



## **Divisions and Jurisdiction (Court of First Instance) Rules 2015**

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## **DIVISIONS AND JURISDICTION (COURT OF FIRST INSTANCE) RULES 2015**

Date of Enactment: 17 December 2015

The Board of Directors of the Abu Dhabi Global Market make the following Rules in exercise of the powers conferred by section 31 of the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015:-<sup>1</sup>

### **1. Divisions of the Court of First Instance**

- (1) There shall be three divisions of the Court of First Instance –
  - (a) the Commercial and Civil Division;
  - (b) the Employment Division; and
  - (c) the Small Claims Division.
- (2) Subject to rules 2, 3 and 4, all jurisdiction vested in the Court of First Instance under the Regulations shall belong to all the Divisions in that Court alike. Nothing in this paragraph affects any provisions of the Regulations relating to the distribution of business in the Court of First Instance.

### **2. Jurisdiction of the Commercial and Civil Division<sup>2</sup>**

- (1) Subject to paragraph (2), the Commercial and Civil Division has jurisdiction to hear and determine any claim or dispute in accordance with, or pursuant to, the Regulations or any other ADGM enactment.
- (2) The Commercial and Civil Division shall have jurisdiction to hear and determine any commercial claim or dispute, insolvency claim or dispute and any other civil claim or dispute except –
  - (a) where the value of the claim or dispute is, or is less than, US\$100,000;
  - (b) arising out of or in connection with family proceedings;
  - (c) which relates to the enforcement of any right or obligation under the Employment Regulations 2019; or
  - (d) for the enforcement of any claim relating to employment matters other than the enforcement of any right or obligation under the Employment Regulations 2019.
- (3) For the avoidance of doubt, paragraphs 2(a), (c) and (d) shall not apply to insolvency claims or disputes and the Commercial and Civil Division shall have exclusive jurisdiction in relation to such claims or disputes.

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<sup>1</sup> Amended 24 June 2020

<sup>2</sup> Amended 24 June 2020

### **3. Jurisdiction of the Employment Division<sup>3</sup>**

- (1) Subject to rule 2(3), the Employment Division shall have exclusive jurisdiction to hear and determine all and any claims and disputes –
  - (a) which relate to the enforcement of all rights and obligations under the Employment Regulations 2019; and
  - (b) for the enforcement of any claim relating to employment matters to which sub-paragraph (a) does not apply.
- (2) The Employment Division shall not have jurisdiction to hear or determine any claim or dispute referred to in rule 2(1).

### **4. Jurisdiction of the Small Claims Division<sup>4</sup>**

- (1) Subject to paragraph (2), the Small Claims Division shall have exclusive jurisdiction to hear and determine all and any claims and disputes falling within rule 2(1).
- (2) The Small Claims Division shall not have jurisdiction to hear or determine any claim or dispute –
  - (a) arising out of or in connection with family proceedings, arbitration claims or judicial review proceedings;
  - (b) falling within rules 2(3) or 3(1); or
  - (c) where the value of the claim or dispute exceeds US\$100,000 (excluding any claim for interest or costs).

### **5. Interpretation<sup>5</sup>**

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

- (a) “Abu Dhabi Global Market” means the financial free zone established by Federal Decree No. (15) of 2013 issued by the President of the United Arab Emirates, as delimited by Resolution No. (4) of 2013 of the Cabinet of the United Arab Emirates and as governed by the ADGM Founding Law;
- (b) “ADGM enactment” means ADGM regulations and any rules made under ADGM regulations, including court procedure rules;
- (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) “ADGM regulations” means regulations enacted by the Board under Article 6(1) of the ADGM Founding Law;
- (e) “Board” means the Board of Directors of the Abu Dhabi Global Market as constituted by Article 4 of the ADGM Founding Law;

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<sup>3</sup> Amended 24 June 2020

<sup>4</sup> Amended 24 June 2020

<sup>5</sup> Amended 24 June 2020

- (f) “commercial claim or dispute” means any claim or dispute arising out of the transaction of trade or commerce;
- (g) “Chief Justice” means the Chief Justice of the Abu Dhabi Global Market Courts appointed under Article 13(2) of the ADGM Founding Law;
- (h) “court procedure rules” means rules made in accordance with Part 7 of the Regulations;
- (i) “family proceedings” means Personal Status litigations or lawsuits in accordance with Federal Law No. (28) of 2005;
- (j) “His Highness the Ruler” means the Ruler of the Emirate of Abu Dhabi;
- (k) “jurisdiction” includes powers;
- (l) “the Regulations” means the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015.

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

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

## **7. Short title, extent, commencement and savings**

- (1) These Rules may be cited as the Divisions and Jurisdiction (Court of First Instance) Rules 2015.
- (2) These Rules shall apply in the whole of the Abu Dhabi Global Market.
- (3) These Rules shall come into force on the date of their publication (the “Commencement Date”). The Board may by rules make any transitional, transitory, consequential, saving, incidental or supplementary provision in relation to the commencement of these Rules as the Board thinks fit.
- (4) Nothing in these Rules shall have retrospective effect.
- (5) On and from the Commencement Date, any law previously in force in the Abu Dhabi Global Market which is inconsistent with, or deals with the same subject matter as, these Rules shall, subject to the ADGM Founding Law, cease to have any effect or force in the Abu Dhabi Global Market.