



ABU DHABI GLOBAL MARKET COURTS
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ANNEX A TO THE APPLICATION FORM FOR REMISSION OR DEFERRAL OF COURT FEES

ADGM Guidelines on Remission and Deferral of Court Fees

Purpose of these guidelines

1. ADGM Courts charge fees for the services they provide to court users (“court fees”). ADGM Courts wish to ensure justice is accessible to everyone, including those who have financial difficulty paying court fees.
2. A system of remission (full or part) and deferral of payment of court fees has been made available to those who have financial difficulty paying court fees.
3. An application for remission or deferral of payment of court fees is granted only in circumstances where access to ADGM Courts may be denied due to the applicant’s inability to pay court fees or where the immediate payment of the court fees will cause the applicant undue financial hardship.
4. These Guidelines have been prepared to assist court users with applications for remission or deferral of payment of court fees and for the purpose of ascertaining whether the court user is entitled to such financial accommodation.

Court fees

5. The overriding principle of court fees is that a user of a court or court service should contribute to the cost of that service.
6. The court fees are set out in ADGM Courts Schedule of Fees found [here].
7. The court user must pay the court fees immediately upon requesting a service or filing a document.
8. You must file an application for remission or deferral of payment of court fees at the time the court fee is payable. Otherwise, the Registrar will not accept a document or refuse to allow the court user to take any step in the proceedings until the relevant fee is paid in accordance with Rules 10(2) and 194 of the ADGM Court Procedure Rules 2016.

Who can apply for remission or deferral of court fees

9. Applications for remission or deferral of payment of court fees may be made by litigants who are unable to pay a court fee due to financial hardship.

Application for remission or deferral of court fees

10. The applicant must:
 - (a) complete, sign and submit the application for remission or deferral of payment of court fees to the Registry by email to adgmcourtsregistry@adgm.com;
 - (b) if applicable, include a letter from the applicant's legal representative, certifying that the applicant is a pro bono party;
 - (c) set out the grounds on which the applicant seeks full or part remission of the court fees or deferral of payment of the court fees, including, as applicable, information related to the applicant's household, family, income, assets, liabilities, debts and any other grounds the applicant relies upon to support their application;
 - (d) list any previous applications in relation to payment of court fees within the preceding 12 months and any default in the payment of previously deferred court fees; and
 - (e) include copies of any documents supporting the application.
11. The Registry may request further information or documents from the applicant in support of the application. The Registry may also request to examine the originals of the supporting documents where necessary.
12. The applicant should complete this application truthfully. It is important to note that if the applicant is found to have deliberately misstated information in their application, they may suffer serious consequences, including being held in contempt of court.

The decision making process

13. A person appointed by the Registrar will consider and decide on the application within 3 business days of lodgement with the Registry, unless your application is urgent. The circumstances of the urgency should be set out in your application.
14. The decision on an application for remission or deferral of payment of court fees is made at the discretion of the decision maker and without any hearing.

Consideration of the application

15. The decision maker considers applications for remission or deferral of payment of court fees subject to such conditions as he/ she sees fit, including:
- (a) any orders or recommendations made by ADGM Courts, including orders in relation to vexatious litigants;
 - (b) the applicant's financial, social and other specific needs, including whether payment of the court fees will cause the applicant undue hardship;
 - (c) the particular fee that is the subject of the application;
 - (d) the need for procedural fairness; and
 - (e) any other compassionate grounds.

Example of how discretion may be exercised in the decision-making process

A has a low-income and a few assets. A has commenced proceedings in relation to a claim for personal injuries. The proceedings are still pending. If A succeeds in the proceedings, A may be entitled to a costs order. This may allow A to recover the court fees from the losing party. In this situation, the fee would usually be deferred until the conclusion of the proceedings. A could make another application for the partial or full remission of court fees if a costs order was not made at the conclusion of the proceedings or the order resulted in there being insufficient funds to pay the deferred fee.

Grounds for refusal

16. The decision maker may refuse applications where the applicant:
- (a) has, in the opinion of the decision maker, the ability to pay the court fee;
 - (b) has previously defaulted on the payment of deferred court fees without a reasonable excuse;
 - (c) has made false or misleading statements or omissions in the application; or
 - (d) did not set out any grounds to support the granting of the application.
17. An application may also be refused where the court fee in question does not relate to an essential step in the proceedings.

Decisions of the Registrar

- 18.** After consideration of the application, the decision maker may grant:
- (a) full remission of the court fee where the outcome of the proceedings will not involve an award of money and the applicant demonstrates that payment of the court fees would cause undue hardship;
 - (b) part remission of the court fee where the applicant offers payment of part of the court fee, the decision maker may accept the offer and consider postponing or cancelling the balance of the court fee; or
 - (c) defer payment of the court fees where the applicant demonstrates that the outcome of the proceedings may involve an award of money and the applicant demonstrates that immediate payment of the court fees would cause undue hardship.

Decisions related to applications by pro bono parties

- 19.** In general, all court fees are deferred for pro bono parties until judgment has been given, including where part remission is granted.
- 20.** If judgment is made against a pro bono party, that party may not be required to pay the deferred court fees.

Decisions related to vexatious litigants

- 21.** If the applicant is a vexatious litigant bound by a civil proceedings order (see Section 46 of the ADGM Courts Regulations 2015), they cannot apply for a fee remission until they have obtained the permission of the Court of First Instance to start new proceedings, in which case, the court fee for the application to obtain such a permission will be payable by the applicant.
- 22.** If the application is granted, the applicant can apply for a refund of the court fee.

Previous applications

When considering an application from an applicant who has made numerous applications for the remission or deferral of court fees, the decision maker must recognise the need to protect the integrity of ADGM Courts' process and the applicant's right to access to justice.

Review of the decision

- 23.** If the applicant wishes to dispute the decision, they may apply to have the decision reviewed by the Registrar.
- 24.** Upon making an application for review, the applicant may provide additional information or documents to the Registrar in support of their application for review.
- 25.** In reviewing the decision, the Registrar will take into account the matters set out in paragraphs 16, 17 and 18 above and, if appropriate, substitute the decision as the circumstances require.
- 26.** Once the initial decision is reviewed, that decision is final and is not subject to further administrative review.

Collection of court fees

- 27.** In the case of deferred payment of court fees, ADGM Courts will send a notification to the applicant at the end of the proceedings seeking payment of the deferred court fees within 30 days of that notification.
- 28.** If there is no reply or payment received from the applicant within that time period, ADGM Courts will send a final notice advising them that recovery action may be taken to recover the outstanding court fees unless payment is received within 14 days of that notification.