

DRA Order No. 1 of 2016 in Respect of Rights of Audience and Registration in Part II of the Academy of Law's Register of Practitioners

I, Michael Hwang, Chief Justice of the DIFC Courts and Head of the DIFC Dispute Resolution Authority (DRA):

After having reviewed:

Dubai Law No. 9 of 2004, as amended in respect of the establishment of the DIFC;
Dubai Law No. 12 of 2004, as amended in respect of the DIFC Courts;
DIFC Law No. 10 of 2004 (the "DIFC Court Law");
Article 3 of Dubai Law No. 7 of 2014, amending Law No. 9 of 2004, (Dubai Law No. 7 of 2014) establishing the DIFC Dispute Resolution Authority (DR);
DRA Order No. 2 of 2015 in respect of the DRA Academy;
Practice Direction No. 1 of 2005 – Rules of the DIFC Court (Interim Arrangements) (hereinafter "DIFC Courts Order No. 1 of 2005");
DIFC Courts Order No. 1 of 2012 in Respect of Rights to Conduct Proceedings and Rights of Audience before the DIFC Courts (hereinafter "DIFC Courts Order No. 1 of 2012");
DIFC Courts Order No. 1 of 2015 in Respect of Rights of Audience and Registration in Part II of the Courts' Register of Practitioners (hereinafter "DIFC Courts Order No. 1 of 2015")

And having considered that DIFC Courts Order No. 1 of 2005 with respect to Rights to Conduct Proceedings and Rights of Audience, DIFC Courts Order No. 1 of 2012 in respect of Rights to Conduct Proceedings and Rights of Audience before the DIFC Courts, and DIFC Courts Order No. 1 of 2015 in Respect of Rights of Audience and Registration in Part II of the Courts' Register of Practitioners have been repealed and superseded by DIFC Courts Order No. 1 of 2016 in Respect of Rights of Audience and Registration in Part II of the Courts' Register of Practitioners

Hereby, pursuant to the powers vested in me by Article 8 (5) (b) of Dubai Law No. 7 of 2014, amending Dubai Law No. 9 of 2004, issue the following order:

1. This Order may be cited as Rights of Audience and Registration in Part II of the Academy of Law's Register of Practitioners, DRA Order No. 1 of 2016.
2. The Academy of Law will maintain a Register of those persons authorised to issue and conduct proceedings and/or to appear before the DIFC Courts on behalf of others. The registration requirements are set out in the Guidelines for Registration of Practitioners, as amended from time to time where the Academy of Law may deem it necessary.
3. The fees in respect of entry in the Register will be prescribed by the Academy of Law's Fee Schedule, as amended from time to time where the Academy of Law may deem it necessary.
4. An application for entry in the Register must be made to the Academy of Law and be supported by but not limited to:

- a. a declaration that the applicant has a minimum of five years' or a minimum of two years' oral advocacy experience immediately preceding the date of application; and that
 - b. the applicant possesses the right to conduct litigation and/or a right of audience before the superior courts of the jurisdiction in which he practices, and
 - c. has sufficient command of the English language in order to conduct proceedings before the Courts
5. A refusal by the Academy of Law to register an applicant may be reviewed by the Chief Justice.
 6. As regards individuals applying for registration in Part II of the Academy of Law Register of Practitioners ("Register"), which governs individuals with rights of audience before the Courts – the procedure will be as follows:
 - (a) Registration in Part II of the Register will be provisional¹ until the individual concerned appears before a judge.
 - (b) the Registrar, Deputy Registrar, Assistant Registrar, or Legal Conduct Officer² shall attend the first hearing³ and either: (i) confirm the applicant's registration as permanent; or (ii) refuse the registration.
 - (c) should the Registrar, Deputy Registrar, Assistant Registrar, or Legal Conduct Officer be minded to refuse registration, they must provide reasons for the refusal in writing.
 - (d) in the event of refusal of registration following the first hearing, the individual concerned may lodge a written and reasoned appeal with the Chief Justice if they are not satisfied with the decision of the Registrar, Deputy Registrar, Assistant Registrar, or Legal Conduct Officer.
 - (e) where an appeal has been lodged with the Chief Justice in accordance with sub-paragraph 7 (d) above, the Chief Justice may take any further steps which he deems appropriate in the circumstances, including: (i) extending the concerned individual's provisional registration for such period as seems fit; (ii) maintaining the decision of the Registrar, Deputy Registrar, Assistant Registrar or Legal Conduct Officer which formed the basis of the appeal, and (iii) allowing the appeal and confirming the applicant's registration as permanent. The Chief Justice may decide such appeals on the papers and no evidence will be permitted for the purposes of the appeal other than the transcript of the first hearing⁴. The Chief Justice's decision shall be final, from which there shall be no further avenue of appeal.
 7. An individual applying for registration in Part II of the Register should give the Registry not less than 7 days' notice of his/her intention to appear before a judge, so that the

¹ "Provisional" in this context shall be taken to mean that Part II registration will only take full effect following confirmation in accordance with paragraph 7(b) (i) of this Order.

² The Legal Conduct Officer works for the Academy of Law and she/he is a qualified lawyer who will be appointed by the Chief Justice / Academy of Law Director as she/ he may deem appropriate.

³ If all Registrars, as well as the Legal Conduct Officer are unavailable, see paragraph 8 below for the procedure to be followed.

⁴ The first hearing attended by the Registrar, Deputy Registrar, Assistant Registrar or Legal Conduct Officer.

necessary arrangements can be made to ensure the presence of the Registrar, Deputy Registrar, Assistant Registrar or Legal Conduct Officer. If it is not possible to give sufficient notice, or if no Registrar or Legal Conduct Officer⁵ is available to attend the first hearing, the individual will need to seek permission of the hearing judge to proceed with the hearing in the absence of the Registrar, Deputy Registrar, Assistant Registrar and Legal Conduct Officer and the individual's registration in the Register shall remain provisional until the next hearing, at which the Registrar, Deputy Registrar, Assistant Registrar or Legal Conduct Officer shall attend and either: (i) confirm the applicant's registration as permanent; or (ii) refuse the registration.

8. This Order shall come into force with effect from 20 September 2016.

Michael Hwang

Chief Justice of the DIFC Courts and Head of the Dispute Resolution Authority

Issued: 20 September 2016

⁵ In circumstances where the Registrar, Deputy Registrar, Assistant Registrar or Legal Conduct Officer are all unable, for whatever reasons, to be present at the Part II applicant's first appearance before a DIFC Court judge.