PART 41 Proceedings By Or Against The Centre, Its Bodies And The Government

PART 41

Scope of this Part

41.1

This Part contains rules for proceedings by or against the Centre , any of the Centre's Bodies or the Government and civil proceedings to which the Centre or any of the Centre's Bodies or the Government is a party.

Application of the Rules of the Dubai International Financial Centre Court

41.2

These Rules apply to proceedings by or against the Centre , any of the Centre's Bodies or the Government and other proceedings to which Centre, any of the Centre's Bodies or the Government is a party unless this Part, a Practice Direction or any other enactment provides otherwise.

Action on behalf of the Centre, any of the Centre's Bodies or the Government

41.3

Where by reason of a Rule, Practice Direction or Court order the Centre , any of the Centre's Bodies or the Government is permitted or required:

(1) to make a witness statement;

(2) to swear an affidavit ;

(3) to verify a document by a statement of truth;

(4) to make a disclosure statement; or

(5) to discharge any other procedural obligation;

that function shall be performed by an appropriate officer acting on behalf of the Centre , any of the Centre's Bodies or the Government .

41.4

The Court may if necessary nominate an appropriate officer.

Counterclaims, other additional claims and set-off

41.5

In a claim by the Centre , any of the Centre's Bodies or the Government for taxes, duties or penalties, the defendant cannot make a counterclaim or other additional claim or raise a defence of set-off.

41.6

In any other claim by the Centre , any of the Centre's Bodies or the Government , the defendant cannot make a counterclaim or other additional claim or raise a defence of set-off which is based on a claim for repayment of taxes, duties or penalties.

41.7

In proceedings by in the name of the Attorney-General, no counterclaim or other additional can be made or defence of set-off raised without the permission of the Court .

41.8

In proceedings by or against the Centre , any of the Centre's Bodies or the Government in the name of one Centre Body or Government department, no counterclaim or other additional claim can be made or defence of set-off raised without the permission of the Court unless the subject-matter relates to that Centre Body or Government department.

Enforcement against the Centre, any of the Centre's Bodies or the Government

41.9

Parts 45 to 51 do not apply to any order against the Centre , any of the Centre's Bodies or the Government .

41.10

In Rule 41.9, 'order against the Centre, any of the Centre's Bodies or the Government' means any

judgment or order against the Centre , any Centre Body, a Government department, or an officer of the Centre , any of the Centre's Bodies or the Government as such, made:

(1) in civil proceedings by or against the Centre , any of the Centre's Bodies or the Government ;

(2) in proceedings under Part 42

(3) in connection with an arbitration to which the Centre , any of the Centre's Bodies or the Government is a party; or

(4) in other civil proceedings to which the Centre , any of the Centre's Bodies or the Government is a party.

Money due from the Centre, any of the Centre's Bodies or the Government

41.11

None of the following orders:

(1) a third party debt order under Part 47;

(2) an order for the appointment of a receiver under Part 49; or

(3) an order for the appointment of a sequestrator under Rule 48.36;

may be made or have effect in respect of any money due from the Centre , any of the Centre's Bodies or the Government .

41.12

In Rule 41.11, 'money due from the Centre, any of the Centre's Bodies or the Government' includes money accruing due, and money alleged to be due or accruing due.

41.13

Where any money is payable by the Centre , any of the Centre's Bodies or the Government to some person who, under any order of the Court , is liable to pay any money to any other person, and that other person would otherwise be entitled under these Rules to obtain an order for the attachment thereof as a debt due or accruing due, or an order for the appointment of a sequestrator or receiver to receive the money on his behalf, the Court may direct payment thereof into the Court , make an order restraining the first-mentioned person from receiving that money and directing payment thereof to that other person, or to the sequestrator or receiver, provided that no such order shall be made in respect of:

(1) any wages or salary payable to any officer of the Centre , any of the Centre’s Bodies or the Government as such; or

(2) any money which is subject to the provisions of any enactment prohibiting or restricting assignment or charging or taking in execution.

41.14

An application for an order under Rule 41.13:

(1) restraining a person from receiving money payable to him by the Centre , any of the Centre’s Bodies or the Government ; and

(2) directing payment of the money to the applicant or another person;

may be made under Part 23.

41.15

The application must be supported by written evidence setting out the facts on which it is based, and in particular identifying the debt from the Centre , any of the Centre’s Bodies or the Government .

41.16

Notice of the application, with a copy of the written evidence, must be served:

(1) on the Centre , any of the Centre’s Bodies or the Government ; and

(2) on the person to be restrained;

at least 7 days before the hearing.

41.17

Rules 47.35 to 47.40 apply to an application under Rule 41.13 as they apply to an application under Rule 47.3 for a third party debt order, except that the Court will not have the power to order enforcement to issue against the Centre , any of the Centre’s Bodies or the Government .

II Service on the centre and its bodies

41.18

The persons to be served on behalf the Centre and its bodies, their addresses for service and manner(s) in which service must be effected are set out in Schedule A to this Part.

III Service on the Government

41.19

Notice of intention to commence proceedings must be served on the Government at least 15 days before proceedings are served.

41.20

The persons to be served on behalf of the Government and its departments, their addresses for service and manner(s) in which service must be effected are set out in Schedule B to this Part.

Schedule A

Schedule B