

Chapter:	338A	SMALL CLAIMS TRIBUNAL (GENERAL) RULES	Gazette Number	Version Date
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		Empowering section		30/06/1997
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(Cap 338, section 36)

[1 October 1976]

(Originally L.N. 78 of 1976)

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

Rule:	2	Interpretation		30/06/1997
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In these rules, unless the context otherwise requires-
"register" (登記冊) means the Register of Claims kept under rule 4.

Rule:	3	Registry		30/06/1997
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There shall be a registry for claims which shall be situated at such place as the Chief Justice may direct.

Rule:	4	Register of Claims		30/06/1997
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- (1) A Register of Claims, in such form as the Chief Justice may direct, shall be maintained in the registry.
- (2) The register shall contain such details of all claims and proceedings in the tribunal as the Chief Justice may direct.

Rule:	4A	Keeping of the Register of Claims, etc.	L.N. 257 of 1999	19/10/1999
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- The Register of Claims kept under rule 4 and the summary kept under section 15 of the Ordinance may be kept-
- (a) in the form of a book;
 - (b) in the form of a disc, card, tape, microchip, sound track or other device on or in which information or data is recorded or stored by mechanical, electronic, optical or other means; or
 - (c) partly in the form referred to in paragraph (a) and partly in the form referred to in paragraph (b).
- (28 of 1999 s. 18)

Rule:	5	Service		30/06/1997
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Except as otherwise provided by the Ordinance or these rules, service of any document required to be served under the Ordinance or these rules shall be carried out by such person as may be appointed for the purpose by the registrar and shall be effected-

- (a) by delivering the document personally to the person to be served;
- (b) by leaving the document with some adult person at the last known place of residence or business of the person to be served;
- (c) by posting the document by ordinary post addressed to the person to be served at his last known place of residence or business; or
- (d) in such other manner as the registrar may direct.

(L.N. 253 of 1988)

Rule:	6	Substituted service		30/06/1997
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(1) If reasonable efforts have been made to serve a document in accordance with rule 5 and service has not been effected, the registrar may make an order for substituted service of the document.

(2) Substituted service shall be effected in such manner as the registrar may direct.

Rule:	6A	Failure of claimant to appear at hearing		30/06/1997
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If, upon the hearing of a claim, the claimant does not appear, the adjudicator may strike out the claim upon such terms as he thinks just.

(L.N. 28 of 1978)

Rule:	7	Transfer of claim, counterclaim, etc. to District Court or Court of First Instance, etc.	L.N. 257 of 1999	19/10/1999
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Where the tribunal transfers a claim or a counterclaim or set-off and counterclaim to the Board, the Labour Tribunal, the Lands Tribunal, the District Court or the Court of First Instance under section 7 or 10 of the Ordinance, the registrar shall send to the registrar of the Board, the Labour Tribunal, the Lands Tribunal or the court to which the claim or counterclaim or set-off and counterclaim is transferred a certified copy of the entries in the register, and the documents in his custody, relating to the claim or counterclaim or set-off and counterclaim.

(25 of 1998 s. 2; 28 of 1999 s. 18)

Rule:	8	Procedure on application for leave to appeal	25 of 1998 s. 2	01/07/1997
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Remarks:

Amendments retroactively made - see 25 of 1998 s. 2

(1) Where an application for leave to appeal is made under section 28 of the Ordinance-

(a) the registrar shall on the request by any party to the proceedings and on payment by such party of the appropriate fee supply to such party within 7 days of the request a certified copy of the record of the proceedings; and

(b) the Registrar of the High Court shall-

(i) fix a date and place for the hearing of the application; and

(ii) send a notice to the applicant in the prescribed form of the date and place of hearing. (See Form 10)

(2) At the hearing of an application for leave to appeal, the Court of First Instance may with the consent of the applicant alter any ground of appeal, or insert any new ground of appeal, in the application for leave to appeal. (L.N. 215 of 1982)

(25 of 1998 s. 2)

Rule:	9	Procedure on appeal from the tribunal	25 of 1998 s. 2	01/07/1997
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Remarks:

Amendments retroactively made - see 25 of 1998 s. 2

(1) Where leave to appeal is granted under section 28 of the Ordinance-

(a) the registrar shall send to the Registrar of the High Court a copy of the entries in the register and the documents in his custody relating to the claim;

(b) the Registrar of the High Court shall, on receipt of such documents, fix a date and place for the hearing of the appeal; and

(c) the Registrar of the High Court shall send notices in the prescribed form of the date and place of hearing to be served on the parties to the claim who are interested in the appeal. (See Form 11)

(2) Save with the permission of the Court of First Instance, an appellant shall not be entitled at the hearing of the appeal to rely on any ground of appeal not specified in the application for leave to appeal. (L.N. 215 of 1982)

(25 of 1998 s. 2)

Rule:	10	Payment of award by instalment	30/06/1997
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The tribunal may order that the amount of an award or order shall be paid by such instalments, payable at such times, as the tribunal may think fit.

Rule:	11	(Repealed)	30/06/1997
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(Repealed 14 of 1986 s. 12)

Rule:	12	Enforcement of award of the tribunal	30/06/1997
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Where an application is made under section 32 of the Ordinance to enforce an award of the tribunal, such application may be commenced in the tribunal.

(L.N. 108 of 1986)