

Chapter:	338D	SMALL CLAIMS TRIBUNAL (SUITORS' FUNDS) RULES	Gazette Number	Version Date
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		Empowering section		30/06/1997
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(Cap 338 section 36)

[27 October 1978]

(Originally L.N. 250 of 1978)

Rule:	1	Citation		30/06/1997
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These rules may be cited as the Small Claims Tribunal (Suitors' Funds) Rules.

Rule:	2	Interpretation	L.N. 247 of 2000	01/09/2000
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In these rules, unless the context otherwise requires-

"funds" (儲存金) means money standing in or to be placed to the registrar's account;

"order" (命令) means an award or order of the tribunal or, in case of an appeal, of the Court, and includes any allocation by an adjudicator of the amount of an award;

"registrar" (司法常務官) means the Registrar of the District Court; (28 of 2000 s. 47)

"tribunal" (審裁處) means the Small Claims Tribunal.

(21 of 1999 s. 17)

Rule:	3	Payment into the tribunal		30/06/1997
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(1) All funds to be paid into the tribunal shall be paid to the registrar.

(2) Except where the circumstances otherwise require, the registrar shall pay any funds paid into the tribunal to an account which may be interest earning or not (to be called the Small Claims Tribunal Suitors' Funds Account) at such bank as the Director of Accounting Services shall direct.

Rule:	4	Registrar to give receipt		30/06/1997
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(1) The registrar shall give a receipt to any person by whom funds are paid into the tribunal.

(2) A receipt given under this rule shall be as nearly as may be in Form 1 in the Schedule hereto and shall contain particulars sufficient to identify the payment to which it relates and a statement of such of the following circumstances as may be applicable-

(a) paid in on behalf of defendant (name of party) in satisfaction of claim of the above-named (name of party);

(b) paid in under order dated the day of 19 ;

(c) paid in to security for costs account on behalf of (name of party).

Rule:	5	Registrar to keep accounts		30/06/1997
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(1) The registrar shall keep appropriate accounts in respect of all funds paid into the tribunal and of all dealings relating thereto.

(2) No account kept by the registrar under this rule shall be credited with any sum by way of interest.

Rule:	6	Payment out of funds in the tribunal		30/06/1997
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(1) Funds paid into the tribunal may be paid out by cheque or in cash as the registrar may direct and, in the case of payment by cheque, the cheque shall be signed by 2 persons authorized in writing by the registrar from time to

time. (L.N. 344 of 1980)

(2) Payment out may be made at the offices of the tribunal on any week-day, not being a Saturday or general holiday, between the hours of 10.00 a.m. and 1.00 p.m. and between the hours of 2.00 p.m. and 4.00 p.m.; and on any Saturday (not being a general holiday) between the hours of 10.00 a.m. and 12 noon.

Rule:	7	Payment out on death of person entitled		30/06/1997
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Where the registrar is satisfied that any person entitled under rule 6 to payment out of funds has died, the registrar may pay out such funds (or any portion thereof remaining unpaid at the date of the death of the deceased) as follows-

- (a) the registrar may pay out such funds to the legal personal representatives of the deceased or, if it appears that any such personal representative had died, to the survivor or survivors of them;
- (b) where it appears to the registrar that the deceased died intestate having assets not exceeding the value of \$5000 including the amount of such funds, and if administration has not been granted in respect of his estate, the registrar may pay out such funds to the person who (being the spouse, child, father, mother, brother or sister of the deceased) would have the prior right to a grant of administration of the estate, upon a declaration by such person in Form 2 in the Schedule hereto.

Rule:	8	Transfer of interest to general revenue		30/06/1997
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The registrar shall, at the end of each financial year or so soon thereafter as may be practicable, pay into the general revenue of Hong Kong any interest that has been credited to the Small Claims Tribunal Suitors' Funds Account.

Rule:	9	Transfer of unclaimed funds to general revenue		30/06/1997
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(1) Where any funds paid into the tribunal remain unclaimed for a period of five years after the date of payment into the tribunal, the Chief Justice may, on application by the registrar, direct that such funds shall be paid into the general revenue of Hong Kong. (L.N. 197 of 1983)

(2) Before giving any direction under paragraph (1), the Chief Justice may direct that such notice, if any, as he thinks necessary shall be given in such manner and to such persons as he may so direct.

Rule:	10	Annual statement of accounts and audit	32 of 2000	09/06/2000
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(1) The registrar shall in each year cause to be prepared for the period of twelve months ending on the 31st March in that year a statement of the accounts kept by him under rule 5, and such statement shall- (L.N. 446 of 1994)

- (a) include a receipts and payments account and a statement of assets and liabilities; and
- (b) be signed by the Registrar of the High Court. (25 of 1998 s. 2)

(2) (Repealed 32 of 2000 s. 23)

Schedule:		SCHEDULE		30/06/1997
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FORM 1

[rule 4(2)]

SMALL CLAIM TRIBUNAL (SUITORS' FUNDS) RULES

Receipt

IN THE SMALL CLAIM TRIBUNAL

(Title of cause or matter. No. of 19).

Ledger account

(if the same as the cause, state as above).

Received from _____ the sum of _____
(Signature)

Registrar.

Dated this _____ day of _____ 19 ____ .

FORM 2 [rule 7]

SMALL CLAIM TRIBUNAL (SUITORS' FUNDS) RULES

Declaration

IN THE SMALL CLAIMS TRIBUNAL

(Title of cause or matter. No. _____ of 19 ____).

Ledger account

(if the same as the cause, state as above).

I (name and address of applicant) solemnly and sincerely declare that I am the (degree of relationship) and next or one of the next of kin of (name of deceased) and that I am entitled to take out administration to his estate and to receive the sum of \$ _____ directed to be paid to him by the order dated the _____ 19 ____ .

And I further declare that the total value of the assets of the deceased including the above sum does not exceed \$5000, and I certify that the death-bed and funeral expenses of the deceased have been paid; and I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Oaths and Declarations Ordinance, Chapter 11.

(Signature of applicant)

Declared at

Before me this _____ day of _____ 19 ____ .

(Signature)

Notary public,
or other authorized officer.

(47 of 1997 s. 10)