

**Ministry of Justice, Islamic Affairs and Waqf**

**Resolution No. 41 of 2021**

**Regulating service of notice by electronic means in cases under the jurisdiction of the BCDR Court**

The Minister of Justice, Islamic Affairs and Waqf,

Having reviewed:

the Civil and Commercial Procedures Law promulgated by Legislative Decree No. 12 of 1971, as amended;

the Law of Evidence in Civil and Commercial Matters promulgated by Legislative Decree No. 14 of 1996, as amended;

Legislative Decree No. 30 of 2009 with respect to the Bahrain Chamber for Economic, Financial and Investment Dispute Resolution, as amended by Legislative Decree No. 64 of 2014;

the procedural rules governing the resolution of disputes falling under the jurisdiction of the Bahrain Chamber for Dispute Resolution under Section 1 of Chapter 2 of Legislative Decree No. 30 of 2009, promulgated by Legislative Decree No. 65 of 2009, and its amendments;

Resolution No. 39 of 2021 on the use and scope of electronic means in the Bahrain Chamber for Dispute Resolution; and

Resolution No. 40 of 2021 on the publication of judicial notifications in cases falling within the jurisdiction of the Bahrain Chamber for Dispute Resolution on the website of the Official Gazette of the Information and e-Government Authority,

and with the approval of the Supreme Judicial Council,

**Resolves as follows:**

**Article 1**

In the application of this Resolution, the following words shall have the meaning ascribed to them, unless the context requires otherwise:

**BCDR:** the Bahrain Chamber for Dispute Resolution.

**Cases:** cases falling within the jurisdiction of the Bahrain Chamber for Dispute Resolution as per Section 1 of Chapter 2 of Legislative Decree No. 30 of 2009 with respect to the Bahrain Chamber for Economic, Financial, and Investment Dispute Resolution.

**Electronic Notice:** notice served via electronic mail or short text message (SMS) in accordance with this Resolution.

**Served Person:** the natural person or the legal representative of a legal person who is required to be served notice.

**Accepted Contact Information:** the electronic mail address or phone number accepted or provided by the Served Person, or otherwise available for the Served Person at public entities or licensed telecommunication companies in Bahrain.

## **Article 2**

Judicial papers concerning cases falling within the scope of this Resolution may be served through both e-mail and short text message (SMS).

## **Article 3**

BCDR shall create a registry of Electronic Notices which shall include the accepted e-mail addresses and contact numbers for natural, and public and private legal persons, or the e-mail addresses and contact numbers as agreed upon between the disputing parties or indicated in their signed agreements or in their communications.

The Accepted Contact Information may be modified at the request of the Served Person.

## **Article 4**

Electronic Notices may be served in accordance with the Accepted Contact Information indicated in BCDR's registry, the Information and e-Government Authority, the Ministry of Industry, Commerce and Tourism, or any other public entity. In cases where the Accepted Contact Information is not available with public entities, the contact information provided by licensed telecommunication companies in Bahrain may be used.

## **Article 5**

The Electronic Notice shall include the following information:

1. the day, month, year and time of service;
2. the name of the individual requesting notice, along with their title, address, profession, and the name of their representative, their title, address and profession;
3. the name of the Served Person, along with their title and address, or if their address is not known at the time of the Electronic Notice, then their last known address;
4. the subject of the notice;
5. the date of the meeting or hearing if one is already fixed;
6. the name, title, and employment code of the person serving the Electronic Notice; and
7. the e-mail address and contact number of the Served Person.

## **Article 6**

Electronic Notices shall be governed by the procedural rules governing the resolution of disputes falling under the jurisdiction of the Bahrain Chamber for Dispute Resolution under Section 1 of Chapter 2 of Legislative Decree No. 30 of 2009, promulgated by Legislative Decree No. 65 of 2009.

An Electronic Notice shall be deemed to have been served on the date it is transmitted to the Served Person.

**Article 7**

BCDR shall create Electronic Notice forms with the necessary information fields as required by the Resolution.

The BCDR case manager or relevant employee shall file a copy of any Electronic Notice in the case file with confirmation that notice was properly served electronically.

**Article 8**

An electronic service registry shall be established.

**Article 9**

This Resolution shall be published in the Official Gazette and be effective on the day following its publication.

**Minister of Justice  
Islamic Affairs and Waqf  
Khalid bin Ali bin Abdulla Al Khalifa**

Issued on: 9 Ramadan 1442 Hijri

Corresponding to: 21 April 2021