

Service of Claim Documents in the United Arab Emirates: Overview

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A Practice Note providing an overview of the framework for service of claim documents (in relation to domestic and foreign proceedings) in the United Arab Emirates. It also explains the rules which determine how service of claim documents can be effected on a defendant domiciled in an overseas jurisdiction.

Civil proceedings normally commence when the claim documents are filed with a court and then served on the defendant. When a dispute has an international element (usually where there are parties from different countries or where some of the events relevant to the dispute have taken place in different jurisdictions), some of the key questions to consider at the outset are:

- The rules of the jurisdiction where the claim needs to be served, particularly if they do not conform with the service rules of the jurisdiction where proceedings have been issued and are already underway.
- The permitted methods of service in one jurisdiction, and whether or not they are considered valid in the other jurisdiction.
- Whether the claim has been commenced in time, namely within the relevant limitation period, as well as dispatched in time. If there are limitation issues, lack of adherence to rules on service could be detrimental to the claim and could hamper the chances of recovery or relief for the claimant.

This Note summarises the procedure and practice of serving process on a defendant within the United Arab Emirates as well as a defendant domiciled in an overseas jurisdiction. It outlines the permitted methods of service, including the rules on personal service and when and where certain categories of defendants can be served. It also describes what happens when service is not complete either because of incorrect address or the defendant refuses to accept service. In addition, it explains when a court considers service complete, whether service is allowed under a contractually agreed method, how to serve foreign companies, and what constitutes proof of service.

This Note also provides guidance on key international instruments on service of claim documents abroad as well as the procedure to effect service in the United Arab Emirates when no international instrument applies.

For information on the key issues to consider while effecting service in cross-border litigation, as well as an overview of the procedures followed under the Hague Service Convention and the EU Service Regulation, see [Practice Note, Service of Process: A Cross-Border Overview](#).

Please note that the procedures used to bring the court proceedings to the defendant's attention and create jurisdiction over the defendant are referred to as "service" in this Note. In addition, all the legal documents used in service, such as the court notice or summons and documents containing the details of the claim (also known as the particulars of claim or statement of claim, petition, or application), are referred to as "claim documents."

How Are Civil Proceedings Commenced?

Identifying the Competent Court to Start Civil Proceedings

In general, a UAE court will assume jurisdiction where the defendant is domiciled in the UAE (*Article 20, Civil Procedure Code (Federal Law No. 11 of 1992)*).

Article 21 of the Civil Procedure Code grants the court jurisdiction against a foreigner who is not resident or domiciled in the UAE if the action relates to (among other things):

- Real estate in the UAE.
- An obligation concluded, executed (wholly or in part) in the UAE.
- A contract required to be authenticated in the UAE.
- A bankruptcy declared in a UAE court.
- Another defendant who is domiciled in the UAE.

Procedural Formalities and Documents to Be Filed in the Court

A claimant or their attorney must submit a statement of claim and supporting documents to the court.

The statement of claim must include the:

- Personal details and addresses of the claimant and the defendant.
- Subject matter, grounds and prayer of the lawsuit.
- Date of submission to the Case Management Office of the relevant court.
- Court before which the suit was filed.
- Signature of the claimant or the attorney.

To the extent that the lawsuit revolves around a breach of contract claim, for example, a copy of the contract must be attached or uploaded with the statement of claim.

Court Fee to Be Paid

In Dubai, court fees are calculated at 7.5% of the claim amount, up to a maximum of AED40,000.

In Abu Dhabi, fees are 3% of the claim amount for cases of a specified value of no less than AED100 or more than AED10,000, and 2% for unspecified values (reduced to 50% if the appealed judgment relates to a subsidiary matter).

Filing Claim Documents in Paper Form or Electronically

The UAE courts permit the filing of cases through an electronic online portal, which will capture the claim and copies of relevant supporting documents.

Laws on Service of Claims

Service of a statement of claim is now governed by UAE Cabinet Resolution No. (57) of 2018, which amends the Civil Procedure Code.

Since the UAE is not a signatory to the Hague Service Convention, service of process abroad is effected through diplomatic channels, unless agreed otherwise by the parties under Article 9 of the amendment to the Civil Procedure Code as contained in UAE Federal Law No. 10 of 2014 (New Code).

Service Within the Jurisdiction

What Claim and Other Documents Must Be Served

Notice of the statement of claim can be served by either:

- The court bailiff or process server (at the request of the party, or order of the court).
- The claimant or their attorney (as authorised by the court).
- A private company (which are often subcontractors to a specific court).

(Article 5, New Code)

The generally accepted practice is that the defendant will be served with a court-generated notice or summons that will also contain a copy of the complaint and the relevant supporting documents.

Service by Court or Claimant

There are several ways process can be served. It is not required to be done by a court-appointed bailiff. Perhaps the most common method of service, in practice, is the use of private company sub-contractors to the courts.

Time Limit for Dispatching and Serving Claim Documents

Service of the notice on the defendant must usually be effected within two or three weeks from the date of filing the relevant statement of claim with the court.

Methods of Service Within Jurisdiction

The below rules regarding methods of service are set out in Article 8 of the New Code.

A paper copy of the notice should be delivered to the addressee at their domicile, residence, elected domicile or workplace. If this is not possible or the addressee avoids receipt of such notice, the Case Management Office must either serve them the notice or authorise service through registered mail, fax, email or similar modern technology means as specifically authorised by the UAE Ministry of Justice, or alternatively by any means agreed upon by the parties.

If the process server cannot locate the addressee, a copy of the notice can be delivered to any person living at the relevant address, including spouses, relatives, in-laws or servants.

Should the defendant have no domicile, address, fax number, email, or other method of identification or transmission, the court can order service by posting notice on its notice board, or by affixing the papers on the defendant's last known address. Failing this, as a last resort, the court can order service by publication in local newspapers.

Service Using Post Services and Electronic Means of Communication (Such as Fax or Email)

See above, *Methods of Service Within Jurisdiction*.

Personal Service

The requirement for personal service is the default position which the courts can negate in certain circumstances (see *Address for Service*).

If personal service is not possible, service by affixation or publication is permitted by the courts.

Corporate entities can be served with notice at their administrative headquarters, to their authorised representatives, or to a person acting on their behalf. If such persons are absent, a copy of the notice can be served on an employee at the headquarters. If the entity has no administrative headquarters, a copy of the notice or summons can be served on the authorised representative at their domicile. (Article 9(2), New Code).

Personal Service on Different Categories of Defendant

Entity to Be Served	Means of Effecting Service
An individual	Personal service, notice on the board of the court, affixation of papers at last known address or publication in newspapers.
A public officer or government/state body	Copy to the legal representative of the concerned government/state body (Article 9(1), New Code).
A sole proprietor	<p>Delivery of a copy to the head office, a legal representative, or any person acting in their stead (an individual can act on behalf of a sole proprietor if they have a Power of Attorney allowing them to do so). If such persons are not present, then a copy can be delivered to any employee present.</p> <p>If there is no head office, then a copy can be delivered to the legal representative personally or at their domicile (Article 9(2), New Code).</p>

	<p>Should none of these methods of service be possible, the court reserves the right to effect service by:</p> <ul style="list-style-type: none"> • Posting on its notice board. • Affixing on the door of the defendant's last known residence. • Publication in newspapers. <p>(Article 8(4), New Code.).</p>
A domestic partnership	As above.
A domestic registered company or corporation	As above.
A domestic unregistered company	As above.
A domestic limited liability partnership	As above.

Authorised Process Servers

Many, if not all, of the courts in the UAE contract with private process servers, which are recognised as a legitimate method of service (Article 5(3), New Code).

Service on the Defendant's Agent or Solicitor

Service can be effected on the legal representative or agent of a government body, private company, association, institution and private legal persons (Article 9(1)-(2), New Code).

Service Under a Contractually Agreed Method

The parties can agree to any method of service (Article 8(1), New Code). Therefore, the Standard clause, Service of legal proceedings: Cross-border should be enforceable as to service of process within the UAE.

Service on Foreign Companies Within the Jurisdiction

Service can be effected on the legal representative of a branch or office of an overseas company located in the UAE (Article 9(3), New Code). In the absence of the legal representative, service can be effected on any employee present at the branch or office.

Address for Service

Rules on Address

The defendant can be served at the following addresses:

- Their domicile or elected domicile.
- Their residence.
- Their workplace.

(Article 8, New Code).

Difficulties in Service

If the defendant refuses to accept service, or the relevant addresses are unknown, the court can authorise service by publication in several newspapers, after which service will be deemed accepted (*Article 8(4), New Code*).

The court can order service through a process service or through any other method authorised by law (*Article 5(1), New Code*).

Should the defendant fail to appear at the court's initial hearing, or in an adjourned hearing thereafter, the court will adjudicate the lawsuit, and any judgment shall be deemed made as if the defendant were present (*Article 29, Cabinet Resolution No 57 of 2018*). The defendant will have 30 days to appeal the judgment in accordance with the usual appeal rights contained in Article 152(1) and Article 159 of the Civil Procedures Code.

The court can adjourn a hearing if it concludes that the defendant was not validly served with notice of the claim (*Article 54(1), New Code*).

Date of service

Deemed Service

Service is deemed effective from one of the following:

- The date of receipt (through personal service, or service on an authorised representative of a company or other organisation).
- The date the letter is dispatched from the Ministry of Foreign Affairs or the diplomatic mission to indicate the addressee has either received a copy of the notice or refused to receive it.
- The date of acknowledgement of receipt via registered mail, email or fax.
- The date of posting (on court notice board or at the defendant's last known residence).
- The date of publication of the claim in newspapers.

(Article 10, New Code.)

Article 10 indicates that the methods of service are listed in order of priority. For example, to the extent that there exists a discrepancy, personal service takes priority over acknowledgement of receipt via registered mail.

Date of Service and Defendant's Response or Defence

The general rule in the DIFC courts is that the period for filing a defence or an acknowledgment of service is 14 days after service of the claim form. If service is acknowledged, the defence must be filed within 14 days of acknowledgement (*DIFC Court Rules, Parts 11.5 and 16.9*).

There is no specific time limit for filing/service of the defence in relation to onshore proceedings (except for proceedings in the Court of Cassation, where Article 180(3) of the New Code states that the respondent can submit

a defense memorandum within fifteen days from the date on which the notice is served). In practice, the defence must be submitted by the relevant party at a hearing fixed/scheduled by the court.

Statutory Time Limit

Time Limit to Serve Defendant Within Jurisdiction and Abroad

A process server must serve the notice of the statement of claim on the defendant no later than ten days after receiving it (*Article 46(2), New Code*).

Extension of Time Limit

Failure to comply with the time limits contained in Article 46(2) of the New Code does not nullify the statement of claim (*Article 46(3), New Code*). No additional guidance on extension of time is given.

Grounds for Extension

Other than the issues contemplated in this article, the provisions of the Codes are silent as to grounds for extension, which would presumably be granted at the discretion of the court.

Proof of Service

Service can be proven by registered mail, fax, email, other technology or a declaration of the process server (*Article 8, New Code*).

Service of Domestic Proceedings Abroad

Service Without the Permission of the Court

The parties can agree to any specific service independent of the permission or order of the court.

Permission of the Court to Serve Abroad

Permission is usually granted following an application made under Article 9(7) of the New Code, which will necessitate the involvement of the UAE Ministry of Justice, the UAE Ministry of Foreign Affairs and/or other diplomatic channels to the UAE embassy abroad, unless service occurs under other specific agreements or treaties.

Application and Documents to Be Filed in the Court

No specified forms or applications are referred to in the New Code.

Supporting Documents and Evidence

An original or certified copy of the contract or other documentary basis of the suit must accompany the statement of claim.

Where No International Instrument Applies

Service will either be effected through diplomatic channels under Article 9(7) of the New Code or by any means agreed to by the parties under Article 8 of the New Code.

A court notice or summons will be served on a foreign defendant through consular channels (*Article 9(7), New Code*). The UAE court transmits the notice, statement of claim and the relevant documents to the UAE Ministry of Justice, which transfers it to the Ministry of Foreign Affairs, which in turn dispatches these to the UAE embassy in the country where the defendant resides. The papers are then served on the defendant under the civil procedure law of the jurisdiction where the defendant is resident. The relevant UAE court will require proof of service before allowing the suit to proceed.

Service of Foreign Proceedings

International Instruments on Service of Claims

The UAE is a signatory to the Riyadh Agreement for Judicial Cooperation (6 April 1983) as a member state of the Arab League.

The UAE is not a signatory to the Hague Service Convention or the EU Service Regulation.

Where No International Instrument Applies

There are no specific provisions of UAE law which govern foreign proceedings in the UAE. However, the courts in the UAE have applied the provisions of Article 9(7) of the New Code in a reciprocal fashion. In other words, the papers relating to the foreign proceedings will be submitted by the foreign court to the UAE embassy in that country. The UAE embassy, in turn, will forward it to the local foreign ministry, which then forwards it to the UAE Ministry of Foreign Affairs (MOFA). MOFA will present the papers to the UAE Ministry of Justice, which then forwards the documents to the relevant UAE court for service on the defendant by an officer of the court.

Time Frame to Serve Foreign Proceedings

While there are no specific or hard guidelines, service of foreign proceedings in the UAE could take several months to effect.

The Hague Service Convention

Central Authority

For contact details of the designated Central Authority and the additional authorities, see *Authorities, Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters*.

Reservations, Declarations, and Notifications

See *Status table, Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters* for a complete list of reservations, declarations and notifications made by the member states in relation to:

- Submission of request to serve process (Article 3).
- Service by diplomatic or consular agents (Article 8).
- Service by postal channels (Article 10).
- Direct service by judicial officers, officials or other competent persons (Article 10).
- Certificate of evidence as proof of service (Article 15).

National Rules

The UAE is not a signatory to the Hague Service Convention.

Email Service

The UAE is not a signatory to the Hague Service Convention.

Sufficient Time for a Default Judgment

The UAE is not a signatory to the Hague Service Convention.

Reasonable Time to Vacate a Default Judgment

The UAE is not a signatory to the Hague Service Convention.

The EU Service Regulation

Communications and Publication of Information Under Article 23

Article 23 of the EU Service Regulation requires member states to communicate information to the Commission about their particular service requirements, both in relation to the transmission of documents between transmitting and receiving agencies, and the other methods of service envisaged by the EU Service Regulation.

See the [e-justice](#) portal for complete information on the reservations, declarations, and notifications made by EU member states in relation to:

- Article 2(1) – Transmitting agencies.
- Article 2(2) – Receiving agencies.
- Article 2(4)(c) – Means of receipt of documents.
- Article 2(4)(d) – Languages that may be used for the completion of the standard form set out in Annex I.
- Article 3 – Central body.
- Article 4 – Transmission of documents.
- Articles 8(3) and 9(2) – Particular periods set by national law for serving documents.
- Article 10 – Certificate of service and copy of the document served.
- Article 11 – Costs of service.
- Article 13 – Service by diplomatic or consular agents.
- Article 15 – Direct service.
- Article 19 – Defendant not entering an appearance.

The e-justice portal has a search function to identify competent courts and authorities (the central body, the transmitting agency, and so on) and also country pages (listed down the right-hand side) where information provided by member states can be checked.

National Rules

The UAE is not a signatory to the EU Service Regulation.

Sufficient Time to Defend

The UAE is not a signatory to the EU Service Regulation.

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