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**SMALL CLAIMS TRIBUNALS ACT
(CHAPTER 308)**

**SMALL CLAIMS TRIBUNALS
(AMENDMENT) RULES 2019**

In exercise of the powers conferred by section 47 of the Small Claims Tribunals Act, we, the Rules Committee, make the following Rules:

Citation and commencement

1. These Rules are the Small Claims Tribunals (Amendment) Rules 2019 and come into operation on 1 November 2019.

Amendment of rule 2

2. Rule 2 of the Small Claims Tribunals Rules (R 1) (called in these Rules the principal Rules) is amended —

(a) by inserting, immediately after paragraph (1), the following paragraph:

“(1A) The Rules of Court (Cap. 322, R 5) do not apply to the following:

(a) any proceedings before a tribunal or the Registrar;

(b) any procedure for proceedings in a District Court or the High Court (arising from an order of a tribunal) for which provision is made in these Rules.”; and

(b) by deleting the words “To avoid doubt, paragraph (1)” in paragraph (2) and substituting the words “Paragraph (1A)(a)”.

Amendment of rule 3**3.** Rule 3 of the principal Rules is amended —

- (a) by inserting, immediately after the definition of “ACRA”, the following definition:

““appropriate Form”, in relation to any purpose for which a specific form is required to be used, means the current version of the specific form for that purpose set out on the Internet website of the electronic system or in the practice directions;” and

- (b) by deleting the definition of “Form”.

Amendment of rule 4**4.** Rule 4 of the principal Rules is amended —

- (a) by deleting the word “Form” wherever it appears in paragraphs (1), (3) and (4) and substituting in each case the word “form”; and
- (b) by deleting the word “Schedule” in paragraph (4) and substituting the words “electronic system”.

Deletion and substitution of rule 5

5. Rule 5 of the principal Rules is deleted and the following rule substituted therefor:

“Registry

5. The Registry is under the control and supervision of the Registrar.”.

Amendment of rule 7**6.** Rule 7 of the principal Rules is amended —

- (a) by deleting paragraph (1) and substituting the following paragraph:

“(1) The Registrar must keep the records of all proceedings under the Act, including the documents

filed or tendered by parties to those proceedings.”;
and

- (b) by deleting the words “and in accordance with directions given under the authority of the Chief Justice” in paragraph (2).

Amendment of rule 8

7. Rule 8 of the principal Rules is amended —

- (a) by deleting paragraph (1) and substituting the following paragraph:

“(1) After an order has been made under section 35 of the Act in any proceedings, any person may, with the leave of the Registrar and on payment of the prescribed fee, search or inspect the record relating to those proceedings, and take a certified copy of the record or any part of it.”;

- (b) by deleting the words “this rule may appeal to a Referee who” in paragraph (2) and substituting the words “paragraph (1) may appeal to a tribunal, and the tribunal”;

- (c) by deleting paragraphs (3) and (4) and substituting the following paragraph:

“(3) Despite paragraph (1) —

- (a) a party to any proceedings under the Act may, at any time, without the Registrar’s leave but on payment of the prescribed fee, search or inspect the record relating to those proceedings, and take a certified copy of the record or any part of it; and

- (b) the Registry may make available for public search without charge such information on proceedings under the Act as the Registry thinks fit, and any person may search for such information without the Registrar’s leave.”.

Amendment of rule 8A

8. Rule 8A(2) of the principal Rules is amended by deleting the word “Forms” in sub-paragraph (a) and substituting the word “forms”.

Amendment of rule 8D

9. Rule 8D of the principal Rules is amended by deleting the word “Form” wherever it appears in paragraph (4) and in the rule heading and substituting in each case the word “form”.

Deletion and substitution of heading to Part III

10. Part III of the principal Rules is amended by deleting the Part heading and substituting the following Part heading:

“CLAIMS, COUNTERCLAIMS
AND RELATED MATTERS”.

Deletion and substitution of rule 9

11. Rule 9 of the principal Rules is deleted and the following rule substituted therefor:

“Claim

9. A claim —

- (a) must be made in the appropriate Form; and
- (b) must be lodged together with the documents (if any) supporting the claim, unless otherwise allowed by the Registrar.”.

Amendment of rule 10

12. Rule 10 of the principal Rules is amended —

- (a) by deleting the words “Form 2” in paragraph (1) and substituting the words “the appropriate Form”;
- (b) by deleting paragraph (2) and substituting the following paragraph:

“(2) A counterclaim must be lodged together with the documents (if any) supporting the counterclaim, unless otherwise allowed by the Registrar.”; and

(c) by inserting, immediately after paragraph (5), the following paragraph:

“(6) These Rules apply to a counterclaim as they apply to a claim, with the following modifications:

- (a) a reference in these Rules to a claimant is a reference, where appropriate, to the person who makes the counterclaim;
- (b) a reference in these Rules to a respondent is a reference, where appropriate, to the person against whom the counterclaim is made.”.

Deletion of rule 11

13. Rule 11 of the principal Rules is deleted.

Amendment of rule 11A

14. Rule 11A of the principal Rules is amended by deleting paragraphs (1), (2) and (4).

New rule 11B

15. The principal Rules are amended by inserting, immediately after rule 11A, the following rule:

“Withdrawal of claim or counterclaim

11B.—(1) A claimant may withdraw his claim, and a respondent may withdraw his counterclaim, by filing the appropriate Form with the Registry.

(2) The fact that a party has withdrawn a claim or counterclaim is not a defence to a subsequent action for the same, or substantially the same, cause of action.”.