

THE STATUTES OF THE REPUBLIC OF SINGAPORE

SMALL CLAIMS TRIBUNALS ACT

(CHAPTER 308)

**Act
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Small Claims Tribunals Act

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An Act to make provision for the establishment, jurisdiction and powers of Small Claims Tribunals and the appointments, powers and duties of Referees in such tribunals and the administration of justice therein.

[15th January 1985]

PART I

PRELIMINARY

Short title.

1. This Act may be cited as the Small Claims Tribunals Act.

Interpre-
tation.

- 2.** In this Act, unless the context otherwise requires —
- “claim” means a claim lodged with a tribunal under section 15;
- “claimant” means a person who lodges a claim with a tribunal and includes any person who becomes a party to the proceedings on any claim in the capacity of a claimant;
- “court” means any court of competent jurisdiction in Singapore;
- “party” means a claimant or respondent and any person joined as a third party;

“Referee” means a person appointed as such under section 4;

“Registrar” means the Registrar of Small Claims Tribunals appointed under section 14 and includes the Deputy Registrar and an Assistant Registrar;

“Registry” means the Registry of Small Claims Tribunals established under section 13;

“respondent” means any person against whom a claim is made and any person who becomes a party to the proceedings on any claim in the capacity of a respondent;

“rules” means the rules made by the Rules Committee pursuant to section 69 (1) of the Subordinate Courts Act; Cap. 321.

“tribunal” means a Small Claims Tribunal constituted under section 4 of the Subordinate Courts Act;

“work order” means an order to rectify a defect in goods or to make good any deficiency in the performance of services, by doing such work or attending to such matters (including the replacement of goods or parts thereof) as may be specified in the order.

PART II

ESTABLISHMENT AND JURISDICTION OF TRIBUNALS

3. The President may under section 4 of the Subordinate Courts Act constitute one or more Small Claims Tribunals as he thinks fit to exercise the jurisdiction in respect of claims created by this Act. Establishment of tribunals.

4.—(1) A tribunal shall be presided over by a Referee appointed by the President on the recommendation of the Chief Justice. Appointments and qualification of Referees.

(2) No person shall be appointed to be a Referee unless he is a qualified person within the meaning of the Legal Profession Act. Cap. 161.

(3) Every person appointed as a Referee shall hold office for such term as may be specified in the instrument of his appointment, and may from time to time be reappointed.

(4) Any appointment of a Referee made under subsection (3) may at any time be revoked by the President on the recommendation of the Chief Justice.

Jurisdiction
of tribunal.

5.—(1) Subject to the provisions of this Act, a tribunal shall have jurisdiction to hear and determine any claim relating to a dispute arising from any contract for the sale of goods or the provision of services.

(2) Except where this Act expressly provides otherwise, the jurisdiction of a tribunal shall not extend to a claim —

(a) which exceeds \$2,000; or

(b) after the expiration of one year from the date on which the cause of action accrued.

(3) Where a tribunal is of the opinion that a claim lodged with it pursuant to section 15 (1) is beyond its jurisdiction, it shall discontinue the proceedings and advise the claimant and respondent accordingly.

Exclusion
of other
jurisdictions.

6.—(1) Where a claim has been lodged with a tribunal, no proceedings relating to that claim shall be brought before any other court except —

(a) where the proceedings before that court were commenced before the claim was lodged with the tribunal; or

(b) where the claim before the tribunal has been withdrawn or abandoned.

(2) No claim shall be brought before a tribunal if proceedings relating to that claim are pending in or have been heard and determined by any other court.

(3) For the purposes of this section, a claim shall be deemed to have been lodged with a tribunal when section 15 has been complied with.

Transfer of
claims.

7. Notwithstanding section 5, a tribunal may, at any time if it is of the opinion that a claim ought to be dealt with by any other court, transfer the proceedings to that court whereupon the practice and procedure of that court shall apply.

No division
of claims.

8. No claim shall be split or divided and pursued in separate proceedings before a tribunal for the sole purpose of bringing the sum claimed in each of such proceedings within the jurisdiction of a tribunal.

9. If a claim exceeds \$2,000, a claimant may abandon the excess, and thereupon a tribunal shall have jurisdiction to hear and determine the claim; and in that event, an order of the tribunal under this Act in relation to that claim shall be in full discharge of all demands in respect thereof.

Abandonment of part claim to give tribunal jurisdiction.

10.—(1) Where any counterclaim or any set-off and counterclaim in proceedings before a tribunal is a monetary claim which is not within the jurisdiction of the tribunal, any party in those proceedings may apply to an appropriate court, within such time as may be prescribed by the rules of that court, for an order that the whole proceedings, or the proceedings on the counterclaim or set-off and counterclaim, be transferred to that court.

Transfer of counterclaim from tribunal to court.

(2) On any such application, the court may order either —

- (a) that the whole proceedings be transferred to that court;
- (b) that the whole proceedings be heard before a tribunal; or
- (c) that the proceedings on the counterclaim or set-off and counterclaim be transferred to that court and that the claim by the claimant and the defence thereto other than the set-off, if any, be heard before a tribunal.

(3) Where an order is made under subsection (2) (c) and judgment on the claim is given for the claimant, execution thereon shall, unless the court at any time otherwise orders, be stayed until the proceedings transferred to that court have been concluded.

(4) Where no application is made under subsection (1) or where on such an application it is ordered that the whole proceedings be heard before a tribunal, the tribunal shall have jurisdiction to hear the proceedings notwithstanding any other provisions of this Act.

11. Where any proceedings on a claim or counterclaim or set-off and counterclaim are transferred under section 7 or 10 from a tribunal to another court, the costs of the proceedings both before and after the transfer shall, subject to any order of the tribunal made in relation to any proceedings before the transfer, be in the discretion of the

Costs in transferred cases.

court to which the proceedings are transferred, and that court may make orders with respect thereto and as to the scales on which the costs of the proceedings are to be taxed; and the costs of the whole proceedings shall be taxed in that court.

Functions of
tribunal.

12.—(1) The primary function of a tribunal is to attempt to bring the parties to a dispute to an agreed settlement.

(2) Where an agreed settlement is reached, a tribunal may make one or more of the orders which it is empowered to make under section 32.

(3) If it appears to a tribunal that it is impossible to reach a settlement under subsection (1) within a reasonable time, the tribunal shall proceed to determine the dispute.

(4) A tribunal shall determine the dispute according to the substantial merits and justice of the case, and in doing so shall have regard to the law but shall not be bound to give effect to strict legal forms or technicalities.

Registry.

13.—(1) There shall be established and maintained a Registry of Small Claims Tribunals in which all records of the tribunals shall be kept.

(2) The record of a tribunal shall consist of —

- (a) claims lodged with the tribunal by claimants;
- (b) summaries of the facts of the issues in dispute in respect of those claims as determined and recorded by the tribunal during the hearing of the claims; and
- (c) orders made by the tribunal in relation to those claims.

(3) Any party to the claim shall, upon payment of a prescribed fee, be entitled to a copy of the record of a tribunal and such record shall be admissible in evidence before any other court for the purposes of any proceedings before that court.

Appointment
of Registrar,
Deputy
Registrar,
Assistant
Registrars
and other
officers.

14.—(1) The Chief Justice may appoint a Registrar, a Deputy Registrar, Assistant Registrars and such other officers as may be necessary for the proper functioning of tribunals.

(2) All the powers and duties conferred and imposed on the Registrar may be exercised and performed by the Deputy Registrar or an Assistant Registrar.

15.—(1) Proceedings before a tribunal shall be commenced by lodging a claim with the Registrar. Lodging claims.

(2) A claim shall be in writing in the prescribed form and shall be signed by the claimant.

(3) The Registrar may permit a claim to be made orally and cause it to be reduced to writing. After the claim has been reduced to writing it shall be read over and explained to the claimant and if confirmed correct by the claimant, shall be signed by the claimant and a copy thereof shall be given to him.

(4) In any joint or representative claim —

(a) the Registrar may permit the claim to be filed notwithstanding that it has not been signed by all the claimants or persons represented on condition that all the claimants or such persons shall do so before the date of hearing; and

(b) the name of a claimant or person represented who has not so signed the claim before the hearing may, if a tribunal so directs, be deleted from the claim and the amount of the claim reduced accordingly.

16. A claim shall contain —

(a) the name and address of each claimant and, in the case of a representative claim, the name and address of each person represented; Contents of claim.

(b) the name and address of each respondent;

(c) the sum of money claimed by each claimant or person represented; and

(d) such other particulars of the claim as are reasonably sufficient to inform the respondent of the ground for the claim and the manner in which the amount claimed by each claimant or person represented has been calculated.

17.—(1) The Registrar shall, when a claim has been filed, invite all the parties to the dispute for consultation with a view to effecting a settlement acceptable to all the parties. Settlement by Registrar.

(2) Where such a settlement is made, the Registrar shall at the request of the claimant, make an order under section 32 that gives effect to the terms of the settlement and such order shall have effect as if it were an order of a tribunal made under that section.

Service
of claim
and notice
of hearing.

18.—(1) Where the Registrar is unable to achieve a settlement acceptable to all the parties to the dispute, he shall —

- (a) fix a place and date for hearing the claim and give notice thereof in the prescribed form to the claimant; and
- (b) as soon as is reasonably practicable cause a copy of the written claim and a notice in the prescribed form of the date and place of hearing to be served on —
 - (i) the respondent; and
 - (ii) every person who appears from the claim form to have a sufficient interest in the settlement of the dispute to which the claim relates.

(2) The Registrar may summon any person to appear before a tribunal if, in his opinion, the presence of such a person is necessary to enable the tribunal to determine the questions in dispute in the claim.

(3) Service of a copy of the written claim and the notice of hearing and of a summons or any document that is to be served on any person in any proceedings before a tribunal may be effected by such person as may be appointed by the Registrar for the purpose.

Parties.

19.—(1) Subject to subsection (2), the claimant, the respondent and every person to whom notice of a claim has been given under section 18 (1) (b) shall be parties to the proceedings on that claim.

(2) A tribunal may, at any time, order that the name of a person who appears to it to have been improperly joined as a party be struck out from the proceedings.

Hearing
to be
informal.

20.—(1) Proceedings before a tribunal shall be conducted in an informal manner.

(2) A tribunal may of its own motion or at the request of any party summon any witness and require the production of any document, record, book of account or other thing, which is relevant in any proceedings.

(3) A tribunal shall inquire into any matter which it may consider relevant to a claim, whether or not it has been raised by a party.

21.—(1) Subject to this section, a party to proceedings before a tribunal shall present his own case. Right of audience.

(2) Subject to subsection (3), where a party to proceedings before a tribunal is —

- (a) the Government, a public officer may present the case on its behalf;
- (b) a body corporate, one of its full-time employees may present the case on its behalf; and
- (c) a partnership, one of its partners or full-time employees may present the case on its behalf.

(3) No party to any proceedings before a tribunal shall be represented by an advocate and solicitor or agent, whether paid or otherwise.

(4) A tribunal shall, before permitting a person to act as a representative under subsection (2), satisfy itself that such person has sufficient knowledge of the case and sufficient authority to bind the party whom he represents.

22. All proceedings before a tribunal shall be held in private. Proceedings to be in private.

23.—(1) Where two or more claims are filed and it appears to a tribunal that — Claims may be heard together.

- (a) a common question of fact or law arises in both or all of them;
- (b) the claims arose out of the same cause of action; or
- (c) it would be in the interests of justice,

the tribunal may order that such claims be heard at the same time.

(2) The power conferred by this section may be exercised by a tribunal notwithstanding that the hearing of one or more of the claims has begun.

Representative claims.

24.—(1) Subject to subsection (2), if two or more persons have claims against the same respondent, such claims may be brought in the name of one of such persons as the representative of some or all of them.

(2) A tribunal may, if at any stage of the proceedings it considers that a representative claim may prejudice the respondent, order that the claims of all or any of the persons represented shall be heard separately.

(3) Each person represented in a representative claim shall be deemed to have authorised the representative on his behalf to —

- (a) call and give evidence and make submissions to a tribunal on any matter arising during the hearing of the claim;
- (b) file affidavits, statements or other documents;
- (c) agree to an adjournment or change of venue;
- (d) agree to a settlement of the claim on such terms as he thinks fit;
- (e) amend or abandon the claim; and
- (f) act generally in as full and free a manner as such claimant may act on his own behalf.

(4) The authority deemed to be given to a representative by subsection (3) shall not be withdrawn save by leave of the tribunal.

(5) A tribunal may, at any time before determining any claim, grant leave to any person to join in the claim as a person represented on such terms as it may think fit.

Evidence.

25.—(1) A tribunal shall not be bound by the rules of evidence but may inform itself on any matter in such manner as it thinks fit.

(2) Evidence tendered to a tribunal by or on behalf of a party to any proceedings need not be given on oath but the tribunal may at any stage of the proceedings require that such evidence or any part thereof be given on oath whether orally or in writing.

(3) A tribunal may, on its own initiative, seek and receive such other evidence and make such other investigations and inquiries as it thinks fit. All evidence and information so received and ascertained shall be disclosed to every party.

(4) For the purposes of subsection (2), a Referee of a tribunal is empowered to administer an oath.

(5) A Referee may require any written evidence given in the proceedings before a tribunal to be verified by statutory declaration.

(6) A Referee is not required to keep a record of the evidence given in any proceedings before a tribunal but shall make —

- (a) a summary for the purposes of section 13 (2); and
- (b) notes of the proceedings.

26.—(1) If a respondent fails to appear at the hearing, by himself or by a representative pursuant to section 21 (2), the claimant may apply to the tribunal for an order to be made against the respondent. Judgment in default of appearance.

(2) Upon application made by the claimant under subsection (1), the tribunal shall grant him the order if it is satisfied that he is entitled thereto.

(3) An order shall not be made against a respondent under this section unless the tribunal is satisfied that a copy of the written claim and the notice of hearing have been served on the respondent under section 18.

27. Subject to this Act and to the rules made thereunder, a tribunal shall have control of its own procedure in the hearing of claims and in the exercise of that control shall have regard to the principles of natural justice. Control of procedure.

28. Except as provided in section 29, costs, other than disbursements shall not be granted to or awarded against any party to any proceedings before a tribunal. No costs allowed in proceedings.

29. A tribunal may at any time dismiss a claim which it considers to be frivolous or vexatious on such terms as to costs as it thinks fit. Frivolous or vexatious claims.

30. A tribunal may at any time, either of its own motion or on the application of any party, adjourn the hearing of proceedings on a claim on such terms as it thinks fit. Adjournments.

31. A claimant may at any time withdraw his claim whether or not a tribunal has heard the claim. Withdrawal of claim.

Orders of tribunal.

32.—(1) A tribunal may, as regards any claim within its jurisdiction, make one or more of the following orders and may include therein such stipulations and conditions (whether as to the time for, or mode of, compliance or otherwise) as it thinks fit:

- (a) the tribunal may order a party to the proceedings to pay money to another party;
- (b) the tribunal may make a work order against any party to the proceedings;
- (c) the tribunal may make an order requiring a party to the proceedings to do anything referred to in paragraph (b) within such time as may be specified in the order and in default of his complying with that order to pay money to a person specified in the order; or
- (d) the tribunal may make an order dismissing the claim to which the proceedings relate,

and such ancillary orders as may be necessary to give effect to the order or orders made by the tribunal.

(2) The following provisions shall apply to an order made under subsection (1):

- (a) an order made under subsection (1) (a) shall not require payment of money exceeding \$2,000;
- (b) the value of the work required to be performed by the order shall not exceed \$2,000; and
- (c) the order may provide that, in default of compliance with the order within the time specified in it, the claimant may have the work needed to rectify the defect done by a competent person.

(3) The Registrar shall arrange for a copy of an order made under subsection (1) to be served on the person against whom it is made as soon as practicable after the time that it is made.

Enforcement of orders to pay money.

33.—(1) Every order made by a tribunal requiring a party to pay money shall be deemed to be an order of a Magistrate’s Court and, subject to this section, may be enforced accordingly.

(2) Where application is made to a Magistrate’s Court for the issue of any process to enforce an order provided for by section 32 (1) (c) (requiring a party to pay money to another as an alternative to compliance with a work order), the

Registrar shall give notice of the application to the party against whom enforcement is sought.

(3) If that party does not file in the tribunal within the period prescribed for so doing a notice of objection in the prescribed form, the order may, after the expiry of that period, be enforced pursuant to subsection (1).

(4) The notice referred to in subsection (3) may only be given on the ground that it is the belief of the party that the order of the tribunal has been fully complied with and that he therefore disputes the entitlement of the applicant to enforce it.

(5) If the party against whom enforcement is sought files the notice referred to in subsection (3) within the prescribed period, the Registrar shall refer the matter to the tribunal to be heard and determined under section 34 (2).

(6) No filing fee shall be payable by a person who seeks to enforce an order pursuant to subsection (1) but any fee which would otherwise be payable therefor shall be included in and be deemed as part of the award of the tribunal and shall be recoverable from the opposite party for the credit of the Consolidated Fund.

34.—(1) Where —

- (a) a party in whose favour a work order has been made considers that the work order has not been complied with by the other party; and
- (b) that other party has not complied with the alternative money order provided for by section 32 (1)
- (c),

Enforcement
of work
orders.

the party in whose favour the work order was made may, instead of applying to a Magistrate's Court for the issue of a process for enforcement pursuant to section 33 (1), lodge with the tribunal a request in the prescribed form that the work order be enforced.

(2) Subsequent proceedings shall be taken on a request for enforcement under subsection (1) and on notice under section 33 (5) as if such request or notice were a claim lodged under section 15; and upon the hearing of the matter the tribunal may —

- (a) vary the work order, or make a further work order or any other order which is authorised by section 32;

- (b) grant leave to the party in whose favour the work order was made to enforce the alternative money order provided for by section 32 or so much thereof as the tribunal may allow, and either subject to or without compliance with section 33 (2); or
- (c) discharge any order previously made by the tribunal.

(3) After the expiration of 12 months from the date of a work order, it shall not be enforced without the leave of the tribunal.

PART III

APPEAL

Appeal
on point
of law.

35.—(1) Any party to proceedings before a tribunal may appeal to the High Court against an order made by the tribunal under section 32 (1) or 34 (2) —

- (a) on any ground involving a question of law; or
- (b) on the ground that the claim was outside the jurisdiction of the tribunal.

(2) Rules may be made under section 44 to regulate and prescribe the procedure to be followed on appeals from a tribunal to the High Court.

Powers
of High
Court on
appeal.

36.—(1) On an appeal under section 35, the High Court may —

- (a) allow the appeal;
- (b) dismiss the appeal; or
- (c) remit the matter to the tribunal with such directions as it thinks fit, which may include a direction to the tribunal for a new hearing.

(2) On an appeal under section 35, the High Court may make such order as to costs and expenses as it thinks fit, but may not —

- (a) reverse or vary any determination made by a tribunal on questions of fact; or
- (b) receive further evidence.

(3) A decision of the High Court under subsection (1) shall be final and shall not be subject to any appeal.

PART IV

MISCELLANEOUS PROVISIONS

37. An order of a tribunal shall be final and binding on all parties to the proceedings in which the order is made, and, except as provided in section 35, no appeal shall lie in respect thereof.

Order of tribunal to be final.

38.—(1) Any award or order of a tribunal obtained where one party did not appear at the hearing may be set aside by the tribunal on the application of that party on such terms as it thinks just.

Setting aside of order.

(2) An application under subsection (1) shall be made within 7 days after the hearing or such further period as the tribunal may allow.

39. The filing of a notice of appeal shall not operate as a stay of execution of an order unless the tribunal or High Court, as the case may be, otherwise orders and any stay of execution may be subject to such conditions as to costs, payment into a tribunal, the giving of security or otherwise as the tribunal or the High Court thinks fit.

Stay of execution on appeal.

40.—(1) Any person who —

- (a) assaults, wilfully insults or obstructs a Referee or any witness or officer of a tribunal during a sitting of a tribunal or while a Referee, witness or officer is on his way to or from such a sitting;
- (b) assaults or wilfully insults or obstructs any person in attendance at a sitting of a tribunal;
- (c) wilfully interrupts or otherwise misbehaves at a sitting of a tribunal; or
- (d) without lawful excuse disobeys any order or direction of a tribunal (not being an order referred to in section 32) during a sitting of the tribunal,

Contempt of tribunal.

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding 6 months.

(2) A tribunal may by oral order exclude from a sitting of the tribunal any person whose behaviour in the opinion of the Referee constitutes an offence under subsection (1) whether or not such person is charged with the offence, and

the Registrar or officer under his control or any police officer may take such steps as are reasonably necessary to enforce such exclusion.

Protection
of Referees,
etc.
Cap. 321.

41.—(1) A Referee shall have and enjoy the same protection as a Magistrate has and enjoys under the Subordinate Courts Act.

(2) For the avoidance of doubt as to the privileges and immunities of Referees, parties, representatives and witnesses in the proceedings of a tribunal, it is declared that such proceedings are judicial proceedings.

(3) The privileges and immunities referred to in subsection (2) shall extend and apply to —

- (a) a tribunal acting under section 25 (3); and
- (b) a person who gives information or makes any statement to the Registrar or tribunal on any such occasion.

Publication
of orders.

42. The Registrar shall cause to be published, in such manner as the Minister from time to time directs, such particulars relating to proceedings in tribunals as the Minister specifies in the direction.

Person not
precluded
from filing
a claim
in court.

43. Nothing in this Act shall be construed as precluding a person from lodging a claim that is within the jurisdiction of a tribunal in any other court if that person elects to institute proceedings in that other court to hear and determine that claim.

Rules.

44.—(1) The Rules Committee appointed by the Chief Justice under section 69 (4) of the Subordinate Courts Act may make rules to —

- (a) regulate the practice and procedure of tribunals and the enforcement of orders of the tribunals;
- (b) prescribe such things, including fees or costs, as are required by this Act to be prescribed; and
- (c) prescribe such matters as are necessary for carrying out the provisions of this Act.

(2) Without limiting the generality of subsection (1), the rules made pursuant to subsection (1) may provide for the following:

- (a) the form of documents to be issued by tribunals and the sealing of documents;

- (b) the form and content of documents to be used by parties and intending parties, and the service of documents and the giving of notices by such persons;
- (c) the functions, powers and duties of the tribunals, the Registrar and other officers of the Registry in relation to —
 - (i) the service of documents and giving of notices;
 - (ii) the enlargement of dates of hearing; and
 - (iii) the adjournment of proceedings;
- (d) the withdrawal and amendment of claims;
- (e) the summoning of witnesses and the payment of witnesses from public funds or otherwise;
- (f) the commission of offences by, and punishment of, persons who refuse to give evidence or obey a summons to witness;
- (g) the transfer of proceedings from a court to a tribunal and from a tribunal to a court;
- (h) the manner and the conditions under which appeals may be brought against orders made by tribunals; and
- (i) regulating and prescribing the procedure to be followed on appeals from a tribunal to the High Court.