



Tuvalu

SMALL CLAIMS ORDINANCE

Act 1 of 1975



Tuvalu

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Tuvalu

SMALL CLAIMS ORDINANCE

Act 1 of 1975

AN ORDINANCE TO PROVIDE A PROCEDURE FOR THE INQUIRY INTO AND DETERMINATION OF SMALL CLAIMS BY MAGISTRATES

ENACTED BY THE PARLIAMENT OF TUVALU

Commencement [21st May 1975]

1 Short title

This Ordinance may be cited as the Small Claims Ordinance.

2 Interpretation

In this Ordinance “small claim” means any personal suit brought in or transferred to a magistrate's court where the value of the property, debt or damage claimed, whether as balance of account or otherwise, is not more than \$1000.

3 Inquiry into and determination of small claims

Notwithstanding any other law, a small claim, whether or not the parties thereto consent, may be enquired into and determined by a magistrate in accordance with this Ordinance.

4 Procedure for inquiry into small claims

In conducting an inquiry into a small claim under this Ordinance the magistrate —

- (a) subject to the other provisions of this Ordinance and to any regulations made thereunder, shall not be bound by any rule of evidence Procedure;
- (b) may summon any person to give evidence on oath and order the production of any document or thing relevant to the inquiry;
- (c) shall, unless the defendant admits the claim in writing, give every party to the claim the opportunity to give evidence on oath;
- (d) subject to any different provision made by regulations made under this Ordinance, shall have jurisdiction throughout Tuvalu.

5 Judgment after inquiry

- (1) After completing an inquiry into a small claim under this Ordinance to his satisfaction the magistrate shall give judgment in writing upon the claim which judgment shall contain the point or points for determination, the decision thereon and the reasons for the decision.
- (2) A judgment given under this section shall for all purposes be deemed to be a judgment of a magistrate's court.

6 Transfer of claims

Notwithstanding the other provisions of this Ordinance, a magistrate may at any time by order transfer a small claim which is within the jurisdiction of an island court to be heard and determined by that island court in accordance with the Island Courts Ordinance.

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7 Regulations

The Minister may with the approval of the Chief Justice make regulations in respect of proceedings under this Ordinance —

- (a) regulating the practice and procedure;
- (b) regulating the forms to be used and all matters connected therewith;
- (c) regulating the jurisdiction of magistrates;
- (d) prescribing rules of evidence to be observed;

- (e) generally for the better carrying into effect of the provisions, objects and intentions of this Ordinance.

ENDNOTES**Table of Legislation History**

| Legislation | Year and No | Commencement |
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Table of Renumbered Provisions

| Original | Current |
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