

Small Claims Tribunals (Amendment) Rules 1997

Table of Contents

Enacting Formula

1 Citation and commencement

2 Amendment of rule 7

3 Amendment of rule 9

4 New Parts IIIA and IIIB

5 Amendment of rule 12

No. S 320

SMALL CLAIMS TRIBUNALS ACT (CHAPTER 308)

SMALL CLAIMS TRIBUNALS (AMENDMENT) RULES 1997

In exercise of the powers conferred on us by section 44 of the Small Claims Tribunals Act, we, the Rules Committee hereby make the following Rules:

Citation and commencement

1. These Rules may be cited as the Small Claims Tribunals (Amendment) Rules 1997 and shall come into operation on 15th July 1997.

Amendment of rule 7

2. Rule 7(2) of the Small Claims Tribunals Rules (R 1) (referred to in these Rules as the principal Rules) is amended by deleting the words “by entries in books belonging to the tribunal,” and substituting the words “in such manner and form as the Registrar may

determine and”.

Amendment of rule 9

3. Rule 9 of the principal Rules is amended by deleting paragraph (2) and substituting the following paragraph:

“(2) At the time of lodging of any claim, the claimant specified in the first column of the following table shall pay the appropriate fee specified opposite thereto:

TABLE				
<i>Claimant</i>		<i>Fees</i>		
		<i>(Claims of not more than \$5,000)</i>	<i>(Claims of more than \$5,000 but not more than \$10,000)</i>	<i>(Claims of more than \$10,000)</i>
(a)	Consumer	\$10	\$20	1% of amount claimed
(b)	Non-consumer	\$50	\$100	3% of amount claimed.

”.

New Parts IIIA and IIIB

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

“PART IIIA

ELECTRONIC LODGING OF CLAIMS

Definitions

11A. In this Part, unless the context otherwise requires —

“authentication code” means any identification or identifying code, password or any other authentication method or procedure which has been assigned to an authorised claimant or his authorised agent for the purpose of identifying and authenticating the electronic lodgment of claims;

“authorised agent”, in relation to an authorised claimant, means a person authorised in writing by the claimant to lodge on the claimant’s behalf a

claim by electronic means;

“authorised claimant” means a person who has been permitted by the Registrar under rule 11B(1) to lodge a claim by electronic means;

“identification name” means the identification name assigned to an authorised claimant or his authorised agent by the Registrar under rule 11D;

“operation manual” means an operation manual issued by the Registrar under rule 11F(1).

Authorised claimant

11B.—(1) The Registrar may, subject to such conditions as he may impose, permit any person or class of persons to lodge a claim by electronic means in accordance with this Part.

(2) The fees payable for lodging of any claim specified in rule 9(2) shall apply to the lodging of a claim by electronic means.

Conditions

11C. An authorised claimant shall ensure that, before commencing the lodging of claims by electronic means, he has —

- (a) obtained the necessary computer and communications equipment and software of the type specified by the Registrar;
- (b) read and understood the operation manual for the electronic lodgment of claims issued by the Registrar;
- (c) entered into a maintenance agreement with an approved supplier if required by the Registrar;
- (d) arranged for payment of the lodging fees referred to in rule 11B(2) by inter-bank GIRO or such other means as the Registrar may require;
- (e) provided the Registrar with such information as the Registrar may consider necessary for the purposes of these Rules; and
- (f) complied with such other conditions as the Registrar may impose in writing.

Identification name and authentication code

11D.—(1) Before lodging any claim by electronic means, the authorised claimant shall apply to the Registrar for one or more identification names and authentication codes to be assigned to him or his authorised agent.

(2) The authorised claimant or his authorised agent shall register his particulars with the Registrar and acknowledge in writing safe receipt of the identification name and authentication code assigned to him by the Registrar.

(3) The authorised claimant or his authorised agent shall inform the Registrar in writing of any change in particulars.

(4) Where the authority of an authorised agent is revoked or terminated, the authorised claimant shall immediately request the Registrar in writing to cancel the identification name and authentication code of that authorised agent.

(5) The Registrar may delegate in writing to any person his functions and powers under this rule.

Security of authentication code

11E. The authorised claimant or his authorised agent shall ensure the confidentiality and security of his authentication code and shall not —

- (a) divulge his authentication code to any other person; or
- (b) permit any other person to use his authentication code to lodge a claim.

Lodging of claim by electronic means

11F.—(1) An authorised claimant or his authorised agent may lodge a claim by electronic means by —

- (a) entering his identification name and authentication code and all particulars as required under section 16 of the Act and by the electronic form displayed on the computer monitor; and
- (b) transmitting the claim by electronic means,

in accordance with the operation manual issued by the Registrar.

(2) If a claim is received in the computer account of the Registrar, the claim shall be deemed to be lodged on the day it is transmitted electronically as recorded in the Registrar's computer account.

(3) If the claim is not lodged with the Registrar because of —