PART 2 Interpretation

PART 2

Authentic text and language of proceedings 2.1 - 2.4

2.1

The English text is the authentic text of these Rules.

2.2

All proceedings before the Courts shall be conducted in the English language.

2.3

All documents required to be filed or served in accordance with these Rules shall be in the English language.

2.4

Where any judgment, order or direction is to be served outside the DIFC in the UAE, unless the Courts otherwise direct:

(1) in proceedings on notice the parties must agree and lodge with the Courts an Arabic translation of the judgment, order or direction within 2 days of same being given, made or handed down as the case may be, in default of which the Courts may accept one party's translation or suspend or revoke the judgment, order or direction on such terms as it thinks fit;

(2) in without notice proceedings the party seeking relief must provide an Arabic translation of the order sought and made;

(3) in the event of any inconsistency between the Arabic and English versions of any judgment, order or direction the English version shall prevail.

Definitions 2.5

2.5

Unless the context otherwise requires, the words and expressions set out in the Schedule to this Rule shall have the respective meanings assigned to each of them for all purposes in connection with these Rules.

Rules of interpretation 2.6 - 2.9

2.6

In these Rules, a reference to:

(1) a person includes any natural person, body corporate or body unincorporate, including a company, partnership, unincorporated association, government or state;

(2) the masculine gender includes the feminine;

(3) an obligation to publish or cause to be published a particular document shall, unless expressly provided otherwise in these Rules, includes publishing or causing to be published in printed or electronic form.

2.7

The headings in these Rules shall not affect their interpretation.

2.8

References to legislation in these Rules shall be construed in accordance with the following provisions:

(1) Federal Law is law made by the federal government of the State;

(2) Dubai Law is law made by the Ruler, as applicable in the Emirate;

(3) DIFC Law is law made by the Ruler as applicable in the DIFC;

(4) DIFC Regulations include any rules, regulations, bylaws, or orders relating to the Centre issued by the President or the Centre Bodies.

(5) these Rules are made by the Chief Justice of the DIFC Courts;

(6) legislation includes rules or regulations made under legislation;

(7) reference to a statutory provision includes a reference to the statutory provision as amended or re-enacted from time to time.

2.9

Pending the enactment of a DIFC Interpretation Act and subject to the express provisions of these Rules and any other DIFC legislation, the English Interpretation Act 1978 shall apply as far as necessary for the interpretation of these Rules as it applies to English subordinate legislation made after the commencement of that Act.

Application of the CPR and the Guide 2.10

2.10

If no provision is made or no appropriate form is provided by the Rules or any law in force in the DIFC, the following rules of practice and procedure shall be followed and adopted:

(1) Such Rules as shall have been enacted;

(2) To the extent that no Rule or Practice Direction dealing with the matter shall have been enacted, with regard to the Court of First Instance, the Guide together with any prescribed forms with such changes as the Court considers appropriate to be applied in the circumstances;

(3) Insofar as the Guide does not deal with the matter or makes reference to the CPR, the CPR together with any prescribed forms with such changes as the Court considers appropriate to be applied in the circumstances;

(4) With regard to the Court of Appeal, Part 52 of the CPR and any associated practice directions, as therein defined, together with any prescribed forms with such changes as the Court considers appropriate to be applied in the circumstances.

(5) With regard to insolvency proceedings, the English Insolvency Rules 1986.

Time 2.11 - 2.15

2.11

All dates shall be ascertained in accordance with the Gregorian calendar.

2.12

A period of time expressed as a number of days shall be computed as clear days. “Clear days” means that in computing the number of days—

(1) the day on which the period begins; and

(2) If the end of the period is defined by reference to an event, the day on which that event occurs are not included.

2.13

Where the specified period—

(1) is 5 days or less; and

(2) includes a day which is not a business day that day does not count.

2.14

Where the specified period is 6 days or more, both normal working days in the DIFC and non-working days in the DIFC shall be counted.

2.15

When the period specified—

(1) by these Rules; or

(2) by any judgment or Courts order, for doing any act at the Registry ends on a day on which the Registry is closed, that act shall be in time if done on the next day on which the Registry is open.

Dates for compliance to be calendar dates and to include time of day 2.16 - 2.18

2.16

Where the Courts give a judgment, order or direction which imposes a time limit for doing any act, the last date for compliance must, wherever practicable

(1) be expressed as a calendar date; and

(2) include the time of day by which the act must be done.

2.17

Where a party is required by a Rule, Practice Direction, Judgment or Order to do any act on or before a particular date, the act must be done by 4pm on that date.

2.18

Where the date by which an act must be done is inserted in any document, the date must, wherever practicable, be expressed as a calendar date.

Meaning of ‘month’ in judgments, etc. 2.19

2.19

Where ‘month’ occurs in any judgment, order, direction or other document, it means a calendar month.

Time limits may be varied by parties 2.20

2.20

Unless these Rules provide otherwise or the Court orders otherwise, the time specified by a Rule or Practice Direction or by the Court for a person to do any act may be varied by the written agreement of the parties and the Court.

Schedule to Part 2