the parties on the exchange of any documents to facilitate the mediation, provided always that such exchange should be proportionate to the amount of the dispute and the circumstances of the parties involved in the dispute.

13.38 During the preliminary meeting or the mediation session, the mediator must inform the parties of the following:

(a) the purpose of mediation and its objective to facilitate settlement between the parties;

(b) the mediator's role as an impartial and independent third party who cannot make any decisions of fact or law and who cannot determine the credibility of any person participating in the mediation;

(c) the CPR and this Practice Direction, which govern the mediation;

(d) the confidentiality of the mediation process as provided in this Practice Direction; and

(e) any other matters that are relevant to the future conduct of the mediation.

I. TERMINATION OF THE MEDIATION

13.39 The mediation will terminate upon the earliest of the following:

(a) subject to paragraph 13.26, a party's withdrawal from the mediation;

(b) a written settlement agreement is concluded between the parties;

(c) the mediator notifies the parties in writing that, in the mediator's opinion, the mediation is unlikely to resolve the dispute between the parties; or

(d) circumstances have arisen whereby there is no further necessity to continue with the mediation.

J. NOTIFICATION AFTER MEDIATION

13.40 If a settlement is not reached in the mediation, within 7 days after the termination of the mediation, the mediator shall notify the Registry accordingly.

13.41 If a settlement is reached in the mediation, within 7 days of the terms of settlement being signed by the parties, the mediator shall notify the Registry that the mediation has resulted in the settlement of the dispute or (if relevant) a part of the dispute, in which case the mediator shall provide a brief description of that part of the dispute which has been settled.

K. SETTLEMENT OF DISPUTE

13.42 A settlement reached in the mediation will be legally binding only when reduced into writing and signed by or on behalf of each of the parties.

13.43 Upon the request by or on behalf of all of the parties, and if proceedings have been commenced, the Court will make an order or orders giving effect to any settlement agreement arising out of a court-annexed mediation.

L. CONFIDENTIALITY

13.44 Subject to the provisions of this part, the mediation shall be conducted in confidence and all communications made in the mediation, including information disclosed, views expressed and statements made (whether oral or written), are made on a strictly 'without prejudice' basis and shall not be used in any proceedings before any court or other body.

13.45 Parties who attend a preliminary meeting or mediation session virtually must ensure that their personal surroundings are such that the confidentiality of the mediation will be maintained in these proceedings at all times.

13.46 Unless required by law or otherwise agreed between the parties in writing:

(a) save for the fact of the mediation taking or having taken place, all other aspects of and relating to the mediation shall be private and confidential; and

(b) any settlement agreement between the parties shall be kept confidential, save and except that a party shall have the right to disclose it to the extent that such disclosure is necessary for its implementation or enforcement.

13.47 Unless required by law or otherwise agreed between the parties in writing, a party shall not produce as evidence nor disclose in any judicial, arbitral or any other type of proceedings:

(a) any documents, statements or communications which are submitted by another party in the mediation, unless such material can be or has been independently obtained outside of the mediation by the party seeking to produce such material;

(b) any views expressed, suggestions or offers made by any party in the mediation with regard to the dispute or the possible settlement of the dispute;

(c) any views or proposals put forward by the mediator in the mediation;

(d) any admissions made by any party in the mediation; or

(e) the fact that any party indicated in the mediation that it was ready to offer or accept a proposal for settlement.

13.48 Unless required by law or unless all parties and the mediator otherwise agree in writing, the mediator shall not give evidence or produce in evidence any records or notes relating to the mediation in any procedings before any court or other body arising out of or in connection with the mediation of a dispute.

M. IMMUNITY

13.49 The mediator shall not be liable to any person for any act or omission in connection with the mediation, except to the extent such limitation of liability is prohibited by law.

13.50 Subject to paragraph 13.49, by participation in a court-annexed mediation the parties thereby waive their right to make any claim against the mediator for any matter in connection with or in relation to the:

(a) dispute between the parties;

(b) mediation; and

(c) services provided by the mediator.

13.51 The parties agree that the mediator is not an expert for the purpose of Article 257 of Federal Law No (3) of 1987.

N. COSTS [r.307]

13.52 If the dispute is referred to mediation pursuant to a court order, in exercising its discretion as to costs in the proceedings the Court may make an order as to the payment of any costs relating to or arising from the mediation by one or more of the parties in such manner as the Court may see fit.

13.53 In the absence of a court order under paragraph 13.52, the costs of the mediation shall be borne equally by the parties.

13.54 Nothing in this section shall limit the Courts' discretion as to costs under Rule 307.

SCHEDULE A

Request for Mediation

Notice to Parties
• Please refer to Part 36 of the ADGM Court Procedure Rules 2016 and Practice Direction 13 for information on court-annexed mediation. • Parties filing this request for mediation (the "request") must complete the request and file it via email to registry@adgmcourts.com. • Please note that pursuant to Rule 307 of the ADGM Court Procedure Rules 2016, in exercising its discretion as to costs in the proceedings, the Court may take into account the parties' conduct in relation to any attempt to resolve the dispute by mediation.

Details of Parties to the Mediation[1]	
First Party	[name]
Authorised Representative[2] **(if applicable)**	[name]
Legal Representative (if applicable)	[name]
Firm or Company Reference (if applicable)	[reference number]
Contact name	[name]
Contact telephone	[telephone]
Contact email	[email]
Second Party	[name]
Authorised Representative[3] **(if applicable)**	[name]
Legal Representative (if applicable)	[name]
Firm or Company Reference	[reference number]
Contact name	[name]
Contact telephone	[telephone]
Contact email	[email]
[Third Party]	[Provide details of any additional party and, if applicable, their representatives here]

1 List the names and contact details of all parties to the mediation.

2 Authorised representative means in the case of a corporate or other entity an officer of that entity having authority to settle the dispute.

3 Authorised representative means in the case of a corporate or other entity an officer of that entity having authority to settle the dispute.

Details of the Dispute	
Type of dispute	***[insert type of dispute]***
Estimated amount in dispute	***[USD]***
Particulars of dispute[4]	
[please set out a summary of the dispute in numbered paragraphs here]	
Supporting documents	
[please list all supporting documents the parties intend to rely on in the mediation and attach such documents to the request]	

Parties' proposed dates for Preliminary Meeting and Mediation Session	
Dates	[list parties proposed or available dates for a preliminary meeting and the mediation session]

Signature[5]	
Signature of First Party	_____ [name]
Signature of the Legal Representative of First Party *(if applicable)*	_____ [name]
Date of signature	
Signature of Second Party	_____ [name]

4 All parties to the mediation must complete this section jointly in neutral terms. If the parties are unable to agree on the details of the dispute, each party may include a separate summary of the details of the dispute and attach it to the request. Please note that each party will be given an opportunity to set out his side of the dispute separately to the mediator.

5 If a party is legally represented it is sufficient for the legal representative to sign the request for mediation on behalf of that party.

Signature of the Legal Representative of Second Party *(if applicable)*	_____ [name]
Date of signature	
[add signatures of any additional parties]	

SCHEDULE B

Request for Appointment of Mediator

1. Parties to the Request

This Request for appointment of mediator (the "request") is filed with the Registry of ADGM Courts (the "Registry") by:

First Party
[name][6]
[contact details]
Legal Representative (*please complete if First Party is legally represented in the mediation*)
[name]
[contact details]
Second Party
[name][7]
[contact details]
Legal Representative *(please complete if Second Party is legally represented in the mediation)*
[name]
[contact details]
[provide details of any additional parties (and their legal representatives, if applicable) here]
(together referred to as the "Parties")

2. Appointment of mediator

The Parties have commenced proceedings in ADGM Courts in relation to the dispute, the subject of matter of [Case No.] (the "dispute").

6 Include both the name of the party and the officer of that entity having authority to settle the dispute if the party is a corporate or other entity.

7 Include both the name of the party and the officer of that entity having authority to settle the dispute if the party is a corporate or other entity.

The Parties wish to voluntarily refer [[their dispute] OR [part of the dispute[8]] to court-annexed mediation of ADGM Courts.

The Parties jointly file this request with the Registry for the appointment of a mediator to mediate the dispute in accordance with Part 36 of the ADGM Court Procedure Rules 2016 and ADGM Courts Practice Direction 13.

3. Signature

This Request is signed on this [date] by:

Signature[9]	
First Party	_____ [sign and print name]
Legal Representative of First Party *(if applicable)*	_____ [sign and print name]
Second Party	_____ [sign and print name]
Legal Representative of Second Party *(if applicable)*	_____ [sign and print name]

8 In the event that only part of the dispute is being referred to court-annexed mediation, the parties are to identify briefly which part of the dispute is to be so referred.

9 If a party is legally represented it is sufficient for the legal representative to sign the request for mediation on behalf of that party.

SCHEDULE C

GUIDANCE NOTE[10]

ADGM COURTS COURT-ANNEXED MEDIATION SCHEME

Introduction

1. Mediation is a very effective and efficient option for dispute resolution and can act as an alternative to or work in tandem with court litigation and arbitration.

2. Court-Annexed Mediation offers a multitude of advantages to courts, parties and the legal profession, including: confidentiality; ease of access to justice; speed; reduction of court caseload; the efficient administration of justice and court resources; costs savings; and enabling parties to reach a negotiated settlement of their dispute through a process *which they control*.

3. In ADGM, court-annexed mediation is offered by ADGM Courts (the "Court") and is conducted by court officers or independent pro bono mediators appointed by the Registrar of the Court.

4. This Guidance Note provides a summary of the court-annexed mediation scheme, its requirements and processes and, importantly, it sets out the measures that are in place to address any concerns about the potential for a conflict of interest of mediators, particularly a court officer appointed as a mediator. The Court wishes to assure members of the public and court users that these measures will safeguard the integrity of court-annexed mediation in the Court and the judicial process.

Court-annexed mediation services of ADGM Courts

Procedures

5. The court-annexed mediation procedures and services of the Court are set out in Part 36 of the ADGM Court Procedure Rules 2016 (the "CPR") and ADGM Courts Practice Direction 13 ("PD 13"). PD 13 sets out the procedure for court-annexed mediation having regard to the overriding objective that the mediation is to be conducted in an efficient, expeditious and cost-effective manner.

6. Parties can seek mediation services from the Court either prior to or after commencement of a case.

7. Parties seeking mediation of their dispute prior to the commencement of proceedings are required to submit a request for mediation to the Court's Registry (the "Registry") in the form set out in Schedule A to PD 13, *provided that the Court ordinarily would have jurisdiction to hear the dispute if proceedings were initiated*. The Registrar has sole discretion to reject a request for mediation with no obligation to disclose the reasons for such rejection. If the request for mediation is accepted, the Registrar

[10] This Guidance Note is a guide to the court-annexed mediation scheme as set out in Part 36 of the ADGM Court Procedure Rules and Practice Direction 13 and is for the assistance of parties referred to or voluntarily submitting to court-annexed mediation. Parties must refer to the CPR and the PD for the rules and procedural framework.

will appoint a court officer or a pro bono mediator to act as mediator as soon as is practicable.

8. The Parties may also refer their dispute voluntarily to court-annexed mediation where proceedings already have been commenced by filing a request for the appointment of a mediator with the Registry in the form set out in Schedule B of PD 13.

9. In addition, the Court may, at any stage of proceedings, either on its own initiative or upon the application of any party, refer the parties to court-annexed mediation. Consensual mediation is highly desirable. However, the Court's power to refer a dispute to mediation does not depend upon the consent of the parties.

10. Under this scheme, parties may not select the court officer or nominate an external individual for appointment as mediator. The selection and appointment of the mediator lies solely with the Registrar, who shall appoint the mediator as soon as practicable and notify the parties of the appointment in writing, *at which time the mediation shall be deemed to have commenced*.

Role and function of the mediator

11. The primary role and function of the mediator is to assist the parties in achieving a resolution of the dispute, with the *parties in ultimate control of the decision to settle the dispute and the terms of settlement*. The role, function and duties of the mediator are set out in further detail in Section E of PD 13.

The mediation

12. The parties have a duty to act and participate in the mediation in good faith and to use their best efforts to co-operate with each other and the mediator to enable the mediation to proceed smoothly, ensuring the best opportunity possible to resolve the dispute. For example, parties should be prepared to *treat all participants in the mediation with common courtesy*.

13. As soon as practicable after commencement of the mediation, the mediator and the parties are to enter into a mediation agreement in the form set out in Schedule D to PD 13 (one of the principal aims of which is to *maintain the confidentiality of the mediation*).

14. The mediation session *is private and closed to the public* (see the section on confidentiality below). Provisions relating to the general conduct of the mediation are set out in Section H of PD 13.

15. If a settlement is reached during the mediation, the parties are required to record their settlement in writing, which is to be signed by or on behalf of the parties. It is only then that the settlement agreement will be legally binding. Following termination of the mediation, the mediator must inform the Registrar in writing of the outcome of the mediation (i.e. whether settlement has been reached or not) without disclosing any details relating to the mediation.

Confidentiality

16. ***Mediation is a confidential process.*** The obligation of confidentiality is included in the mediation agreement which is to be signed by the parties and the mediator. The obligation of confidentiality is also contained in PD 13, which:

    (a) mandates that the mediation shall be conducted in confidence and all communications made in the mediation *shall not be used in any proceedings before any court or other body*; and

    (b) contains *a general prohibition in relation to the mediator giving evidence or producing in evidence any records or notes relating to the mediation* in any proceedings before any court or other body.

17. This provides the parties with the general safeguard that the mediator will, in accordance with those provisions, maintain the confidentiality of the mediation, including in relation to all information disclosed by the parties or made available to the mediator during the mediation process.

18. In court-annexed mediation, court officers may be designated for appointment as mediators. Only court officers who are internationally accredited mediators will conduct mediations under the scheme. A Judge is not a designated court officer for the purpose of the Scheme.

19. The Registrar is exempt due to the Registrar's supervisory role in relation to the management of cases filed with the Court and the quasi-judicial functions assigned to the Registrar under the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015 and the CPR.

20. Case administrator managers are also exempt from acting as mediators due to their primary function of overseeing the management and administration of cases filed with the Court.

21. Court officers designated for appointment as mediators are not responsible for the management and administration of cases filed with the Court. However, they may be called upon from time to time to assist in the administration of a particular case due to the capacity of staff in the Registry.

Conclusion

22. The above measures provide court users with the assurance needed that by introducing a court-annexed mediation scheme, the integrity and fairness of the court process will not be compromised. Rather, the court-annexed mediation scheme should be seen as a progressive development and an additional service offered by the Court to provide parties with a cost-effective, fast and confidential option for the resolution of their disputes.

SCHEDULE D

Mediation Agreement

This mediation agreement (the "Agreement") is made between:

First Party
[name][11][11]
[contact details]
Legal Representative (*please complete if First Party is legally represented in the mediation*)
[name]
[contact details]
Second Party
[name][12][12]
[contact details]
Legal Representative *(please complete if Second Party is legally represented in the mediation)*
[name]
[contact details]
[provide details of any additional parties (and their legal representatives, if applicable) here]
(each referred to as the "Party" and together to as the "Parties")
AND
Mediator
[name]
[contact details]
(referred to as the "Mediator")

11 Include both the name of the party and the officer of that entity having authority to settle the dispute if the party is a corporate or other entity.

12 Include both the name of the party and the officer of that entity having authority to settle the dispute if the party is a corporate or other entity.

RECITAL

The Parties have agreed to refer their dispute relating to [brief description of dispute] to court-annexed mediation in accordance with Part 36 of the ADGM Court Procedure Rules 2016 and ADGM Courts Practice Directions 13.

OR

[Pursuant to Court order of [xxx] dated [xxx] in proceeding [xxx], the dispute in the proceedings has been referred to court-annexed mediation.]

1. Agreement to Mediate

By signing this Agreement:

(a) the Parties, their legal representatives (if applicable), and the Mediator agree to be bound by, and the mediation to be conducted in accordance with, the terms of this Agreement, the ADGM Court Procedure Rules 2016 and ADGM Courts Practice Direction 13; and

(b) for the avoidance of doubt, the parties, their legal representatives (if applicable) and the Mediator expressly agree that the provisions relating to confidentiality (Section L) and immunity (Section M) of ADGM Courts Practice Direction 13 shall apply to the mediation.

2. Amendment

No amendment made to this Agreement shall be valid unless it is made in writing and is signed by all persons to this Agreement.

3. Governing Law

This Agreement is governed by the laws of Abu Dhabi Global Market and ADGM Courts shall have exclusive jurisdiction to decide any matters arising out of or in connection with this Agreement.

4. Counterparts

This Agreement may be signed in any number of counterparts, all of which taken together and when delivered to one another, including in electronic copies, shall constitute one and the same document.

This Agreement is signed on this [date] by:[13]

First Party	_____ [sign and print name]

[13] All parties and their legal representatives (as applicable) must sign the mediation agreement.

Legal Representative of First Party *(if applicable)*	_____ [sign and print name]
Second Party	_____ [sign and print name]
Legal Representative of Second Party *(if applicable)*	_____ [sign and print name]
The Mediator	_____ [sign and print name]

PRACTICE DIRECTION 14:
INSOLVENCY

Date re-issued: 17 October 2025

This Practice Direction is to be read with, and subject to, the Insolvency Regulations 2022 ("Regulations"), the Insolvency Regulations (Insolvency Practitioner) Rules 2022 ("Insolvency Practitioner Rules"), the ADGM Court Procedure Rules 2016 ("CPR") and the Divisions and Jurisdiction (Court of First Instance) Rules 2015. This Practice Direction does not set out all of the relevant procedures relating to Insolvency Proceedings or related matters, and parties must also refer to and comply with any requirements set out in the Regulations.

The Provisions of the CPR (including any related Practice Directions) apply for the purposes of any Insolvency Proceedings before the Court with any necessary modifications, except so far as disapplied by or inconsistent with this Practice Direction.

Except as provided otherwise in this Practice Direction, terms have the meanings set out in the CPR or the Regulations, as the case may be. A reference in this Practice Direction to the Registrar of Companies has the same meaning as the Registrar for the purposes of the Regulations. Any reference to a section in this Practice Direction is a reference to a section in the Regulations unless otherwise stated, and a reference to a Rule is a reference to the CPR.

This Practice Direction must be read in conjunction with other Practice Directions including, in particular:

- **Practice Direction 1 – General**
- **Practice Direction 6 – Service of Documents**
- **Practice Direction 9 – Costs**
- **Practice Direction 11 – Appeals**

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

A. GENERAL PROVISIONS – APPLICATIONS

Preliminary

14.1 This Section applies to any application made to the Court under the Regulations or this Practice Direction except:

(a) a petition for a winding-up order under sections 202 or 203 of the Regulations (see Section I); and

(b) an application for the appointment of a provisional liquidator (see Section J).

Form and contents of application

14.2 Unless specifically provided for in this Practice Direction, any application to the Court is to be made in accordance with Form INSOLVENCY 4, or Form

INSOLVENCY 4A if the nature of the application is to create a sub-case within an existing case[1], and supported by witness statement evidence in accordance with Form INSOLVENCY 2 and must state:

(a) that the application is made under the Regulations;

(b) the section of the Regulations or paragraph of a Schedule to the Regulations or paragraph of this Practice Direction (as the case may be) pursuant to which it is made;

(c) the names of the parties;

(d) the name of the Company or non-Abu Dhabi Global Market Company which is the subject of the Insolvency Proceedings to which the application relates;

(e) where the Court has previously allocated a reference number to the Insolvency Proceedings within which the application is made, that number;

(f) the nature of the remedy or order applied for or the directions sought from the Court;

(g) the names and addresses of the persons on whom it is intended to serve the application or that no person is intended to be served;

(h) where the Regulations or this Practice Direction require that notice of the application is to be given to specified persons, the names and addresses of all those persons (so far as known to the applicant);

(i) whether the applicant requests a hearing and, if so, whether the applicant requests an expedited hearing of the application or for the hearing to be without notice, and the reason(s) for the request; and

(j) the applicant's address for service.

Filing and service of application

14.3 On receipt of an application notice containing a request for a hearing the Court will notify the applicant of the time and date for the hearing of the application in a notice of listing.

14.4 Unless the application is filed without notice, the applicant shall serve a sealed copy of the application on the respondent named in the application (or on each respondent if more than one), along with any notice of listing.

14.5 Applications made without notice are to be submitted on the eCourts Platform. It is the responsibility of the party submitting the application to select the without notice filing option on the eCourts Platform.

[1] This provision applies to any other paragraph in Practice Direction 14 that prescribes Form INSOLVENCY 4 such that if the nature of the application made is to create a sub-case within an existing case, then Form INSOLVENCY 4A is to be used.

14.6 An application may be made without notice if this is permitted by the Regulations, a Rule, a practice direction or otherwise is with the Court's permission. The Court's permission will be granted only where:

(a) there is exceptional urgency;

(b) it is otherwise desirable to do so in the interests of justice; or

(c) there are good reasons for making the application without notice, for example, because the notice would or might defeat the object of the application.

14.7 Where the Court is asked to make an order on an application without notice, the applicant must bring to the Court's attention any matter which, if the respondent was represented, the respondent would wish the Court to be aware of. This includes any matters which might tend to undermine the application.

14.8 Where the Court makes an order on an application without notice, whether granting or dismissing an application, the Court may make orders that the applicant serve on every person against whom an order was sought or made:

(a) the application notice;

(b) all written material on which the applicant sought to rely in support of his application;

(c) a transcript of the hearing of the application;

(d) a copy of the order; and

(e) notice that any person against whom an order was sought or made may apply to have the order set aside or varied.

14.9 The Court may give any of the following directions:

(a) that the application be served upon persons other than those specified by the relevant provision of the Regulations or this Practice Direction;

(b) that the giving of notice to any person may be dispensed with; and

(c) that notice be given in some way other than that specified in paragraph 14.4.

14.10 An application must be served at least 14 calendar days before the date fixed for its hearing unless:

(a) the provision of the Regulations or this Practice Direction under which the application is made makes different provision; or

(b) the case is one of urgency to which paragraph 14.11 applies.

14.11 Where the case is one of exceptional urgency, the Court may (without prejudice to its general power to extend or abridge time limits):

(a) hear the application immediately, either with or without notice to, or the attendance of, other parties; or

(b) authorise a shorter period of service than that provided for by paragraph 14.10,

and any such application may be heard on terms providing for the filing or service of documents, or the carrying out of other formalities, as the Court thinks fit.

Hearings without notice

14.12 Where the relevant provisions of the Regulations or this Practice Direction do not require service of the application on, or notice of it to be given to, any person:

(a) the Court may hear the application as soon as reasonably practicable without fixing a time and date for the hearing as required by paragraph 14.3; or

(b) it may fix a time and date for the hearing in which case paragraphs 14.3 to 14.11 shall apply to the extent that they are relevant,

but nothing in those provisions is to be taken as prohibiting the applicant from giving such notice if the applicant wishes to do so.

Witness statements

14.13 Subject to paragraphs 14.18 to 14.19, where evidence is required by the Regulations or this Practice Direction as to any matter, such evidence may be provided in the form of a witness statement unless in any specific case the Regulations or a Rule makes different provision.

14.14 Witness statements must be in accordance with Form Insolvency 2 and must comply with the requirements of Part 14 of the CPR.

14.15 Where in Insolvency Proceedings a witness statement is made by an Office-holder, the witness statement must state:

(a) the capacity in which that Office-holder is acting; and

(b) the address at which that Office-holder works.

14.16 The Court may, on the application of any party to the matter in question, order the attendance for cross-examination of the person making the witness statement.

14.17 Where, after such an order has been made, the person in question does not attend, that person's witness statement must not be used in evidence without the permission of the Court.

Reports

14.18 Unless the application involves other parties, a report may be filed in Court instead of a witness statement by:

(a) a liquidator;

(b) an administrative receiver;

(c) a receiver;

(d) an administrator (subject to Section C); and

(e) a provisional liquidator.

14.19 In any case where a report is filed instead of a witness statement, the report shall be treated for the purposes of paragraph 14.20 and any hearing before the Court as if it were a witness statement.

Filing and service of witness statements

14.20 Unless the provision of the Regulations or this Practice Direction under which the application is made provides otherwise, or the Court otherwise allows:

(a) if the applicant intends to rely at a hearing on evidence in a witness statement, he shall file the witness statement with the Court and serve a copy on the respondent (or on each respondent if more than one);

(b) where a respondent to an application intends to oppose it and to rely for that purpose on evidence in a witness statement, he shall file the witness statement with the Court and serve a copy on the applicant (or on each applicant if more than one) and on every other respondent; and

the timetable for the filing and service of witness statements shall be as set out in the Regulations or this Practice Direction, or as directed by the Court.

Hearing of application

14.21 Unless the Court otherwise directs, the application will be heard in public in accordance with section 98 of the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015.

Adjournment of hearing and directions

14.22 The Court may adjourn the hearing of an application on such terms as it thinks fit.

14.23 The Court may at any time give such directions as it thinks fit as to:

(a) service or notice of the application or any hearing on or to any person;

(b) whether particulars of claim and defence are to be delivered and generally as to the procedure on the application, including whether a hearing is necessary; and

(c) the matters to be dealt with in evidence.

14.24 The Court may give directions as to the manner in which any evidence is to be adduced at a resumed hearing and in particular as to:

(a) the taking of evidence wholly or partly by witness statement or orally;

(b) the cross-examination of the maker of a witness statement; and

(c) any report to be made by an Office-holder.

B. ADMINISTRATION

14.25 A person may be appointed as administrator of a Company:

(a) by administration order of the Court under section 6 of the Regulations;

(b) by the holder of a qualifying charge under section 21 of the Regulations; or

(c) by the Company or its directors under section 29 of the Regulations.

14.26 This Practice Direction principally deals with applications to the Court for the appointment of an administrator by an administration order of the Court (see paragraph 14.25(a)). Save for Section D (paragraph 14.42) and Section E (paragraph 14.43) below, a party who wishes to appoint an administrator out of Court (see paragraphs 14.25(b) or 14.25(c)) must follow the procedure set out in the Regulations.

C. APPLICATION TO THE COURT FOR AN ADMINISTRATION ORDER

Application to the Court for an administration order [sections 6, 8 to 11]

14.27 An application to the Court for an administration order in respect of a Company is to be made in accordance with Form INSOLVENCY 1.

14.28 The application must:

(a) if made by the Company or the directors, state the name of the Company and its address for service, which (in the absence of special reasons to the contrary) is that of the Company's registered office;

(b) if made by the directors, state that it is made under section 8(1)(b) of the Regulations;

(c) if made by a single creditor, including the holder of a qualifying charge, state his name and address for service; or

(d) if made by two or more creditors, including the holder of a qualifying charge, state that it is so made (naming them).

14.29 The application must also:

(a) have attached to it a written statement by each of the persons proposed to be the administrator of the Company stating or containing:

(i) that he consents to accept appointment;

(ii) details of any prior professional relationship that he has had with the Company to which he is to be appointed as administrator;

(iii) his opinion that it is reasonably likely that the purpose of administration will be achieved; and

(iv) any other matters prescribed in paragraph 46 of Schedule 1 of the Regulations; and

(b) contain a statement of the applicant's belief that the Company is, or is likely to become, unable to pay its debts, except where the applicant is the holder of a qualifying charge and is making the application in reliance on section 37 of the Regulations.

14.30 The application shall be supported by witness statement evidence in accordance with Form INSOLVENCY 2 and must:

(a) if the application is made by the Company or the directors, be made by one of the directors, or the secretary of the Company, stating himself to make it on behalf of the Company or, as the case may be, on behalf of the directors; or

(b) if the application is made by creditors, be made by a person acting under the authority of them all, whether or not himself or one of their number and shall state the nature of his authority and the means of his knowledge of the matters to which the witness statement relates.

14.31 The witness statement shall also contain:

(a) a statement of the Company's financial position, specifying (to the best of the applicant's knowledge and belief) the Company's assets and liabilities, including contingent and prospective liabilities;

(b) details of any security known or believed to be held by creditors of the Company, and whether in any case the security is such as to confer power on the holder to appoint an administrative receiver or to appoint an administrator under section 21 of the Regulations. If an administrative receiver has been appointed, that fact shall be stated;

(c) details of any Insolvency Proceedings in relation to the Company including any petition that has been presented for the winding-up of the Company so far as known to the applicant;

(d) where it is intended to appoint a number of persons as administrators of a Company, details of the matters set out in section 145(2) of the Regulations regarding the exercise of the function of the administrators of the Company; and

(e) any other matters which, in the applicant's opinion, will assist the Court in deciding whether to make such an order, so far as lying within the knowledge or belief of the applicant.

14.32 Where the administration application is made by the holder of a qualifying charge under sections 37(1), 38(1)(b) or 39(2) of the Regulations, he shall give sufficient details in the witness statement in support to satisfy the Court that he is entitled to appoint an administrator of the Company under section 21 of the Regulations.

14.33 Where the administration application is made by the holder of a qualifying charge under section 39(2) of the Regulations, or by a liquidator under section 39(4) of the Regulations, the witness statement in support shall also contain (in addition to the matters set out in paragraphs 14.31 and 14.32):

(a) full details of the existing Insolvency Proceedings, the name and address of the liquidator, the date the liquidator was appointed and by whom;

(b) the reasons why it has subsequently been considered appropriate that an administration application should be made; and

(c) any other matters that would, in the applicant's opinion, assist the Court in deciding whether to make provisions in relation to matters arising in connection with the liquidation.

Service of application [sections 13 - 16]

14.34 Service of the application must be made in accordance with sections 13 to 16 of the Regulations.

14.35 A certificate of service must be made in accordance with Form INSOLVENCY 3.

Application to the Court by holder of a qualifying charge or a liquidator (special cases) [sections 37(1), 38(1)(b), 39(2) and 39(4)]

14.36 A holder of a qualifying charge may apply to the Court for an administration order under:

(a) Section 37(1) of the Regulations;

(b) Section 38(1)(b) of the Regulations (which is to be read together with Section 17); or

(c) Section 39(2) of the Regulations.

14.37 A liquidator may apply to the Court for an administration order under section 39(4) of the Regulations.

14.38 Section 37 of the Regulations contains special provisions relating to the circumstances in which a holder of a qualifying charge may make an application to the Court for an administration order.

14.39 Section 38 of the Regulations (which is to be read together with section 17) contains provisions relating to an application to the Court by the holder of a qualifying charge seeking to intervene and have a specified person appointed as administrator (and not the person specified by another administration applicant).

14.40 Sections 39 and 40 of the Regulations contain provisions relating to the application to the Court for an administration order by the holder of a qualifying charge, or a liquidator, where the Company is in liquidation.

14.41 In all cases, an application to the Court for an administration order under sections 37(1), 38(1)(b), 39(2) or 39(4) shall:

(a) be made in accordance with Form Insolvency 1, supported by witness statement evidence in accordance with Form Insolvency 2;

(b) comply, as applicable, with the requirements set out in paragraphs 14.38 to 14.40; and

(c) comply with such other requirements set out in Chapter 2 of Part 1 of the Regulations as are applicable including, without limitation, sections 8(2), 10, 12, 13, 14, 15, 16 and 20 of the Regulations.

D. APPOINTMENT OF AN ADMINISTRATOR BY THE HOLDER OF A QUALIFING CHARGE

14.42 A holder of a qualifying charge may appoint an administrator pursuant to Chapter 3 of Part 1 of the Regulations without a Court order. For the purpose of any documents to be filed with the Court pursuant to Chapter 3, they must be filed:

(a) where Insolvency Proceedings have previously been commenced, through the eCourts Platform in accordance with Practice Direction 1; or

(b) in all other cases, by email to the Registry at registry@adgmcourts.com.

E. APPOINTMENT OF AN ADMINISTRATOR BY THE COMPANY OR ITS DIRECTORS

14.43 A Company or its directors may appoint an administrator pursuant to Chapter 4 of Part 1 of the Regulations without a Court order. For the purpose of any documents to be filed with the Court pursuant to Chapter 4, they must be filed:

(a) where Insolvency Proceedings have previously been commenced, through the eCourts Platform in accordance with Practice Direction 1; or

(b) in all other cases, by email to the Registry at registry@adgmcourts.com.

F. PRIORITY FUNDING *[sections 109A and 109B]*

14.44 An application by an administrator to the Court for an order to permit the obtaining of credit or the incurring of debt on a priority funding basis is to be made in accordance with Form INSOLVENCY 4 and supported by witness statement evidence in accordance with Form INSOLVENCY 2, and must:

(a) as applicable, state the matters set out in paragraph 14.2;

(b) identify the nature of the priority financing to be obtained; and

(c) where the new security interest is to rank as a matter of priority equally with or above any existing security interest in respect of the same property:

(i) state that the administrator is unable to obtain such credit otherwise; and

(ii) set out the basis on which the administrator contends that there will be adequate protection of the interest of the holder of the existing security interest on the property of the insolvent estate on which the security interest is proposed to be granted.

14.45 The administrator shall, as soon as reasonably practicable after the making of such application, notify each known creditor of the Company that such application has been made or, if that is not practicable in the circumstances, publish a notice of the application on the Registrar of Companies' website and in an English language newspaper distributed in the United Arab Emirates and available in the Abu Dhabi Global Market.

14.46 The application will be heard by the Court on the date and time set out in the notice of listing issued by the Court, which shall be included in the notification or notice for the purpose of paragraph 14.45.

G. INSURANCE AND SECURITY

14.47 Professional Indemnity Insurance and Security Bonding shall be held by an administrator in accordance with the provisions contained in the Insolvency Practitioner Rules.

H. RECEIVERS

14.48 A receiver may be appointed:

(a) upon application to the Court in accordance with Part 28 of the CPR;

(b) by a person in accordance with Part 2 of the Regulations.

Court-appointed receiver

14.49 Any application to the Court in relation to a Court-appointed receiver, including in relation to an application to the Court for the appointment of a receiver, is to be made in accordance with Part 28 of the CPR and Practice Direction 10.

Receiver appointed under Part 2 of the Regulations

14.50 A receiver may be appointed by a person under Part 2 of the Regulations without applying to the Court for an order. However, Part 2 contemplates that certain applications may be made to the Court during the course of the

receivership. Any such application to the Court under Part 2 of the Regulations is to be made in accordance with Form INSOLVENCY 4, supported by witness statement evidence in accordance with Form INSOLVENCY 2.

Insurance and Security

14.51 Professional Indemnity Insurance and Security Bonding shall be held by a receiver in accordance with the provisions contained in the Insolvency Practitioner Rules.

I. WINDING UP

14.52 The winding-up of a Company may either be voluntary or by the Court, both of which are dealt with in Part 3 of the Regulations.

14.53 This Practice Direction (and Section J below) deals with the winding-up of a Company by the Court.

J. PETITION TO THE COURT FOR A WINDING-UP ORDER

Injunction to restrain presentation or advertisement of petition

14.54 An application may at any time be made by a Company for an injunction to restrain a person from:

(a) presenting a petition for the winding up of a Company; or

(b) advertising a petition for the winding up of a Company.

14.55 Such application should be made in accordance with Section A of this Practice Direction.

Winding-up petition [section 204]

14.56 A petition for the winding-up of a Company is to be made in accordance with Form INSOLVENCY 5.

14.57 Where the ground for the winding-up order is founded on section 200(1)(a) of the Regulations and a statutory demand has been served on the Company, the petition must include:

(a) a statement that such a demand has been served;

(b) the date of service;

(c) the amount of the outstanding debt as at the date of service; and

(d) a statement that the Company is insolvent and unable to pay its debts.

14.58 The petition must contain the name and address of the person whom the petitioner proposes should be appointed as liquidator or provisional liquidator of the Company in the event that a winding-up order is made by the Court. It must also contain a statement that the person so nominated is

(to the best of the petitioner's belief) registered as an insolvency practitioner for the purposes of section 289(1) of the Regulations and has consented to such appointment. There shall be attached to the petition a copy of the written consent to such appointment signed by the insolvency practitioner so nominated.

14.59 If the petitioner does not propose an insolvency practitioner as liquidator or provisional liquidator in accordance with paragraph 14.58, then at the time of filing the petition the petitioner must:

(a) file a witness statement in accordance with paragraph 14.60 explaining why no proposal is made and setting out the steps taken by the petitioner to identify and propose a suitable liquidator or provisional liquidator; and

(b) comply with paragraph 14.61.

14.60 A witness statement filed under paragraph 14.59 must normally include:

(a) evidence that the petitioner has made written enquiries of the insolvency practitioners who are registered for the purposes of section 289(1) of the Regulations in relation to the proposed appointment as liquidator or provisional liquidator of the Company;

(b) evidence that, as part of such enquiries, the petitioner has provided the insolvency practitioner with a draft of the winding-up petition; and

(c) evidence that, as part of such enquiries, the petitioner has provided the insolvency practitioner with such information as the insolvency practitioner might reasonably request in order to decide whether there is any proper reason that he or she should not be appointed if the Court makes a winding-up order. Such information might be by way of documents publicly available under section 952 of the Companies Regulations 2020, and requests for such documents should be made by the petitioner directly to the Registrar of Companies.

14.61 The petitioner should enquire of the insolvency practitioners of whom such enquires are made whether, notwithstanding the acknowledgments that they have given under section 289(2) of the Regulations, they consider that there is any good reason that they should not be appointed, including in particular:

(a) whether there are any circumstances concerning the petitioner which would make appointment inappropriate;

(b) whether there are any circumstances concerning the Company which would make appointment inappropriate;

(c) whether appointment would occasion issues concerning a conflict of interest; and

(d) whether there are any other exceptional circumstances which would make appointment inappropriate. It should be noted that an insolvency

practitioner's concerns about whether the assets of the Company will be sufficient to meet his or her remuneration do not in themselves normally override the acknowledgment that the insolvency practitioner has given under section 289(2) of the Regulations.

The petitioner should inform the Court of any responses from insolvency practitioners in the witness statement filed under paragraph 14.59 (whether or not they consider that there is good reason that the insolvency practitioner should not be appointed).

14.62 The petition must be verified by a statement of truth.

14.63 Where the petition is in respect of debts due to different creditors then the debt to each creditor must be verified separately in accordance with Form INSOLVENCY 6.

14.64 A statement of truth verifying more than one petition shall include in its title the names of the Companies to which it relates and shall set out, in respect of each Company, the statements relied on by the petitioner; and a clear and legible photocopy of the statement of truth must be filed with each petition which it verifies.

14.65 Where a petition is filed at the instance of an administrator, the petition shall:

(a) be expressed to be the petition of the Company by its administrator;

(b) state the name of the administrator, the Court case number and the date that the Company entered administration; and

(c) where applicable, contain an application under section 113 of the Regulations, requesting that the appointment of the administrator shall cease to have effect.

Service of petition [section 204(2)]

14.66 A sealed copy of the petition shall be served on the Company by the petitioner in accordance with section 204(2) of the Regulations.

14.67 Any application to the Court that the petition may be served in such other manner as the Court may by order approve or direct is to be made in accordance with Rule 19 of the CPR.

14.68 Service of the petition is to be proved by a certificate of service which must be:

(a) made in accordance with Form INSOLVENCY 3; and

(b) filed with the Court as soon as reasonably practicable after service, and in any event not less than 5 business days before the hearing of the petition.

Other persons to receive copies of petition or entitled to copy of petition [section 204(3), (4)]

14.69 Where the Regulations require the petitioner to deliver a copy of the petition to any other person that copy must be delivered within 3 business days after the day on which the petition is served on the Company or, where the petitioner is the Company, within three 3 business days of the Company receiving the sealed petition.

Notice of listing

14.70 This petition will be heard by the Court on the date and time set out in the notice of listing issued by the Court, which the petitioner is to serve on, or provide to, all relevant persons along with the petition.

Notice of the winding-up petition [section 205]

14.71 Notice of the winding-up petition shall be published in the manner and in accordance with the requirements set out in section 205 and Schedule 1 of the Regulations.

14.72 Non-compliance with paragraph 14.71 is a ground on which the Court may, if it thinks fit, dismiss the petition.

Company's opposition to the petition [section 204(5)]

14.73 If the Company intends to oppose the petition, it must do so in accordance with Form INSOLVENCY 7, setting out brief grounds for the opposition, not less than 7 days before the date fixed for the hearing.

14.74 If the Company disputes the debt upon which the petition has been presented, the Court may make such directions as it considers appropriate for the filing of evidence.

Certificate of compliance [sections 204(2) and 205]

14.75 The petitioner must, at least 5 business days before the hearing of the petition, file a certificate of compliance with sections 204(2) and 205 of the Regulations in accordance with Form INSOLVENCY 8.

14.76 Non-compliance with paragraph 14.75 is a ground on which the Court may, if it thinks fit, dismiss the petition.

Permission for petitioner to withdraw

14.77 If at least 5 business days before the hearing the petitioner, on an application without notice to any other party in such form as the Court may specify, satisfies the Court that:

(a) the petition has not been advertised;

(b) no notices (whether in support or opposition) have been received by him with reference to the petition; and

(c) the Company consents to an order being made under this paragraph,

the Court may order that the petitioner has permission to withdraw the petition on such terms as to costs as the parties may agree or the Court may think fit.

Request for the appointment of person as liquidator [section 204(7)]

14.78 Where a petition contains a request for the appointment of a person as liquidator in accordance with section 210(3) of the Regulations, the person whose appointment is sought shall, not less than 2 business days before the day appointed for the hearing, file a report using Form INSOLVENCY 9 which contains particulars of:

(a) the date on which he notified creditors of the Company, either in writing or at a meeting of creditors, of the intention to seek his appointment as liquidator, such date to be at least 7 business days before the day on which the report under this paragraph is filed; and

(b) details of any response from creditors to that notification, including any objections to his appointment.

Insurance and Security

14.79 Professional Indemnity Insurance and Security Bonding shall be held by a liquidator in accordance with the provisions contained in the Insolvency Practitioner Rules.

Notice of intention to appear [section 205(2)(f)]

14.80 Any person intending to appear at the hearing (whether to support or to oppose the petition) must give the petitioner notice of that intention in accordance with Form INSOLVENCY 10 no later than 4.00 pm on the business day before the day appointed for the hearing.

14.81 The notice shall be sent to the petitioner at the address shown for him in the Court records or in the advertisement of the petition required by section 205(2) of the Regulations, or it may be sent to his legal representative.

14.82 A person who fails to comply with paragraphs 14.80 and 14.81 may appear on the hearing of the petition only with the permission of the Court.

List of appearances [section 205(3)]

14.83 The petitioner must file a list of appearances in accordance with Form INSOLVENCY 11 on the day appointed for the hearing.

Substitution of petitioner

14.84 Where a person petitions and is subsequently found not entitled to do so, or where the petitioner:

(a) fails to advertise his petition within the time prescribed by the Regulations or such extended time as the Court may allow;

(b) consents to withdraw his petition, or to allow it to be dismissed, consents to an adjournment, or fails to appear in support of his petition when it is called on in Court on the day originally fixed for the hearing, or on a day to which it is adjourned; or

(c) appears, but does not apply for an order in the terms of the prayer of his petition,

the Court may, on such terms as it thinks just, substitute as petitioner any person who in its opinion would have a right to present a petition, and who is desirous of prosecuting it.

Dismissal of the petition

14.85 When a petition is dismissed, the petitioner shall forthwith give notice of the dismissal. Such notice shall be advertised in the same manner as the petition was advertised under paragraph.

14.86 The notice advertised under paragraph 14.85 must state:

(a) that a petition for the winding-up of the Company has been dismissed;

(b) the name and address of the petitioner;

(c) the date on which the petition was presented;

(d) the date on which the petition was advertised; and

(e) the date of the hearing at which the petition was dismissed.

14.87 Where the petitioner is not the Company itself and the petitioner has not complied with paragraphs 14.85 and 14.86 within 21 days of the date of the hearing at which the petition was dismissed, the Company may advertise notice of the dismissal itself. Where the Company advertises notice of the dismissal itself:

(a) the petitioner shall pay to the Company the costs reasonably incurred by the Company in advertising such notice; and

(b) the amount of the costs so payable, unless agreed between the Company and the petitioner, will be decided by summary assessment in accordance with Practice Direction 9 unless the Court directs otherwise.

14.88 Paragraphs 14.85 to 14.87 above do not apply in the case where a petition is withdrawn pursuant to paragraph 14.77 above.

Appointment of liquidator following administration [section 210(3)]

14.89 For the purpose of section 210 of the Regulations, the persons described in sections 202 and 203 of the Regulations may apply to the Court for the appointment of a liquidator following administration. Unless such application is included in the petition, the application is to be made in accordance with

Form INSOLVENCY 4, supported by witness statement evidence in accordance with Form INSOLVENCY 2.

K. PROVISIONAL LIQUIDATORS

Appointment of provisional liquidator [section 210(1)]

14.90 For the purpose of section 210 of the Regulations, the persons described in sections 202 and 203 of the Regulations may apply to the Court for the appointment of a provisional liquidator. Unless such application is included in the petition, the application is to be made in accordance with Form INSOLVENCY 4, supported by witness statement evidence in accordance with Form INSOLVENCY 2, and must state:

(a) the grounds on which it is proposed that a provisional liquidator should be appointed; for example, jeopardy, or threat of dissipation of assets or otherwise;

(b) that the person proposed to be appointed (if any) has consented to act and, to the best of the applicant's belief, is an insolvency practitioner who is registered for the purposes of section 289(1) of the Regulations;

(c) whether to the applicant's knowledge:

(i) there has been proposed or is in force for the Company a Deed of Company Arrangement;

(ii) an administrative receiver is acting in relation to the Company;

(iii) an administrator has been appointed or an administration order has been made and, if so, whether the applicant is seeking the Court's consent; or

(iv) a liquidator has been appointed for the Company's voluntary winding-up; and

(d) the applicant's estimate of the value of the assets in respect of which the provisional liquidator is to be appointed, and the facts and bases upon which such estimate is made.

Insurance and Security

14.91 Professional Indemnity Insurance and Security Bonding shall be held by a provisional liquidator in accordance with the provisions contained in the Insolvency Practitioner Rules.

Notice and advertisement of appointment

14.92 Where a provisional liquidator has been appointed, the Court shall as soon as reasonably practicable give notice of the fact to the provisional liquidator.

14.93 On receipt of the notice of appointment, as soon as reasonably practicable the provisional liquidator shall give notice of that appointment by advertisement in accordance with, as applicable, paragraph 14.71.

14.94 In addition to the standard contents, the notice must state:

(a) that a provisional liquidator has been appointed; and

(b) the date of the appointment.

Order of appointment of provisional liquidator

14.95 The Court shall as soon as reasonably practicable after the order is made, provide a sealed copy of the order:

(a) to the person appointed as provisional liquidator; and

(b) if there is an administrative receiver, a copy to him.

14.96 The provisional liquidator shall as soon as reasonably practicable send a copy of the order to:

(a) the Company or, if a liquidator has been appointed for the Company's voluntary winding-up, to him, or to any other Office-holder; and

(b) the Registrar of Companies or the Financial Services Regulator, as applicable.

Remuneration

14.97 The remuneration of the provisional liquidator shall be fixed by the Court from time to time on his application.

14.98 In fixing his remuneration, the Court shall take into account:

(a) the time properly given by him (as provisional liquidator) and his staff in attending to the Company's affairs;

(b) the complexity (or otherwise) of the case;

(c) any respects in which, in connection with the Company's affairs, there falls on the provisional liquidator any responsibility of an exceptional kind or degree;

(d) the effectiveness with which the provisional liquidator appears to be carrying out, or to have carried out, his duties; and

(e) the value and nature of the property with which he has had to deal.

14.99 Without prejudice to any order the Court may make as to costs, the provisional liquidator's remuneration shall be paid to him, and the amount of any expenses incurred by him reimbursed:

(a) if a winding-up order is not made, out of the property of the Company; and

(b) if a winding-up order is made, as an expense of the liquidation, in the prescribed order of priority.

14.100 In a case falling within paragraph 14.99(a) above, the provisional liquidator may retain out of the Company's property such sums or property as are or may be required for meeting his remuneration and expenses.

Termination of appointment

14.101 The appointment of the provisional liquidator shall be terminated without further order on the appointment of a liquidator and may be terminated by the Court on his application or on that of any of the persons described in sections 202 and 203 of the Regulations.

14.102 If the provisional liquidator's appointment terminates, whether in consequence of the dismissal of the winding-up petition or otherwise, the Court may give such directions as it thinks fit with respect to the accounts of his administration or any other matters which it thinks appropriate.

14.103 Notice of termination of the appointment of a provisional liquidator must be given by the provisional liquidator, unless the termination is on the making of a winding-up order. Such notice must as soon as reasonably practicable be:

(a) sent to the Registrar of Companies or the Financial Services Regulator, as applicable;

(b) advertised in the same manner as the appointment of the provisional liquidator was advertised pursuant to paragraph 14.93.

L. SERVICE OF DOCUMENTS

14.104 Service is defined in the Regulations to mean, for both Court documents and other documents, service in accordance with Part 4 of the ADGM Court Procedure Rules or by any method as the Court may by order approve or direct.

14.105 Where in Insolvency Proceedings the Court makes an order staying any action, execution or other legal process against the property of a Company, service of the order may be effected by sending a sealed copy of the order to whatever is the address for service of the party having the carriage of the proceedings to be stayed.

14.106 Where there are joint Office-holders in Insolvency Proceedings, service on one of them is to be treated as service on all of them.

M. CONTENTS OF NOTICES

14.107 In addition to any requirements set out in any section of the Regulations or this Practice Direction, notices must comply with Schedule 1 of the Regulations.

N. COSTS AND DETAILED ASSESSMENT

Scope

14.108 This Section applies in relation to costs in connection with Insolvency Proceedings.

14.109 In this Section a reference to costs includes charges and expenses.

Requirement to assess costs by the detailed procedure

14.110 Where the costs of any person are payable as an expense out of the insolvent estate in accordance with the Regulations, this Practice Direction or by order of the Court, the amount payable must be decided by detailed assessment unless agreed between the Office-holder and the person entitled to payment.

14.111 In the absence of such agreement as is mentioned in paragraph 14.110, the Office-holder:

(a) may serve notice requiring that person to commence detailed assessment proceedings in accordance with Section E of Practice Direction 9 (Detailed Assessment of Costs); and

(b) must serve such notice (except in an administrative receivership) where a liquidation or creditors' committee formed in relation to the insolvency proceedings resolves that the amount of the costs must be decided by detailed assessment.

14.112 Where the costs of any person employed by an Office-holder in Insolvency Proceedings are required to be decided by detailed assessment under an order of the Court directing that those costs are to be paid otherwise than out of the insolvent estate, the registrar of the Court shall note on the final costs certificate by whom, or the manner in which, the costs are to be paid.

14.113 Where an Office-holder is made a party to any proceedings on the application of another party to the proceedings, he shall not be personally liable for costs unless the Court otherwise directs.

14.114 Nothing in paragraphs 14.110 to 14.113 above shall affect the power of the Court to order an immediate assessment of the costs of any proceedings, or part of any proceedings, before the Court pursuant to Part 24 of the CPR.

Application for costs

14.115 This Section applies where a party to, or person affected by, any proceedings in an insolvency:

(a) applies to the Court for an order allowing his costs, or part of them, incidental to the proceedings; and

(b) that application is not made at the time of the proceedings.

14.116 An application to the Court under paragraph 14.115 is to be made in accordance with Form INSOLVENCY 4 and supported by witness statement evidence in accordance with Form INSOLVENCY 2.

14.117 The applicant shall serve a sealed copy of the application on the Office-holder.

14.118 The Office-holder may appear on an application to which paragraph 14.115 applies.

14.119 No costs of or incidental to the application shall be allowed to the applicant unless the Court is satisfied that the application could not have been made at the time of the proceedings.

Costs and expenses of witnesses

14.120 No allowance as a witness in any examination or other proceedings before the Court shall be made to any officer of the insolvent Company to which the proceedings relate.

14.121 A person presenting any petition in a Company insolvency shall not be regarded as a witness on the hearing of the petition, but the registrar of the Court may allow his expenses of travelling and subsistence.

O. REVIEW AND APPEALS IN INSOLVENCY PROCEEDINGS

Review, rescission or variation of order

14.122 The Court may review, rescind, or vary any order made by it in relation to Insolvency Proceedings arising out of:

(a) a change of circumstances; or

(b) such other matter where the Court considers it is in the interests of justice to conduct such review or rescind or vary an order;

however, this paragraph shall not apply in circumstances where the application constitutes an appeal of an order.

14.123 Any application for the rescission of a winding-up order shall be made within 5 business days after the date on which the order was made. An application under this paragraph is to be made in accordance with Form INSOLVENCY 4 and supported by witness statement evidence in accordance with Form INSOLVENCY 2.

Appeals

14.124 Any appeal in relation to an order or judgment made in connection with an Insolvency Proceeding is to be made in accordance with Part 25 of the CPR (save that Rule 205 shall not apply) and Practice Direction 11.

P. PRINCIPAL COURT RULES AND PRACTICE DIRECTIONS TO APPLY

14.125 The Provisions of the CPR (including any related Practice Directions) apply for the purposes of any Insolvency Proceedings before the Court with any necessary modifications, except so far as disapplied by or inconsistent with this Practice Direction.

Further information and disclosure

14.126 Any party to Insolvency Proceedings may apply to the Court for an order:

(a) that any other party:

(i) clarify any matter which is in dispute in the proceedings; or

(ii) give additional information in relation to any such matter, in accordance with Rule 54 of the CPR; or

(b) to obtain documents from any other party in accordance with Part 13 of the CPR.

14.127 An application under paragraph 14.126 is to be made in accordance with Form INSOLVENCY 4 and supported by witness statement evidence in accordance with Form INSOLVENCY 2, and may be made without notice.

Copies of documents

14.128 Any person who has under the Regulations or this Practice Direction the right to inspect the Court file may require the Court to provide him with an electronic copy of any document from the file.

Formal defects

14.129 Paragraph 29B of Schedule 1 of the Regulations provides that no Insolvency Proceedings shall be invalidated by any formal defect or by any irregularity, unless the Court before which the objection is made considers that substantial injustice has been caused by the defect or irregularity, and that the injustice cannot be remedied by any order of the Court.

Enforcement

14.130 In any Insolvency Proceedings, an order or judgment of the Court may be enforced in the same manner as an order or judgment of the Court made in any other proceedings, and to the same effect in accordance with the CPR.

Q. INQUIRY INTO COMPANY DEALINGS

Application under section 256 of the Regulations [section 256]

14.131 An application under section 256 of the Regulations is to be made in accordance with Form INSOLVENCY 4 and supported by witness statement evidence in accordance with Form INSOLVENCY 2, specifying:

(a) the name of the respondent;

(b) the grounds on which it is made;

(c) whether the application is for an order that the respondent:

(i) appear before the Court;

(ii) submit witness statements (and, if so, the particulars to be given of the matters to be included);

(iii) produce books, papers or other records (if so, the items in question to be specified);

(iv) clarify any matter which is in dispute in the proceedings or give additional information in relation to any such matter and, if so, Rule 54 of the CPR shall apply to any such order; or

for any two or more of those purposes or for some other (and, if so, what other) relief.

14.132 The application may be made without notice to any party other than the respondent.

Orders for examination, etc.

14.133 The Court, if it orders the respondent to appear before it, shall specify a date and time for his appearance, which shall be not less than 14 calendar days from the date of the order.

14.134 If the respondent is ordered to submit a witness statement, the order shall specify:

(a) the matters which are to be dealt with in his witness statement; and

(b) the time within which the witness statement is to be submitted to the Court.

14.135 If the order is to produce books, papers or other records, the time and manner of compliance shall be specified.

14.136 The order must be served as soon as reasonably practicable on the respondent; and it must be served personally.

Procedure for examination

14.137 At any examination of the respondent, the applicant may attend in person, or be represented by a legal representative, and may put such questions to the respondent as the Court may allow.

14.138 The following persons may attend the examination with the permission of the Court and may put questions to the respondent (but only through the applicant):

(a) any person who could have applied for an order under section 256 of the Regulations; or

(b) any creditor who has provided information on which the application was made by the applicant.

14.139 If the respondent is ordered to clarify any matter or to give additional information, the Court shall direct him as to the questions which he is

required to answer, and as to whether his answers (if any) are to be made in a witness statement.

14.140 The respondent may at his own expense instruct a legal representative, who may put to him such questions as the Court may allow for the purpose of enabling him to explain or qualify any answers given him, and may make representations on his behalf.

Record of examination

14.141 There shall be a written record of the examination in the form of a transcript. The respondent shall have the opportunity to review the transcript and to propose corrections of any typographical errors or corrections of a similar nature.

14.142 Subject to any law to the contrary, the written record may, in any proceedings (whether under the Regulations or otherwise) be used as evidence against the respondent of any statement made by him in the course of his examination.

Inspection of record of examination, etc.

14.143 The written record of questions put to the respondent and the respondent's answers, and any witness statements submitted by the respondent in compliance with an order of the Court, are not to be filed with the Court or placed on the Court file. To the extent that any such documents are to be provided to the Registry, they are to be sent by email to registry@adgmcourts.com.

14.144 The documents set out in paragraph 14.143 are not open to inspection without an order of the Court by any person other than:

(a) the applicant for an order under section 256 of the Regulations; or

(b) any person who could have applied for such an order in respect of the affairs of the same Company.

14.145 The documents to which paragraph 14.144 refers are:

(a) the written record of the respondent's examination;

(b) copies of the questions put to the respondent or proposed to be put to the respondent and answers to questions given by the respondent;

(c) any witness statement by the respondent; and

(d) any document on the Court files which shows the grounds for the application for an order.

14.146 The Court may from time to time give directions as to the custody and inspection of any documents to which paragraphs 14.143 to 14.145 apply, and as to the furnishing of copies of, or extracts from, such documents.

Costs of proceedings

14.147 Where the Court makes any other order against a person (including, without limitation, an order requiring the production of books, papers or other records or clarifying any matter which is in dispute or giving additional information) the costs of the application for the order may be ordered by the Court to be paid by the respondent.

14.148 Where the Court has ordered an examination of any person under section 256 of the Regulations, and it appears to it that the examination was made necessary because information had been unjustifiably refused by that person, it may order that the costs of the examination be paid by him.

14.149 Subject to paragraphs 14.147 and 14.148, the applicant's costs shall be paid as an expense of the Insolvency Proceeding.

14.150 The costs of a person summoned to attend for examination under this section incurred in connection with his attendance are at the Court 's discretion.

R. APPLICATION TO LIMITED LIABILITY PARTNERSHIPS

14.151 Subject to paragraph 14.152, the provisions of this Practice Direction shall apply to a Limited Liability Partnership.

14.152 This Practice Direction shall apply to a Limited Liability Partnership, except where the context otherwise requires, with the following modifications—

(a) references to a Company shall include references to a Limited Liability Partnership;

(b) references to a Director or to an officer of a Company shall include references to a member or a designated member of a Limited Liability Partnership or any other person designated under a Limited Liability Partnership Agreement as fulfilling the managerial functions of a member or a designated member of a Limited Liability Partnership;

(c) references to the Companies Regulations 2020 shall include references to the equivalent provisions of the Limited Liability Partnerships Regulations (if any) as apply to a Limited Liability Partnership;

(d) references to the Articles of a Company shall include references to a Limited Liability Partnership Agreement of a Limited Liability Partnership; and

(e) such further modifications as the context requires for the purpose of giving effect to this Practice Direction as applied by this section.

S. FORMS

14.153 Forms, as specified in this Practice Direction and where provided, are to be used in Insolvency Proceedings.

14.154 Where the forms are required to be used, they may be used with such variations, if any, as the circumstances may require.

T. COURT RECORDS

14.155 The Court shall open and maintain a file in any case where documents are filed with it under the Regulations, this Practice Direction or the CPR.

14.156 The following persons may inspect or obtain from the Court a copy of, or a copy of any document or documents contained in, a file opened in accordance with paragraph 14.155

(a) the Office-holder in the proceedings;

(b) the Registrar of Companies or the Financial Services Regulator;

(c) any person who is a creditor of the Company to which the proceedings relate if that person provides the Court with a statement in writing by him or a person authorised by him confirming that that person is a creditor;

(d) an officer or former officer of the Company to which the proceedings relate; and

(e) a member of the Company to which the proceedings relate or a contributory in its winding up.

14.157 The right to inspect or obtain a copy of any document or documents contained in the file opened in accordance with paragraph 14.155 may be exercised on that person's behalf by a person authorised to do so by that person.

14.158 Any person who is not otherwise entitled to inspect or obtain a copy of, or a copy of any document or documents contained in, the file opened in accordance with paragraph 14.155 may do so if that person has the permission of the Court.

14.159 The Court may, upon an application by the Office-holder or any person appearing to the Court to have an interest, direct that the file, a document (or part of it) or a copy of a document (or part of it) must not be made available under paragraphs 14.156 to 14.157 without the permission of the Court.

14.160 A request to inspect or obtain a copy of a document or documents under paragraphs 14.156, 14.157 or 14.158 is to be made in accordance with Form INSOLVENCY 12, and that person must pay any prescribed fee. Any request is to be sent by email to registry@adgmcourts.com.

14.161 An application:

(a) to inspect the file or obtain a copy of a document under paragraphs 14.156 to 14.158; or

(b) for a direction under paragraph 14.159,

may be made without notice to any other party, but the Court may direct that notice shall be given to any person who would be affected by its decision.

U. BLOCK TRANSFERS OF CASES WHERE INSOLVENCY PRACTITIONER HAS RETIRED ETC.

14.162 This Section relates to an application for a block transfer order.

Power to make a block transfer order

14.163 This paragraph applies where an individual who is acting as an Office-holder ("the outgoing Office-holder"):

(a) dies;

(b) retires from practice; or

(c) is otherwise unable or unwilling to continue in office;

and it is expedient to transfer some or all of the cases in which the outgoing Office-holder holds office to one or more Office-holders ("the replacement Office-holder") in a single transaction.

14.164 In a case to which this Section applies the Court has the power to make an order, ("a block transfer order"), appointing a replacement Office-holder in the place of the outgoing Office-holder to be:

(a) liquidator or provisional liquidator in any winding up;

(b) receiver or administrative receiver in any receivership;

(c) administrator in any administration; or

(d) administrator of a Deed of Company Arrangement.

14.165 The replacement Office-holder must be qualified to act as an insolvency practitioner under the Commercial Licensing Regulations 2015.

Application for a block transfer order

14.166 An application to the Court is to be made in accordance with Form INSOLVENCY 4 and supported by witness statement evidence in accordance with Form INSOLVENCY 2.

14.167 An application for a block transfer order may be made for:

(a) the removal of the outgoing Office-holder;

(b) the appointment of a replacement Office-holder;

(c) such other order or direction as may be necessary or expedient in connection with any of the matters referred to above.

14.168 The application may be made by any of the following:

(a) the outgoing Office-holder (if able and willing to do so);

(b) any person who holds office jointly with the outgoing Office-holder;

(c) any person who is proposed to be appointed as the replacement Office-holder;

(d) any creditor in a case subject to the application;

(e) the approved insolvency practitioner regulatory body by which the outgoing Office-holder is or was licensed or authorised; or

(f) the Registrar of Companies or the Financial Services Regulator.

14.169 An applicant (other than the Registrar of Companies or Financial Services Regulator) must, as applicable, deliver notice of the application to the Registrar of Companies or the Financial Services Regulator at least 5 business days before the hearing of the application.

14.170 The following must be made a respondent to the application and served by the applicant with it:

(a) the outgoing Office-holder (if not the applicant or deceased);

(b) every person who holds office jointly with the outgoing Office-holder;

(c) any person who is proposed to be appointed as the replacement Office-holder; and

(d) such other person as the Court directs.

14.171 The application must contain a schedule setting out:

(a) the name of each case;

(b) the identity of the Court having jurisdiction when the application is made;

(c) the case number (if any); and

(d) the capacity in which the outgoing Office-holder was appointed.

14.172 The application must be supported by witness statement evidence:

(a) setting out the circumstances as a result of which it was expedient to appoint a replacement Office-holder; and

(b) exhibiting the written consent to act of each person who is proposed to be appointed as replacement Office-holder.

Action following application for a block transfer order

14.173 The Court may in the first instance consider the application without a hearing and make such order as it thinks just.

14.174 In the first instance, the Court may do any of the following:

(a) if the documents are considered to be in order and that the matter is considered straightforward, make an order on the substantive application;

(b) give any directions which are considered to be necessary including (if appropriate) directions for the joinder of any additional respondents or requiring the service of the application on any person or requiring additional evidence to be provided; or

(c) if an order is not made on the substantive application, give directions for the further consideration of the substantive application by the Court.

14.175 In deciding to what extent (if any) the costs of making an application under this Section should be paid as an expense of the Insolvency Proceedings to which the application relates, the factors to which the Court must have regard include:

(a) the reasons for the making of the application;

(b) the number of cases to which the application relates;

(c) the value of assets comprised in those cases; and

(d) the nature and extent of the costs involved.

14.176 Any appointment made under this Section must be notified:

(a) as applicable, to the Registrar of Companies or the Financial Services Regulator as soon as reasonably practicable;

(b) to the creditors; and

(c) to such other persons as the Court may direct, in such manner as the Court may direct.

PRACTICE DIRECTION 15:
REAL PROPERTY CLAIMS

Date issued: 17 October 2025

This Practice Direction is to be read with, and subject to, the ADGM Court Procedure Rules 2016 ("CPR") and the Divisions and Jurisdiction (Court of First Instance) Rules 2015. Except as provided otherwise in this Practice Direction, terms have the meanings set out in the CPR and a reference to a Rule is a reference to the CPR.

APPLICATION

This Practice Direction must be read in conjunction with the following Practice Directions:

- **Practice Direction 1 – General**
- **Practice Direction 6 – Service of Documents**
- **Practice Direction 7 – Applications**
- **Practice Direction 8 – Evidence**
- **Practice Direction 9 – Costs**
- **Practice Direction 10 – Enforcement**
- **Practice Direction 11 – Appeals**
- **Practice Direction 13 – Court-annexed Mediation**
- **Practice Direction 16 – Short-Term Residential Lease Claims**

To the extent to which the provisions of this Practice Direction differ from or are inconsistent with provisions of other Practice Directions, the provisions of this Practice Direction prevail in relation to real property claims.

Part 41 of the CPR contains special provisions for claims in the Real Property Division. Unless the Court orders otherwise, the following provisions shall apply.

A. GENERAL PROVISIONS

15.1 A "real property claim" is a claim or dispute:

(a) deriving from an interest in real property, including, without limitation:

(i) an ownership, leasehold or security interest in real property (including a mortgage); (ii) an easement, caveat, covenant or other real property-related right, obligation or restriction; (iii) the appointment of a receiver (other than under the Insolvency Regulations 2022) over real property; (iv) the possession or sale of real property; or (v) a

construction related claim or dispute that involves or affects an interest in real property[1]; or

(b) brought pursuant to or in connection with any of the following: (i) the Real Property Regulations 2024; (ii) the Off-Plan Development Regulations 2024; (iii) Chapter 7 of Part 6 of the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015; (iv) the Strata Title Regulations 2015; or (iv) the Registration of Future Interest Regulations 2024.

15.2 A "short-term residential lease" means a lease of real property for use as a residential dwelling with a term of less than 4 years.

15.3 A "short-term residential lease claim" is a claim or dispute arising under or in relation to a short-term residential lease.

15.4 The practice directions for short-term residential lease claims are set out in Practice Direction 16.

15.5 This Practice Direction applies to all real property claims, except short-term residential lease claims.

B. MAKING A CLAIM [r.336]

15.6 A claim form which commences proceedings in the Real Property Division shall be made in accordance with Form CFI 1A.

Requirements

15.7 The claim form must:

(a) identify the real property at issue and attach copies of all documents necessary to identify the real property and which record the claimant's interest in it;[2]

(b) state what final orders the claimant seeks;

(c) include particulars of the claimant's case in numbered paragraphs, which shall include:

(i) particulars of the factual matters relevant to the claim;

(ii) any relevant calculations for the amount or amounts claimed;

(iii) particulars of any sum sought by way of interest from a date earlier than the date of judgment including: (i) the interest rate claimed;

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1 An example of a construction related dispute that involves or affects an interest in real property is where there is a delay in the handover of a real property under a sale and purchase agreement caused in whole or in part by construction delays.

2 For example, and as applicable, title documents, lease agreement, registered instruments, sale and purchase agreement and mortgage documentation.

(ii) the date from which interest is claimed; and (iii) any relevant calculations; and

(iv) the propositions of law which entitle the claimant to the final orders sought;

(d) include the name and address for service of the defendant together with the defendant's email address and mobile phone number (if known);[3]

(e) state whether the claimant is self-represented or is represented by an authorised officer or lawyer, and state as applicable the contact name, address, telephone number and email address of the claimant's representative;

(f) attach a copy of any document (other than any ADGM enactment) referred to in the claim form or relied on to prove any allegation contained in the claim form; and

(g) where the claim form is to be served outside the jurisdiction, include the grounds on which the claimant is entitled to bring the claim against the defendant.

Additional requirements for claims for specific real property orders

15.8 Section Q of this Practice Direction ("Real Property Orders") includes further requirements that must be included in a claim form where the claimant seeks specific orders from the Court.

Service of the claim form

15.9 Rule 337 provides that the Registry will serve the claim form on the defendant, 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 in accordance with Rule 15(7); or

(b) any Rule, practice direction, ADGM enactment or a Court order provides otherwise.

15.10 Part 4 of the CPR prescribes how a claim form may be served.

15.11 Where the claim form has not been served on a defendant by the Registry in accordance with paragraph 15.9, the claimant must file a certificate of service in accordance with Rule 21.

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[3] Where the defendant is a company, partnership or other entity, the claimant must include the defendant's registered office or any place of business of the defendant which has a real connection with the claim together with an email address and mobile phone number (if known) of a person who meets the description set out in paragraph 6.14 of Practice Direction 6.

C. RESPONDING TO A REAL PROPERTY CLAIM [r.338]

15.12 A defendant is not required to file an acknowledgement of service in relation to a real property claim.

15.13 Rule 338(1) provides that within 21 days after a defendant is served with a claim form, a defendant must file and serve either:

(a) an admission and any request for time to pay in accordance with Rules 42 and 43;

(b) an admission and any request for time to pay in accordance with Rules 42 and 43, and a defence, together with any counterclaim, if the defendant admits only part of the claim;

(c) a defence, together with any counterclaim, if the defendant disputes the whole of the claim; or

(d) an application to dispute the Court's jurisdiction to decide the claim.

Admission and request for time to pay [r.42, r.43 and r.338(1)]

15.14 The defendant may file and serve an admission, together with any request for time to pay, in accordance with Form CFI 34 which must include:

(a) whether the admission is for the whole or part of the claim;

(b) details of the timing, amounts and frequency of payments proposed (with any payment plan not to exceed 3 years from the date the first payment is to be made);

(c) reasons for the request for time to pay, and the reasonableness of the request; and

(d) information about the employment (if applicable) and financial circumstances of the defendant.

Response to admission and request for time to pay [r.43]

15.15 A claimant must respond to a defendant's admission and request for time to pay in accordance with Form CFI 45 within 14 days after the admission and request for time to pay is served on him.

Disputing jurisdiction [r.338(1)]

15.16 An application to dispute the Court's jurisdiction to decide the claim must be made by filing an application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

15.17 If a defendant makes an application to dispute the Court's jurisdiction, he need not file a defence before the hearing of the application.

D. FILING A DEFENCE AND MAKING A COUNTERCLAIM [r.49, r.50 and r.338]

15.18 A defence must set out the defendant's answer to:

(a) the particulars of the claim; and

(b) the propositions of law advanced in the claim.

15.19 A defence shall be made in accordance with Form CFI 8.

15.20 A defendant who wishes to make a counterclaim must:

(a) state what final orders the counterclaimant seeks by counterclaim;

(b) include particulars of the counterclaim in numbered paragraphs within the form, which shall include:

(i) particulars of the factual matters relevant to the counterclaim;

(ii) any relevant calculations for the amount or amounts claimed;

(iii) particulars of any sum sought by way of interest from a date earlier than the date of judgment, including: (i) the interest rate claimed, (ii) the date from which interest is claimed, and (iii) any relevant calculations; and

(iv) the propositions of law which entitle the counterclaimant to the final orders sought;

(c) if a counterdefendant is not a party to the claim[4], include the name and address for service of the counterdefendant together with the counterdefendant's email address and mobile phone number (if known);[5] state whether the counterclaimant is self-represented or is represented by an authorised officer or lawyer, and state as applicable the contact name, address, telephone number and email address of the counterclaimant's representative;

(d) identify the real property at issue and attach copies of all documents necessary to identify the real property and which record the counterclaimant's interest in it (to the extent not already filed on the eCourts Platform); and

(e) include any of the matters set out in paragraphs 15.7(g) and 15.8 if they are relevant to the counterclaim being made.

15.21 A counterclaim shall be made in accordance with Form CFI 9A.

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4 Where a counterclaimant wishes to join a new party to the proceedings as a counterdefendant, the counterclaimant must first make an application that that person be added as an additional party in accordance with Rule 50(3).

5 Above n3.

15.22 A copy of any document (other than any ADGM enactment) referred to in a defence or counterclaim or relied on to prove any allegation contained in a defence or counterclaim must be attached to the defence or the counterclaim (as the case may be), unless that document has previously been filed on the eCourts Platform.

E. REPLY TO A DEFENCE [r.339]

15.23 The claimant may file a reply to a defence within 14 days after service of the defence setting out the claimant's reply to:

(a) the particulars of the defence; and

(b) the propositions of law advanced in the defence.

15.24 A copy of any document (other than any ADGM enactment) referred to in the reply, or relied on to prove any allegation contained in the reply, must be attached to the reply, unless that document has previously been filed on the eCourts Platform.

15.25 A reply shall be made in accordance with Form CFI 10.

F. DEFENCE TO ANY COUNTERCLAIM AND SUBSEQUENT REPLY [r.49, r.338 and r.339]

15.26 A party who wishes to defend all or part of any counterclaim must file a defence to counterclaim within 21 days after service of the counterclaim and must set out that party's answer to the:

(a) particulars of the counterclaim; and

(b) the propositions of law advanced in the defence to counterclaim.

15.27 A defence to counterclaim shall be made in accordance with Form CFI 8.

15.28 A party who seeks to reply to a defence to counterclaim must file and serve a reply within 14 days after service of the defence to counterclaim and must set out the party's reply to:

(a) the particulars of the defence to counterclaim; and

(b) the propositions of law advanced in the reply to a defence to counterclaim.

15.29 A reply to a defence to counterclaim shall be made in accordance with Form CFI 10.

15.30 A copy of any document (other than any ADGM enactment) referred to in a defence to counterclaim or reply to defence to counterclaim, or relied on to prove any allegation contained in a defence or reply, must be attached to the defence or reply (as the case may be), unless that document has been previously filed on the eCourts Platform.

G. EXTENSION OF TIME TO RESPOND TO A CLAIM OR FILE A PLEADING [r.338]

15.31 Rule 338(3)(b) provides that a defendant may request that the Court extend the time period for responding to a claim (including a counterclaim) by up to 7 days. Any request must be made by email to registry@adgmcourts.com and must:

(a) identify the proceedings to which the request relates;

(b) state the reason or reasons for the request;

(c) specify how much additional time (up to a maximum of 7 days from the date the response is due) the defendant needs to respond to the claim; and

(d) be made before the deadline for filing the response (otherwise paragraph 15.32 shall apply).

15.32 In all other cases, an application for an extension of time to file:

(a) a defence, reply to defence, counterclaim, defence to counterclaim or reply to defence to counterclaim (each referred to for the purpose of this section as a "pleading"); or

(b) a response to a claim (other than a defence as to which see sub-paragraph (a) above),

must be made by application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

15.33 An application made pursuant to paragraph 15.32 must:

(a) be made at least 2 clear days before the deadline for the filing of the pleading or response unless it is not practicable to do so;

(b) attach or set out an outline of the pleading or response proposed to be filed (or a draft of the pleading or response if the application is made after the due date unless it is not possible to do so);

(c) provide an explanation for why the pleading or response is/was not able to be filed within the relevant time period;

(d) state the time by which the applicant proposes to file the pleading or response; and

(e) attach the applicant's written request to the other parties to the proceedings seeking their consent to an extension of time to file the pleading or response and any response(s) received to that request.

H. APPLICATION FOR DEFAULT JUDGMENT [r.340]

15.34 An application for default judgment shall be made in accordance with Form CFI 12 supported by witness statement evidence in accordance with Form CFI 15, and must include:

(a) the order or orders that the claimant seeks from the Court; and

(b) evidence addressing the default relied on and confirming that the default has not been remedied.

15.35 An application for default judgment may be made without notice if a defendant has failed to file a defence. Any evidence relied on by a claimant in support of his application need not be served on a party who has failed to file a defence.

15.36 Subject to Rule 40A, a default judgment may include interest at the rate agreed between the parties or, if there is no agreed rate, at the rate of 5 per cent per annum from the date the money was due.

15.37 A default judgment will be made available to the claimant through the eCourts Platform and will be served by the Registry on all other parties to the proceedings who are to be served within the United Arab Emirates.

I. APPLICATION FOR SUMMARY JUDGMENT [rr.68-70 and r.341]

15.38 The Court may give summary judgment against a claimant or defendant on the whole of a claim or on a particular issue if it considers that:

(a) the claimant has no real prospect of succeeding on the claim or issue; or

(b) the defendant has no real prospect of successfully defending the claim or issue; and

(c) there is no other compelling reason why the case or issue should be disposed of at trial.

15.39 Summary judgment is only available once the defendant has filed a defence, unless the Court otherwise gives permission.

15.40 An application for summary judgment shall be made by filing an application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

J. CASE MANAGEMENT [r.8, r.78, r.79, r.306 and r.342]

15.41 The Court may make any order, give any direction or take any step it considers appropriate for the purpose of managing the proceedings. These powers shall be exercised with the aim of expeditiously resolving a real property claim within 6 months of the claim form being issued.

Case management conference [r.8 and r.79]

15.42 Within 7 days after the close of pleadings (which in the normal course will be after the filing of a reply or the deadline for doing so having elapsed), the parties shall each file a completed copy of the directions questionnaire set out in Appendix A. If all parties agree to try and settle the claim by court-annexed mediation, a mediation shall take place within 21 days of the date that the last directions questionnaire was filed.

15.43 Subject to any referral of the case to court-annexed mediation under paragraph 15.42, the Court will convene a case management conference within 14 days of the close of pleadings. Case management conferences will ordinarily be conducted by videoconference as arranged by the Court.

15.44 At the case management conference, the parties or their legal representatives (if a party is legally represented) should be in a position to inform the Court of the following:

(a) whether the case should be referred to court-annexed mediation as the next step in the proceedings (if a mediation has not already been conducted);

(b) the issues of fact and law likely to arise in the proceedings;

(c) the number of witnesses that each party will seek to rely on and the time for provision of witness statements;

(d) whether the parties wish to seek permission to adduce expert evidence, and, if so, the issues that the expert evidence is to address and the grounds on which such evidence would assist the Court;

(e) the directions which each party seeks in relation to the pre-hearing steps and any other relevant matters, including any agreement reached between the parties in regard to those directions; and

(f) any other matter which the parties may wish to bring to the Court's attention to achieve the efficient management of the case to hearing.

15.45 At the case management conference, the Court may:

(a) decide a timetable for the pre-hearing steps necessary to be taken; and

(b) fix a hearing date or a provisional hearing date.

15.46 The Court may decide to hold more than one case management conference with the parties depending on the circumstances of the case.

Court-ordered mediation [r.78 and r.306]

15.47 The Court may if it considers it appropriate, refer the parties to mediation at any stage of the proceedings whether on the request of a party or parties, or on its own initiative.

15.48 The Court's power to refer a dispute to mediation does not depend on the consent of the parties.

15.49 Where the Court has ordered mediation, the mediation shall be conducted in accordance with Parts D to N of Practice Direction 13.

Timetables [r.8]

15.50 The parties must comply with the Court's procedural timetable.

15.51 If a party seeks an adjustment to the procedural timetable, they must:

(a) first seek the written consent of the other party or parties to the case; and

(b) in any correspondence with the Court, provide evidence that they have sought the written consent of the other party or parties to the case together with any response(s) received.

15.52 If the parties agree that the timetable should be adjusted, the party who first sought the adjustment must file a consent order to the adjusted timetable in accordance with Form CFI 22. The consent order must also be sent to the Registry by email in Word format.

15.53 If the parties cannot agree to make an adjustment to the timetable which is sought by a party and:

(a) the due time has not passed for the carrying out of the step in respect of which the adjustment is sought and the adjustment sought will not affect or have a consequential impact on the dates fixed for a hearing or a trial:

(i) the party seeking the adjustment must file and serve, at least 4 days before the due time for carrying out the step in respect of which an adjustment is sought, a statement in accordance with Form CFI 36 setting out its justification for the adjustment it seeks; and

(ii) the other party or parties must file and serve any response in accordance with Form CFI 36 within 2 days of receipt of such statement. (The Court will ordinarily resolve that dispute on the papers);

or

(b) the due time has passed for carrying out the step in respect of which an adjustment is sought or the adjustment sought will affect or have a consequential impact on the dates fixed for a hearing or a trial, the party seeking the adjustment must make an application for an extension of time in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

K. DISCLOSURE [rr.85-91 and r.345]

15.54 If a party wishes to make standard disclosure of any additional documents that it will seek to rely on at trial that have not previously been filed on the eCourts Platform, such disclosure must be made within 10 days of the close of pleadings or before the case management conference referred to in paragraph 15.43, whichever is earlier.

15.55 Where a party has good reason to believe that documents held by another party would be likely to support their case or adversely affect that other party's case, they may seek an order from the Court for the specific disclosure of such documents, and the Court may make an order for specific disclosure

of those documents if it is satisfied that disclosure is necessary in order to dispose fairly of the claim or to save costs.

15.56 An application for specific disclosure must be made by application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15.

15.57 Any application made to the Court for disclosure by a person who is not a party to the proceedings must be made in accordance with paragraphs 2.101-

2.106 of Practice Direction 2.

L. WITNESS STATEMENTS [r.97]

15.58 The Court will make any order as to the filing of witness statements that it considers appropriate. All witness statements ordered by the Court must be prepared and filed in accordance with Form CFI 15. Any supporting document referred to in a witness statement must be given an exhibit number and attached to the witness statement unless that document has previously been filed on the eCourts Platform (in which case an appropriate cross-reference should be made to that document in the witness statement).[6]

M. EXPERTS [r.142(2) and r.346]

15.59 No party may call an expert to give evidence or file an expert's report without the permission of the Court.

15.60 Any request by a party to use expert evidence in the case must be included in that party's directions questionnaire to be filed in advance of the case management conference in accordance with paragraph 15.42 above.

N. HEARING [r.8, r.175 and r.343]

Power to dispense with an oral hearing [r.343]

15.61 The Court may decide the claim on the papers without an oral hearing where:

(a) the parties agree as to the terms of any order or direction to be made or given by the Court;

(b) the parties agree that the Court should dispose of the claim without a hearing; or

(c) the Court considers that the claim can be fairly determined on the papers without an oral hearing and, in all the circumstances, it would be appropriate to do so.

Allocation of hearing date [r.8]

15.62 A real property claim will be given a hearing date as soon as reasonably possible.

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[6] The purpose of this provision is that all supporting documents referred to in a witness statement must be able to be readily located by the Judge.

15.63 The Court will inform the parties of the amount of time allowed for the hearing.

Conduct of the hearing [r.8 and r.175]

15.64 The Court may adopt any method of proceedings at a hearing that it considers to be fair.

Bundles [r.8]

15.65 If the Court directs that a party file any bundle for any trial, hearing (including the hearing of an application) or case management conference, the bundle shall be prepared having regard to paragraphs 2.114 to 2.119 of Practice Direction 2 (as applicable).

O. INTEREST

15.66 Where interest is payable on a judgment debt and there is no agreed rate, it shall be at the rate of 5 per cent per annum from the date that judgment is given until payment.

15.67 Subject to any ADGM enactment, where interest is payable on all or any part of a debt or damages in relation to a period prior to, or as at, the date of judgment and there is no agreed rate, it shall be at the rate of 5 per cent per annum.

P. APPLICATIONS [Part 8 of CPR]

15.68 Subject to paragraph 15.69 below, an application made in the Real Property Division must be made by application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15, save that a pre-claim application must be made in accordance with Form CFI 12A, supported by witness statement evidence in accordance with Form CFI 15.

15.69 Paragraph 15.68 is to be read subject to the following:

(a) Rule 108(2) sets out the circumstances in which affidavit evidence is required. If a Rule, practice direction or ADGM enactment requires the written evidence to be in the form of an affidavit, it must be made in accordance with Form CFI 14; and

(b) Practice Direction 7 contains special provisions for particular types of applications which are to apply in the Real Property Division.

Pre-claim applications [r.64(3 and (4)]

15.70 Ordinarily, applications should only be made once a claim has been filed. However, where an applicant requires urgent interim relief in relation to a real property claim, an applicant may make an application before filing a claim on the undertaking that a claim will be filed within a period of 2 days after the application is filed.

15.71 A pre-claim application notice must include or attach:

(a) the order or orders that the applicant seeks from the Court;

(b) the details of the real property at issue and attach copies of all documents necessary to identify the real property at issue and which record the applicant's interest in it;

(c) the evidence that the applicant relies on in support of the application;

(d) an undertaking by the applicant to file a claim within 2 days of the application notice being issued by the Court; and

(e) a statement as to whether the applicant requests a hearing of the application and, if so, whether the hearing is to be conducted without notice to the respondent or on an expedited basis including any reasons supporting the request.

15.72 Where the application is to be made *upon* notice to the respondent, the application notice and witness statement evidence must be served by the applicant in accordance with Part 4 of the CPR on each respondent within 7 days of the application being filed, and thereafter the applicant must file a certificate of service in accordance with Form CFI 31 within a further 7 days.

15.73 A respondent to an application notice must file a notice of appearance in accordance with Form CFI 23 within 7 days of being served with the application notice, if the respondent wishes to raise any matter before the Court in response to the application or in relation to the order(s) sought by the applicant.

Post-claim applications [r.64]

15.74 A post-claim application notice must include or attach:

(a) the order or orders that the applicant seeks from the Court;

(b) the details of the real property at issue and attach (unless previously filed on the eCourts Platform) copies of all documents necessary to identify the real property and which record the claimant's interest in it;

(c) the evidence that the applicant relies on in support of the application; and

(d) a statement as to whether the applicant requests a hearing of the application and, if so, whether the hearing is to be conducted without notice to the respondent or on an expedited basis including any reasons supporting the request.

Applications made without notice [r.64 and r.65]

15.75 Applications made without notice are to be made in accordance with paragraphs 7.4 to 7.7 of Practice Direction 7 (in respect of pre-claim

applications), and paragraphs 7.14 to 7.17 of Practice Direction 7 (in respect of post-claim applications).

Hearing an application [r.8, r.66 and r.175]

15.76 The Court may give such directions regarding the hearing of an application as it considers appropriate. The Court may also determine the application on the papers without a hearing having regard to similar factors as set out in paragraph 15.61 above.

Particular applications

15.77 An application:

(a) for further information;

(b) for security for costs;

(c) to set aside a notice of discontinuance;

(d) for a freezing injunction or to vary or discharge a freezing injunction;

(e) for any other type of injunction;

(f) for permission to make a counterclaim against a claimant pursuant to Rule 50(1); or

(g) for permission to make a counterclaim against a person other than the claimant pursuant to Rule 50(3);

is to be dealt with in accordance with the applicable provisions in Practice Direction 7.

15.78 An application to set aside or vary a default judgment order must:

(a) be made by filing an application notice in accordance with Form CFI 12, supported by witness statement evidence in accordance with Form CFI 15; and

(b) address (as applicable) the matters set out in Rule 41.

15.79 An application made under an ADGM enactment where no prior claim has been commenced is to be made in accordance with Form CFI 1A. This includes any application made by the Registrar (as that term is defined in the Real Property Regulations 2024) where no prior claim has been commenced. This provision does not apply to any application made on an urgent basis where a party provides an undertaking that a claim will be filed within a period of 2 days after the application is filed (as to which see paragraph 15.68 above).

Q. REAL PROPERTY ORDERS

15.80 The Court may make any order it considers appropriate in a real property claim, including in relation to any order sought as set out in this section.

15.81 This section sets out certain specific orders that the Court may make in a real property claim.

15.82 For the purposes of this section, a party may apply to the Court for an order in its:

(a) claim form in accordance with Form CFI 1A; or

(b) application notice in accordance with Form CFI 12 and Form CFI 15 (if made after the claim has been commenced) or in accordance with Form CFI 12A and Form CFI 15 (if made before a claim has been commenced).

Order for possession of real property [r.347(1)(a)]

15.83 These provisions apply to any claim or application seeking an order for possession of real property.

15.84 Where a party seeks an order for possession of real property, the claim form or application (as applicable) must:

(a) set out the grounds on which possession is sought;

(b) include the details of every person who to the best of the applicant's knowledge is in possession of the property;

(c) attach (as applicable) at least 3 months statements of account reflecting any arrears under the mortgage, lease agreement, sale and purchase agreement or other relevant instrument relied upon for the relief sought, and attach a copy of the relevant instrument or agreement; and

(d) provide details of any breach(es) of the agreement(s) or instrument(s) relied on for the relief sought.

15.85 Where the order is sought by application on an urgent basis, the applicant may request an expedited hearing, or for the hearing to be without notice to the respondent in circumstances where:

(a) there is a threat of damage to the real property;

(b) there is actual or threatened anti-social behaviour;

(c) there is actual or threatened use of the real property for unlawful purposes; or

(d) there are other urgent circumstances of the case.

15.86 The Court may make an order for possession at its discretion. Any order for possession shall include:

(a) a date by which the respondent must vacate the property, which will be no less than 14 days from the date of the order;

(b) permission for the applicant to apply for a writ of possession should the respondent fail to vacate the property by the specified date; and

(c) any order as to costs.

15.87 The Court may also make an order for payment or specific performance of a lease, agreement or other instrument at its discretion.

Relief against forfeiture [r.347(2)]

15.88 These provisions apply to any claim or application seeking an order for relief against forfeiture of a lease (other than a short-term residential lease which is to be dealt with in accordance with Practice Direction 16).

15.89 Where a party seeks an order for relief against forfeiture of a lease, the claim form or application (as applicable) must include details of or attach:

(a) the alleged breach or grounds relied upon by the person seeking to exercise forfeiture;

(b) evidence of any remedial action taken or willingness to rectify any breach by the person seeking relief against forfeiture;

(c) evidence of why the person seeking relief against forfeiture alleges that the forfeiture was wrongful or has any reasonable grounds to remain in the property; and

(d) evidence of any negotiations or communications between the parties concerning the relief sought[7].

15.90 Following the filling of a request for an order for relief against forfeiture of a lease, the Court may:

(a) suspend forfeiture pending judicial determination;

(b) grant other relief against forfeiture on terms that the Court considers appropriate; or

(c) refuse to grant any relief.

15.91 The Court shall have power to grant relief against forfeiture in a summary manner, in accordance with Section 42(1) of the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015.

15.92 In making an order, whether on an interim or final basis, the Court may consider:

(a) the nature of the breach and whether it is remediable;

(b) the parties' past conduct;

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7 There is no requirement under this paragraph for the claimant to produce evidence of any negotiations or communications that were conducted on a without prejudice basis.

(c) whether the party seeking relief against forfeiture is willing and able to:

(d) cure any breaches of the lease; and

(e) comply with future lease obligations; and

(f) any exceptional circumstances of the case.

15.93 The Court may grant such relief on grounds and conditions that it considers just, including the payment of rent, costs or specific performance with the terms of the lease.

15.94 Where the request for an order for relief against forfeiture is made by application, it may be made at any point in the proceedings but must be made promptly.

Mortgagee's power of sale [r.347(4)(a)]

15.95 These provisions apply to any claim or application by a mortgagee seeking an order for the sale of real property following default by a mortgagor.

15.96 A mortgagee seeking to exercise a power of sale in respect of mortgages registered and existing over real property located in Al Reem Island prior to 1 January 2025, must first apply to the Court for permission to enforce its security in accordance with Section 72(3)(b) of the Real Property Regulations 2024, and may not proceed to conduct the sale until it receives an order from the Court allowing the exercise of such power.

15.97 Where an order is sought by a mortgagee for the sale of real property following default by the mortgagor, the claim form or application (as applicable) must:

(a) include details of and a copy of the mortgage agreement;

(b) include the particulars of the property to be sold;

(c) include details, so far as the claimant is able to identify, of:

(i) the names and addresses of any other creditors who have a prior charge or hold other security over the property; and

(ii) the amount owed to each creditor;

(d) include details of every person who to the best of the claimant's knowledge is in possession of the property;

(e) include details of the amount in respect of which the mortgage was granted and the outstanding mortgage debt due as at the time that the claim or application is made;

(f) attach at least the three most recent mortgage statements of account reflecting any arrears under the mortgage;

(g) include an estimate of the price that would be obtained on sale of the property;

(h) attach a copy of the notice of default served on the defendant, any guarantor or surety of the mortgagor, and any other registered mortgagee or chargee, in accordance with the mortgage agreement and Sections 72(3) and (4) of the Real Property Regulations 2024, which notice must:

(i) clearly state the nature of the breach;

(ii) provide the defendant with 30 days to remedy the default; and

(iii) outline the claimant's intention to proceed with a sale of the property if the breach is not remedied;

(i) include details of the service of any notice in sub-paragraph (h) upon the defendant;

(j) include any directions or orders sought as to the conduct of the sale; and

(k) state whether the claimant is also applying for an order for possession in accordance with paragraphs 15.83 to 15.87 above.

15.98 The Court may grant an order for the claimant to proceed with the sale of the mortgaged property if it is satisfied that the claimant is entitled to exercise the power of sale under Section 72 of the Real Property Regulations 2024. The order may include:

(a) a direction that the claimant shall take reasonable care to obtain the market value for the real property at the time of the sale;

(b) a timeline for the sale, including any method of sale or any steps to be taken to maximise the value of the property;

(c) relevant directions as to advertisements, surveys or third-party involvement to facilitate the sale;

(d) directions that the proceeds of sale are to be applied as relevant in the following order:

(i) to discharge any prior registered interests to which the sale is not made subject (or to pay into Court a sum to satisfy the obligations under any prior registered interests);

(ii) to pay all costs and expenses properly incurred in the sale or any attempted sale;

(iii) to discharge the principal, interest, costs, and any other money and liability secured by the mortgage in such order as may be provided in the mortgage or, if no such order is provided, as the mortgagee may determine in its sole discretion;

(iv) to pay later registered interests in the order of their priority; and

(v) to pay any residue to the person who appears from the Register to be entitled to the mortgaged property or to be authorised to give receipts for the proceeds of its sale; and

(e) permission for the claimant as the registered mortgagee to lodge the transfer for registration with the Registrar (as that term is defined in the Real Property Regulations 2024).

15.99 If the defendant fails to vacate the property within the date specified in an order for possession, the claimant may apply for a writ of possession in accordance with paragraph 15.123 below.

Order to restrain a power of sale [r.347(4)(b)]

15.100 A party who is a mortgagor may apply to the Court for an injunction to restrain the exercise of the power of sale.

15.101 The Court may make any order it deems appropriate, including that the sale may be restrained, without the mortgagor having to offer to redeem the mortgage.

Order for foreclosure [r.347(4)(c)]

15.102 These provisions apply to any claim or application by a mortgagee seeking an order for foreclosure following default by a mortgagor. On registration by the Registrar (as that term is defined by the Real Property Regulations 2024) of a foreclosure order made by the Court, the mortgagor's interest in the real property shall vest in the mortgagee, free from all liability under mortgages or other interests registered after the mortgage, except for leases and other interests that bind the mortgagee. Upon the order for foreclosure, the mortgagor's rights to redeem the mortgage are extinguished.

15.103 Before making any claim or application seeking an order for foreclosure, a mortgagee should carefully consider whether a claim or application seeking an order for the sale of the real property (together with any order for possession) is more appropriate. An order for foreclosure will only be granted in exceptional circumstances. An order for foreclosure may be appropriate in circumstances where:

(a) there has been a persistent default of payment or other obligations by the mortgagor, and such default has continued without remedy for a continuous 60-day period;

(b) the mortgagee has attempted, or considered in good faith, other remedies to redeem the mortgage, such as refinancing the mortgage, a payment plan or an order for sale, and has found or considered these to be ineffective, unpractical, or there are other reasons why they would not result in the recovery of the outstanding debt;

(c) the mortgagor has no realistic ability to redeem the mortgage or is insolvent;

(d) the mortgagee reasonably believes that the mortgagor's debt exceeds the value of the property;

(e) there is no active market for the property or no identifiable purchaser;

(f) there are no other interested parties likely to benefit from a sale; and

(g) there would be no unfairness to the mortgagor.

15.104 Prior to making a claim or application for an order for foreclosure, the claimant must have first served a notice of default on the defendant, any guarantor or surety of the defendant, and any other registered mortgagee or chargee, in accordance with the mortgage agreement and Sections 72(3) and 72(4) of the Real Property Regulations 2024. The notice must:

(a) clearly state the nature of the breach;

(b) provide the defendant with 30 days to remedy the default;

(c) outline the claimant's intention to apply to the Court for a foreclosure order if the breach is not remedied; and

(d) inform the defendant that foreclosure terminates the defendant's right of redemption.

15.105 Where an order is sought for foreclosure of real property upon default by a mortgagor, the claim form or application (as applicable) must:

(a) specify that foreclosure is the remedy sought;

(b) provide details and a copy of the mortgage agreement;

(c) provide particulars of the real property in question;

(d) give details of the amount in respect of which the mortgage was granted and the outstanding mortgage debt due as at the time that the claim or application is made;

(e) contain a statement by the claimant that it reasonably believes that the defendant's debt exceeds the value of the property;

(f) attach the three most recent mortgage statements of account reflecting the arrears under the mortgage;

(g) state, so far as the claimant is able to identify:

(i) the names and addresses of any other creditors who have a prior charge or hold other security over the property; and

(ii) the amount owed to each creditor;

(h) specify whether the claimant intends to sell the property, and if so, give an estimate of the price which would be obtained on sale of the property;

(i) include details of every person who to the best of the claimant's knowledge is in possession of the property; and

(j) attach a copy of the notice of default and intention to foreclose.

15.106 A request for an order for foreclosure shall be heard by the Court at a hearing. The Court may exercise its discretion to grant or deny the foreclosure order, and in doing so it will consider any defences raised by the defendant and ensure that if a foreclosure order is to be made it is equitable in all the circumstances.

15.107 At the hearing the Court may consider:

(a) the extent of the default;

(b) the defendant's ability and willingness to cure the default;

(c) the proportionality of the remedy in relation to the value of the debt;

(d) whether the order for foreclosure will affect any other interested parties; and

(e) whether any alternative remedies would be more appropriate.

15.108 The Court has wide discretion and may:

(a) grant a conditional foreclosure order allowing the defendant a final time period to redeem the mortgage;

(b) grant a final order for the foreclosure of the mortgage if the defendant has not paid the debt within the time specified;

(c) make an order for possession or order for sale in place of an order for foreclosure;

(d) direct the Registrar (as that term is defined in the Real Property Regulations 2024) to register the order for foreclosure;

(e) grant an order for foreclosure in addition to any other order.

Order for appointment of a receiver [r.347(4)(d)]

15.109 These provisions apply to any claim or application seeking an order for the appointment of a receiver in a real property claim. Where a party applies to the Court for an order for the appointment of a receiver in a real property claim, the claim form or application (as applicable) must include details of or attach:

(a) the reasons why the appointment is required;

(b) the real property which it is proposed that the receiver should control or manage, including estimates of:

(i) the value of the property; and

(ii) the amount of income it is likely to produce;

(c) the name, address and position of the individual whom the Court is to be asked to appoint as receiver;

(d) subject to paragraph 15.111 below:

(i) confirmation that the person nominated to be appointed as receiver is (to the best of the claimant's belief) registered as an insolvency practitioner for the purposes of Section 289(1) of the Insolvency Regulations 2022; and

(ii) a written consent signed by the nominated insolvency practitioner that he or she consents to the appointment;

(e) every person who to the best of the claimant's knowledge is in possession of the property;

(f) if a receiver is proposed to be appointed by way of equitable execution of a judgment, details of:

(i) the judgment which the claimant is seeking to enforce;

(ii) the extent to which the debtor has failed to comply with the judgment;

(iii) the result of any steps already taken to enforce the judgment; and

(iv) why the judgment cannot be enforced by any other method; and

(g) where relevant, an explanation of the reasons why the claimant considers it necessary in circumstances where the claimant is asking the Court to allow the receiver to act:

(i) without giving security; or

(ii) before he has given security or satisfied the Court that he has security in place.

15.110 Subject to the provisions set out in this section, an application for appointment of a receiver in a real property claim must be made in accordance with the applicable provisions in Part D of Practice Direction 10. An application may be made at the pre-claim stage, in accordance with Part A of Practice Direction 7.

15.111 If the claimant does not propose an insolvency practitioner as a receiver in accordance with paragraph 15.109, then at the time of filing the application, the claimant must:

(a) file a witness statement in accordance with paragraph 15.112 explaining why no proposal is made and setting out the steps taken by the claimant to identify and propose a suitable insolvency practitioner; and

(b) comply with paragraph 15.113 below.

15.112 A witness statement filed under paragraph 15.111 must normally include:

(a) evidence that the claimant has made written enquiries of the insolvency practitioners who are registered for the purposes of Section 289(1) of the Insolvency Regulations 2022 in relation to the proposed appointment as a receiver; and

(b) evidence that, as part of such enquiries, the claimant has provided the insolvency practitioner(s) with such information as the insolvency practitioner(s) might reasonably request in order to decide whether there is any proper reason that he or she should not be appointed if the Court makes an order for appointment of a receiver.

15.113 The claimant should enquire of the insolvency practitioners of whom such enquires are made whether they consider that there is any good reason that they should not be appointed, including in particular:

(a) whether there are any circumstances concerning the claimant, defendant or the property which would make appointment inappropriate;

(b) whether the appointment would occasion issues concerning a conflict of interest; and

(c) whether there are any other exceptional circumstances which would make the appointment inappropriate.

15.114 The claimant should inform the Court of any responses from insolvency practitioners in the witness statement filed under paragraph 15.111 (whether or not they consider that there is good reason that the insolvency practitioner should not be appointed).

15.115 The claim form or application notice must be verified by a statement of truth.

Order for sale, mortgage, charge, exchange or partition of real property [r.184]

15.116 These provisions apply to any claim or application seeking an order for the sale (other than in relation to a mortgagee's sale), mortgage, charge, exchange or partition of real property. Where a party applies to the Court for an order for the sale, mortgage, charge, exchange or partition of real property, the claim form or application (as applicable) must include:

(a) details, so far as the claimant is able to identify, of:

(i) the names and addresses of any other creditors who have a prior charge or hold other security over the property; and

(ii) the amount owed to each creditor;

(a) details of every person who to the best of the claimant's knowledge is in possession of the property; and

(b) if an order for sale is sought:

(i) an estimate of the value of the price which would be obtained on sale of the property; and

(ii) any directions or orders sought as to the conduct of the sale.

15.117 A party seeking the sale of a real property may simultaneously request an order for possession (see paragraph 15.83).

15.118 Where the Court has made an order for sale under Rule 184, it may give any other directions it considers appropriate for giving effect to the order, including:

(a) appointing a party or other person to conduct the sale and directing it to update interested parties at designated intervals or junctures;

(b) for obtaining evidence of the value of the property;

(c) as to the manner of sale;

(d) settling the particulars and conditions of the sale;

(e) requiring that the seller adopt an appropriate sale strategy to achieve the best price reasonably obtainable;

(f) fixing a minimum or reserve price;

(g) as to the fees and expenses to be allowed to an auctioneer or estate agent;

(h) for the purchase money to be paid:

(i) into Court;

(ii) to trustees; or

(iii) to any other person;

(i) for the result of a sale to be certified; and

(j) if an order for possession is also sought, specifying the date by which the defendant(s) must vacate the property.

Permission to bid

15.119 Where a claim or application has been made for the sale of real property under Rule 184, or in connection with the mortgagee's power of sale, and the party making the claim or application wishes to bid for the property, he should apply to the Court for permission to do so.

15.120 'Bid' for these purposes includes submitting a tender or other offer to buy.

15.121 An application for permission to bid must be made before the sale takes place.

15.122 If the Court gives permission to the claimant to bid, it may appoint an independent person to conduct the sale.

Writ of possession [r.347(1)(b)]

15.123 These provisions apply where an applicant seeks to enforce an order for possession of real property.

15.124 A writ of possession for these purposes is also a writ of execution.

15.125 If the respondent fails to vacate the property by the date specified in an order for possession, an applicant may apply for a writ of possession. The applicant must not attempt eviction itself.

15.126 The application notice seeking a writ of possession must include or attach:

(a) a copy of the order for possession;

(b) details of every person who to the best of the applicant's knowledge is in possession of the property;

(c) evidence of service of the order for possession on the respondent and notification of the order (if reasonably able to be provided) to all other persons that to the best of the applicant's knowledge are in possession of the property;

(d) evidence that the respondent has failed to comply with the order for possession; and

(e) an explanation of any delay in applying for a writ of possession since the issuance of the order for possession.

15.127 The Court may issue a writ of possession where:

(a) the respondent has had an opportunity to vacate the property and has not done so within the time frame provided; and

(b) there are no exceptional circumstances that would otherwise make it unjust to issue a writ of possession.

15.128 The Court may issue a penal notice in any writ of possession.

15.129 The Court may award the costs of obtaining and executing a writ of possession, including any applicable Court fees, enforcement agent fees and charges and the applicant's legal costs. If the respondent's delay in vacating the property has caused measurable harm to the applicant, the Court may award additional damages, which shall be included in the enforcement action.

15.130 Upon issuance of a writ of possession, enforcement agents are authorised to enter the property and remove the respondent and any personal property.

15.131 Personal property of the respondent which has not been removed from the property must be treated with due care. The applicant is required to hold the items for the respondent for 14 days should the respondent fail to remove them, following which it may apply to the Court for an order to dispose of the items. Steps must be taken to inform the respondent and the respondent given an opportunity to collect the personal items.

15.132 A respondent can apply for relief against a writ of execution if it can demonstrate exceptional circumstances justifying delay or suspension of the enforcement.

R. APPEALS TO THE COURT OF APPEAL [r.206 and r.348]

15.133 Appeals against an order or judgement of the Real Property Division, except for short-term residential lease claims, shall be made to the Court of Appeal in accordance with Part 25 of the CPR and Practice Direction 11.

APPENDIX A

Directions Questionnaire

Case Details	
Division	Real Property Division
Case number	

Title of Proceedings	
[First] Claimant	[full name]
[Second Claimant] [include number of Claimants (if more than two)]	[#full name #number]
[First] Defendant	[full name]
[Second Defendant] [include number of Defendants (if more than two)]	[#full name #number]

Filing Details	
Filed for	[name of party(ies)]
Legal representative	[name]
Firm	[name of firm]
Firm reference	[reference number]
Contact name	[name]
Contact telephone	[telephone]
Contact email	[email address]

*Please read the **Notes** section before completing each question in this form. The answers which you provide in this form are intended to help the Court manage the case in the most fair, proportionate and efficient manner having regard to the circumstances of the case.*

Although it may be difficult to accurately answer any question due to the early stage of the proceedings, the parties are required to answer all questions on a "best efforts" basis. A failure by any party to do so, including a failure by a party to answer a question, may be considered by the Court when it deals with the question of costs, or may result in some other sanction being imposed on the defaulting party.

Wherever relevant, the parties are expected to consult and co-operate to the fullest extent possible on any question which would benefit from a joint discussion between the parties before completing and submitting this form.

You should note the date by which this questionnaire must be returned.

If you have settled this claim (or you settle it on a future date) and do not need to have it heard or tried, you must let the Court know immediately.

A: Settlement	
1. Do you wish to attempt to settle the claim by court-annexed mediation? 2. If you answered 'No' to question 1, please state below the reasons why you consider it inappropriate to try and settle the claim at this stage.	*If you think that you and the other party may be able to negotiate a settlement, you should answer 'Yes' to Q1.* *The parties are encouraged to read Practice Direction 13 (Court-annexed Mediation) and Court Procedure Rules 2016 ("CPR") Part 36 (Court-annexed Mediation) before completing this section.* *The Court may order that the parties go to court-annexed mediation whether or not all the other parties to the claim agree.* ***You should still complete the whole of the form, even if you are requesting a referral to mediation.***
B: Pre-trial Applications	
3. Do you intend to make, or foreshadow making, any future application(s) in this proceeding? If Yes: • provide details of all such applications including the Rule or provision pursuant to which each application will be made; • for each application, set out how the application will assist the Court with its determination of the issues in the proceeding; and • if the application will not assist the Court with its determination of the issues in the proceeding, set out the reason why the application is proposed to be made.	*It is important for the Court to know if you intend to make any applications, what they will be for and when you wish them to be heard. The parties are encouraged to read Practice Direction 7 (Applications), the relevant sections of the CPR and this Practice Direction before completing this section.*

C: Disclosure of Documents	
4. Approximately how many documents and how many pages of documents do you intend to rely on at trial? 5. Have you made standard disclosure of all documents that you intend to rely on? 6. Do you intend to seek specific disclosure from any other party? If so, please give as much detail as is currently available.	*The parties are encouraged to read CPR Part 13 (Disclosure and Inspection of Documents) before completing this section.*
D: Witnesses of Fact	
7. So far as you know at this stage, how many witnesses of fact do you intend to rely on at the trial? 8. By what date can you serve signed witness statements?	*The parties are encouraged to read Practice Direction 8 (Evidence) and CPR Part 14 (Evidence) before completing this section.*
E: Experts	
9. Do you wish to use expert evidence at the trial? If yes, please specify: • the discipline of each proposed expert; and • broadly what issue(s) they will likely address which will help to resolve the issues in the proceedings. 10. By what date can you serve signed expert reports?	*The parties are encouraged to read Practice Direction 8 (Evidence) and CPR Part 17 (Expert and Assessors) before completing this section. In particular, the parties are reminded that CPR 142(1) mandates that expert evidence shall be restricted to that which reasonably is required to resolve the proceedings. Therefore, the Court requires a short explanation of any proposals with regard to expert evidence.*
F: Trial	
11. What is your estimate of the minimum and maximum length of the trial? 12. What is the earliest date by which you believe you can be ready for trial?	

PRACTICE DIRECTION 16
SHORT-TERM RESIDENTIAL LEASE CLAIMS

Date issued: 17 October 2025

This Practice Direction is to be read with, and is subject to, the ADGM Court Procedure Rules 2016 ("CPR") and the Divisions and Jurisdiction (Court of First Instance) Rules 2015. In particular, Part 41 of the CPR contains special provisions dealing with short-term residential lease claims.

Unless this Practice Direction states otherwise, terms used in this Practice Direction have the meanings set out in the CPR, and a reference to a "Rule" is a reference to the CPR.

APPLICATION

This Practice Direction must be read together with the following Practice Directions:

- **Practice Direction 1 - General**
- **Practice Direction 6 - Service of Documents**
- **Practice Direction 8 - Evidence**
- **Practice Direction 9 - Costs**
- **Practice Direction 10 – Enforcement**
- **Practice Direction 13 - Court-Annexed Mediation**
- **Practice Direction 15 - Real Property Claims**

If the provisions of this Practice Direction differ from or are inconsistent with provisions of other Practice Directions, the provisions of this Practice Direction prevail with respect to short-term residential lease claims.

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

A. GENERAL PROVISIONS

16.1 A "short-term residential lease" means a lease of real property for use as a residential dwelling with a term of less than 4 years.

16.2 A "short-term residential lease claim" is a claim or dispute arising under or in relation to a short-term residential lease.

B. MAKING A SHORT-TERM RESIDENTIAL LEASE CLAIM [r.336]

16.3 A claimant shall make a short-term residential lease claim in accordance with Form CFI 1B.

Requirements

16.4 The claim form must:

(a) identify the short-term residential lease at issue and attach a copy of the lease;

(b) state what final orders the claimant seeks;

(c) include particulars of the claimant's case in numbered paragraphs, which shall include:

(i) the relevant facts;

(ii) details of any alleged breach(es) of the lease;

(iii) the principal amount(s) claimed, supported by calculations and any documents; and

(iv) details of any interest claimed;

(d) include the name and address for service of the defendant together with the defendant's email address and mobile phone number (if known)[1];

(e) state whether the claimant is self-represented or is represented by an authorised officer or lawyer, and state as applicable the contact name, address, telephone number and email address of the claimant's representative

(f) attach a copy of any document (other than any ADGM enactment) referred to in the claim form or relied on to prove any allegation contained in the claim form; and

(g) where the claim form is to be served outside the jurisdiction, include the grounds on which the claimant is entitled to bring the claim against the defendant.

Particular requirements for specific short-term residential lease claims

16.5 Where the claim concerns:

(a) unpaid rent due under a short-term residential lease, the claim form must: (i) set out the amount of unpaid rent that is due; (ii) identify the relevant provisions in the lease that that the claimant relies on; (iii) provide evidence of the defendant's default (such as a returned cheque notification from the bank); and (iv) attach copies of any relevant correspondence between the landlord and tenant.

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[1] Where the defendant is a company, partnership or other entity, the claimant must include the defendant's registered office or any place of business of the defendant which has a real connection with the claim together with an email address and mobile phone number (if known) of a person who meets the description set out in Practice Direction 6, paragraph 6.14.

(b) repair and maintenance obligations under a short-term residential lease, the claim form must: (i) identify the items requiring repair or maintenance; (ii) identify the repair and maintenance obligations in the lease or the relevant sections in the Real Property Regulations 2024 that the claimant relies on; (iii) provide or attach evidence of the cost of remedying the breach; and (iv) attach copies of any relevant correspondence between the landlord and tenant.

(c) the return of the security deposit under a short-term residential lease, the claim form must: (i) provide or attach evidence of the security deposit lodged; (ii) provide details of the dispute concerning the return of the security deposit (including the amount of the security deposit retained by the landlord that is in dispute); (iii) identify the relevant clauses in the lease or the relevant sections in the Real Property Regulations 2024 that that the claimant relies on; and (iv) attach copies of any relevant correspondence between the landlord and tenant.

(d) lease renewals and/or rent increases, the claim form must: (i) provide details of the dispute; (ii) identify the relevant clauses in the lease or the relevant sections in the Real Property Regulations 2024 that the claimant relies on; and (iii) attach copies of any relevant notice(s) or other correspondence between the landlord and tenant.

16.6 Section O of this Practice Direction ("Short-Term Residential Lease Orders") sets out additional information that must be included in a claim form for specific real property orders that may be sought in short-term residential lease claims.

Service of the claim form

16.7 Rule 337 provides that the Registry will serve the claim form on the defendant, 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 in accordance with Rule 15(7); or

(b) any rule, practice direction, ADGM enactment or a Court order provides otherwise.

16.8 Part 4 of the CPR prescribes how a claim form may be served.

16.9 Where the claim form has not been served on a defendant by the Registry in accordance with paragraph 16.7, the claimant must file a certificate of service in accordance with Rule 21.

C. RESPONDING TO A SHORT-TERM RESIDENTIAL LEASE CLAIM [r.338]

16.10 A defendant is not required to file an acknowledgement of service in relation to a short-term residential lease claim.

16.11 Within 7 days after a defendant is served with a claim form, a defendant must file and serve either:

(a) an admission and any request for time to pay in accordance with Rules 42 and 43;

(b) an admission and any request for time to pay in accordance with Rules 42 and 43, and a defence, together with any counterclaim, if the defendant admits only part of the claim;

(c) a defence, together with any counterclaim, if the defendant disputes the whole of the claim; or

(d) an application to dispute the Court's jurisdiction to decide the claim.

Admission and request for time to pay [r.42, r.43 and r.338(2)]

16.12 The defendant may file and serve an admission, together with any request for time to pay, in accordance with Form CFI 34 which must include:

(a) whether the admission is for the whole or part of the claim;

(b) details of the timing, amounts and frequency of payments proposed (with any payment plan not to exceed 3 years from the date the first payment is to be made);

(c) reasons for the request for time to pay, and the reasonableness of the request; and

(d) information about the employment (if applicable) and financial circumstances of the defendant.

Disputing jurisdiction [r.338(2)]

16.13 An application to dispute the Court's jurisdiction to decide the claim must be made by filing an application notice in accordance with Form CFI 12C.

16.14 If a defendant makes an application to dispute the Court's jurisdiction, he does not need to file a defence before the application is heard.

Filing a defence and making a counterclaim [r.49, r.50 and r.338(2)]

16.15 A defence must set out the defendant's answer to the particulars of the claim advanced by the claimant.

16.16 A defence shall be filed in accordance with Form CFI 8.

16.17 A defendant who wishes to make a counterclaim must:

(a) identify the short-term residential lease at issue and attach a copy of the lease if not already filed on the eCourts Platform;

(b) state what final orders the counterclaimant seeks by counterclaim;

(c) include particulars of the counterclaim in numbered paragraphs within the form, which shall include:

(i) the relevant facts;

(ii) details of any alleged breach of the lease;

(iii) any relevant calculations for the amount or amounts claimed; and

(iv) details of any interest claimed.

(d) if a counterdefendant is not a party to the claim[2], include the name and address for service of the counterdefendant together with the counterdefendant's email address and mobile phone number (if known);[3]

(e) state whether the counterclaimant is self-represented or is represented by an authorised officer or lawyer, and state as applicable the contact name, address, telephone and email address of the counterclaimant's representative;

(f) include any of the matters set out in paragraph 16.4(g), 16.5 and 16.6 if they are relevant to the counterclaim being made.

16.18 A counterclaim shall be filed in accordance with Form CFI 9A.

16.19 A copy of any document (other than any ADGM enactment) referred to in a defence or counterclaim or relied on to prove any allegation contained in a defence or counterclaim must be attached to the defence or the counterclaim (as the case may be), unless that document has previously been filed on the eCourts Platform.

D. REPLYING TO A DEFENDANT'S RESPONSE

Response to admission and request for time to pay [r.43]

16.20 A claimant must respond to a defendant's admission and request for time to pay in accordance with Form CFI 45 within 7 days after the admission and request for time to pay is served on him.

Reply to a defence [r.339]

16.21 The claimant may file a reply to a defence within 7 days after service of the defence setting out the claimant's reply to the defence.

16.22 A reply shall be filed in accordance with Form CFI 10.

16.23 The claimant must attach to the reply, a copy of each document (other than an

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2 Where a counterclaimant wishes to join a new party to the proceedings as a counterdefendant, the counterclaimant must first make an application that that person be added as an additional party in accordance with CPR 50(3).

3 Above n1.

ADGM enactment) referred to in the reply or relied on to prove any allegation contained in the reply, unless that document has previously been filed on the eCourts Platform.

Defence to any counterclaim and subsequent reply [r.49 and r.338, r.339]

16.24 A party wishing to defend all or part of any counterclaim may file a defence to the counterclaim with 7 days of being served.

16.25 A defence to counterclaim shall be made in accordance with Form CFI 8.

16.26 A party who seeks to reply to a defence to counterclaim must file and serve a reply within 7 days after service of the defence to counterclaim.

16.27 A reply to a defence to counterclaim shall be filed in accordance with Form CFI 10.

16.28 A copy of any document (other than any ADGM enactment) referred to in a defence to counterclaim or reply to defence to counterclaim, or relied on to prove any allegation contained in a defence or reply, must be attached to the defence or reply (as the case may be), unless the document has previously been filed on the eCourts Platform.

E. EXTENSION OF TIME TO RESPOND TO A CLAIM OF FILE A PLEADING [r.338]

16.29 Rule 338(3)(b) provides that a defendant may request that the Court extend the time period for responding to a claim (including a counterclaim) by up to 7 days. Any request should be made by email to registry@adgmcourts.com and must:

(a) identify the proceedings to which the request relates;

(b) state the reason or reasons for the request;

(c) specify how much additional time (up to a maximum of 7 days from the date the response is due) the defendant needs to respond; and

(d) be made before the deadline for filing the response (otherwise paragraph 16.30 shall apply).

16.30 In all other cases, an application for an extension of time to file:

(a) a defence, reply to defence, counterclaim, defence to counterclaim or reply to defence to counterclaim (each referred to for the purpose of this section as a "pleading"); or

(b) a response to a claim (other than a defence as to which see sub-paragraph (a) above),

must be made by application notice in accordance with Form CFI 12C.

16.31 An application made pursuant to paragraph 16.30 must:

(a) be made at least 2 clear days before the deadline for the filing of the pleading or response unless it is not practicable to do so;

(b) attach or set out an outline of the pleading or response proposed to be filed (or a draft of the pleading or response if the application is made after the due date unless it is not possible to do so);

(c) provide an explanation for why the pleading or response is/was not able to be filed within the relevant time period;

(d) state the time by which the applicant proposes to file the pleading or response; and

(e) attach the applicant's written request to the other parties to the proceedings seeking their consent to file the pleading or response and any response(s) received to that request.

F. APPLICATION FOR DEFAULT JUDGMENT [r.340]

16.32 An application for default judgment shall be made in accordance with Form CFI 12B and must include:

(a) the order or orders that the claimant seeks from the Court; and

(b) evidence addressing the default relied on and confirming that the default has not been remedied.

16.33 An application for default judgment may be made without notice if a defendant has failed to file a defence. Any evidence relied on by a claimant in support of his application need not be served on a party who has failed to file a defence.

16.34 Subject to Rule 40A, a default judgment may include interest at the rate agreed between the parties or, if there is no agreed rate, at the rate of 5 per cent per annum from the date the money was due.

16.35 A default judgment will be made available to the claimant through the eCourts Platform and will be served by the Registry on all other parties to the proceeding who are to be served within the United Arab Emirates.

G. APPLICATION FOR SUMMARY JUDGMENT [r.341 and r.68-70]

16.36 The Court may give summary judgment against a claimant or defendant on the whole of a claim or on a particular issue if it considers that:

(a) the claimant has no real prospect of succeeding on the claim or issue; or

(b) the defendant has no real prospect of successfully defending the claim or issue; and

(c) there is no other compelling reason why the case or issue requires a trial.

16.37 Summary judgment is only available once the defendant has filed a defence, unless the Court otherwise gives permission.

16.38 An application for summary judgment shall be made in accordance with Form CFI 12C.

H. CASE MANAGEMENT [r.8, r.78, r.79, r.306 and r.342]

16.39 The Court's power to manage proceedings shall be exercised with the aim of resolving a short-term residential lease claim within 2 months of the claim form being issued. The Court may make any order, give any direction or take any step it considers appropriate for the purpose of managing the proceedings.

Case management conference [r.8 and r.79]

16.40 Within 4 days after the close of pleadings (which in the normal course will be after the filing of a reply), the parties shall each file a completed copy of the directions questionnaire set out in Appendix A. If all parties agree to try and settle the case by court-annexed mediation, a mediation shall take place within 21 days of the date that the last directions questionnaire was filed.

16.41 Subject to any referral of the case to court-annexed mediation under paragraph 16.40, the Court will convene a case management conference within 10 days after the close of pleadings. The case management conference will ordinarily be conducted by video conference as arranged by the Court.

16.42 At the case management conference, the Court will discuss the case with the parties based on the documents filed, including the parties' directions questionnaires, and will make such directions or determinations as it considers appropriate in relation to the following matters:

(a) whether it is appropriate to refer the dispute or any part of the dispute to mediation (if a mediation has not already been conducted);

(b) whether the Court has sufficient information to decide the case such that it can proceed to conduct a hearing at the case management conference or decide the case on the papers;

(c) whether the Court requires any additional information in order to decide the case, including whether it is necessary for the parties to file witness statement evidence or expert evidence;

(d) what further procedural steps should be undertaken by the parties before the case is to be decided;

(e) whether it is necessary to conduct a hearing at a later date or whether the case can be decided on the papers pending the provision of any further information by the parties.

16.43 Where the Court proceeds to conduct a hearing under paragraph 16.42(b) it may give its judgment on the case at that hearing.

16.44 If the Court considers it appropriate, it may dispense with the case management conference and give directions, or enter its judgment, in writing and without the need for a hearing.

Court-ordered mediation [r.78 and r.306]

16.45 The Court may, if it considers it appropriate, refer the parties to mediation at any stage of the proceedings whether at the request of a party or parties, or on its own initiative.

16.46 The Court's power to refer a dispute to mediation does not depend on the consent of all or any of the parties.

16.47 Where the Court refers the parties to mediation, the mediation shall be conducted in accordance with Parts D to N of Practice Direction 13.

Timetables [r.8]

16.48 The parties must comply with the Court's procedural timetable.

16.49 If a party seeks an adjustment to the procedural timetable, they must:

(a) first seek the written consent of the other party or parties to the case; and

(b) in any correspondence with Court, provide evidence that they have sought the written consent of the other party or parties to the case together with any response received.

16.50 If the parties agree that the timetable should be adjusted, the party who first sought the adjustment must file a written consent order to the adjusted timetable in accordance with Form CFI 22. The consent order must also be sent to the Registry by email in Word format.

16.51 If the parties cannot agree to make an adjustment to the timetable which is sought by a party and:

(a) the due time has not passed for the carrying out of the step in respect of which the adjustment is sought and the adjustment sought will not affect or have a consequential impact on the dates fixed for a hearing or a trial:

(i) the party seeking the adjustment must file and serve, at least 4 days before the due time for carrying out the step in respect of which an adjustment is sought, a statement in accordance with Form CFI 36 setting out its justification for the adjustment it seeks; and

(ii) the other party or parties must file and serve any response in accordance with Form CFI 36 within 2 days of receipt of such statement. (The Court will ordinarily resolve that dispute on the papers);

or

(b) the due time has passed for carrying out the step in respect of which an adjustment is sought or the adjustment sought will affect or have a consequential impact on the dates fixed for a hearing or a trial, the party seeking the adjustment must make an application for an extension of time in accordance with Form CFI 12C.

I. DISCLOSURE [r.345, r.85-91]

16.52 If a party wishes to make standard disclosure of any additional documents that it will seek to rely on at trial that have not previously been filed on the eCourts Platform, such disclosure must be made within 7 days of the close of pleadings or before the case management conference, whichever is earlier.

16.53 Where a party has good reason to believe that documents held by the other party would be likely to support their case or adversely affect the other party's case, they may seek an order from the Court for the specific disclosure of such documents, and the Court may make an order for specific disclosure of those documents if it is satisfied that disclosure is necessary in order to dispose fairly of the claim or to save costs.

16.54 An application for specific disclosure must be made by application notice in accordance with Form CFI 12C.

16.55 Any application made to the Court for disclosure by a person who is not a party to the proceedings must be made in accordance with paragraphs 2.101- 2.106 of Practice Direction 2.

J. WITNESS STATEMENTS [r.97]

16.56 The Court will make any order as to the filing of witness statements it considers appropriate. All witness statements ordered by the Court must be prepared and filed in accordance with Form CFI 15. Any supporting document referred to in a witness statement must be given an exhibit number and attached to the witness statement unless that document has previously been filed on the eCourts Platform (in which case an appropriate cross-reference should be made to that document in the witness statement).[4]

K. EXPERT EVIDENCE [r.142(2) and r.346]

16.57 Parties may only file expert evidence with the Court's permission.

16.58 Any request by a party to file expert evidence must be included in that party's directions questionnaire to be filed in advance of the case management conference in accordance with paragraph 16.41 above.

L. HEARING [r.8, r.175 and r.343]

Power to dispense with an oral hearing [r.343]

16.59 The Court may decide the claim on the papers (that is, without an oral hearing):

[4] The purpose of this provision is that all supporting documents referred to in a witness statement must be able to be readily located by the Judge.

(a) if the parties agree as to the terms of any order or direction to be made or given by the Court;

(b) if the parties agree that the Court should dispose of the claim without a hearing; or

(c) where the Court considers that the claim can be fairly determined on the papers without a hearing and, in all of the circumstances, it would be appropriate to do so.

Allocation of hearing date [r.8]

16.60 Where an oral hearing is required on a short-term residential lease claim, the Court will give a hearing date as soon as reasonably possible.

16.61 The Court will inform the parties of the amount of time allowed for the oral hearing.

Representation [r.175]

16.62 A party is not required to have legal representation for a short-term residential lease claim.

16.63 A natural person who is a litigant in person shall have a right of audience in any hearing before the Court.

16.64 The Court may give permission to a party who is not a natural person to be represented at a hearing by an employee, director, officer or partner who is not a lawyer, on being satisfied that the person is likely to be able to present the party's case efficiently and to assist the Court in reaching a just result.

Conduct of the hearing [r.8]

16.65 The Court may adopt any method of proceedings at a hearing that it considers to be fair and appropriate.

M. INTEREST

16.66 Where interest is payable on a judgment debt and there is no agreed rate, it shall be at the rate of 5 per cent per annum from the date that judgment is given until payment.

16.67 Subject to any ADGM enactment, where interest is payable on all of any part of a debt or damages in relation to a period prior to, or as at, the date of judgment and there is no agreed rate, it shall be at the rate of 5 per cent per annum.

N. APPLICATIONS [Part 8 of CPR]

16.68 Subject to paragraph 16.69 below, an application made in relation to a short-term residential lease claim is to be filed in accordance with Form CFI 12C save that:

(a) an application for default judgment must be made in accordance with Section F above in accordance with Form CFI 12B;

(b) a pre-claim application must be made in accordance with Form CFI 12A, supported by witness statement evidence in accordance with Form CFI 15.

16.69 Paragraph 16.68 is to be read subject to the following:

(a) Rule 108(2) sets out the circumstances in which affidavit evidence is required. If a Rule, Practice Direction or ADGM enactment requires the written evidence to be in the form of an affidavit, it must be made in accordance with Form CFI 14; and

(b) Practice Direction 7 contains special provisions for particular types of applications which are to apply in relation to a short-term residential lease claim.

Pre-Claim Applications [r.64(3),(4)]

16.70 Ordinarily, applications should only be made once a claim has been filed. However, where an applicant requires urgent interim relief in relation to a short-term residential lease claim, an applicant may make an application before filing a claim on the undertaking that a claim will be filed within a period of 2 days after the application is filed.

16.71 A pre-claim application notice must include or attach:

(a) the order or orders that the applicant seeks from the Court;

(b) details of the short-term residential lease and attach a copy of the short-term residential lease;

(c) the evidence that the applicant relies on in support of the application;

(d) an undertaking by the applicant to file a claim within 2 days of the issuing of the application notice by the Court; and

(e) a statement as to whether the applicant requests a hearing of the application and, if so, whether the hearing is to be conducted without notice to the respondent or on an expedited basis, including any reasons supporting the request.

16.72 Where the application is to be made with notice to the respondent, the application notice and evidence in support must be served by the applicant in accordance with Part 4 of the CPR on each respondent within 7 days after the filing of such documents, and thereafter the applicant must file a certificate of service in accordance with Form CFI 31 within a further 7 days.

16.73 If the respondent wishes to raise any matter before the Court in response to the application or in relation to the order(s) sought by the applicant, a respondent to an application notice must file a notice of appearance in

accordance with Form CFI 23 within 7 days of being served with the application notice.

Post-claim applications [r.64]

16.74 A post-claim application notice must include or attach:

(a) the order or orders that the applicant seeks from the Court;

(b) details of the short-term residential lease and attach a copy of the short-term residential lease;

(c) the evidence that the applicant relies on in support of the application; and

(d) a statement as to whether the applicant requests a hearing of the application and, if so, whether the hearing is to be conducted without notice or on an expedited basis including any reasons supporting the request.

Without notice applications [r.64 and r.65]

16.75 Applications made without notice are to be made in accordance with Practice Direction 7, paragraphs 7.4 to 7.7 (in respect of pre-claim applications) and Practice Direction 7, paragraphs 7.14 to 7.17 (in respect of post-claim applications).

Hearing [r.8, r.66 and r.175]

16.76 The Court may give such directions regarding the hearing of an application as it considers appropriate. The Court may also determine the application on the papers without a hearing having regard to similar factors set out in 16.57.

Particular applications

16.77 Subject to paragraph 16.68, an application:

(a) for further information;

(b) for security for costs;

(c) to set aside a notice of discontinuance;

(d) for a freezing injunction, or to vary or discharge a freezing injunction; or

(e) for any other type of injunction;

(f) for permission to make a counterclaim against a claimant pursuant to Rule 50(1); or

(g) for permission to make a counterclaim against a person other than the claimant pursuant to Rule 50(3);

is to be dealt with in accordance with the applicable provisions in Practice Direction 7.

16.78 An application to set aside or vary a default judgment order must:

(a) be made by filing an application notice in accordance with Form CFI 12C; and

(b) address (as applicable) the matters set out in CPR 41.

O. SHORT-TERM RESIDENTIAL LEASE ORDERS

16.79 The Court may make any order it considers appropriate in a short-term residential lease claim, including in relation to any order sought as set out in this section.

16.80 This section sets out certain specific orders that the Court may make in a short-term residential lease claim.

16.81 For the purposes of this section, a party may apply to the Court for an order in its:

(a) claim form in accordance with Form CFI 1B; or

(b) application notice in accordance with Form CFI 12C (if made after a claim has been commenced) or in accordance with Forms CFI 12A and 15 (if made before a claim has been commenced).

Order to terminate a short-term residential lease [r.347(3)]

16.82 These provisions apply to any claim or application for an order to terminate a short-term residential lease prior to its expiration. Prior to the expiry of a short-term residential lease, a party may seek an order to:

(a) terminate it; or

(b) challenge its termination (as to which see 'Relief against forfeiture' under paragraphs 16.93 to 16.99 below).

16.83 An order to terminate a short-term residential lease may be sought on the grounds set out in Section 63 of the Real Property Regulations 2024 irrespective of the length of the lease.

16.84 A party seeking the termination of a short-term residential lease may simultaneously request an order for possession (see paragraphs 16.88 to 16.91 below).

16.85 Where a party seeks an order to terminate a short-term residential lease, the claim form or application (as applicable) must include or attach:

(a) a copy of the lease;

(b) details of the grounds for termination;

(c) details of any breach of the short-term residential lease; and

(d) details of every person who to the best of the claimant's knowledge is in possession of the real property that is the subject of the short-term residential lease.

16.86 If the Court orders the termination of a short-term residential lease, it may also specify the date by which the defendant must vacate the lease property.

16.87 If the defendant fails to vacate the lease property within the date specified in any order for possession, the claimant may apply for a writ of possession.

Order for possession [r.347(1)(a)]

16.88 These provisions apply to any claim or application for an order for possession of real property subject to a short-term residential lease.

16.89 Where a party seeks an order for possession of such property, the claim form or application (as applicable) must:

(a) set out the grounds on which possession is sought;

(b) include the details of every person who to the best of the claimant's knowledge is in possession of the property;

(c) attach any statements of account reflecting any arrears under the short-term residential lease; and

(d) provide details of any breaches of the short-term residential lease.

16.90 Where the order is sought by application on an urgent basis, the applicant may request an expedited hearing or for the hearing to be without notice to the respondent in circumstances where:

(a) there is a threat of damage to the lease property;

(b) there is actual or threatened anti-social behaviour;

(c) there is actual or threatened use of the lease property for unlawful purposes; or

(d) there are other urgent circumstances of the case.

16.91 The Court may make an order for possession at its discretion. Any order for possession shall include:

(a) a date by which the respondent must vacate the lease property, which will be no less than 14 days from the date of the order;

(b) permission for the applicant to apply for a writ of possession should the respondent fail to vacate the lease property by the specified date; and

(c) any order as to costs.

16.92 The Court may also make an order for payment or specific performance of the short-term residential lease at its discretion.

Relief against forfeiture [r.347(2)]

16.93 These provisions apply to any claim or application seeking an order for relief against forfeiture of a short-term residential lease.

16.94 Where such an order is sought, the claim form or application (as applicable) must include details of or attach:

(a) the alleged breach or grounds relied upon by the person seeking to exercise forfeiture;

(b) evidence of any remedial action taken or willingness to rectify any breach by the person seeking relief against forfeiture;

(c) evidence of why the person seeking relief against forfeiture alleges that the forfeiture was wrongful or has any reasonable grounds to remain in the property; and

(d) evidence of any negotiations or communications between the parties concerning the relief sought [5].

16.95 Following the filling of a request for an order for relief against forfeiture of a short-term residential lease, the Court may:

(a) suspend forfeiture pending judicial determination;

(b) grant other relief against forfeiture on terms that the Court considers appropriate; or

(c) refuse to grant any relief.

16.96 The Court shall have power to grant relief against forfeiture in a summary manner, in accordance with Section 42(1) of the Courts Regulations 2015.

16.97 In making an order, the Court may consider:

(a) the nature of the breach and whether it is remediable;

(b) the parties' past conduct;

(c) whether the party seeking relief against forfeiture is willing and able to:

(i) cure any breaches of the short-term residential lease; and

(ii) comply with future lease obligations; and

5 There is no requirement under this paragraph for the claimant to produce evidence of any negotiations or communications that were conducted on a without prejudice basis.

(d) any exceptional circumstances of the case.

16.98 The Court may grant such relief on grounds and conditions that it considers just, including the payment of rent, costs or specific performance with the terms of the short-term residential lease.

16.99 Where the request for an order for relief against forfeiture is made by application, it may be made at any point in proceedings but must be made promptly.

Writ of possession [r.347(1)(b)]

16.100 These provisions apply where an applicant seeks to enforce an order for possession of real property.

16.101 A writ of possession for these purposes is also a writ of execution.

16.102 If the respondent fails to vacate the property by the date specified in an order for possession, an applicant may apply for a writ of possession. The applicant must not attempt eviction itself.

16.103 The application notice seeking a writ of possession must include or attach:

(a) a copy of the order for possession;

(b) details of every person who to the best of the applicant's knowledge is in possession of the property;

(c) evidence of service of the order for possession on the respondent and notification of the order (if reasonably able to be provided) to all other persons that to the best of the applicant's knowledge are in possession of the property;

(d) evidence that the respondent has failed to comply with the order for possession; and

(e) an explanation of any delay in applying for a writ of possession since the issuance of the order for possession.

16.104 The Court may issue a writ of possession where:

(a) the respondent has had an opportunity to vacate the property and has not done so within the time frame provided; and

(b) there are no exceptional circumstances that would otherwise make it unjust to issue a writ of possession.

16.105 The Court may issue a penal notice in any writ of possession.

16.106 The Court may award the costs of obtaining and executing a writ of possession, including any applicable Court fees, enforcement agent fees and charges and the applicant's legal costs. If the respondent's delay in vacating the property

has caused measurable harm to the applicant, the Court may award additional damages, which shall be included in the enforcement action.

16.107 Once a writ of possession has been issued, enforcement agents are authorised to enter the property and remove the respondent and any personal property.

16.108 Personal property of the respondent which has not been removed from the property must be treated with due care. The applicant is required to hold the items for the respondent for 14 days should the respondent fail to remove them, following which it may apply to the Court for an order to dispose of the items. Steps must be taken to inform the respondent and the respondent given an opportunity to collect the personal items.

16.109 A respondent can apply for relief against a writ of possession if it can demonstrate exceptional circumstances justifying delay or suspension of the enforcement.

P. APPEALS TO THE COMMERCIAL AND CIVIL DIVISION OF THE COURT OF FIRST INSTANCE [r.348]

16.110 Appeals against an order or judgement of the Real Property Division on a short-term residential lease claim shall be made to the Commercial and Civil Division of the Court of First Instance.

Form of Notice [r.205]

16.111 A notice of appeal must:

(a) be filed and served within 14 days of the date of final judgment or order;

(b) be filed in accordance with Form CFI 19;

(c) not exceed 10 pages;

(d) attach a copy of the reasons given for the judgment or order against which the appeal is brought;

(e) state the question/s of law which the appellant alleges arise;

(f) state in summary form why the appeal should be allowed; and

(g) state what judgment or order the appellant alleges should have been given or made.

Response to notice of appeal [r.205]

16.112 A party who seeks to respond to a notice of appeal may file and serve on the other parties to the proceedings a written response within 14 days of being served with the notice.

16.113 Any response to a notice of appeal must:

(a) be filed in accordance with Form CFI 20;

(b) not exceed 10 pages; and

(c) set out the grounds on which the appeal should be refused.

16.114 The Court may give written directions to the parties about the further conduct of the appeal.

Conduct of the appeal [r.8 and r.205]

16.115 The Court may decide the appeal on the papers without an oral hearing where the Court considers that the appeal can be fairly determined on the papers.

16.116 The decision by the Court on the appeal is final, and it may not be challenged by any proceeding in the Court, whether by way of review, appeal or otherwise.

APPENDIX A

Directions Questionnaire

Case Details	
Division	Real Property Division
Case number	

Title of Proceedings	
[First] Claimant	[full name]
[Second Claimant] [include number of Claimants (if more than two)]	[#full name #number]
[First] Defendant	[full name]
[Second Defendant] [include number of Defendants (if more than two)]	[#full name #number]

Filing Details [Complete only fill if Party is not self-represented]	
Filed for	[name of party(ies)]
Legal representative	[name]
Firm	[name of firm]
Firm reference	[reference number]
Contact name	[name]
Contact telephone	[telephone]
Contact email	[email address]

*Please read the **Notes** section before completing each question in this form. The answers which you provide in this form are intended to help the Court manage the case in the most fair, proportionate and efficient manner having regard to the circumstances of the case.*

Although it may be difficult to accurately answer any question due to the early stage of the proceedings, the parties are required to answer all questions on a "best efforts" basis. A failure by any party to do so, including a failure by a party to answer a question, may be considered by the Court when it deals with the question of costs, or may result in some other sanction being imposed on the defaulting party.

Wherever relevant, the parties are expected to consult and co-operate to the fullest extent possible on any question which would benefit from a joint discussion between the parties before completing and submitting this form.

You should note the date by which this questionnaire must be returned.

If you have settled this claim (or you settle it on a future date) and do not need to have it heard or tried, you must let the Court know immediately.

A: Settlement	
1. Do you wish to attempt to settle the claim by court-annexed mediation? 2. If you answered 'No' to question 1, please state below the reasons why you consider it inappropriate to try and settle the claim at this stage.	*If you think that you and the other party may be able to negotiate a settlement, you should answer 'Yes' to Q1.* *The parties are encouraged to read Practice Direction 13 (Court-annexed Mediation) and Court Procedure Rules 2016 ("CPR") Part 36 (Court-annexed Mediation) before completing this section.* *The Court may order that the parties go to court-annexed mediation whether or not all the other parties to the claim agree.* ***You should still complete the whole of the form, even if you are requesting a referral to mediation.***
B: Pre-trial Applications	
3. Do you intend to make, or foreshadow making, any future application(s) in this proceeding? If Yes: • provide details of all such applications including the Rule or provision pursuant to which each application will be made; • for each application, set out how the application will assist the Court with its determination of the issues in the proceeding; and • if the application will not assist the Court with its determination of the issues in the proceeding, set out the reason why the application is proposed to be made.	*It is important for the Court to know if you intend to make any applications, what they will be for and when you wish them to be heard. The parties are encouraged to read Practice Direction 7 (Applications), the relevant sections of the CPR and this Practice Direction before completing this section.*

C: Disclosure of Documents	
4. Approximately how many documents and how many pages of documents do you intend to rely on at trial? 5. Have you made standard disclosure of all documents that you intend to rely on? 6. Do you intend to seek specific disclosure from any other party? If so, please give as much detail as is currently available.	*The parties are encouraged to read CPR Part 13 (Disclosure and Inspection of Documents) before completing this section.*
D: Witnesses of Fact	
7. Do you think the Court will be assisted by witness evidence? 8. If you answered 'Yes' to question 7, please state below the reasons why you consider witness evidence is necessary, how many witnesses of fact you intend to rely on and the date by which you can serve signed witness statements?	*The parties are encouraged to read Practice Direction 8 (Evidence) and CPR Part 14 (Evidence) before completing this section.*
9. Do you think that it is necessary to present expert evidence in order to prove your case/defence? 10. If you answered 'Yes' to question 9, please: • state the discipline of each proposed expert; • explain broadly what issue(s) they will likely address which will help to resolve the issues in dispute; • state the reasons why you consider expert evidence is necessary and how it will assist the Court 11. By what date can you serve signed expert reports?	*The parties are encouraged to read Practice Direction 8 (Evidence) and CPR Part 17 (Expert and Assessors) before completing this section. In particular, the parties are reminded that CPR 142(1) mandates that expert evidence shall be restricted to that which reasonably is required to resolve the proceedings. Therefore, the Court requires a short explanation of any proposals with regard to expert evidence.*

F: Trial	
12. What is your estimate of the minimum and maximum length of the trial? 13. What is the earliest date by which you believe you can be ready for trial?	

ADGM
Courts