

THE QATAR FINANCIAL CENTRE CIVIL AND COMMERCIAL COURT
REGULATIONS AND PROCEDURAL RULES

SECTION ONE

PRELIMINARY MATTERS

Article (1)

Definitions

- 1.1. On application of the provisions of these Regulations and Procedural Rules, the following terms and expressions shall have the following meaning:
- 1.1.1. Any reference to the QFC Law is to the QFC Law as amended from time to time;
 - 1.1.2. A "Judge" means a Judge or judges of the Court, and may mean the President unless the context indicates or clarifies otherwise. Where the context requires, "the Court" may include a Judge or Judges thereof;
 - 1.1.3. The "President" is the Judge appointed as Chairman of the Court;
 - 1.1.4. "QFC Regulations" means Regulations and procedures made or which will in the future be made pursuant to the QFC Law provisions, and includes any rules, procedures, and provisions made pursuant to those Regulations;
 - 1.1.5. "The Regulatory Tribunal" means the Qatar Financial Centre Regulatory Tribunal, established pursuant to Article 8(2) of the QFC Law;
 - 1.1.6. "The Registry" means the Registry for the Court, headed by the Registrar;
 - 1.1.7. "The State" means the State of Qatar.
- 1.2 In these Regulations and Procedural Rules:
- 1.2.1 Any reference to the masculine includes the feminine or the neuter;
 - 1.2.2 Any reference to the singular includes the plural, and vice versa.

SECTION TWO

Article (2)

Application and commencement of regulations

- 2.1 These Regulations and Procedural Rules come into force on the date that they are approved by the Council of Ministers.
- 2.2 These Regulations and Procedural Rules apply to all proceedings before the Court including the Appellate Division (also referred to on occasions as the Appellate Circuit).
- 2.3 These Regulations and Procedural Rules are intended to be a self-contained code for the administration of justice by the Court.

SECTION THREE

Article (3)

Language

- 3.1 These Regulations and Procedural Rules shall be drafted in both the English and Arabic languages, both of which are authoritative. Where there is a conflict between the English and Arabic versions, the Arabic shall prevail.
- 3.2 It is recognised that the Court is a court of Qatar. Accordingly, though proceedings before the Court will usually be conducted in English, the Court shall pay due respect to the fact that Arabic is the official language of the State. Parties before the Court shall be entitled to conduct proceedings in Arabic if they wish to do so.

SECTION FOUR

THE OVERRIDING OBJECTIVE

Article 4:

The overriding objective

- 4.1 The overriding objective of the Court is to deal with all cases justly.

- 4.2 The Court must seek to give effect to the overriding objective when it exercises its functions and powers given by the QFC Law, including under these Regulations and Procedural Rules and under QFC Regulations.
- 4.3 Dealing with all cases justly includes, so far as practicable:
- 4.3.1 ensuring that litigation before the Court takes place expeditiously and effectively, using appropriately no more resources of the Court and the parties than is necessary;
 - 4.3.2 ensuring that the parties are on an equal footing;
 - 4.3.3 dealing with the case in ways which are proportionate to the amount of money involved, to the importance of the case, to the complexity of the issues, facts and arguments, and to the financial position of each party;
 - 4.3.4 making appropriate use of information technology.
- 4.4 It is the duty of the Court to deal with all cases in accordance with the overriding objective.
- 4.5 It is the duty of the parties to any case before the Court to assist the Court in determining that case in accordance with the overriding objective.

SECTION FIVE

Article 5

Alternative dispute resolution; dispute resolution centre

- 5.1 The Court will encourage the parties, whenever it is appropriate to do so, to resolve their disputes by resorting to arbitration or mediation or any other method of alternative dispute resolution.
- 5.2 The Court may recommend the establishment of a Dispute Resolution Centre, such a centre may be established by Regulations according to the provisions of Article "9" of QFC Law.

SECTION SIX

THE COURT

Article (6)

Constitution and management

- 6.1 The constitution of the Court is as provided by Schedule 6 to the QFC Law.
- 6.2 In the event of any incapacity of the President to perform his functions, the judges will notify to the Minister the name of a judge who will temporarily perform the functions of the President, based on the judges' agreement, until either the President is capable of performing his functions or he is replaced by the Council of Ministers in accordance with the provisions of the QFC Law.
- 6.3 The President may if he thinks fit appoint as the Enforcement Judge a person who is also the Enforcement Judge for the Regulatory Tribunal.

SECTION SEVEN

THE REGISTRY

Article (7)

Establishment and functions of the Registry

- 7.1 The Court, acting by the President, shall cause a Registry to be established. The Registrar shall be appointed by the President for a term not exceeding five years.
- 7.2 The Registry may be established, and the Registrar appointed, jointly by the Chairman of the Regulatory Tribunal and the President, in order for the Regulatory Tribunal and the Court to carry out their functions.
- 7.3 The Registrar shall be responsible for the management aspects of the Court and for case management of cases before the Court to the extent required by the President or the Judges.

- 7.4 The Registrar shall hold office on such terms and conditions as are determined by the President and, if the Registrar is appointed jointly to the Court and the Regulatory Tribunal, on such terms and conditions as are determined by the President and the Chairman of the Regulatory Tribunal.
- 7.5 The Registrar may be removed by the President from office on the same grounds as the President or a Judge, as set out in paragraph 6 of Schedule 6 to the QFC Law. In the case of misconduct, it shall be for the President to determine whether such misconduct is serious and of a nature which warrants the Registrar's removal from office.
- 7.6 If the President considers it desirable, a Deputy Registrar may be appointed, to whom the Registrar can delegate any of his responsibilities where it is appropriate for him to do so. The Deputy Registrar shall be appointed by the President on behalf of the Court, on such terms as he thinks fit. He may, if the President considers it desirable, be appointed as Deputy Registrar both to the Court and to the Regulatory Tribunal.
- 7.7 References in these Regulations and Procedural Rules to the Registrar include the Deputy Registrar acting under the delegated authority of the Registrar.

SECTION EIGHT

Article (8)

Contacting the Registry; Filing documents with the Registry

- 8.1 Any requirement under these Regulations and Procedural Rules or under QFC Regulations that notice should be given to the Court, or that a document should be filed with or sent to the Court, shall be satisfied if the document or notice is filed at the Registry.
- 8.2 Where a document or notice is to be filed at the Registry, it may be filed by post, by fax, or by the party concerned depositing the document at the Registry. Electronic filing is not permitted unless the Registrar so directs, though a party at his option may file documents electronically as well as, rather than instead of, by one of the methods identified in this Section.

- 8.3 The President may issue decisions pursuant to article 37.2 below by which the permissible methods for the filing of documents and notices with the Registry may be altered or extended.
- 8.4 The Registrar will from time to time issue Notices which set out the address, post, telephone, fax and e-mail details for the Registry.

SECTION NINE

JURISDICTION AND POWER OF THE COURT

Article (9)

Jurisdiction of the Court

- 9.1 The Court has jurisdiction, as provided by Article 8.3(c) of the QFC Law, in relation to:
- 9.1.1 Civil and commercial disputes arising from transactions, contracts, arrangements or incidences taking place in or from the QFC between the entities established therein;
 - 9.1.2 Civil and commercial disputes arising between QFC Institutions and the other entities established therein;
 - 9.1.3 Civil and commercial disputes arising between entities established in the QFC and contractors therewith and employees thereof, unless the parties agree otherwise;
 - 9.1.4 Civil and commercial disputes arising from transactions, contracts or arrangements taking place between entities established within the QFC and residents of the State, or entities established in the State but outside the QFC, unless the parties agree otherwise.
- 9.2 Consistently and in accordance with fundamental international principles and international best practice, the Court will take into account the expressed accord of the parties that the Court shall have jurisdiction.
- 9.3 The Court shall also have jurisdiction in relation to any matter in respect of which jurisdiction is conferred on it by the QFC Law or QFC Regulations.
- 9.4 Any issue as to whether a dispute falls within the jurisdiction of the Court shall be determined by the Court whose decision shall be final. If the Court considers it desirable or appropriate, it

may decline jurisdiction or may refer any proceedings to another Court in the State.

- 9.5 No appeal may be brought to the Appellate Division of the Court without the permission of the Court as set out in Section 35 below.

SECTION TEN

Article (10)

Powers of the Court

- 10.1 The Court has the power to take all steps that are necessary or expedient for the proper determination of a case.
- 10.2 Without prejudice to the generality of article 10.1 above, the Court may:
- 10.2.1 make such orders as it considers appropriate in relation to the management of cases;
 - 10.2.2 require the parties to cases to take steps to settle their dispute by means of an alternative dispute resolution process;
 - 10.2.3 admit evidence, both as to matters of fact and as to matters of expert opinion, on such terms and in such form as it considers appropriate;
 - 10.2.4 receive evidence on oath or affirmation;
 - 10.2.5 require a person to attend before it to give evidence or to produce any item, record or document or material in electronic form in his possession (though no party will be required to produce any item, record, document or material that is privileged; where the entitlement to privilege is disputed the Court will determine whether or not the item in question is privileged and may, if it considers it desirable, examine it for that purpose);
 - 10.2.6 make orders as to the costs of proceedings, including assessing any costs on a summary basis.
- 10.3 The Court may grant all such relief and make all such orders as may be appropriate and just, in accordance with the overriding objective as set out in Section 4 above.
- 10.4 Without prejudice to the generality of article 11.3 above, the Court has the power to grant or order the following remedies:

- 10.4.1 an order that a party pay a sum of money;
- 10.4.2 damages, including damages in lieu of an injunction;
- 10.4.3 injunctions, including mandatory injunctions;
- 10.4.4 specific performance;
- 10.4.5 declaratory relief;
- 10.4.6 restitution;
- 10.4.7 disgorgement of profits;
- 10.4.8 an account;
- 10.4.9 an order for the payment of interest; and
- 10.4.10 an order that one party pay the costs of another.

SECTION ELEVEN

Article (11)

Applicable Law

11.1 The law to be applied by the Court is as set out in paragraphs 8 and 9 of Schedule 6 to the QFC Law. Accordingly, and without prejudice to Articles 11(4), 18(1), 18(2) and 18(3) of the QFC Law:

11.1.1 the Court shall apply the QFC Law and QFC Regulations, insofar as the same are applicable;

11.1.2 the parties may agree the law that shall apply to the dispute, in which case the Court will ordinarily determine the dispute in accordance with that agreement, although:

(a) it will not do so in the event that such law is inconsistent with the public

order or public policy of the State; and

- (b) it will in any case apply any consumer protection provisions of the QFC Law and QFC Regulations.

11.2 Save as provided otherwise by any applicable law, any proceedings shall be commenced within 6 years of the date on which the cause of action accrued.

SECTION TWELVE

Article (12)

Composition of the Court

- 12.1 All Judges are eligible to sit at first instance or on appeal.
- 12.2 Proceedings before the Court shall be heard and determined at first instance and on appeal by three Judges, who will include the President unless he is incapacitated or his sitting would not be in the interests of justice.
- 12.3 The composition of the Court for the hearing of a case or an appeal shall be determined by the President in consultation with the Registrar.
- 12.4 Exceptionally, in the event that:
 - 12.4.1 there are insufficient Judges available to determine any case; or
 - 12.4.2 the President considers that it would be appropriate in the interests of justice.

a person who is not a Judge may be selected by the President to form part of the Court for a case, provided that that person is suitably qualified in accordance with paragraphs 2 and 3 of Schedule 6 to the QFC Law, and has the appropriate experience. Such person may be a Judge of the Regulatory Tribunal.
- 12.5 Where it is considered to be in the interests of justice and of good administration, the Court may delegate the hearing of any issue, application or matter to one or more of the three Judges selected to determine the case, and the decision of the Judge or Judges can be adopted by the remaining Judge or Judges so appointed without the need for any further

hearing.

- 12.6 When the appellate jurisdiction of the Court is being exercised, the Court shall be constituted as set out in article 35 below.

SECTION THIRTEEN

PROCEDURAL RULES

Article (13)

Forms

- 13.1 The President may at any time publish forms to be used by the parties in proceedings in the Court.
- 13.2 A form may be varied by a party or by the Court if the circumstances of the case require it.

SECTION FOURTEEN

Article (14)

Time limits, filing and service

- 14.1 All references in these Regulations and Procedural Rules to periods calculated in days shall not count the day on which the period in question begins.
- 14.2 References in these Regulations and Procedural Rules to a “working day” are to any day other than a Friday, Saturday or Qatar public holiday. References to “business hours” are to the hours of 0700-1400, Doha time.
- 14.3. A document that is to be filed with the Court or served on any party shall be deemed to have been filed or served in accordance with the following provisions:
- 14.3.1 Where a document is sent by a postal or similar method that provides for delivery on the next working day, it shall be deemed to be served or filed on the second working day after it was sent;
- 14.3.2 Where a document is delivered to or left at an address, it shall be deemed to be served or filed on the working day after it has been delivered to or left at that address.
- 14.3.3. Where a document is served or filed by fax, it shall be deemed to be served or filed:

- (a) if it is transmitted during business hours, on the day on which it is transmitted;
- (b) if it is transmitted outside business hours, on the next working day.

14.4 When the last date for filing with the Registry of any document prescribed by the QFC Law or by Regulations falls on a day that is not a working day, the period for filing that document shall automatically be extended to the next working day.

14.5 Special provisions in relation to the issue of a claim form are set out in article 17.2 below.

14.6 Subject to any contrary provision in the QFC Law or in QFC Regulations, the Registrar or a Judge has power to extend or abridge any time limit set out in these Regulations and Procedural Rules or ordered by the Court; but nothing in this article empowers the Court to abridge any time limit set out in the QFC Law.

SECTION FIFTEEN

Article (15)

Management of cases

15.1 The Court shall manage cases in accordance with the overriding objective as set out in section 4 above.

15.2 The Court has power to give such directions as it considers appropriate at any time, so as to ensure the just, expeditious and economical determination of any matter. In making directions, the Court will have regard to the interests of the parties and to best international practice.

15.3 The Court may order case management directions on the application of any party or on its own initiative. Where it orders case management directions of its own initiative it may, but need not, give notice of its intention to do so. Where one party makes an application for a direction, the Court will normally give any other party an opportunity to make representations in relation to that application before any order is made.

15.4 Procedural directions in any case may be given by the Registrar alone, or by one or more of the Judges. Where the Registrar has given a procedural direction or order, any party wishing to challenge it can appeal to the Court, and any such appeal will be by way of an entirely fresh hearing before one or more Judges.

SECTION 16

Article (16)

Statements of truth

- 16.1 All claim forms and other statements of a party's case shall contain a statement of truth.
- 16.2 A statement of truth is a statement by the party concerned verifying the truth of the contents of the claim form or other document of which it forms part. It shall be made by the concerned party, by a representative of the concerned party of the case, or by a legal representative on information from such a party.
- 16.3 The statement of truth shall take the following form:

"I believe [or, where a statement is made by a representative, "The [claimant or defendant] believes"] that the facts stated in this [claim form, defence, etc.] are true".

SECTION SEVENTEEN

Article (17)

Commencing proceedings in the Court

- 17.1 Proceedings are commenced by the issue of a claim form.
- 17.2 A claim form is issued by the Registry on behalf of the Court. A party wishing to issue a claim form ("the claimant") shall complete the claim form and invite the Registry to issue it. The claim form is issued on the date with which it is stamped by the Registry.
- 17.3 The claim form must include the following:
- 17.3.1 the names of the parties to the dispute (including, where possible, a postal address, telephone/fax numbers and e-mail address(es);
 - 17.3.2 the nature of the dispute, setting out, as briefly as possible, any facts relied on, and attaching any documents that are of particular importance;
 - 17.3.3 the basis on which it is alleged that the Court has jurisdiction;

- 17.3.4 the legal basis for the claim (identifying, in particular, any provision of the QFC Law or QFC Regulations relied on);
- 17.3.5 the remedy which the claimant wishes the Court to grant.
- 17.4 Where a party is a corporate body, limited liability partnership or partnership, the address details referred to in article 17.3.1 above are the details of the party's registered or principal office.
- 17.5 A claim form is valid for service for 4 months from the date of its issue.

SECTION EIGHTEEN

Article (18)

Service of claim form and other documents

- 18.1 The claim form, and any other documents which these Regulations and Procedural Rules require to be served, shall be served by the party concerned and not the Court.
- 18.2 Permission of the Court is not required to serve a claim form outside Qatar. The claimant shall, however, ensure that the claim form is served in accordance with the rules for service applicable to the country concerned, including any applicable service convention.
- 18.3 Subject to article 18.2 above, service of a claim form and of any other document which these Regulations and Procedural Rules require to be served may be by:
- 18.3.1 personal service;
 - 18.3.2 delivery to the party's home address or, in the case of a corporate body or limited liability partnership, its registered or principal office address;
 - 18.3.3 recorded or registered post to the address identified in article 18.3.2 above;
 - 18.3.4 fax;
 - 18.3.5 any method that has been agreed by the parties or directed by the Court.

The claimant may not serve the claim form electronically in substitution for one of the methods of service set out above, but may do so in addition to one of those methods.

18.4 The Chairman may issue Practice Directions pursuant to article 37.2 below by which the permissible methods for the service of claim forms and other documents may be altered or extended.

18.5 The claimant must notify the Registry as to the date and manner of service of the claim form.

18.6 Any document that is required by these Regulations and Procedural Rules to be served on a party must also be filed with the Registry.

SECTION NINETEEN

Article (19)

Contesting the jurisdiction of the Court

19.1 If a party wishes to contest the jurisdiction of the Court, he must notify the Registry and the claimant within 14 days of service on him of the claim form.

19.2 A party who wishes to contest the jurisdiction of the Court must file an application notice with the Registry, and serve it on the other party or parties, together with any supporting evidence, within 14 days of a notification within articles 19.1 above.

19.3 Thereafter, the Court will give directions as to how the jurisdiction application is to be determined, including as to any evidence to be filed.

SECTION TWENTY

Article (20)

Responding to a claim form

20.1 Unless the Court orders otherwise, a defendant shall serve and file his defence to a claim form, or shall indicate that he admits a claim or any part of it, within 28 days of date of service or deemed service of the claim form.

20.2 Article 20.1 above does not apply, and the defendant is not required to serve any defence, where he has indicated that he intends to contest the jurisdiction of the Court in accordance with the provisions of article 19 above, until after a determination that the Court has jurisdiction.

SECTION TWENTY ONE

Article (21)

Other statements of case

21.1 The claimant may, if he wishes, serve a statement of reply to the defence. The parties may serve and file further statements setting out their case, but only with the permission of the Court.

SECTION TWENTY TWO

Article (22)

Directions

22.1 In every case, and unless directions have already been given, following the service of the claim form and of the defence or of any jurisdiction application, the Court will give directions as to the future management of the case.

22.2 If the Court so directs, there will be a directions hearing, which may take place by telephone or by video link if the Court considers it appropriate. The Registrar shall give the parties not less than 7 days' notice of any directions hearing.

22.3 All directions will be given on a case by case basis and the Court may make whatever directions it considers appropriate. The directions in the articles of these Regulations and Procedural Rules which follow are for guidance only.

22.4 The parties may attempt to agree proposed directions, subject always to the views of the Court. In the event that they do so, such agreed proposed directions should be forwarded to the Registry for approval or otherwise.

22.5 The Court may direct that a matter or matters be tried separately, and in any order that it considers appropriate.

22.6 The Court may, if it considers that justice so requires, give summary judgment on a claim or defence or on any issue.

SECTION TWENTY THREE

Article (23)

Applications

- 23.1 Where proceedings have been commenced and a party wishes to seek relief from the Court other than at a full trial, he may complete an application notice and serve it on the respondent to the application.
- 23.2 The application notice must be filed at the Registry at the same time or as soon as possible thereafter.
- 23.3 Where proceedings have not been yet commenced and a party wishes to seek the Court's assistance, for example on an urgent basis, he should in the first instance contact the Registry.
- 23.4 Any person who is served with an application notice should respond to that application in writing within 28 days of its service upon him or within such other period as the Registrar or any Judge directs. Service should be on the Registrar and all parties to the application. Such response should set out any facts relied on by the respondent to the application, and attach any important documents.
- 23.5 All application notices and responses to applications should be endorsed with a statement of truth, as follows: *"I believe that the facts stated in this [application] [response] are true"*.
- 23.6 Once an application has been served, the Court will give directions as to its determination.

SECTION TWENTY FOUR

Article (24)

Amendment; parties; further information

- 24.1 The Court may at any stage give directions:
- 24.1.1 permitting the amendment of the claim form or of any statement of case;
 - 24.1.2 adding or substituting any party or parties;
 - 24.1.3 permitting or requiring any party to provide further information in relation to its case.

SECTION TWENTY FIVE

Article(25)

Alternative dispute resolution

- 25.1 The Court may at any time adjourn or stay proceedings so that the parties can attempt to settle their differences by mediation or by another form of alternative dispute resolution.
- 25.2 The Court may offer such assistance as the parties shall request or require, in order to encourage the resolution of the parties' dispute by means other than litigation.

SECTION TWENTY SIX

Article (26)

Disclosure

- 26.1 The Court, at any stage of proceedings or proposed proceedings, may give such directions as it considers necessary in relation to the disclosure of documents.
- 26.2 In most cases, each party:
- 26.2.1 shall be required to disclose to the other all documents or classes of documents on which it relies; and
 - 26.2.2 shall be entitled to request disclosure of all or any other relevant and specified documents or classes of documents from any other party.
- 26.3 The Court may direct that a party should not be required to disclose a document or part of a document or class of documents, if it considers that there is good reason for it not to do so.
- 26.4 Nothing in this Section is intended to remove or derogate from any right that any party may have to assert privilege in any document.

SECTION TWENTY SEVEN

Article (27)

Witness evidence

- 27.1 The Court may give directions as to:
- 27.1.1 how any matter in issue is to be established;
 - 27.1.2 the provision of statements by witnesses of fact whom the parties propose to call at trial;

- 27.1.3 whether, and if so in relation to what issues, the parties should be permitted to call expert evidence;
 - 27.1.4 the form and content of any experts' reports;
 - 27.1.5 the number of experts who may be called;
 - 27.1.6 the manner in which any witness evidence is to be given;
 - 27.1.7 the provision of interpreters for witnesses, where necessary.
- 27.2 The Court may, if it considers it appropriate, appoint an expert or assessor to assist it in its determination of the case.
- 27.3 Any written statement made by a witness of fact should be verified with a statement of truth in the following form: "I believe that the facts stated in this witness statement are true".
- 27.4 An expert who provides a report or gives evidence before the Court must understand that:
- 27.4.1 his duty is to assist the Court on matters within his own expertise;
 - 27.4.2 that that duty is paramount and overrides any obligation to the person from whom he receives his instructions or by whom he is paid;
 - 27.4.3 his evidence should be his independent product, uninfluenced by the exigencies of litigation.
- 27.5 Any report produced by an expert should be verified with a statement of truth in the following form: "I confirm that the facts stated in my report are within my own knowledge and I believe them to be true, and that the opinions I have expressed represent my true and complete professional opinion".
- 27.6 The Court may, if it considers it appropriate, require any witness of fact, or any expert witness or assessor, to give evidence on oath or affirmation.

SECTION TWENTY EIGHT

Article (28)

Hearings, including trials

- 28.1 The parties will be notified by the Registrar as to when and where any hearing will take place. At least 14 days' notice will be given.

28.2 The Court may give directions as to:

28.2.1 the venue of any hearing;

28.2.2 the language or languages in which any hearing or any part thereof is to be conducted, (including as to the translation of documents into Arabic if appropriate), subject always to article 3.2 above;

28.2.3 the length, timing and extent of any written or oral submissions to be made by the parties;

28.2.4 the adjournment of any hearing.

28.3 Hearings shall be in public unless the Court otherwise directs, but the Court may direct that all or part of the hearing should be in private where there is a good reason to do so.

28.4 The Court shall conduct all hearings in such manner as it considers most suitable, given the issues raised by the dispute and in order to facilitate the just, expeditious and economical determination of the dispute.

28.5 If a party, having been given proper notice of a hearing, fails to attend, the Court may, if it sees fit, adjourn the hearing, give directions or (in the case of the hearing of the appeal, and if it considers that there is not a good and sufficient reason for the non-attendance) hear and determine the matter in the party's absence or make any other order that it considers just.

28.6 If the Court considers it appropriate, it may dispense with the oral hearing of any application.

28.7 If the Court considers it appropriate, it may direct that any hearing takes place by video link or telephone. The video link or telephone connection will be operated from the premises of the Court in the State and all hearings by video link or telephone will be deemed to take place in the State.

SECTION TWENTY NINE

Article (29)

Rights of audience

29.1 The President of the Court or the Judge presiding over the case in question shall have a discretion to determine who shall have rights of audience for that case. However, where no direction has been made in relation to rights of audience, any qualified lawyer who is entitled

to appear before the superior courts in the State of Qatar or of any other jurisdiction shall have rights of audience.

- 29.2 Where directions are given by a single Judge or by the Registrar in accordance with article 16.4 above, there are no restrictions on rights of audience unless that Judge or the Registrar otherwise determine.

SECTION THIRTY

Article (30)

Consolidation and concurrent hearings

- 30.1 Where two or more claim forms have been filed:

- 30.1.1 in respect of the same matter; or
- 30.1.2 in respect of separate interests in the same subject in dispute; or
- 30.1.3 which involve the same or similar issues;

the Court may, if it considers it appropriate, direct that the cases or any particular issue or matter raised by the claim forms may be consolidated or may be heard concurrently.

SECTION THIRTY ONE

Article (31)

Failure to comply

- 31.1 Where a party has, without reasonable excuse, failed to comply with a direction or order of the Court or a provision of these Regulations and Procedural Rules, the Court may:
- 31.1.1 make a costs order against that party in accordance with article 33 below;
 - 31.1.2 where that party is the claimant or applicant, dismiss the claim or application wholly or in part;
 - 31.1.3 where that party is the defendant or respondent, strike out the whole or part of the defence or response to the application and, where appropriate, direct that the defendant be debarred from contesting the proceedings or application.

31.2 The Court shall make no order under this Section without giving the party in question notice affording that party an opportunity to make representations against the making of such an order.

31.3 Any irregularity resulting from any failure to comply with any provision of these Regulations and Procedural Rules or of any direction of the Court before the Court has issued its decision shall not affect the validity of the proceedings or of any decision made by the Court.

SECTION THIRTY TWO

Article (32)

Judgments, decisions and orders

32.1 The Court shall communicate its judgment, decision or order in relation to any application or case before it to the parties without delay, and where possible within the timeframe prescribed by paragraphs 10 and 13 of Schedule 6 to the QFC Law. The Court shall give reasons for its judgments and decisions. Any judgment, decision or order of the Court is effective from the moment of its pronouncement.

32.2 Where the Judges of the Court, either at first instance or on appeal, are unable to reach a unanimous decision, the judgment or decision of the majority of the Judges shall be that of the Court.

32.3 The Judges of the Court, either at First Instance or on appeal, may give separate judgments in a particular case if they consider it appropriate to do so. In particular, where the Court's decision is that of a majority, any Judge in the minority may give a dissenting judgment.

32.4 A judgment of the Court, or a certificate signed by the President or by the Judge presiding over the case, or, if he is unavailable, a Judge, which states that the Court made a specified decision or made a specified finding of fact on a specified day, is in any proceedings where relevant:

32.4.1 conclusive evidence of the decision of the Court made on that day; and

32.4.2 evidence of the relevant finding of fact or law.

32.5 The Court has power to correct any accidental slip or omission in any decision or judgment, either on application of any party within 14 days of the communication of that decision or judgment to the party concerned, or on its own initiative.

SECTION THIRTY THREE

Article (33)

Costs

- 33.1 The Court shall make such order as it thinks fit in relation to the parties' costs of the proceedings.
- 33.2 The general rule shall be that the unsuccessful party pays the costs of the successful party. However, the Court can make a different order if it considers that the circumstances are appropriate.
- 33.3 In particular, in making any order as to costs the Court may take account of any reasonable settlement offers made by either party.
- 33.4 Where the Court has incurred the costs of an expert or assessor, or other costs in relation to the proceedings, it may make such order in relation to the payment of those costs as it thinks fit.
- 33.5 In the event that the Court makes an order for the payment by one party to another of costs to be assessed if not agreed, and the parties are unable to reach agreement as to the appropriate assessment, the necessary assessment will be made by the Registrar, subject to review if necessary by the Judge.

SECTION THIRTY FOUR

Article (34)

Enforcement of Judgments and Orders

- 34.1 Any judgment or order of the Court is a judgment or order of the courts of Qatar and capable of enforcement and execution by the courts of Qatar as would be a judgment or order of any other Qatari court. All relevant competent agencies and authorities of the State shall give effect to a judgment or order of the Court as if it were issued by any other court in the State and all such agencies and authorities shall take such action and provide such co-operation to the Court as shall be necessary to effect the enforcement of the Court's judgments and orders.
- 34.2 A person commits a contravention of a judgment, decision or order of the Court if, without reasonable excuse, he:

- 34.2.1 fails to comply with a judgment, decision or order of the Court;
- 34.2.2 having been required by the Court to attend a hearing, does not attend or leaves the place where his attendance is so required without the permission of the Court;
- 34.2.3 hinders or deters any person from attending a hearing, giving evidence or producing any item, record or document, for the purposes of any case before the Court;
- 34.2.4 threatens or causes any loss to be suffered by any person who has attended a hearing, on account of such attendance;
- 34.2.5 engages in conduct that is intended to obstruct the Court in the exercise of any of its powers, including without limitation:
 - (a) the destruction of documents;
 - (b) giving information that is false or misleading;
 - (c) influencing witnesses or Judges.
- 34.3 The Court shall have the power to enforce its own judgments, decisions and orders, and to deal with contravention of its judgments, decisions and orders and matters relating to contempt:
 - 34.3.1 by the levy of fines; and/or
 - 34.3.2 by the making of any order that it considers necessary in the interests of justice; and/or
 - 34.3.3 by referring the matter to a relevant competent agency or authority of the State.
- 34.4 The Court may in its discretion order a stay of execution of any judgment, decision or order, pending an appeal or otherwise. If it is considered appropriate to make an order for a stay of execution, that stay may be made subject to conditions.
- 34.5 The Enforcement Judge is primarily responsible for the enforcement of the Court's judgments, decisions and orders, and any application in connection therewith should be made in the first instance to the Enforcement Judge.

- 34.6 Where the involvement of any relevant competent agency or authority of the State is required for the enforcement of any judgment of the Court, and that judgment has been given in English, the judgment shall be translated into Arabic for the purposes of enforcement only.

SECTION THIRTY FIVE

THE APPELLATE DIVISION

Article (35)

Appeals

- 35.1 A first instance judgment or decision of the Court will usually be final. However, if there are substantial grounds for considering that a judgment or decision is erroneous and there is a significant risk that it will result in serious injustice, then a Court consisting of three Judges (whether the first instance Court or a differently constituted Court) can give permission for an appeal to the Appellate Division of the Court. Any decision to refuse permission to appeal is final.
- 35.2 The Appellate Division Court shall, in addition, have power to hear appeals from determinations and decisions of the Regulatory Tribunal as set out in Article 8(3) of the QFC Law, but only:
- 35.2.1 if the Regulatory Tribunal has made a determination in relation to its jurisdiction and there is a dispute in relation to that determination; or if there are substantial grounds for considering that a judgment or decision is erroneous and there is a significant risk that that decision will result in serious injustice; and
- 35.2.2 with the permission of the President of the Court or with the permission of two of the Judges.
- 35.3 A notice of appeal or, in the case of appeals where permission to appeal has not yet been obtained, an application for permission to appeal together with a notice of appeal must be filed with the Registry within 60 days of the date of the judgment, decision or determination sought to be appealed, as set out in paragraph 12 of Schedule 16 to the QFC Law. The notice of appeal shall be in the form of an application notice, adapted as appropriate, and shall set out the grounds of the appeal.
- 35.4 As prescribed by Article 8(3)(a) of the QFC Law, the Court shall be composed of three Judges (including the President, unless he is incapacitated or his sitting would not be in the interests of justice). The President shall determine the composition of the court for the hearing of an

Appeal.

- 35.5 Neither the President nor any Judge shall hear an appeal concerning a decision, judgment or order of the Court of which he formed part.
- 35.6 An Appeal, whether from a judgment at first instance or from a decision or determination of the Regulatory Tribunal, shall be by way of review and shall not be a rehearing.
- 35.7 The Appellate Division shall be able to make any decision or order that could have been made at first instance.

SECTION THIRTY SIX

SPECIALIST PROCEEDINGS

Article (36)

Applications in specialist proceedings

- 36.1 Where QFC Regulations make provision for applications to be made to the Court, those applications shall be made in accordance with any procedures laid down in those Regulations.
- 36.2 Where no procedures are laid down in those Regulations, the parties shall follow the procedures set out in these Regulations and Procedural Rules, modified where appropriate.

SECTION THIRTY SEVEN

AMENDMENTS; PRACTICE DIRECTIONS; MISCELLANEOUS

Article (37)

Miscellaneous

- 37.1 These Regulations and Procedural Rules can be amended with the approval of the Council of Ministers.
- 37.2 The Court acting by the President may issue Practice Directions or Practice Guides in relation to any aspect of the procedures to be followed before the Court.
- 37.3 These Regulations and Procedural Rules repeal the Practice Guide issued by the President on 25 April 2009.