

PRACTICE DIRECTION NO. 5: BUNDLES

I. Introduction

1. This Practice Direction is issued to achieve consistency in the preparation of Court electronic bundles (“**e-bundles**”) and Court bundles in the AIFC Court (“**the Court**”).

II. Application of the Practice Direction

2. This Practice Direction applies to all hearings in the Court.
3. “Hearings” includes all appearances before a Judge whether with or without notice to other parties and whether for directions or for substantive relief.
4. This Practice Direction applies whether a bundle is being filed for the first time or is being re-filed for a further hearing.
5. This Practice Direction does not apply to the hearing of any urgent application if and to the extent that is impractical to comply with it.
6. The Chief Justice may, after such consultation as is appropriate, direct that this Practice Direction will apply only to such hearings as the Chief Justice may specify.

III. Responsibility for the preparation of the bundle

7. A bundle for the use of the Court at the hearing should be provided by the party in the position of applicant at the hearing (or, if there are cross-applications, by the party whose application was first in time) or, if that person is a litigant in person, then (and subject to any direction by the Court) by the first listed respondent who is not a litigant in person.

IV. Format of the bundles

E-bundles

8. E-bundles should be provided in a single editable PDF format.
9. All pages in an e-bundle should be numbered by computer-generated numbering, not by hand. The numbering should start at page 1 for the first page of the bundle after a cover page and table of contents and the numbering should follow sequentially to the last page of the bundle, so that the pagination matches the pdf numbering. If a hard copy of the bundle is produced, the pagination should match the e-bundle.
10. An index or table of contents of the documents in the e-bundle should be prepared and should be hyperlinked to the pages or documents to which they refer.
11. Pagination should not mask relevant detail on the original document.
12. Documents that are not in English should be translated; the translation should be marked and placed adjacent to the document transcribed; the translation should be agreed, or, if it cannot be agreed, each party's proposed translation should be included and the translation should be notarised.
13. All e-bundles should, where the character of the document permits, be the subject of OCR (optical character recognition). This is the process which turns the document from a mere picture of a document to one in which the text can be read as text so that the document becomes word-searchable and words can be highlighted in the process of marking them

- up. It is acknowledged that some individual documents may not be susceptible to the process, but most should be.
14. All documents should appear in portrait mode. If an original document is in landscape, then it should be inserted so that it can be read with a 90-degree rotation clockwise. No document should appear upside down.
 15. The default view for all pages should be 100%.
 16. Thought should be given to the number of e-bundles required. It is usually better to have a single hearing bundle and (where appropriate) a separate single authorities bundle (compiled in accordance with these requirements), rather than multiple bundles.
 17. The resolution of the e-bundle should not be greater than 300 dpi, in order to avoid slow scrolling or rendering. The e-bundle should be electronically optimised so as to ensure that the file size is not larger than necessary.
 18. No more than one copy of a document should be included in an e-bundle, unless there is a good reason for doing so.
 19. When parties are transferring large files/e-bundles to the Court, or where the Court is transmitting the same to parties, parties should follow the directions of the Registry as to the manner in which these files are to be transmitted.

Bundles

20. Bundles should be contained in one or more A4 size ring binders or lever arch files (each lever arch file being limited to 350 pages).
21. The format of any hard copy bundle should match the e-bundle.
22. All documents in any bundle shall be:
 - a) copied on both sides of paper, unless the Court has specifically directed otherwise, and
 - b) typed or printed in a font no smaller than 12 point and with 1½ or double spacing.
23. Binders and files should be strong enough to withstand heavy use and should be in fully working order when filed with the Court.

V. Contents of bundles

24. A cover page of every bundle should provide the following detail:
 - 1) the Court name;
 - 2) the title and number of the case;
 - 3) the parties' name;
 - 4) an indication of the number/letter of the bundle;
 - 5) the name of the Judge hearing the case.
25. Bundles (other than any separate authorities bundle) should contain copies of all documents relevant to the hearing, paginated (either in separate sections or sequentially), indexed and divided into separate sections (with each section in chronological order from the front), as follows—
 - (1) a skeleton argument;
 - (2) the claim form and supporting documents;
 - (3) the parties' submissions;
 - (4) the Court orders;
 - (5) Registry correspondence.

26. Authorities should be included either in a further section of the main bundle(s) or in a separate bundle, in either case in alphabetical order and with an index at their front.

VI. Timetable for preparing and filing bundles

27. The party preparing a bundle should, whether or not the bundle has been agreed, provide a paginated index and, when practicable, paginated copies of updating material to all other parties not less than 10 working days before the hearing.

28. Bundles should be filed with the Court not less than 7 working days before the hearing, or at such other time as may be specified by the Judge.

VII. Submission and filing of the bundles

Electronic bundles submission

29. Unless otherwise directed or permitted by the Court, the means of submitting e-bundles is via an email containing a cloud-based link to the Registry.

30. The filing party is responsible for issuing the e-mail containing the e-bundle link or attachment, together with clear instructions, to the Registry and to the other participants so that they may each download their own copy of the same e-bundle.

Hard copy bundles delivery

31. Unless the Court orders otherwise, it is necessary to file the appropriate number of hard copies which should be delivered physically to the Court Registry.

32. If a case is heard –

- a) in the Court of First Instance, a filing party should send at least 2 copies of the bundles, or
- b) in the Court of Appeal, at least 5 copies of the bundles should be sent to the Registry.

33. It is not the responsibility of the Registry to print e-bundles received.

34. If a bundle is filed in the wrong place the Court may:

- a) treat the bundle as having not been filed; and
- b) take the steps referred to in paragraph 39.

VIII. Removing and re-filing bundles

35. Following completion of the hearing the party responsible for any bundle must retrieve it from the Court immediately or, if that is not practicable, must collect it from the Court within five working days. Bundles which are not collected within the stipulated time may be destroyed.

36. Bundles must be re-filed for any further hearings of whatever type in accordance with the provisions of this Practice Direction and in a form which complies with section IV.

IX. Compliance with this Practice Direction

37. It is the ultimate responsibility of the parties to ensure that bundles ordered by the Court confirm to these requirements, and any specific requirements that the Court has ordered in a particular case. All bundles should therefore be checked by both parties prior to final submission to ensure that there are no errors. The table of contents, in particular, should be checked to ensure that it matches the pagination.

- 38.If there is any dispute between the parties as to the form or content of an e-bundle, the decision of the Judge managing the case, or the Registrar, is final.
- 39.Failure to comply with any part of this Practice Direction may result in the Judge removing the case from the list or putting the case further back in the list and may also result in a “wasted costs” order in accordance with the AIFC Court Rules 2018 Rule 26.28 or some other adverse costs order.

This Practice Direction prescribes the requirements in the AIFC Court for the submission of bundles that comes into effect on 23 October 2023.

Approved by the Chief Justice of the AIFC Court in accordance with Article 30 of the AIFC Court Regulations 2017:

**The Rt. Hon. The Lord Mance
Chief Justice, AIFC Court**

Date: 23 October 2023