

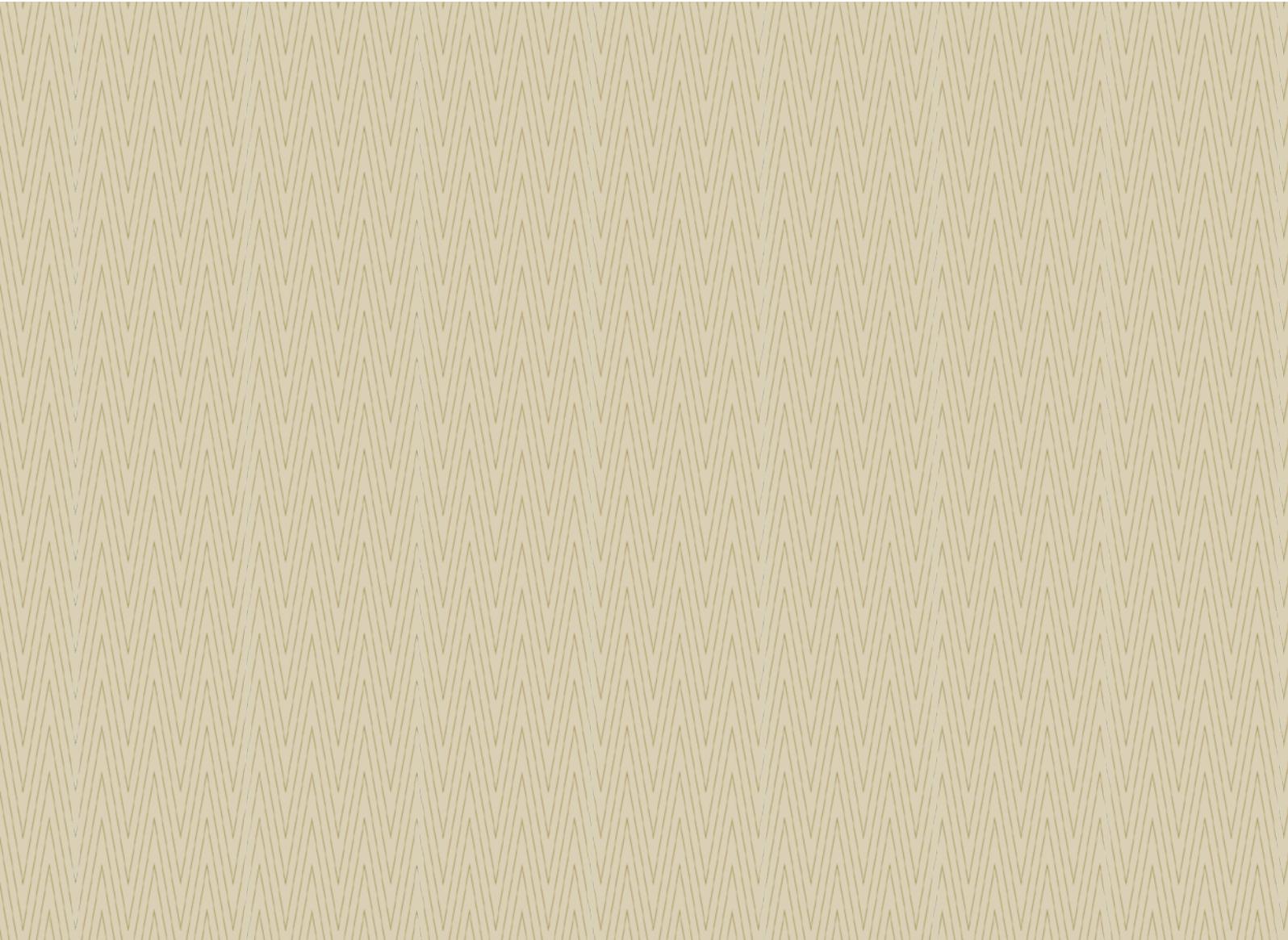


ABU DHABI GLOBAL MARKET COURTS  
محاكم سوق أبوظبي العالمي

# ADGM COURTS

## PRACTICE DIRECTION 1

### GENERAL





**PRACTICE DIRECTION 1**  
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## **PRACTICE DIRECTION 1**

### **GENERAL**

Date first issued: 30 May 2016

This Practice Direction is to be read with, and subject to, the ADGM Court Procedure Rules 2016. Except as provided otherwise in this Practice Direction, terms have the meanings set out in those Rules.

#### **A. REGISTRY<sup>1</sup>**

- 1.1 ADGM Courts' Registry is located in the ADGM Authorities Building, Al Maryah Island, Abu Dhabi.
- 1.2 Documents cannot be filed in person at the Registry unless the Court has made an order requiring or permitting a party to do so or the Registrar is satisfied that the party seeking to file the document is unable to access the ADGM eCourts Platform.
- 1.3 Registry staff can explain and answer questions of an administrative or procedural nature, such as the correct form to use or the listing dates of parties' cases. Parties or their representatives are strongly encouraged to send any enquiries to the Registry via email to [enquiry@adgmcourts.com](mailto:enquiry@adgmcourts.com).
- 1.4 Registry staff cannot provide legal advice about any claim or assist any party to complete a form.

#### **B. FORMS<sup>2</sup>**

- 1.5 Prescribed forms are published on ADGM Courts' website. All documents filed with ADGM Courts must comply with the requirements of the relevant prescribed form, including font size, margins and pagination. Failure to adhere to the requirements of the prescribed form may lead to the rejection of a document for filing.

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<sup>1</sup> Amended 20 June 2018.

<sup>2</sup> Amended 20 June 2018.



## C. FEES

### ***Remission or deferral of fees [r.10]***

- 1.6 Where a party applies for full or part remission, or deferral of payment, of any court fees:
- (a) that party must set out in the relevant application form a statement of the grounds on which that party seeks full or part remission, or deferral of payment, of the court fees;
  - (b) a person appointed by the Registrar to decide on a party's application for remission or deferral of court fees shall decide without any hearing whether to grant that party's application;
  - (c) if a party wishes to dispute a decision on any such application, the party may apply to have the decision reviewed by the Registrar; and
  - (d) the Registrar's decision on review shall be final and not subject to further administrative review.

## D. ELECTRONIC SERVICES<sup>3</sup>

- 1.7 To ensure accessibility, efficiency and fairness for all parties, ADGM Courts' operations and services are fully digitised.
- 1.8 Documents can be filed at any time and on any day of the year and will be date stamped accordingly, subject to payment of any applicable court fees. Rule 6 provides for the calculation of periods of time.
- 1.9 Parties must file all documents using the ADGM Courts' electronic filing and case management systems, known as the "ADGM eCourts Platform", in accordance with the requirements set out in this Practice Direction.

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<sup>3</sup> Amended 20 June 2018.



## E. ELECTRONIC FILING<sup>4</sup>

### ***Definitions***

1.10 In this section:

- (a) the "ADGM eCourts Platform" means the ADGM Courts electronic filing and case management systems;
- (b) "coversheet" means the page that is generated by the ADGM eCourts Platform and attached as a first page to a document filed in the Court that includes: details of the date and time of filing of the document; the parties to the case; the seal of the Court; a Court officer's signature; the case number; and, if applicable, the listing of the case;
- (c) "document" means a document submitted for filing in the Court and includes any attachment that forms part of or accompanies that document;
- (d) "registered user" means a person or an organisation who has registered as a user of the ADGM eCourts Platform; and
- (e) "upload", in relation to a document, means to transfer an electronic version of the document from a computer or other device to the ADGM eCourts Platform.

### ***Registration of users***

1.11 Any person or organisation may apply to be a registered user of the ADGM eCourts Platform by completing and submitting the online application form and agreeing to comply with the terms and conditions published on that platform.

1.12 A person or organisation must be registered to file a document with the Court.

### ***Requirements for electronic filing of uploaded documents***

1.13 A true and complete copy of each document must be uploaded in a format that is permitted by the ADGM eCourts Platform.

1.14 The ADGM eCourts Platform has the capability to "parse" (read or copy) the content of certain sections of documents that have been converted from a Word version of any document to a PDF version (but not a scanned PDF). Accordingly, the PDF version of a form is the preferred format of the ADGM eCourts Platform for those documents that are appropriate to be in that format. For example, a

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<sup>4</sup> Amended 20 June 2018.



claim form filed by a lawyer representing the claimant who is also verifying the claim should adopt that format. Conversely, a witness statement will need to be uploaded in the format of a PDF scan to ensure that the witness' signature appears on the statement.

- 1.15 Each document uploaded must be accurately described, as required by the ADGM eCourts Platform. For example, if the document is an affidavit, the description of the document must include the name of the deponent and the date that the affidavit was sworn or affirmed.
- 1.16 If a document that is required to be signed is uploaded in the format of a scanned PDF, the document must include a clear, legible copy of the signature of the person who signed the document. All scanned PDF documents uploaded to the ADGM eCourts Platform should be OCR (Optical Character Recognition) readable.
- 1.17 If an affidavit or witness statement is uploaded, it must include:
  - (a) a clear, legible copy of the signature of the deponent of the affidavit or person making the statement; and
  - (b) if the document is required to be witnessed, a clear, legible copy of the signature of the witness.
- 1.18 A party who has filed a document via the ADGM eCourts Platform is taken to have agreed that, if the Court so requires, they will file the original document in accordance with the Court's directions.
- 1.19 Without limiting any other provision at law, the original signed copy of a document that has been filed via the ADGM eCourts Platform must be kept until the later of:
  - (a) 2 years from after the date the proceedings in which the document was filed are determined by judgment, order or discontinuance; or
  - (b) if the proceedings in which the document was filed is appealed, 2 years after the date that appeal is determined by judgment, order or discontinuance.

### ***Acceptance of electronically filed documents***

- 1.20 Subject to paragraphs 1.8 and 1.21, a document is taken to have been filed when the ADGM eCourts Platform attaches a coversheet to the document and places it on the court file for the case. For the avoidance of doubt, the coversheet is taken to be part of the document.
- 1.21 Despite a document being accepted by the Court by the attachment of a coversheet and its placement on the court file, the document may subsequently



be rejected by the Court if the document fails to comply with any requirements of the prescribed form or the rules in relation to such a document, or by direction or order of the Court.

#### **F. SERVICE OF DOCUMENTS [Part 4]<sup>5</sup>**

- 1.22 Rule 15 provides that all documents, other than one which initiates proceedings, must be served by email or other means of electronic communication in accordance with the relevant practice direction.
- 1.23 Part 4 (along with Practice Direction 2 (Making and Answering a Claim) and Practice Direction 3 (Small Claims)) provide for how and where to serve a claim form.
- 1.24 Service of all documents, except one which commences a Claim, will be effected on all parties who have appeared in the case by the Court's acceptance of the document and its placement on the Court file via the ADGM eCourts Platform. No other means of service is necessary by the parties, except as may be ordered otherwise by the Court. For the avoidance of doubt, there is no requirement to separately serve a document under Rule 22(4) if this paragraph applies.
- 1.25 Practice Direction 4 – Particular Claims other than Small Claims, includes provisions that require some documents to be served personally.
- 1.26 Except where a rule, practice direction, any other ADGM enactment or a court order requires or permits some other method of service, any document may be served by any of the methods provided by Rule 15.
- 1.27 A party may prove service of a document by filing a certificate of service in accordance with **Form CFI 31**.

#### **G. LAWYERS<sup>6</sup>**

- 1.28 In the Rules, and in practice directions, “lawyer” has the meaning given to it in the Regulations.
- 1.29 Section 219 of the Regulations provides for when a lawyer has the right of audience in the Court and when a lawyer has the right to conduct litigation in the Court.

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<sup>5</sup> Amended 20 June 2018.

<sup>6</sup> Amended 20 June 2018.



***Ceasing to act [r.192 and r.193]***

- 1.30 A lawyer who seeks an order declaring that he has ceased to be the lawyer acting for a party in a proceeding:
- (a) must apply by application notice filed in that proceeding;
  - (b) must serve that application notice personally on the party for whom the lawyer is acting; and
  - (c) if the order is made, must comply with Rule 192(2).
- 1.31 A party who seeks an order declaring that a lawyer who has acted for another party in a proceeding has ceased to be the lawyer acting for that other party (whether because the lawyer has died, has become bankrupt, has ceased to practice or cannot be found):
- (a) must apply by application notice filed in that proceeding;
  - (b) must serve that application notice personally on the party for whom the lawyer was acting; and
  - (c) if the order is made, must comply with Rule 192(2).