



محاكم
DIFC
COURTS

Guidance Note in respect of the fee schedule



This note provides a comprehensive review and explanation of the fees collected by the DIFC Courts pursuant to the DIFC Courts' Schedule of Fees. It is to be read in conjunction with the Schedule of Fees, and the references made below reflect those set out in the Schedule.

Article II: Court of First Instance (CFI)

***Article II of the Schedule of Fees.**

The following breakdown applies to all Part 7 claims in respect of all Courts Divisions (including Civil & Commercial Division (CCD), Technology & Construction Division (TCD), Arbitration Division (ARB), and Digital Economy Court Division (DEC)) and any new specialised division set up in the future.

A. Part 7 claims in respect of all of Court divisions

1. The filing fee amount will include the hearing fees for any in-chambers meetings, one (1) Case Management Conference ('CMC'), one (1) Pre-Trial Review and up to three (3) days of trial. Any additional filings or hearings will be charged in line with the provisions below.
2. The filing fee is split as follows:
 - i. 35% of the relevant filing fee shall be paid immediately (the claim will not be registered until the filing fee is paid);
 - ii. the next 35% of the filing fee shall be paid within 10 days from the date of listing the CMC (the 'CMC Portion'); and
 - iii. the final 30% of the filing fee shall be paid within 30 days from the date of listing the Pre-Trial Review (the 'Pre-Trial Portion').
3. At the time of filing arbitration claims (seeking recognition, recognition and enforcement or set aside of an arbitral award), only 50% of the above-mentioned fee shall be payable. In the event that the Defendant does not respond to the claim in any shape or form, no further fees shall be payable by the Claimant. In the event the Defendant responds to the claim, the remaining 50% will be payable by the Claimant 7 days after the Defendant/Respondent in the matter files any of the relevant documents online on the eRegistry portal.
4. The General Rules about Costs, including recoverability of costs, under Part 38 of the RDC apply, as supplemented by Practice Direction No. 6 of 2016 regarding indemnity costs.
5. Part 7 applies to unquantified damages claims and the minimum fee is USD 5,000. When it becomes apparent to the Claimant or Defendant what the quantum is for the claim/counterclaim, the Claimant or Defendant is directed to immediately report to the Court the total amount. That amount will then be added to the current claim value and the filing fee payable will be adjusted accordingly.

B. All other claims include, but are not limited to:

1. winding-up petitions; and
2. proceedings for judicial review.

C. Ordinary applications

The fee will include a maximum of a two-hour hearing for the relief sought.

D. Heavy applications

1. The fee will include a maximum of one-day hearing for the relief sought.
2. Heavy applications are applications which typically bring conclusion to a case and are always dealt with at a hearing. These applications include, but are not limited to:
 - i. an application contesting jurisdiction;
 - ii. an application seeking to strike out all or part of a statement of case, submission or evidence filed; and
 - iii. an application for immediate judgment.

E. Interlocutory relief and urgent applications

The fee for filing an urgent application pursuant to RDC Part 25, which has no underlying case, whether in the DIFC Courts or elsewhere, comprises of the following:

1. Part 7 claim fee as set out in Article II(A)(2) above; or
 2. Part 8 claim fee in the amount of USD 5,000; and
 3. Urgent application notice fee in the amount of USD 2,000.
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Guidance notes

1. Where a claim is both for money and for other relief (whether cumulatively, or in the alternative), a Part 7 claim form should be used and only the higher applicable fee, being that for a Part 7 Claim, will be payable.
2. Where a claim or counterclaim is amended so that a higher fee would have been payable if it had been so drawn originally, the party making the amendment shall pay the difference.
3. Where a claim or counterclaim is said to be for an unspecified amount, an amount to be determined by the Courts or for an amount which reasonably appears to the DIFC Courts to be less than the actual amount of the claim or counterclaim, the DIFC Courts may impose such fees as it considers reasonable and which are based on the fees set out in this Schedule.
4. Where a claim is commenced under Part 8, but is remitted to Part 7 in accordance with RDC 8.3 – 8.4 due to inappropriate use of the Part 8 procedure, the filing party will be liable to pay the difference in filing fees between the Part 8 and Part 7 claim in addition to an administrative fee of USD 300.
5. The CMC portion and Pre-Trial portion shall be paid according to the timelines referred to above under paragraph two (2) of heading 'A (Part 7 Claims)'. If the Claimant fails to comply with paragraph two (2) within the time prescribed, the Registry will close the case unless an extension of time is granted by the Registrar.
6. The application fee is payable whenever an application notice is received by the Registry.
7. The above fee also applies to applications made by way of letter or email, or pursuant to another Rule, whether on or without notice, with the exception of applications made orally at a hearing.
8. Where an application is amended so as to request a hearing where none was previously sought, an additional Court fee in line with the above will be payable. The Registrar shall have the discretion to determine, on a case-by-case basis, which party shall pay the additional fee.
9. Where an application is amended seeking a longer duration for the hearing, so as to classify that application as a heavy rather than ordinary application, an additional Court fee in line with the above will be payable. The Registrar shall have the discretion to determine, on a case-by-case basis, which party shall pay the additional fee.

Article III: Court of Appeal (CA)

- A. The fee includes a one-day hearing before the Court of Appeal.**
 - B. For a cross-appeal, the same fees are payable as for an appeal.**
 - C. Setting down for hearing fees under Article V applies to appeal hearings.**
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Article IV: Enforcement (ENF)

- A. Enforcement as per the Schedule of Fees does not apply to the ratification and/or recognition of arbitral awards or judgments of other courts. See Article III of the Schedule of Fees.**
 - B. Fees for enforcement applications are to be paid by the applicant (regardless of whether the applicant is the judgment creditor), to the Court upon the filing of an enforcement application.**
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Article V: Hearings

- A.** The fee shall be paid when the hearing is set down by the DIFC Courts, based on the number of days agreed by the parties or, failing agreement, as determined by the DIFC Courts.
 - B.** Fees for any overrun shall be paid prior to the expiry of the period for which the hearing was originally set down.
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Article VI: Determination of costs

The fee for the notice of commencement of assessment of bill of costs will include up to three (3) days of hearing. If the hearing exceeds three (3) days, the fees chargeable beyond the three (3) days shall be as provided for in Article V of the Schedule of Fees.

- A. Separate setting down fee for the detailed costs assessment hearing shall apply (see Article V: Hearings).**
 - B. Where the sum certified in a final costs certificate includes costs certified in an interim certificate in respect of which a fee has been paid, the fee for the final costs certificate shall be correspondingly reduced.**
 - C. At the time of filing the notice of assessment of bill of costs, only 50% of the above-mentioned fee shall be payable. In the event that the paying party does not respond to the notice in any shape or form (and a default costs certificate has been obtained), no further fees shall be payable by the applicant. In the event the paying party responds to the applicant, the remaining 50% will be payable by the applicant seven (7) days after the paying party files any of the relevant documents online on the eRegistry portal.**
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Article VII: Administrative fees

- A.** Upon written application, which may be made by way of letter, the Registrar of the DIFC Courts shall have the discretion to vary, suspend or waive any and all late filing fees that are applied.
- B.** Payment for transcripts must be made before the transcript can be provided to the requesting party.
- C.** Transcripts requested on overnight turnaround will be delivered, if paid for, by no later than 2:00 pm (GST) the following day.
- D.** A full day's hearing cannot be transcribed on overnight turnaround without advance notice being given to the DIFC Courts' Registry.
- E.** A transcript cannot be processed on an overnight basis on the weekend (being Saturday to Sunday inclusive) or on a public holiday, without at least one (1) week's notice being given to the DIFC Courts' Registry.
- F.** A public holiday means either a UAE public holiday or a UK bank holiday.
- G.** Once a transcript has been drawn up, it will be available to all the parties to a case and will be placed in the DIFC Courts' eRegistry.
- H.** There is no fee for downloading soft copies of documents via the eRegistry available via the DIFC Courts' website.
- I.** The fees for photocopies also applies to photocopies of documents from the DIFC Courts' library and documents to be printed by the Court at the request of the parties.

J. Fees on any services introduced after the issuing of this Schedule can be imposed by the Director with a maximum value of USD 1,000.

K. The DIFC Courts may, from time to time, charge the following fees:

- i. Promotional fees upon its services in line with any initiatives that the DIFC Courts intend to launch;
 - ii. Subscription fees from third party vendors as payment for any services provided to customers.
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Article VIII: Refund policy

- A.** No refund shall be applicable for incorrect filings that can be rectified and accepted using the provision of an alternative service.

 - B.** Refund for incorrect filing, which cannot be accepted and to which an alternative service cannot be provided, will be subject to the Registrar's discretionary review and approval. However, the DIFC Courts reserves the right to retain a 30% administrative fee from the amount already paid.
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Article IX: General information

All of the above mentioned fees are payable in UAE Dirhams or their equivalent in United States Dollars (at the conversion rates of USD 1 : AED 3.6725 or as otherwise determined by the DIFC Courts from time to time).

All invoices, at the outset, will be issued as pro forma invoices. Once payment is made towards that invoice, the paying party shall receive the final invoice and receipt for their records.

In an effort to promote the most efficient handling of cases and allocation of resources, and in line with the DIFC Courts' paperless initiative, parties must use the DIFC Courts' e-filing facility for the filing of court documents.

Please note that a 40% surcharge will be added to the applicable fees for any document filed with the Registry for the Court of First Instance or Court of Appeal by means other than the e-filing facility.

The Dubai Financial Services Authority (DFSA) is not required to pay any court fees for proceedings initiated under the Regulatory Law, or DIFC Law administered by the DFSA or in the course of carrying out its regulatory functions under any other DIFC Law.

The DIFC Registrar of Companies is not required to pay any court fees for proceedings initiated under the Companies Law or the Insolvency Law.

For further information, please visit www.difccourts.ae or contact the Registry on +971 4 427 3333 or registry@difccourts.ae

Our banking partners

The Wills Service has teamed-up with the following in the UAE to provide Easy Payment Plans (EPP) allowing their credit card customers to spread the cost of the above fees for up to 12 months on 0% payment terms.

Please contact your bank once the fee is paid to avail the EPP option.



Payment methods

The fees set out above are all administrative fees and are stated in United Arab Emirates Dirham (AED). Payments may be made by using the Wills Service's online payment facility at the time of making an appointment. Payments can also be made in the Wills Service office in the form of cash, credit card, and cheque.

If paying by cash, please bring exact change.

Cheques can be made out to **“GOVERNMENT OF DUBAI – DIFC COURTS – INCOME REGISTER OF NON-MUSLIM WILLS.”**



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