

## Press Release

### **Defendants to be served by direct and instant messaging under new rules**

- *In regional first, DIFC Small Claims Tribunal (SCT) moves to resolve disputes more quickly through options of using digital and social platforms to serve claims*

**Dubai, United Arab Emirates; 5 November 2017:** In a move designed to help people and businesses resolve disputes more quickly, the DIFC Courts Small Claims Tribunal (SCT) is giving claimants the option to use direct and instant messaging to give defendants notice as part of an expanded range of e-services.

Until now, all defendants have first received SCT claim forms via email, then in person, or through courier, or at the last known address if they do not reply. Under the new rules, if the defendant is still unresponsive, the claimant may use e-services, including direct and instant messaging, to serve the claim. To preserve privacy and prevent misuse, the communication must be direct and the claimant must formally request permission from the SCT before going ahead.

Nassir Al Nasser, SCT Judge and Registrar, said: *“With direct and instant messaging now part of our daily life, it is important for our courts to reflect changes in how we communicate. Small Claims Tribunal cases often involve individuals and small businesses, as well as a mobile expatriate population, and it is sometimes difficult to physically locate the other party and serve court documents. Allowing service by instant messaging has the potential to help both claimants and defendants, speeding up resolution of disputes.”*

Already a feature of justice systems in the United Kingdom, Australia, Canada and parts of the United States, e-services open up another avenue for claimants to reach defendants.

The new service will also support defendants, by alerting them through a different channel that a claim has been filed against them, ensuring that they do not miss out on the opportunity to present their side of the case. The existing rules state that when defendants do not respond or are evasive, the SCT will automatically issue a default judgement.

The fully updated SCT rules are published on-line at <http://difccourts.ae/publications/directions/registrar-directions/>.

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#### **About the DIFC Courts**

The UAE’s DIFC Courts administer a unique English-language common law system – offering swift, independent justice to settle local and international commercial or civil disputes. The Courts, based in Dubai, provide certainty through transparent, enforceable judgments from internationally-recognised judges, who adhere to the highest global legal standards. The DIFC Courts are independent from, but complementary to, the UAE’s Arabic-language civil law system – offering a choice that strengthens both processes while ensuring public access to world-class justice.

In October 2011, a decree of His Highness Sheikh Mohammed bin Rashid Al Maktoum, Prime Minister of the UAE and Ruler of Dubai, opened the DIFC Courts’ jurisdiction to businesses from all across the GCC region and beyond to provide the international business community with access to one of the most advanced commercial courts in the world.



The DIFC Courts were established under laws enacted by the late HH Sheikh Maktoum bin Rashid Al Maktoum, Ruler of Dubai in September 2004. The laws establishing the DIFC Courts are designed to ensure that the DIFC Courts provide the certainty, flexibility and efficiency expected by Court users. Nearly 1,180 cases have been resolved through the DIFC Courts since 2008, while over 90% of Small Claims Tribunal cases are concluded within three weeks. The Courts' community-focused approach encourages early settlement, while their successful track record supports Dubai's growing status as an international business hub.

In line with HH Sheikh Mohammed's vision, the DIFC Courts serve to develop the UAE national workforce and enhance the competitiveness of Emirati advocates. The DIFC Courts are spearheading training programmes predominantly aimed at local Emirati lawyers, which offer knowledge of, and qualifications in, the English-language common law system.