

## **PART 6 Court Documents**

### **PART 6**

#### **Preparation of documents 6.1 - 6.2**

##### **6.1**

Where under these Rules, a document is to be prepared by the Court, the document may be prepared by the party whose document it is, unless a Court Officer otherwise directs.

##### **6.2**

Nothing in these Rules shall require a Court Officer to accept a document which is illegible, has not been duly authorised, or is unsatisfactory for some other similar reason.

#### **Signature of documents by mechanical means 6.3 - 6.4**

##### **6.3**

Where these Rules require a document to be signed, that requirement shall be satisfied if the signature is printed by computer or other mechanical means.

##### **6.4**

Where a replica signature is printed electronically or by other mechanical means on any document, the name of the person whose signature is printed must also be printed so that the person may be identified.

#### **Form of documents 6.5 - 6.6**

##### **6.5**

Statements of case and other documents drafted by a legal representative should bear his signature and if they are drafted by a legal representative as a member or employee of a firm they should be signed in the name of the firm.

##### **6.6**

Every document prepared by a party for filing or use at the Court must—

- (1) unless the nature of the document renders it impracticable, be on A4 paper,
- (2) be fully legible and should normally be typed,
- (3) where possible be bound securely in a manner which would not hamper filing or otherwise each page should be endorsed with the case number,
- (4) have the pages numbered consecutively,
- (5) be divided into numbered paragraphs,
- (6) have all numbers, including dates, expressed as figures, and
- (7) give the reference of every document mentioned that has already been filed.

## **Register of claims 6.7**

### **6.7**

The Court shall keep an online publicly accessible register of claims which have been issued.

## **Supply of documents to a party from Court records 6.8 - 6.9**

### **6.8**

A party to proceedings may, unless the Court orders otherwise, obtain from the records of the Court a copy of any of the following documents:

- (1) a claim form or other statement of case together with any documents filed with or attached to or intended by the claimant to be served with such claim form;
- (2) an acknowledgment of service together with any documents filed with or attached to or intended by the party acknowledging service to be served with such acknowledgement of service ;
- (3) a certificate of service , other than a certificate of service of an application notice or order in relation to a type of application mentioned in sub-paragraph (5) below;
- (4) a notice of non-service;
- (5) an application notice , other than in relation to:
  - (a) an application by a legal representative for an order declaring that he has ceased to be the legal representative acting for a party; or
  - (b) an application for an order that the identity of a party or witness should not be disclosed;
- (6) any written evidence filed in relation to an application, other than a type of application

mentioned in sub-paragraph (5) above;

(7) a judgment or order given or made in public (whether made at a hearing or without a hearing);

(8) a statement of costs;

(9) a list of documents;

(10) a notice of payment into Court ;

(11) a notice of discontinuance;

(12) a notice of change of legal representative ; or

(13) an appellant's or respondent's notice of appeal.

## **6.9**

A party to proceedings may, if the Court gives permission, obtain from the records of the Court a copy of any other document filed by a party or communication between the Court and a party or another person.

## **Supply of documents to a non-party from Court records 6.10 - 6.16**

### **6.10**

Save where Rule 6.11 applies, the general rule is that a person who is not a party to proceedings may obtain from the Court records a copy of:

(1) a statement of case , but not any documents filed with or attached to the statement of case , or intended by the party whose statement it is to be served with it;

(2) a judgment or order given or made in public (whether made at a hearing or without a hearing).

### **6.11**

Unless the Court orders otherwise, a non-party may not obtain information or documents from the Court records relating to insolvency proceedings before a winding-up petition has been advertised.

### **6.12**

A non-party may, if the Court gives permission, obtain from the records of the Court a copy of any other document filed by a party, or communication between the Court and a party or another person.

**6.13**

A non-party may obtain a copy of a statement of case or judgment or order under Rule 6.11 only if:

(1) where there is one defendant, the defendant has filed an acknowledgment of service or a defence;

(2) where there is more than one defendant :

(a) all the defendants have filed an acknowledgment of service or a defence; or

(b) at least one defendant has filed an acknowledgment of service or a defence, and the Court gives permission;

(3) the claim has been listed for a hearing; or

(4) judgment has been entered in the claim.

**6.14**

The Court may, on the application of a party or of any person identified in a statement of case :

(1) order that a non-party may not obtain a copy of that statement of case under Rule 6.11;

(2) restrict the persons or classes of persons who may obtain a copy of that statement of case ;

(3) order that persons or classes of persons may only obtain a copy of that statement of case if it is edited in accordance with the directions of the Court ; or

(4) make such other order as it thinks fit.

**6.15**

A person wishing to apply for an order under Rule 6.14 must file an application notice in accordance with Part 23.

**6.16**

Where the Court makes an order under Rule 6.14, a non-party who wishes to obtain a copy of the statement of case , or to obtain an unedited copy of the statement of case , may apply on notice to the party or person identified in the statement of case who requested the order, for permission.

**Supply of documents from Court records - General 6.17 - 6.19**

**6.17**

A person wishing to obtain a copy of a document under Rules 6.9 to 6.12 must pay any prescribed fee and if the Court's permission is required, file an application notice in accordance with Part 23.

**6.18**

An application for an order under Rule 6.14 or for permission to obtain a copy of a document under Rules 6.9 to 6.12 may be made without notice, but the Court may direct notice to be given to any person who would be affected by its decision.

**6.19**

Rules 6.7 to 6.16 do not apply in relation to any proceedings in respect of which a rule or practice direction makes different provision.

**Filing documents 6.20 - 6.28****6.20**

All documents to be filed in the DIFC Courts should be submitted to the Court in electronic form only preferably through the E-Filing facility available on the DIFC Courts website, with the following exception:

1) Bundles prepared for hearings.

**6.21**

Electronic documents may be filed with the Courts by:

- (1) The E-Filing facility — this should be used unless it is impossible in the circumstances; or
- (2) Emailing the documents to the Registry email account at [registry@difccourts.ae](mailto:registry@difccourts.ae); or
- (3) Delivering any form of data storage media containing the electronic files to the Registry .

**6.22**

Where documents are filed by email:

- (1) Each email must be no larger than 10MB in size;
- (2) The body of the email must contain a list of all the documents attached to the email;
- (3) The Registry will acknowledge receipt of the email.

**6.23**

Where documents are filed by delivering any form of data storage media to the Court :

(1) The data storage media must be accompanied by a covering letter listing all of the documents contained in the disk;

(2) The Registry will acknowledge the covering letter as received once the contents of the data storage media have been checked to confirm the presence of all of the documents listed in the covering letter.

**6.24**

Where a document is filed in hard copy, the date on which the document was filed at Court must be recorded on the document. This may be done by a seal or a receipt stamp.

**6.25**

A surcharge may be imposed by the Court for documents not submitted using the E-Filing facility as per the fee schedule as amended from time to time.

**6.26**

Particulars of the date of delivery at Court of any document for filing and the title of the proceedings in which the document is filed shall be entered in Court records, on the Court file or on a computer record kept for the purpose. Except where a document has been delivered at the Registry through the mail, the time of delivery should also be recorded.

**6.27**

Applications may be made by filing an application notice by email. Save in cases of extreme urgency, where the application attracts a fee, the application will not be considered filed until the fee is paid.

**6.28**

Where the Court orders any document to be lodged in Court , the document must, unless otherwise directed, be deposited in the Registry .

**Sending documents 6.29 - 6.35****6.29**

A document filed, lodged or held in the Registry shall not be taken out of the office without the permission of the Court except in accordance with Rules 6.30 to 6.35 below.

**6.30**

Where a document filed, lodged or held in the Registry is required to be produced to any court, tribunal or arbitrator, the document may be produced by sending it by courier (together with a Certificate as set out below) to the court, tribunal or arbitrator.

**6.31**

On receipt of the request the Court Officer will submit the same to the Registrar who may direct that the request be complied with. Before giving a direction the Registrar may require to be satisfied that the request is made in good faith and that the document is required to be produced for the reasons stated. The Registrar may also direct that, before the document is sent, an official copy of it is made and filed in the Registry at the expense of the party requiring the document to be produced.

**6.32**

On the direction of the Registrar the Court Officer shall send the document by courier addressed to the court, tribunal or arbitrator, with:

- (1) an envelope stamped and addressed for use in returning the document to the Court ;
- (2) a Certificate as set out below;
- (3) a covering letter describing the document, stating at whose request and for what purpose it is sent and containing a request that the document be returned to the Court in the enclosed envelope as soon as the court, tribunal or arbitrator no longer requires it.

**6.33**

It shall be the duty of the court, tribunal or arbitrator to whom the document was sent to keep it in safe custody, and to return it by courier to the Court as soon as the court, tribunal or arbitrator no longer requires it.

**6.34**

A record shall be kept of each document sent and the date on which it was sent and the court, tribunal or arbitrator to whom it was sent and the date of its return. It shall be the duty of the Court Officer who has signed the certificate as set out below to ensure that the document is returned within a reasonable time and to make inquiries and report to the Registrar if the document is not returned, so that steps may be taken to secure its return.

**6.35**

Notwithstanding the above, the Registrar may direct a Court Officer to attend the court, tribunal or arbitrator for the purpose of producing the document.

## Form of Request

I, of, an officer of the court/tribunal at /an arbitrator of /the Claimant /Defendant /Legal Representative of the Claimant/ Defendant [describing the Applicant so as to show that he is a proper person to make the request] in the case of v.

REQUEST that the following document [or documents] be produced to the court/tribunal/arbitrator on the day of 20xx [and following days] and I request that the said document [or documents] be sent by courier to the proper officer of the court/tribunal/arbitrator for production to that court/tribunal/arbitrator on that day.

(Signed)

Dated the day of 20xx

## Form of Certificate

I, A.B., an officer of the DIFC Courts certify that the document sent herewith for production to the court/tribunal/arbitrator on the day of 20xx in the case of v. and marked 'A.B.' is the document requested on the day of 20xx and I FURTHER CERTIFY that the said document has been filed in and is produced from the custody of the Court.

(Signed)

Dated the day of 20xx