

Small Claims Tribunal (Amendment) Act 1994

FIJI

SMALL CLAIMS TRIBUNAL (AMENDMENT) ACT 1994

Act No. 22 of 1994

I assent.

[L.S.]

J. N. TAVAIQIA
Acting President

[8 November 1994]

AN ACT

TO AMEND THE SMALL CLAIMS TRIBUNAL DECREE, 1991

ENACTED by the Parliament of Fiji-

Short title and commencement

1.-(1) This Act may be cited as the Small Claims Tribunal (Amendment) Act 1994.

(2) This Act shall come into force on the day that the Small Claims Tribunal Decree, 1991 comes into force.

Section 2 amended

2. Section "2" of the Small Claims Tribunal Decree, 1991 is amended by repealing the definition of "Registrar" and replacing it with the following definition -

"Registrar" means the Clerk of the Court of the Magistrates' Court of which the Tribunal is a division pursuant to section 3(4) and includes any deputy Clerk of the Court of that court,".

Section 5 amended

3. Section "5" of the Small Claims Tribunal Decree, 1991 is amended by repealing the expression "Chief Magistrate", and replacing it with the expression "Chief Registrar".

Insertion of Form 2

4. In the "First Schedule" of the Small Claims Tribunal Decree, 1991, the following form is inserted after "Form 1" -

"SMALL CLAIMS TRIBUNAL DECREE
Form 2

APPLICATION TO ENFORCE ALTERNATIVE TO WORK ORDER
Section 30

Claim Number

TO THE REGISTRAR MAGISTRATES' COURT AT
Whereas: A. The order of the Small Claims Tribunal attached to this Application required the payment of money as an alternative to the performance of work:
And: B. I claim that the work required has not been carried out.
TAKE NOTICE THAT
(here insert name and address of party applying for the order)
DOES HEREBY APPLY FOR AN ORDER THAT
(here insert name and address of party to pay money)
be forced to pay to me the sum of \$..... pursuant to the Tribunal's Order, on the ground that the work order has not been complied with.
Dated this day of 19...

(Applicant)
TO

TAKE NOTICE THAT
(1) the above application has been made to this Magistrates' Court;
(2) if you object to the above application, you should file in this Court a notice of objection in Form 3, copies of which can be obtained at this registry;
(3) if your objection is not filed within 21 days of the date you receive this Form, you may be forced to pay the amount set out in the Tribunal's Order;
(4) you may only object if you believe that the order of the Small Claims Tribunal has been fully complied with and that you dispute the applicant's right to enforce it.

Registrar Magistrates' Court"
Amendment to Section 15

5. The Small Claims Tribunal Decree, 1991 is amended as follows -

- (a) in Section 15(3), repeal "proved" and replace it with "provided";
- (b) in Section 15(5), repeal "; if there were no dispute;".

Passed by the House of Representatives this sixth day of October, in the year of our Lord one thousand, nine hundred and ninety-four.

Passed by the Senate this twenty sixth day of October, in the year of our Lord one thousand, nine hundred and ninety-four.

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