

The Laws of Zambia

REPUBLIC OF ZAMBIA

THE SMALL CLAIMS COURTS ACT

CHAPTER 47 OF THE LAWS OF ZAMBIA

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CHAPTER 47

SMALL CLAIMS COURTS

23 of 1992
13 of 1994

An Act to provide for the establishment, constitution, jurisdiction, powers and procedure of small claims courts; and to provide for matters connected with or incidental to the foregoing.

[31st July, 1992]

PART I

PRELIMINARY

1. This Act may be cited as the Small Claims Courts Act. Short title
2. (1) In this Act, unless the context otherwise requires- Interpretation
Cap. 30
Cap. 28
 - "arbitrator" means any person appointed by the Commission under section six;
 - "award" means the decision made by the arbitrator under section *twenty* in favour of one of the parties to a claim;
 - "Commission" means the Judicial Service Commission established under Article *one hundred and nine* of the Constitution;
 - "practitioner" shall have the meaning assigned to it by section *two* of the Legal Practitioners Act; and "legal practitioner" shall be construed accordingly;
 - "small claims court officer" means an officer appointed under section *ten*;
 - "small claims court" means a court established under section *three*;
 - "subordinate court" means a subordinate court constituted under the Subordinate Courts Act.

PART II

ESTABLISHMENT OF SMALL CLAIMS COURTS

- 3.** There is hereby established small claims courts which shall be situated in such areas as the Chief Justice may consider necessary, having regard to the needs of a particular area. Establishment of small claims courts
- 4.** One arbitrator, sitting alone, shall constitute a small claims court. Composition of a small claims court
- 5.** The jurisdiction of a small claims court shall be limited to liquidated claims of not more than four thousand fee units and shall be exercised by way of arbitration. Jurisdiction of a small claims court
(As amended by Act No. 13 of 1994)
- 6.** The Commission acting in the name of, and on behalf of, the President may appoint such number of persons as it considers necessary to be arbitrators over small claims courts. Appointment of arbitrators
- 7.** No person shall be qualified to be appointed as an arbitrator unless he is a legal practitioner of not less than five years standing. Qualifications for appointment as arbitrator
- 8.** An arbitrator shall be appointed on a part-time basis and shall be paid such allowance as may be prescribed under this Act. Tenure of office
- 9.** No person shall sit as an arbitrator in any matter in which he is a party or, in which he has a direct or indirect pecuniary or personal interest. Conflict of interest
- 10.** (1) The Commission may appoint such number of small claims courts officers as it considers necessary for the purpose of carrying out the provisions of this Act. Appointment of small claims courts officers
- (2) The small claims courts officers shall exercise such powers and perform such duties as are conferred or imposed upon them by or under the provisions of this Act.
- 11.** A small claims court shall sit at such times and places as may be necessary for the convenient and speedy despatch of business. Sittings

PART III

PROCEEDINGS IN A SMALL CLAIMS COURT

12. (1) Proceedings in a small claims court shall be held in open court.

Proceedings to be in open court

(2) The proceedings shall be simple and informal.

13. (1) No legal practitioner, other than a practitioner who is a party acting solely on his own behalf, may appear or act before a small claims court on behalf of any party to the proceedings.

Parties to appear in person

(2) Subject to subsection (1), a small claims court may permit any person who is the spouse, guardian or other member of the household of a party in any proceedings before the court to appear or act for that party, if he satisfies the court that he has the authority of the party to so appear or act.

(3) Subject to subsection (1) a body corporate or an unincorporated body which is a party to the proceedings before a small claims court may be represented by any person or agent who is authorised by that body to appear on its behalf.

14. A small claims court shall, when adjudicating, aim at the reconciliation of the parties and it shall be the primary function of the court to do substantial justice between the parties.

Aim of small claims court when adjudicating

15. (1) The business of a small claims court shall be conducted in English or in such other language as, in the opinion of the court, is convenient for the court and all the parties before it.

Language to be used

(2) Where a party to the proceedings is not conversant with the language being used in the court, the party shall be allowed, or provided with, an interpreter.

(3) Whenever any language other than English is used in any proceedings, the court shall cause to be made an English translation of the proceedings before it, but shall not maintain a case record of the proceedings.

16. (1) The court shall, not be bound by rules of evidence, but shall apply the law and equity.

Court not to be bound by formal rules of evidence