

L.N. 168 of 1995

**SMALL CLAIMS TRIBUNAL ACT, 1995
(ACT NO. V of 1995)**

Small Claims Tribunal (Amendment) Rules, 1995

IN exercise of the powers vested in him by section 16 of the Small Claims Tribunal Act, 1995, the Minister of Justice and the Arts has made the following rules:—

Title and
commencement.

L.N. 145
of 1995.

1. (1) These rules may be cited as the Small Claims Tribunal (Amendment) Rules, 1995, and shall be read and construed as one with the Small Claims Tribunal Rules, 1995, hereinafter referred to as “the principal rules”.

(2) These rules shall be deemed to have come into force on the 13th October, 1995.

Amends the First
Schedule to the
principal rules.

2. The First Schedule to the principal rules shall be amended by the substitution of Forms 1, 2, 3, 4, 5 and 6 by the following Forms 1, 2, 3, 4, 5 and 6:—

“ FORM 1

NOTICE OF CLAIM
IN THE SMALL CLAIMS TRIBUNAL

REGISTRY FILE NUMBER
LOCATION

FROM
Fill in the name, address and
telephone of the persons making
the claim

CLAIMANT

TO
Fill in the name, address and
telephone number of the persons
the claim is against

DEFENDANT

NOTICE TO THE PARTY AGAINST WHOM THE CLAIM IS MADE
Whoever is served with this notice of claim, must within 18 days from the date of service file a reply. If he fails to do so, the Tribunal may then proceed to determine the dispute in his absence.

Tribunal staff will fill in this
part

FOR OFFICE USE ONLY	
AMOUNT CLAIMED	Lm
FILING FEES	Lm
SERVICE FEES	Lm
TOTAL	Lm

PARTICULARS OF THE CLAIM

WHERE?
Tell where this
happened

WHEN?
Tell when this
happened

HOW MUCH?
State how much is
being claimed
from the defendant

Lm

STEP 1 COMPLETE the NOTICE OF CLAIM using a typewriter or writing clearly. Make sure that all the copies are legible. STEP 2 FILE the NOTICE OF CLAIM by taking it to the Small Claims Tribunal Registry. You must pay a filing fee, which depends on the amount you are claiming and a service fee. The staff will check the form and when it is accepted for filing, apply the registry stamp, add on filing and service fees and assign a file number. The Registrar will then proceed to serve on your behalf the defendant with a copy of the Notice of Claim. STEP 3 WHAT HAPPENS AFTER If the defendant files a reply, you will be served with a copy of the reply.	FROM You must be sure that the address that you give is correct because this is where the Registry will send you any further notices or information. If your address changes at any time please notify the Registry immediately. TO Be sure that you have the correct address of defendant. If there is more than one defendant put the name of each defendant (side by side) in the space provided. In such a case however make sure that the claim is a result of the same transaction. WHAT HAPPENED? You do not need to tell everything about your case here. You must tell just enough to let defendant know what the case is all about. Keep your description brief. You will have a full opportunity to present all the facts during the trial. WHERE? A Notice of Claim must be filed in the Registry of the Tribunal where the transaction, to which the claim refers, took place. HOW MUCH? You must here state the amount of your money claim. The said amount cannot exceed one hundred liri (Lm100).
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PARTICULARS OF THE CLAIM — continued

**LIST YOUR
WITNESSES IN THIS
PART**

Name and address of persons you intend to call as witness

**WHAT
HAPPENED?**

Say what is being claimed,
stating briefly the facts that
led to the dispute

ATTACH EXTRA SHEETS IF SPACE IS INSUFFICIENT

Signature of claimant

Date

REGISTRY FILE NUMBER
LOCATION

REPLY
IN THE SMALL CLAIMS TRIBUNAL

TO

Fill in the name, address and telephone number of the person making the claim against you

CLAIMANT

FROM

Fill in the name, address and telephone number of the defendant filing this reply

DEFENDANT

NOTICE TO DEFENDANT If with your reply you want to make a counterclaim then you should complete the part of this form entitled "Reply with Counterclaim".
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WHERE DEFENDANT THINKS SOMEONE ELSE SHOULD PAY THE CLAIM If you think that someone else should pay the claim, whether in full or in part, you should indicate such other party and serve him with a copy of the claim made against you, your reply, a notice to a third party form and a blank reply form.

Tribunal staff will fill in this part

*Amount claimed is only applicable if you as a defendant are also making a counterclaim together with this reply

FOR OFFICE USE ONLY	
AMOUNT CLAIMED*	Lm
FILING FEES	Lm
SERVICE FEES	Lm
TOTAL	Lm

STEP 1 COMPLETE the REPLY using a typewriter or writing clearly. Make sure that all copies are legible. STEP 2 FILE the REPLY by taking it to the Small Claims Tribunal Registry where the NOTICE OF CLAIM against you was filed. The staff will check your form and if it is in order, accept it for filing. The REPLY must be filed within the 18 days from when you are served with the NOTICE OF CLAIM. STEP 3 Where defendant thinks that someone else should pay the claim, he should fill that part of the form which concerns a third party. STEP 4 WHAT HAPPENS AFTER THEN the Tribunal will send a copy of your Reply to the claimant and set a date for trial. You will receive a notice informing you of the date and place when the dispute will be heard.	FROM This is where you identify the party who is filing this Reply. Give an address where notices and other information about the dispute can be sent to you. If this address changes at any time be sure to inform the Tribunal Registrar. DISPUTE You do not need to tell everything about your case here. You must tell just enough to indicate to the claimant and to the Tribunal what parts of the claim you dispute and why. If there is anything in the Notice of Claim with which you agree, be sure to include that in your reply. COUNTERCLAIM If you want to make a counterclaim that is a claim against the claimant, then together with your reply you must also complete that part of the form entitled "Reply with Counterclaim" following the instructions on this form. To make a counterclaim your own claim must be connected to or related to the claim that the claimant has made against you. THIRD PARTY A third party is a person who is neither the claimant nor the defendant but someone else whom the defendant thinks is responsible to pay the amount of money claimed by the claimant. To fill this part of the form follow the instructions on the form itself.
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PARTICULARS OF YOUR REPLY

**LIST YOUR
WITNESSES IN
THIS PART**

Name and address of whom you intend to call as witness
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DISPUTE

State if you are disputing the claim being made. If you are then explain with what you disagree and why.

ATTACH SEPARATE SHEETS IF SPACE IS NOT ENOUGH	
Defendant's signature	Date

REPLY WITH COUNTERCLAIM

If defendant wishes to make a counterclaim, the following part should also be filled.

WHERE?
Tell where
this happened

WHEN?
Tell when
this happened

HOW MUCH?
State how much is being
claimed from the claimant

Lm

PARTICULARS OF THE COUNTERCLAIM

LIST YOUR
WITNESSES IN
THIS PART

Name and address of persons you
intend to call as witnesses

WHAT HAPPENED?

Say what is being
claimed, stating
briefly the facts that
led to the dispute

Attach extra sheets if space is insufficient

Signature of defendant

Date

COUNTERCLAIM REPLY
IN THE SMALL CLAIMS TRIBUNAL

REGISTRY FILE NUMBER
LOCATION

TO
Fill in the name, address and
telephone number of the person
making the claim against you

DEFENDANT

FROM
Fill in the name, address and
telephone number of the
defendant filling this reply

CLAIMANT

My reply to your counterclaim is that

State reasons

Tribunal staff will fill in this
part

* Amount claimed is only
applicable if you as a
defendant are also making
a counterclaim together
with this reply

FOR OFFICE USE ONLY	
AMOUNT CLAIMED *	Lm
FILING FEES	Lm
SERVICE FEES	Lm
TOTAL	Lm

STEP 1 COMPLETE the COUNTERCLAIM REPLY using a typewriter or writing clearly. Make sure that all copies are legible. STEP 2 FILE the COUNTERCLAIM REPLY by taking it to the Small Claims Tribunal Registry where you filed the NOTICE OF CLAIM. The staff will check your form and if it is in order, accept it for filing. The COUNTERCLAIM REPLY must be filed within the 18 days from when you are served with the counterclaim. STEP 3 WHAT HAPPENS AFTER THEN the Tribunal will send a copy of your Counterclaim Reply to the claimant and set a date for trial. You will receive a notice informing you of the date and place when the dispute will be heard.	FROM This is where you identify the party who is filing this Reply. Give an address where notices and other information about the dispute can be sent to you. If this address changes at any time be sure to inform the Tribunal Registry. DISPUTE You do not need to tell everything about your case here.
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PARTICULARS OF YOUR COUNTERCLAIM REPLY

**LIST YOUR
WITNESSES IN
THIS PART**

Name and address of whom you intend to call as witness
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DISPUTE

State if you are disputing the claim being made. If you are then explain with what you disagree and why.

ATTACH SEPARATE SHEETS IF SPACE IS NOT ENOUGH	
Defendant's signature	Date

FORM 4

REGISTRY FILE NUMBER
LOCATION

**NOTICE OF HEARING
IN THE SMALL CLAIMS TRIBUNAL**

TO		CLAIMANT
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AND

	DEFENDANT
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You are informed that the hearing of your claim will take place before an
Adjudicator of the Small Claims Tribunal:

on	date	time
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at	address where the hearing will be held
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Signature of Tribunal Registrar	Date
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NOTICE OF HEARING ATTEND for the hearing at least ten minutes before the appointed time. Make sure that you are fully prepared, since this will be your only opportunity to state your case and submit your evidence to the Tribunal. BEAR IN MIND these points 1) BRING all the documents that are relevant to the case such as receipts, correspondence or agreements. 2) MAKE SURE that any witnesses whose evidence you need arrive early. If a witness is not prepared to attend voluntarily, then you should apply to the Tribunal for the issue of a Summons to Witness (Form 7). The summons is an order of the Tribunal telling the witness to attend for the hearing. 3) PREPARE what you are going to say beforehand. Go over all the facts in chronological order. You may during the hearing refer to any notes you may have prepared beforehand.

REGISTRY FILE NUMBER
LOCATION

TO

CLAIMANT

AND

DEFENDANT

You are informed that the hearing of your claim will take place before an Adjudicator of the Small Claims Tribunal:

on

date

time

at

address where the hearing will be held

Signature of Tribunal Registrar

Date

NOTICE OF HEARING
ATTEND for the hearing at least ten minutes before the appointed time. Make sure that you are fully prepared, since this will be your only opportunity to state your case and submit your evidence to the Tribunal. BEAR IN MIND these points 1) BRING all the documents that are relevant to the case such as receipts, correspondence or agreements. 2) MAKE SURE that any witnesses whose evidence you need arrive early. If a witness is not prepared to attend voluntarily, then you should apply to the Tribunal for the issue of a Summons to Witness (Form 7). The summons is an order of the Tribunal telling the witness to attend for the hearing. 3) PREPARE what you are going to say beforehand. Go over all the facts in chronological order. You may during the hearing refer to any notes you may have prepared beforehand.

FORM 6

NOTICE TO A THIRD PARTY
IN THE SMALL CLAIMS TRIBUNAL

REGISTRY FILE NUMBER
LOCATION

Notice to a third party
given by the defendant

You should indicate the registry file number of the claim made against you.

FROM
Fill in the name, address and
telephone of the defendant

DEFENDANT

TO
Fill in the name, address and
telephone number of the third
party

THIRD PARTY

NOTICE TO THE THIRD PARTY

Whoever is served with this notice, must within 18 days from the date of service file a reply. If he fails to do so, the Tribunal then will proceed to determine the dispute in his absence.

FOR OFFICE USE ONLY	
AMOUNT CLAIMED	Lm
FILING FEES	Lm
SERVICE FEES	Lm
TOTAL	Lm

PARTICULARS OF THE CLAIM

WHERE?
Tell where
this happened

WHEN?
Tell when
this happened

HOW MUCH?
State how much is being claimed
from the defendant

Lm

STEP 1 COMPLETE the NOTICE TO A THIRD PARTY using a typewriter or writing clearly. Make sure that all the copies are legible. STEP 2 FILE the NOTICE TO A THIRD PARTY together with your reply to the claim and counterclaim, if any. You must pay a filing fee for all these documents. The staff will check the form and when they are accepted for filing, apply the registry stamp, add on filing and service fees and assign a file number. The Registrar will then proceed to serve on your behalf the third party with one copy of the claim, the reply, the counterclaim (if any), a third party reply form and a blank reply form so that the third party will have all the necessary documents to reply. STEP 3 WHAT HAPPENS AFTER If the third party files a reply, you will be served with a copy of the reply. If no reply is filed, the Adjudicator may decide the claim in the third party's absence.	FROM You must be sure that the address that you give is correct because this is where the Registry will send you any further notices or information. If your address changes at any time please notify the Registry immediately. TO Be sure that you have the correct address of the third party. If there is more than one third party put the name of each party (side by side) in the space provided. In such a case however make sure that the claim is a result of the same transaction. WHAT HAPPENED? You do not need to tell everything about your case here. You must tell just enough to let the third party know what the case is all about. Keep your description brief. You will have a full opportunity to present all the facts during the trial. WHERE? A Notice to a Third Party must be filed in the Registry of the Tribunal where the transaction to which the claim refers took place together with the documents mentioned in the opposite column.
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