



ADGM COURTS

محاكم سوق أبوظبي العالمي

**ADGM Court Procedure Rules Amendment No 2 of 2020**



## ADGM COURT PROCEDURE RULES AMENDMENT NO 2 OF 2020

Date of Enactment: 2 November 2020

The Chief Justice of Abu Dhabi Global Market Courts, having power under section 187 of the *ADGM Courts, Civil Evidence, Judgments, Enforcement and Judicial Appointments Regulations 2015* to make court procedure rules, hereby enacts the following –

### Amendments to ADGM Court Procedure Rules 2016

The ADGM Court Procedure Rules are amended as follows:

- (1) In Rule 3(1)(j) the words “, including a counterclaim” shall be inserted directly after the words ““claim form” means any document which initiates proceedings,”
- (2) A new Rule 15(1a) shall be inserted as follows:

“(1a) Part 37 applies to service of a claim in the Small Claims Division.”
- (3) In Rule 15(3) the reference to paragraph (7) shall be amended to (8).
- (4) A new sub-rule 15(3)(f) shall be inserted as follows:

“(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”

and existing sub-rule 15(3)(f) shall be amended to be 15(3)(g).
- (5) A new sub-rule 15(7) shall be inserted as follows:

“(7) Where a claim form is to be served outside the jurisdiction, it shall be permissible for the claimant to effect service through a legal representative or a third party using a method of service prescribed under this Part, provided that the method of service is permitted in the place where he is seeking to effect service.”

and existing sub-rule 15(7) shall be amended to be 15(8).
- (6) In Rule 22(3) the words “and 15(3)(f)” shall be inserted directly after the words “Subject to Rules 15(1)”.
- (7) In Rule 24(2) the words “This paragraph does not apply to a claim filed in the Small Claims Division to which Part 37 applies.” shall be inserted at the end of the paragraph.
- (8) A new sub-rule 25(1) shall be inserted as follows:

“(1) This Rule does not apply to a claim form filed in the Small Claims Division to which Part 37 applies.”

and the subsequent paragraph numbers and cross referencing shall be updated.

**(9)** A new sub-rule 28(1) shall be inserted as follows:

“(1) This Rule does not apply to a claim form filed in the Small Claims Division to which Part 37 applies.”

and the subsequent paragraphs shall be renumbered.

**(10)** Renumbered sub-rules 28(2) and 28(3) shall now read as follows:

“(2) Where the claim form is served within the jurisdiction, the claimant must complete the step required in relation to the particular method of service chosen before 12 noon on the calendar day 4 months after the date of issue of the claim form.

(3) Where the claim form is to be served out of the jurisdiction, the claim form must be served in accordance with Rule 24 no later than the calendar day 6 months of the date after the date of issue of the claim form. “

and cross referencing in all subsequent paragraphs shall be updated.

**(11)** A new sub-rule 35(1) shall be inserted as follows:

“(1) This Rule does not apply to a claim form filed in the Small Claims Division to which Part 37 applies.”

and the subsequent paragraphs shall be renumbered and cross referencing updated.

**(12)** A new sub-rule 36(1) shall be inserted as follows:

“(1) This Rule does not apply to a claim form filed in the Small Claims Division to which Part 37 applies.”

and the subsequent paragraphs shall be renumbered and cross referencing updated.

**(13)** A new sub-rule 38(1) shall be inserted as follows:

“(1) This Rule does not apply to a claim form filed in the Small Claims Division to which Part 37 applies.”

and the subsequent paragraphs shall be renumbered and cross referencing updated.

**(14)** A new sub-rule 39(1) shall be inserted as follows:

“(1) This Rule does not apply to a default judgment in the Small Claims Division to which Part 37 applies.”

and the subsequent paragraphs shall be renumbered.

**(15)** In Rule 40(1) the words “or Rule 312” shall be inserted.

**(16)** A new sub-rule 44(1) shall be inserted as follows:

“(1) This Rule does not apply to a defence filed in the Small Claims Division to which Part 37 applies.”

and the subsequent paragraphs shall be renumbered.

**(17)** In Rule 178(2) the words “or as provided for by a relevant practice direction” shall be inserted directly after the words “Unless the Court directs otherwise”.

**(18)** In Rules 205(5), 205(5) and 205(7) the number “21” shall be amended to be “14”.

**(19)** In Rule 206(2)(c) the word “of” shall be amended to “or” after “Court of First Instance”.

**(20)** A new “Part 37 – Small Claims Division” shall be inserted as follows:

#### **“PART 37 – SMALL CLAIMS DIVISION**

##### **308. Application of this Part**

- (1) This Part contains special provisions for 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 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 otherwise directed by the Court.

(2) The provisions of Rules 18, 22 and 23 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 in accordance with Rule 42;
- (b) a defence (and any counterclaim);
- (c) an admission and a defence if the defendant admits only part 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.

**312. Default judgment**

(1) 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.

(2) A default judgment on a money claim may include interest as provided for by a practice direction.

(3) The provisions of Rules 40 and 41 apply to default judgments entered in the Small Claims Division.

(4) 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.

(21) A new Rule 313 shall be inserted as follows:

**“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.”