

PART 1 Citation, Commencement, Application And The Overriding Objective

PART 1

Citation 1.1

1.1

These Rules may be cited as The Rules of the Dubai International Financial Centre Courts 2014 and may be abbreviated to “RDC 2014”.

Commencement 1.2 - 1.4

1.2

These Rules are made by the President of the Dubai International Financial Centre on the date specified in the Enactment Notice in respect of these Rules.

1.3

These Rules come into force on the date specified in the Enactment Notice in respect of these Rules.

1.4

Any rule amendments subsequent to the enactment of law No. 7 of Year 2011 on 10 July 2011 are made by the Chief Justice of the DIFC Courts.

Application 1.5

1.5

These Rules apply to all proceedings in:

(1) the Court of First Instance; and

(2) the Court of Appeal

established in accordance with Article 3 of the Law of the Judicial Authority at Dubai International Financial Centre, Law No.12 of 2004, and

(3) tribunals established in accordance with Article 14(3) of the DIFC Courts Law of 2004

which are collectively called the DIFC Courts.

The Overriding Objective 1.6

1.6

These Rules have the overriding objective of enabling the Courts to deal with cases justly. Dealing with a case justly includes, so far as is practicable:

- (1) ensuring that the parties are on an equal footing;
- (2) saving expense;
- (3) dealing with the case in ways which are proportionate—
 - (a) to the amount of money involved;
 - (b) to the importance of the case;
 - (c) to the complexity of the issues; and (d) to the financial position of each party;
- (4) ensuring that it is dealt with expeditiously and fairly; and (5) allotting to it an appropriate share of the Courts' resources, while taking into account the need to allot resources to other cases.

Application by the Courts of the overriding objective 1.7

1.7

The Courts must seek to give effect to the overriding objective when it—

- (1) exercises any power given to it by the Rules; or
- (2) interprets any Rule or Practice Direction subject only to the public interest.

Duty of the parties 1.8

1.8

The parties are required to help the Courts to further the overriding objective.

Courts' duty to manage cases 1.9

1.9

The Courts must further the overriding objective by actively managing cases including:

- (1) encouraging the parties to co-operate with each other in the conduct of the proceedings;
- (2) identifying the issues at an early stage;

- (3) deciding promptly which issues need full investigation and trial and accordingly disposing summarily of the others;
- (4) deciding the order in which issues are to be resolved;
- (5) encouraging the parties to use an alternative dispute resolution procedure if the Courts considers that appropriate and facilitating the use of such procedure;
- (6) helping the parties to settle the whole or part of the case;
- (7) fixing timetables or otherwise controlling the progress of the case;
- (8) considering whether the likely benefits of taking a particular step justify the cost of taking it;
- (9) dealing with as many aspects of the case as it can on the same occasion;
- (10) dealing with the case without the parties needing to attend at the Courts ;
- (11) making use of technology; and
- (12) giving directions to ensure that the trial of a case proceeds quickly and efficiently.