



Tuvalu

SMALL CLAIMS ACT

2008 Revised Edition

CAP. 7.60



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Tuvalu

SMALL CLAIMS ACT

AN ACT TO PROVIDE A PROCEDURE FOR THE INQUIRY INTO AND DETERMINATION OF SMALL CLAIMS BY MAGISTRATES¹

Commencement [21st May 1975]

1 Short title

This Act may be cited as the Small Claims Act.

2 Interpretation

In this Act “**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 \$1,000.

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 Act.

4 Procedure for inquiry into small claims

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

- (a) subject to the other provisions of this Act and to any regulations made thereunder, shall not be bound by any rule of evidence or 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 Act, shall have jurisdiction throughout Tuvalu.

5 Judgment after inquiry

- (1) After completing an inquiry into a small claim under this Act 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 Act, 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 Act².

7 Regulations

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

- (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 Act.

ENDNOTES

¹ 1990 Revised Edition, Cap. 93 – Act 1 of 1975

² Cap. 7.32