



مصرف الإمارات العربية المتحدة المركزي
CENTRAL BANK OF THE U.A.E.

Insurance Authority Board Resolution No. (33)
of 2019 Concerning the Regulation
of the Committees for the Settlement and
Resolution of Insurance Disputes

Consolidated version as of 12/03/2020

This Resolution has been amended by the Insurance Authority Board of Directors' Resolution No. (9) of 2019. You are reading the consolidated version as of 12/03/2020.

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THE BOARD OF DIRECTORS OF THE INSURANCE AUTHORITY,

- Having perused Federal Law No. (1) of 1972 Concerning the Competencies of Ministries and the Power of Ministers, as amended;
- Federal Law No. (11) of 1973 Concerning the Organization of Judicial Relationships between the Emirates Members in the Union;
- Federal Law No. (5) of 1985 Concerning the Federal Judicial Authority, as amended;
- Federal Law No. (23) of 1991 on the Regulation of the Legal Profession;
- Federal Law No. (10) of 1992 Promulgating the Law of Evidence in Civil and Commercial Transactions, as amended;
- Federal Law No. (1) of 2006 on Electronic Commerce and Transactions;
- Federal Law No. (6) of 2007 on the Establishment of the Insurance Authority and Organization of Insurance Operations, as amended; and,

Based on the proposal of the Director General of the Insurance Authority and consent/approval of the Board of Directors of the Authority,

Has resolved:

DEFINITIONS

ARTICLE (1)

The following terms and phrases shall have the meanings set against each, unless the context otherwise requires:

The State:	The United Arab Emirates.
Law:	Federal Law No. (6) of 2007 on the Establishment of the Insurance Authority and the Organization of Insurance Operations, as amended.
Executive Regulations:	The Executive Regulations of the Law.
Authority:	The Insurance Authority.
Board:	The Board of Directors of the Authority.
Chairman:	The Chairman of the Board of Directors.
Director General:	The Director General of the Authority.
Company:	The insurance company incorporated in the State and the foreign insurance company licensed to carry out insurance activities in the State either through a branch, or through an insurance agent. including Takaful insurance companies.
Committee(s):	The Committee for the Settlement and Resolution of Insurance Disputes.
Insurance Disputes:	The disputes arising from the complaints of the Insured, beneficiaries or the concerned affected parties against the Company.
Insured:	The person who has concluded an insurance contract with the company.
Beneficiary:	The person for whom the insurance stipulates for his interest, an amount of money, a fixed payment, or other financial compensation in case an accident happened, or if the insured risk in the insurance contract is realized

Insurance Policy (Insurance Contract):	The insurance document (policy) concluded by the insurer and insured containing the terms and conditions of the contract between the two parties, their liabilities, and rights or the rights of beneficiary of the insurance and any endorsements therein.
Dispute:	The complaint filed in accordance with the provisions of the Law and the Regulation herein.
Complainant:	The natural or corporate person that has filed the complaint in person, through his legal representative, attorney or the person acting on his behalf.
Defendant:	The company against which the complaint is filed.
Dispute Settlement:	The reconciliatory resolution of dispute between the parties.
Dispute Resolution:	The resolution of a Dispute by a decision of the Committee.
Electronic Systems:	The electronic, smart or other services approved by the Authority.
Remote Communication Technology:	The use of audiovisual means of communication between two or more parties to achieve remote presence and exchange of documents and regulations, including the registration of complaint, process of giving notice, hearing of complaint, sessions, deliberation, issuance and notification of the decision, made through the use of such technology.

GENERAL PROVISIONS

ARTICLE (2)

1. The Committees formed under this Regulation shall administratively and financially report to the Authority. The Board shall issue necessary decisions in this concern.
2. The language of the Committees is Arabic. The Committee shall hear the statements of non-Arabic speaking parties, witnesses or experts through an interpreter after taking oath before the Chairman of the Committee.
3. The Committee shall hear the Insurance Disputes filed before it neutrally and objectively, taking into account the legal provisions related to the subject matter of the Dispute, regulations, instructions and resolutions issued thereunder and the generally accepted insurance principles.
4. In fulfilling its operations, the Committee shall be entitled to review papers, documents, records and all evidence and take all actions as it may deem appropriate without adhering to the Civil Procedures Law, the Law on the Regulation of the Legal Profession and official working hours.
5. The Committee shall hold its sessions in the presence of the Chairman and majority of Members to hear the Disputes referred to it. The Committee may hear the statements and arguments of the parties and issue its decisions by majority.

FORMATION OF THE COMMITTEES

ARTICLE (3)

1. Standing committees shall be formed for the settlement and resolution of Insurance Disputes. These Committees shall hold their sessions in Abu Dhabi and Dubai, and the Committees shall hold their sessions in other cities and emirates of the UAE pursuant to common interest by a decision issued by the Director General.
2. Every Committee consists of a chairman and two or more Members from the employees of the Authority and a similar number in the capacity of an Alternate Chairman and two or more Alternate Members. A

decision is issued by the Chairman of the Insurance Authority appointing them and determining their remunerations. The Authority may assign the chairmanship of the Committees to a delegated judge in coordination with the competent authorities.

3. The Committees' Members shall be subject to all controls and obligations imposed on and adhered to by judges in accordance with the laws, regulations and decisions issued in the UAE in this concern to the extent the same apply to them.
4. The term of membership of the Committees is one calendar year, which may be renewed for similar period(s).
5. If the term of membership expires with no decision on the renewal of formation of the Committee, the Chairman and Members shall remain in office until a decision on the renewal or reformation of the Committee is issued.

COMPETENCIES OF THE COMMITTEES

ARTICLE (4)

The Committees shall be competent to settle and resolve Insurance Disputes of all types and classes of insurance arising from the complaints of the Insured, the Beneficiaries or the affected of capacity or interest in the Insurance Dispute against the Company only of any value whatsoever, whether estimated or not.

ARTICLE (5)

The Committees shall not be competent to:

1. The summary and interim cases and orders and precautionary attachment.
2. The Insurance Disputes pending before the courts before the Regulation goes into effect in any instance of litigation.
3. The Insurance Disputes that are subject to an arbitration clause.
4. The subrogation of an Insurer (Company), by the amount paid as an insurance for a damage, in the place of the insured or the beneficiary for the rights of any of them before the third party causing the damage for which the insurer is liable or before the insurance company of the third party causing the damage under a legal subrogation right.
5. Claims between Insurance Companies and the adjustment of balances.
6. Claims between Insurance-Related Professionals and Insurance Companies.

INSURANCE DISPUTE REJECTION CASES

ARTICLE (6)

The Committee shall make its decision rejecting the Insurance Dispute referred to it in the following cases:

1. If the same complaint was previously filed to one of the Committees and decided on.
2. If the fees of the experts, appointed by the Complainant, were not paid.
3. If the Committee is not competent to hear the complaint.
4. If the requirements for lodging a complaint are not met.
5. Any request or objection/defense made by a person that does not have an existing or potential capacity or interest in the Insurance Dispute in the legal concept of complaining shall shall not be accepted.

FILING OF COMPLAINTS

ARTICLE (7)

1. The Defendant Company shall process claims in accordance with the Law and applicable legislations and the provisions of the Insurance Policies.
2. If the Complainant has objection to the processing of application, it may file a complaint in writing to the Authority through the electronic system and all relevant documents and details shall be attached, including for example:
 - a. The name, address, post office box and phone number of the Complainant.
 - b. The addresses of electronic service of the Complainant, its legal representative or attorney.
 - c. The subject matter of and requests in the complaint.
 - d. The supporting documents to the complaint.
 - e. Any other documents related to the complaint.
3. The Authority requests clarifications from the Defendant through the electronic system, which clarifications shall be furnished within five working days.

REFERRING COMPLAINT TO THE COMMITTEE

ARTICLE (8)

1. The Complainant may object to the clarifications made by the Defendant and request that the Dispute be referred to the Committee.
2. The Complaint is entered in the record as per date of receipt. The Organizational Unit shall refer the complaint file to the competent Committee within three working days after the documents are completed. The Complainant is notified of the status of referring the Complaint to the Committee including the number of Complaint, date of referral and the Committee competent to hear it.

APPEARANCE AND PROCEEDING OF COMPLAINT

ARTICLE (9)

The procedures of complaint registration, notification, filing of documents, appearance, publicity, pleading, hearing of witnesses and experts, cross-examination, deliberation, ruling and enforcement of all procedures provided for herein shall materialize if done partly or wholly through the remote communication technology.

REQUEST FOR PERSONAL APPEARANCE

ARTICLE (10)

The disputing parties in the remote communication procedures in every phase of the Committee's operation may request the Committee for appearance for hearing of statements, and the Committee shall decide on this request and notify the parties.

SETTLEMENT OF INSURANCE DISPUTES

ARTICLE (11)

1. In this phase, the Committee shall be competent to settle the Insurance Dispute through reconciliation. In doing so, the Committee may use the remote communication technology, including the writing down of Complaint procedures in hardcopy or softcopy documents or minutes approved by it.
2. The disputing parties shall be informed that the Committee has commenced the procedures of settlement by registered mail, through a company (an office licensed by the concerned bodies), via electronic mail or through the remote communication technology.
3. The Committee shall settle the dispute through reconciliation within a period not exceeding fifteen working days from the date of request. This duration may be extended to another similar duration with the consent of the disputing parties or by a decision of the Chairman of the Committee.
4. If settlement is reached between the disputing parties before the Committee, this shall be entered in the deed of reconciliation by all means and attested by the Chairman and Members of the Committee.

RESOLUTION OF INSURANCE DISPUTES

ARTICLE (12)

If the Committee cannot settle the Insurance Dispute through reconciliation, it shall proceed with the dispute resolution procedures.

PROCEDURES OF THE COMMITTEE

ARTICLE (13)

1. If the Committee decides to hold its sessions in the presence of the parties or their representatives, they shall be informed of the date by registered mail, through a company (an office licensed by the concerned bodies), via electronic mail or through the remote communication technology.
2. If the Complainant fails to attend the session without furnishing an excuse acceptable to the Committee, the Committee may on its own motion or upon the request of the Defendant resolve the dispute if resolvable or order its deletion and the parties shall be so informed.
3. If the dispute is deleted, the Complainant shall have the right to apply for its re-registration within a period not exceeding thirty days for completion of hearing.
4. If the Defendant is absent without an excuse acceptable to the Committee, the Committee may on its own motion or upon the request of the Complainant resolve the dispute if resolvable.

ARTICLE (14)

The Complainant may join in the dispute whoever would rightfully have been a litigant when the case was initially filed. If the Defendant claims he is entitled to have recourse against a company that is not a party to the dispute, he shall submit a written request to the Committee showing the nature and grounds of his claim and shall apply for joinder of such company as a party to the dispute and the Committee may accept or reject this application. In addition, such company may be joined into the dispute upon its request.

ARTICLE (14)

1. The Committee shall study and decide on the Insurance Disputes referred to it and the documents and details furnished to it within twenty working days from the end of its operations and receipt of all

documents, details and information required for decision. When necessary, the Committee may extend this duration to similar durations.

2. The Committee may allow the disputing parties to submit any new documents that have not been attached in the Complaint for an excuse that is acceptable to the Committee or if it believes that these documents are necessary to take decision in the dispute.
3. The Committee shall hear the dispute in the presence or absence of the parties if the furnished documents and evidence are sufficient in such a way that the Committee may make its decision resolving the dispute on the basis of such documents and evidence.
4. The Committee may decide in any request made by any party for reimbursement for the expenses of the dispute in whole or in part, as the case may be.

ARTICLE (15)

1. The Committee shall have the competency to seek the help of competent consultants, surveyors and loss adjusters registered with the Authority and the experts registered with other competent authorities concerning certain matters determined by the Committee. The experts are required to submit their reports concerning the facts in writing. The Committee may invite any of them to appear before it and make discussion with him concerning the contents of his report and may, in doing all the foregoing, use the remote communication technology. The Committee determines the party bound to pay the expert's fees in advance, which shall be borne by the losing party.
2. The Committee may hear the witnesses for resolution of the dispute through the remote communication technology or through personal appearance.
3. The interested parties may challenge the decisions of the Committees before the court of first instance of competent jurisdiction within 30 days from the day next to their notification of the decision, otherwise, the decision shall be considered final and enforceable.

ARTICLE (16)

The parties shall be informed of the decision of the Committee by registered mail, through a company (an office licensed by the concerned bodies), via electronic mail or through the remote communication technology. The decision shall have the effect of an executive deed in accordance with the provisions of the laws in force.

DUTIES OF THE ORGANIZATIONAL UNIT OF THE COMMITTEES FOR THE SETTLEMENT AND RESOLUTION OF INSURANCE DISPUTES

ARTICLE (17)

The Organizational Unit of the Committees shall assume the following tasks:

1. Receive the requests for referral of disputes to the Committee and verify that they are duly completed in accordance with the provisions of this Regulation.
2. Unify the forms used by the Committees.
3. Prepare a quarterly report on the results of operations of the Committees, including the suggestions and recommendations concerning the same, to be referred to the Director General or the person acting on his behalf. The report shall include the following details:
 - a. The number of objections made by the Complainants.
 - b. The regularity of holding of the Committees' sessions.
 - c. The number of sessions deferred and the reasons therefor.

4. Develop and propose the solutions derived from the follow-up of the Committees' operations and refer the same to the Chairmen of the Committees for avoidance.
5. Gather the principles contained in the decisions of the Committees and circulate the same to the other Committees for guidance.
6. Receive the requests for removal of any Committee Member and refer the same to the Director General or the person acting on his behalf in accordance with the provisions of this Regulation.
7. Keep, classify and index the register and cases files.
8. Any other tasks assigned thereto.

DUTIES AND OPERATIONS OF THE COMMITTEE SECRETARY

ARTICLE (18)

The Committee Secretary shall assume the following duties and powers:

1. Prepare the agenda of the Committee.
2. Contact the disputing parties as per the Committee's directives.
3. Take down the minutes of the Committee and the outgoing correspondences and decisions.
4. Implement the decision of the Committee of inviting the disputing parties and experts to appear before the Committee.
5. Notify the disputing parties of the decision of the Committee using the remote communication technology or any other legally acceptable means.
6. Contact official agencies and prepare letters.
7. Any other tasks assigned to him by the Committee.

REGISTER OF DISPUTES

ARTICLE (19)

A register shall be maintained for the registration of disputes and the concluded settlement agreements or resolution decisions. Such register shall include:

1. The number of application (complaint).
2. Name of the Complainant or its legal representative, if any.
3. Name of the Defendant(s) or its legal representative, if any.
4. Subject matter and type of the dispute.
5. The date of the complaint.
6. The Committee to which the dispute is referred.
7. The deferrals and their causes.
8. The actions taken.
9. The settlement agreement and its date.
10. The dispute resolution decision and its date.

RECORD KEEPING

ARTICLE (20)

The records of disputes shall be registered and saved electronically, shall be confidential, and may only be circulated, reviewed, copied or deleted from the electronic system with the permission of the Committee, as the case may be.

INDEPENDENCE AND NO CONFLICT OF INTEREST

ARTICLE (21)

1. Neither the Chairman nor any Member of the Committee may take part in any operations of the Committee when hearing any dispute in which he or his spouse has a direct or indirect interest, or has an affinity by marriage or blood up to the fourth degree to the Complainant, a custodian or trustee of the Complainant, or a current or former agent or a legal representative of the Complainant or Defendant in its private business.
2. In all cases, the Chairman or Member of the Committee may withdraw from the hearing of the dispute in any of the cases mentioned in Clause (1) of this Article. In case of non-withdrawal despite the realization of the case, he will be removed by a decision of the Board.
3. The Alternate Chairman or Member shall replace the withdrawing or dismissed Chairman or Member.

BINDING FORCE OF ELECTRONIC SIGNATURE AND DOCUMENTS

ARTICLE (22)

The electronic signature and electronic documents shall have the same binding force of formal and informal signature or formal and informal paper documents provided for in this Regulation, whenever they meet the conditions and provisions stipulated in the Federal Law on Electronic Commerce and Transactions mentioned above.

CHALLENGE OF ELECTRONIC DOCUMENTS OR SIGNATURE

ARTICLE (23)

1. The copies of documents are accepted in the procedures implemented through remote communication technology. However, this does not prevent that the person who presents the documents be ordered to present the original documents to the Committee if this is deemed necessary by the Committee for taking decision.
2. The challenge by a party of the documents presented by the other party only for being copies is disregarded, unless the party that challenges the same insists that these documents are inauthentic or have not been issued by the party to whom they are attributed.
3. The provisions of this Regulation and the applicable legislations shall apply if the presented documents are challenged or alleged to be inauthentic.
4. If the documents challenged prove to be authentic or to have been issued by the party to whom they are attributed, and the challenge or allegation of inauthenticity of such documents is unjustifiable and leads to delay of the Committee or the party presenting these documents incurring unjustified extra expenses, the Committee may order the party that has challenged or alleged these documents to be inauthentic to bear these expenses.

APPLICATION OF INFORMATION SECURITY POLICIES

ARTICLE (24)

The remote communication technology provided for in this Regulation shall be subject to the legislations, regulations and information security policies approved in the UAE.

ISSUANCE OF DECISIONS

ARTICLE (25)

The Director General shall issue the decisions and circulars necessary for enforcement of the provisions of this Regulation.

PUBLICATION AND GOING INTO EFFECT

ARTICLE (26)

This Regulation shall be published in the Official Gazette and go into effect three months after its date of publication.