

What if I cannot attend on the date set for consultation?

Each party should inform the SCT Registry of any dates on which it is unable to attend a consultation. If the consultation has been fixed and either party is unable to attend, it needs to inform the SCT Registry immediately and provide a valid reason for rescheduling.

What if I fail to attend the consultation?

If a party fails to attend a consultation, the SCT Judge may i) decide the small claim against that party or ii) adjourn the consultation. If neither party attends a consultation, the SCT Judge may i) dismiss the claim or ii) adjourn the consultation.

If a party is not present or represented in consultation, and the claim has been decided against it, the party may apply for the order to be set aside and the claim reinstated. The party must make the application for this order no more than seven days after the day on which the notice of the order was served on it. The claim may only be reinstated if i) the party presents a good reason for not attending the consultation and ii) the claim had real prospect of success. If the claim is reinstated, the SCT will fix a new date for consultation.

Can I withdraw my claim?

The claimant may withdraw a claim by submitting a formal request to the SCT during the consultation process.

The Hearing

Although 90% of all SCT claims are resolved during the consultation stage, if the claim is not settled at this stage, the SCT Judge will give both parties directions for the preparation of the claim for a hearing. Unless the parties agree otherwise, the hearing of a claim will not be conducted by the same SCT Judge who conducted the consultation.

Can the claim be transferred to the Court of First Instance?

Where appropriate, the SCT Judge may order that a small claim be transferred to the Court of First Instance (CFI). Further information can be found in RDC Part 53.37 available at www.difccourts.ae, for specific instances when a small claim may be re-allocated.

Are witness statements and expert evidence permitted?

The SCT Judge will decide whether to make an order for the exchange of witness statements. No expert evidence is permitted without the SCT's permission.



What is the process of the hearing?

The hearing will be informal and private, unless ordered otherwise by the SCT Judge.

The SCT Judge may adopt any method of proceeding at a hearing that he considers to be fair.

Who must attend the hearing?

Parties must represent their own case at a hearing and may not be represented by a lawyer. If the party is a company or corporation, any full-time officer or employee with the authority to make decisions on behalf of that company may represent it at the consultation. The parties can be represented by a non-lawyer if it appears to the SCT Judge to be reasonably necessary. In exceptional cases, the SCT Judge may allow parties to be legally represented.

What if I fail to attend the hearing?

A party who was not present at a hearing may apply to set a judgment aside and have the claim re-heard. This request may only be granted if i) the applicant had a good reason for not attending the hearing and ii) the applicant had a real prospect of success at the hearing. Following the grant of such a request, the SCT Registry must fix a new hearing for the claim.

Appeals

An intending appellant must file an appellant's notice on Form P53/02 within 14 days after the date of the decision which the appellant wishes to appeal. The form is available at www.difccourts.ae. RDC 53.75 to 53.81 should be referred to for small claims appeals.

Further information

For further information regarding the rules and procedures of the SCT, please refer to Part 53 of the Rules of the DIFC Courts. The rules are available at the DIFC Courts' website: www.difccourts.ae.

For questions, concerns or further information, please contact the DIFC Courts' Registry at Tel: +971 4 427 3333 or via email: registry@difccourts.ae



SMALL CLAIMS TRIBUNAL

Small Claims Tribunal

The DIFC Courts' Small Claims Tribunal (SCT) was established in 2007 and currently operates to hear claims within the jurisdiction of the DIFC where:

- The amount or value of the claim does not exceed AED 500,000; or
 - The claim relates to the employment or former employment of a party and the amount or value of the claim exceeds AED 500,000 and all parties to the claim elect in writing that it be heard by the SCT. There is no value limit for the SCT's elective jurisdiction in the context of employment claims; or
 - In the context of claims which are not employment related, the amount or value of the claim does not exceed 1,000,000 AED; and all parties elect in writing that it be heard by the SCT, such election can be made in the underlying contract (if any) or subsequently.
- The SCT judge reserves the discretion to allow parties to be legally represented where such representation is considered appropriate.



Small Claims Tribunal Fees

Filing fees for employment claims shall be assessed as follows: 2% of the value of the claim with a minimum of USD 100.

Appeals to the CFI following employment claims in the SCT shall be assessed as follows: 1% of the value of the claim with a minimum of USD 100.

Filing fees for claims relating to rental disputes which do not exceed AED 500,000 shall be assessed as follows: 5% of the value of the claim with a minimum of USD 100.

Filing fees for all other claims: 5% of the value of the claim with a minimum of USD 100. Appeals to the CFI following non-employment claims in the SCT shall be assessed as follows: 2.5% of the value of the claim with a minimum of USD 100.

Commencement of a small claim – the “claimant”



How can I lodge a small claim?

In order to lodge a small claim, the claimant must submit a P53/01 form to the Registry. The form is available on the Courts' website: www.difccourts.ae. The DIFC Courts' Registry will serve the claim form on the defendant.

What must I provide when lodging a claim?

The SCT requires the claimant to provide both the claimant's and defendant's full contact information to include name, address and any other available contact information. If the defendant is a company, the claimant shall furnish proof of address where, to the best of his or her knowledge, the officers of the company may be found. The claimant must set out in, or attach to, the claim Form a statement summarising the remedy sought and the claimant's reasons for claiming that he or she is entitled to that remedy. The claimant must include on the face of the claim Form a statement of the monetary value of the small claim. If the claim is employment-related, a photocopy of the employment contract and/or offer letter is required along with all other necessary or relevant documents.

Please note that where a claimant is bringing a claim based on separate invoices, the SCT Judge may treat these claims as a single consolidated claim for the purposes of deciding whether the amount in dispute exceeds the limits of the SCT's jurisdiction.

Responding to a small claim – the “defendant”

The defendant must respond to the claim within seven days of it being served and must either admit the claim, file a defence to the claim or complete an application to dispute the jurisdiction of the SCT. More detailed information is available in the Rules of the DIFC Courts (RDC) Part 53.14 to 53.16 which can be found on the DIFC Courts' website: www.difccourts.ae.

Timeline

Each party must abide by the SCT's time limits in order for the SCT to run efficiently. The defendant has seven days within which to respond to a claim, and the claimant then has seven days within which to respond to the defence.

Any documents the defendant wishes to rely upon at the consultation should be filed with the claim Form of the defence. After the claims and any counterclaims have been filed, the SCT Registry then has seven days within which to set a date for consultation.



The Consultation

How is a date set for the consultation?

After the defendant has filed and served a defence and/or after the time for filing the defence has passed, the SCT Registry will fix a time for the parties to attend a consultation before an SCT Judge. The primary purpose of the consultation is to allow parties to attempt to resolve their dispute, and all consultations will be conducted in private unless otherwise direct by the SCT Judge. If the SCT Judge sees that the opportunity of settling without the need for a trial is likely, the SCT Judge will fix a further consultation. The second consultation will be conducted by the same SCT Judge as the first consultation.

Who must attend the consultation?

Parties must represent themselves at the consultation and may not be represented by a lawyer. A party may be represented by a non-lawyer with a power of attorney when it appears necessary to the SCT Judge.

If the party is a company or corporation, any full-time officer or employee with the authority to make decisions on behalf of that company may represent it at the consultation.

The representative must provide a letter of authorisation at the start of the consultation. All persons appearing at a consultation must provide an identification card or passport.