



THE LAW FIRM OF MOHAMED AL-SHARIF

IN ASSOCIATION WITH
JOHNSON & PUMP

chris@alshariflaw.com

The new Commercial Courts Law not only takes into account the fast-paced nature of modern business, but also recognizes that there are long-established commercial norms and traditions in the relationships and agreements between traders, which must be observed. The following points are of note:

- The Supreme Judicial Council will lead this process of change, supervising the empowerment of these courts in the various regions of the Kingdom, including first-instance and appeals departments.
- To promote and support the private sector, the Commercial Courts Law permits the use of private practitioners in a variety of services, including reconciliation and mediation, notifications, preparing lawsuits, requests for filing a lawsuit and handing over judgments, managing courtrooms, and exchanging notes and documents.
- As for the observance of commercial traditions, the new law includes several means regarding flexibility in proof and the authenticity of the traditional processes used. Unless there is a special provision or other agreement between the parties, it is permissible to rely on commercial tradition between the parties, and the burden of proof will be on the party who claims the right to adhere to such commercial tradition.
- The court may also accept evidence heard in a foreign country as legitimate, as long as it does not violate the legal provisions and rules of the Kingdom. The parties may also agree to transfer the burden of proof.
- According due respect to the different traditions and transactions in the commercial sector, the law establishes that written evidence may be presented in the case, leading to a judicial ruling. However, electronic evidence is also valid in the commercial court, including electronic documents, means of communication such as email, and electronic records.
- Among the most significant stipulations in the new law is that only qualified lawyers may plead before commercial courts, and not the plaintiff. Limiting the pleading of unlicensed people and enhancing the role of the lawyer is a welcome recognition of the value of the legal profession in such sensitive sectors.

The Commercial Court has the power to impose fines of up to SR10,000 (\$2,659) if lawsuit procedures are breached, if people miss a hearing without a valid excuse, or if they fail to present documents within the required time frame.

We all hope that this modern legal structure will enhance trust between traders, and in the commercial sector in general, at both the local and international level.