



ABU DHABI GLOBAL MARKET
سوق أبوظبي العالمي

CONSULTATION PAPER NO 13 OF 2015

27 OCTOBER 2015

ADGM COURTS RULES – SUPPLEMENTARY RULES

JUDICIAL CONDUCT (JUDICIAL OFFICE HOLDERS) RULES

JUDICIAL DISCIPLINE PRESCRIBED PROCEDURES RULES

OFFERS TO SETTLE IN CIVIL AND COMMERCIAL PROCEEDINGS RULES

INTRODUCTION

WHY ARE WE ISSUING THIS PAPER?

1. The Chief Justice of Abu Dhabi Global Market Courts (“**ADGM Courts**”) has issued this Consultation Paper to invite public comment on draft rules governing judicial conduct, complaints made against judicial officers and offers to settle in civil and commercial proceedings (the “**Rules**”). Proposed drafts of the Rules are set out in Annex A - C to this Paper.

WHO SHOULD READ THIS PAPER?

2. The proposals in this Consultation Paper would be of interest to individuals, organisations and investors with an interest in establishing a presence in ADGM or otherwise doing business in ADGM, and their professional advisers.

HOW TO PROVIDE COMMENTS

3. All comments should be in writing and sent to the address or email specified below. If sending your comments by email, please use the Consultation Paper number in the subject line. You may, if relevant, identify the organisation you represent in providing your comments. The Chief Justice reserves the right to publish, including on the ADGM Courts’ pages of the ADGM website, any comments you provide, unless you expressly request otherwise at the time of making your comments. Comments supported by reasoning and evidence will be given more weight by the Chief Justice.

WHAT HAPPENS NEXT?

4. The deadline for providing comments on these proposals is **26 November 2015**. Once your comments are received, the Chief Justice will consider whether any modifications are required to these proposals. The Chief Justice will then proceed to enact the Rules. You should not act on these proposals until the relevant Rules are issued by the Chief Justice. ADGM shall issue a notice on its website telling you when this happens.

COMMENTS TO BE ADDRESSED TO:

Consultation Paper No. 13 of 2015

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BACKGROUND

1. The Board of Directors (“the **Board**”) of Abu Dhabi Global Market (“**ADGM**”) has to date enacted a set of commercial regulations and rules, which include the Application of English Law Regulations 2015 and the Interpretation Regulations 2015.
2. The foundation of the civil and commercial law in ADGM is provided by the Application of English Law Regulations 2015, which makes English common law (including the rules and principles of equity) directly applicable in ADGM. In addition, a wide ranging set of English statutes on civil matters are also made applicable in ADGM.
3. On 13 October 2015, the Board issued a Consultation Paper (Consultation Paper No. 11) inviting public comment on the Board’s proposals to issue regulations governing and setting out the scope of ADGM’s judiciary and ADGM Courts (the “**ADGM Courts**”), to be called the ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations (the “**ADGM Courts Regulations**”). That Consultation Paper also invited public comment on draft rules governing the jurisdiction of the Court of First Instance, the enforcement of ADGM Courts’ judgments, and ensuring the safety and security of persons in the ADGM Courts (“the **Rules**”).
4. All regulations and rules in ADGM, including the ADGM Courts Regulations and the Rules, are to be construed in accordance with the general clauses and other interpretational rules set out in the Interpretation Regulations 2015.
5. The Chief Justice has powers under sections 217 and 218 of the proposed ADGM Courts Regulations in regard to discipline of judicial office holders. The Chief Justice may make subordinate legislation under sections 219 and 220 of the proposed ADGM Courts Regulations providing for the procedures to be followed for dealing with allegations of misconduct against judicial office holders, and for the investigation and determination of allegations of misconduct by judicial office holders. The draft Rules set out in Annex A and B to this Consultation Paper respectively are closely based on the UK Judicial Conduct (Judicial) Rules 2014 and the UK Judicial Discipline (Prescribed Procedures) Regulations 2014.
6. The Chief Justice has powers under section 229 of the proposed ADGM Courts Regulations to make rules providing for a defendant in proceedings to pay an additional amount to a claimant in particular circumstances, but in general terms where a claimant has issued proceedings for an amount of money, judgment is given in favour of the claimant, and the judgment is at least as advantageous as a settlement offer made by the claimant in accordance with the rules of the ADGM Courts. The draft Rules set out in Annex C to this Consultation Paper have been drafted based upon the Chief Justice’s powers under that section of the ADGM Courts Regulations.