



ABU DHABI GLOBAL MARKET COURTS
محاكم سوق أبوظبي العالمي

ADGM Court Procedure Rules Amendment No 2 of 2017



ADGM COURT PROCEDURE RULES AMENDMENT NO 2 OF 2017

Date of Enactment: 11 December 2017

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 64(1), the words “an applicant” in the second line shall be deleted and replaced by the words “a party who wishes to apply to the Court for orders”; the word “written” shall be deleted and replaced by the words “witness statement”; and the words “from the Court. The application notice must include any matters that may be set out in a practice direction” shall be inserted directly after the word “seeking”.
- (2) A new Rule 64(3) shall be inserted as follows:

“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 and a draft of the order which the applicant is seeking from the Court. The application notice must also include any matters that may be set out in a practice direction.”
- (3) A new Rule 64(4) shall be inserted as follows:

“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.”
- (4) Rule 64(3) shall be renumbered 64(5) and shall be amended so that it reads as follows:

“Application notices, the witness statement evidence in support and the draft order 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 or a relevant practice direction, and where the Court previously has set a hearing date for the application, at least 3 days before the hearing.
- (5) Rule 64(4) shall be renumbered 64(6) and shall be amended so that it reads as follows:
- “An application may be made without notice if this is permitted by a rule, a practice direction 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.”
- (6) Rule 64(5) shall be renumbered 64(7) and shall be amended so that it reads as follows:
- “This Rule does not require witness statement evidence to be filed if such already have been filed, nor to be re-served on a party upon whom such already have been served.”
- (7) A new Rule 64(8) shall be inserted as follows:
- “The Court may make directions as it considers appropriate in relation to any application that is filed, including in relation to its hearing.”
- (8) A new Rule 64(9) shall be inserted as follows:
- “Practice directions may set out the steps to be taken or evidence to be filed by persons or parties in relation to applications.”
- (9) In Rule 65(1), the words “witness statement” shall be inserted directly after the words “a copy of the application notice and any”.
- (10) A new Rule 65(2) shall be inserted as follows:
- “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.”
- (11) Rules 65(2) and 65(3) shall be renumbered 65(3) and 65(4).
- (12) In the renumbered Rule 65(3), the reference to “paragraph (3)” shall be replaced by “paragraph (4)”.



- (13) In Rule 67, the word “totally” shall be deleted from the heading of this rule and directly before the words “without merit,”.
- (14) In Rule 71(1)(j) the reference to “section (36)” shall be replaced by “section (35)”.
- (15) In Rule 71(1)(k) the reference to “section (37)” shall be replaced by “section (36)”.
- (16) In Rule 71(1)(l) the reference to “section (35)” shall be replaced by “section (37)”.
- (17) A new Rule 72(3) shall be inserted as follows:

“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.”
- (18) Rules 72(3) to (7) shall be renumbered 72(4) to (8).
- (19) In the renumbered Rule 72(6) the word “should” shall be deleted and replaced by the word “may” and the words “requiring a” shall be deleted and replaced by the words “regarding the”.
- (20) In Rules 86(3), the words “,except for documents that have already been submitted by another party” shall be inserted directly after the word “trial”.
- (21) In Rule 86(5) the words “further or” shall be inserted directly after the words “The Court may make an order for” and the word “for” shall be inserted directly after the words “specific disclosure or”.
- (22) In the heading of Rule 87 the words “further or specific” shall be inserted directly after the words “Duties where”.