

# DIFC Courts Order No. 1 of 2019 in Respect of Issuing and Conducting Proceedings, Rights of Audience and Registration in Part I and Part II of the DIFC Courts' Register of Legal Practitioners

## I, Zaki Bin Azmi, Chief Justice of the DIFC Courts

After having reviewed:

- Dubai Law No. 9 of 2004, as amended in respect of the establishment of the DIFC;
- Dubai Law No. 12 of 2004, as amended in respect of the DIFC Courts;
- DIFC Law No. 10 of 2004 (the "DIFC Court Law");
- Article 3 of Dubai Law No. 7 of 2014, amending Law No. 9 of 2004, (Dubai Law No. 7 of 2014) establishing the DIFC Dispute Resolution Authority (DR);
- DRA Order No. 2 of 2015 in respect of the DRA Academy;

And having considered:

- DIFC Courts Order No. 1 of 2005 with respect to Rights to Conduct Proceedings and Rights of Audience;
- DIFC Courts Order No. 1 of 2012 in respect of Rights to Conduct Proceedings and Rights of Audience before the DIFC Courts;
- Registrar's Direction No 2 of 2013 Issuing and Conducting Proceedings;
- DIFC Courts Order No. 1 of 2015 in Respect of Rights of Audience and Registration in Part II of the Courts' Register of Practitioners;
- DIFC Courts Order No. 1 of 2016 in Respect of Rights of Audience and Registration in Part II of the Courts' Register of Practitioners;
- DRA Order No. 1 of 2018 in Respect of Rights of Audience and Registration in Part II of the Academy of Law's Register of Practitioners;

Hereby, pursuant to the powers vested in me by Article 8 (5) (b) of Dubai Law No. 7 of 2014, amending Dubai Law No. 9 of 2004 and according to Resolution No. (1) of 2019 In Respect of the Dispute Resolution Authority Academy, issue the following Order:

1. This Order may be cited as DIFC Courts Order No. 1 of 2019 in Respect of Issuing and Conducting Proceedings, Rights of Audience and Registration in Part I and Part II of the DIFC Courts' Register of Legal Practitioners which amends the Academy of Law's Register of Practitioners.

- 2.1 All legal practitioners registered in the Academy of Law's Register of Legal Practitioners prior to the transfer of the register to the DIFC Courts shall continue to be registered.
- 2.2 All appointments of officers made by the DRA Academy or pursuant thereto shall continue to be deemed duly appointed.
3. The DIFC Courts maintain a Register of those persons authorised to issue and conduct proceedings and/or to appear before the DIFC Courts on behalf of others. The registration requirements are set out in the Guidelines for Registration of Practitioners, as amended from time to time at the discretion of the Chief Justice of the DIFC Courts.
4. The fees in respect of entry in the Register will be published in the Guidelines for the DIFC Courts Register of Legal Practitioners on the DIFC Courts website, as amended from time to time at the discretion of the DIFC Courts.
5. The Register of Legal Practitioners is in two Parts:
  - a. Part I: Law firms only
  - b. Part II: Individual with rights of audience before the DIFC Courts
6. Entry in Part I is in the name of a firm and the firm provides a list of practitioners employed by the firm who are authorized to issue and conduct proceedings on behalf of the firm.
7. A Part II application for entry in the Register must be made to the DIFC Courts, supported by but not limited to the following requirements:
  - a. a declaration that the applicant has a minimum of five years or a minimum of two years oral advocacy experience immediately preceding the date of application; and
  - b. the applicant possesses the right to conduct litigation or a right of audience before the superior courts of the jurisdiction in which he practices; and
  - c. the applicant has sufficient command of the English language and sufficient knowledge of the DIFC Courts laws and procedures in order to conduct proceedings before the Courts.
- 8.1 A minimum of five years' advocacy experience grants full rights of audience and a minimum of two years' experience grants limited rights of audience before the DIFC Courts.
- 8.2 Upon application to the Registrar, an applicant seeking to be registered as a legal practitioner under this Order who successfully completes training programmes that the DIFC Courts has specifically designated from time to time and who meet all other criteria for

admission, may receive two years credit toward achieving limited or full rights of audience before the DIFC Courts.

9. A refusal by the DIFC Courts to register an applicant may be reviewed by the Chief Justice.
10. With respect to an individual applying for registration in Part II of the Register, the procedure will be as follows:
  - a. Registration in Part II of the Register will be provisional<sup>1</sup> until the individual concerned appears before a judge.
  - b. The Registrar<sup>2</sup> or Senior Legal Officer<sup>3</sup> shall attend the first hearing<sup>4</sup> and shall either: (i) confirm the applicant's registration as permanent; (ii) refuse the registration, or (iii) request that the applicant consider a training on DIFC Courts Laws and Procedures and/or Advocacy training and/or any other relevant training specified by the DIFC Courts in which case the individual's registration shall remain provisional until the next hearing.
  - c. If the Registrar or Senior Legal Officer refuses registration, he must provide reasons for refusal in writing.
  - d. In the event of refusal of registration following the first hearing, the individual concerned may lodge a written and reasoned appeal with the Chief Justice if he is not satisfied with the decision of the Registrar, or Senior Legal Officer.
  - e. Where an appeal has been lodged with the Chief Justice in accordance with sub-paragraph 10 (d) above, the Chief Justice may take any further steps which he deems appropriate in the circumstances, including: (i) extending the concerned individual's provisional registration for such period as seems fit; (ii) maintaining the decision of the Registrar or Senior Legal Officer which formed the basis of the appeal, and (iii) allowing the appeal and confirming the applicant's registration as permanent. The Chief Justice may decide such appeal on the paper and no evidence will be permitted for the purposes of the appeal other than the transcript of

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<sup>1</sup> "Provisional" in this context shall be taken to mean that Part II registration will only take full effect following confirmation in accordance with paragraph 10(b) of this Order.

<sup>2</sup> Registrar appointed under Article 16 of the DIFC Court Law (DIFC Law No. 10 of 2004) and includes, where the context requires, Senior Registrar(s), Deputy Registrar(s), Assistant Registrar(s), and whichever other Registrars the Chief Justice may deem appropriate to appoint in future.

<sup>3</sup> The Senior Legal Officer is a qualified lawyer appointed by the relevant authority to be a Senior Legal Offices with the DIFC Courts.

<sup>4</sup>If all Registrars, as well as the Senior Legal Officers are unavailable, see paragraph 11 below for the procedure to be followed.

the first hearing<sup>5</sup>. The Chief Justice's decision shall be final, from which there shall be no further avenue of appeal or review.

11. An individual applying for registration in Part II of the Register should give the Registry not less than 7 days' notice of his/her intention to appear before a judge, so that the necessary arrangements can be made to ensure the presence of the Registrar or Senior Legal Officer. If it is not possible to give sufficient notice, or if no Registrar or Senior Legal Officer is available to attend the first hearing, the individual will need to seek permission of the hearing judge to proceed with the hearing in the absence of the Registrar or Senior Legal Officer and the individual's registration in the Register shall remain provisional until the next hearing, at which the Registrar or Senior Legal Officer shall attend and either: (i) confirm the applicant's registration as permanent; or (ii) refuse the registration (iii) request that the applicant considers a training on DIFC Courts Laws and Procedures and/or Advocacy training provided by the DIFC Courts or other recognised training provider in which case the individual's registration shall remain provisional until the next hearing.

12. This Order shall come into force with effect from 5 March 2019.

**Chief Justice of the DIFC Courts**

Issued: 22 May 2019

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<sup>5</sup> The first hearing attended by the Registrar or Senior Legal Officer.