

Small Claims Tribunal

Requirements for lodgment of Claims and standard checklist for relevant documents

- The Claimant is to fully complete Claim Form (1) as per the requirements stated in the form. In the case of a company, state the registered name, registered office address and telephone contact. Check with the Registrar of Companies office for the correct name of the legal owner(s) in case of any doubt
- If the Claimant or the Respondent is not able to appear at a hearing, a proper letter of authority must be produced and the representative named must also produce an ID card for verification. Officially recognized ISs include a FNPF/FRCA, Drivers' License, Passport, Voter Registration & University Students Cards
- Fill the Claim Form with a dark ballpoint pen, have page 1 certified by a Justice of the Peace (JP) or Commissioner for Oaths (CO) first and then make 3 copies before filing with the Tribunal Registry
- The Particulars of Claim page must be completed in full, detailing what the Claim is about and the dispute or the complaint that gave rise to the Claim being filed, according to date(s) of events and specifying the breakdown of how the total amount was calculated and the basis for such Claim
- Lodgment fee is \$5.45 but this cannot be claimed as a cost
- To avoid unnecessary adjournments, photocopies of any supporting documents, if available, must be attached to all 4 copies of the Claim and where possible, these should be correctly certified by a CO or a JP. If any of these documents are not available, the Claim will still be accepted by the Registry. Also note that a CO or a JP cannot charge any fee for such services even if he/she is a Lawyer with a Legal Practitioners' Certificate. *(Directive by the Hon. Chief Justice No.1 of September 6th. 2016 and addendum to Directive No.1, dated September 15th. 2016.) If they do charge a fee it must be reported to the Registry
- Certified photocopies of Probate documents and Letters of Administration or Certificates of Title will not be accepted. *These must be obtained from the High Court Registry (Probate & Letters of Administration) or the Titles Office (Certificate of Title)
- A Claim relating to any matter which commenced more than 6 years from the date of lodgment of the Claim is not permitted as this is prohibited under the Fiji Limitation Act, Cap 35. An application to allow this may be made to the High Court
- The Registry Clerk will circle the relevant box number below, relating to the nature of the Claim and the Claimant is to provide copies of the documents required
- For the purpose of a direct bank deposit of payment, the party so awarded is to provide information of the correct name(s) of the account, the bank, account number and Tax Identification Number (TIN) in the prescribed form

<p>1. <u>Motor Vehicle Accidents</u></p> <p>a) Police Report concerning the accident</p> <p>b) 3 Quotations for repairs/Invoices/Receipts</p> <p>c) Photographs if any, of damages</p> <p>d) Magistrate's Court Order if the driver at fault was prosecuted</p> <p>e) Confirmation of vehicle ownership from the LTA</p> <p>f) Insurance cover and/or Assessor's report</p> <p>g) Written undertaking by the Respondent to pay for the cost of repairs, if any</p>	<p>2. <u>Arrears of Rent</u></p> <p>(a) Tenancy Agreement, if any</p> <p>(b) Receipts for payments of rent, if any</p> <p>(c) Letters of Notice to vacate</p> <p>(d) List for inspections carried out at the time of occupancy and/or vacation</p> <p>(e) Photographs of any structural or furniture/fittings damages, if any</p> <p>(f) Quotations for repairs/invoices</p> <p>(g) Copies of outstanding FEA/WAF/TFL statements, if applicable</p>
<p>3. <u>Building or Renovation Works</u> – incomplete or defective</p> <p>i) Contract/Agreement if any, detailing scope of works</p> <p>j) Approved building plan</p> <p>k) Quotation(s)/Invoices</p> <p>l) Certificate of completion from the local authority</p> <p>m) Reports/photographs, if any</p> <p>n) Receipts for payments</p>	<p>4. <u>Outstanding Loans</u></p> <p>(a) Valid Money Lender's License - the year when loan was advanced</p> <p>(b) Contract/Agreement signed, if any</p> <p>(c) Record and receipts for payments</p> <p>(d) Any witnesses to the loan when given</p> <p>(e) Correct calculation of interest as regulated in the ML Act – 12% per annum on a pro-rata basis</p>
<p>5. <u>Consumer Claims</u></p> <p>) Contract/Agreement</p> <p>) Receipts for payments</p> <p>) Copies of demand letters/emails</p> <p>) Evidence of defects/damages, if any</p> <p>) Evidence of complaint(s) lodged, if any</p> <p>) Service reports</p> <p>) Repossession, revaluation and re-sale documents</p> <p>) Report from the Consumer Council or Fiji Commerce Commission, if any</p>	<p>6. <u>Unpaid Account</u></p> <p>(a) Copies of Invoices/Statements/Delivery Notes</p> <p>(b) Copies of any dishonoured cheque(s)</p> <p>(c) Copies of demand letters/emails</p> <p>(d) Interest charged on overdue account</p>
	<p>7. <u>Cane Cutting Contracts</u></p> <p>(a) Copy of MOGA (Agreement)</p> <p>(b) Report from FSC including tonnage cut</p> <p>(c) Report from Gang <i>Sirdaar</i></p> <p>(d) Evidence of payments</p>