

The Laws of Zambia

REPUBLIC OF ZAMBIA

**THE SMALL CLAIMS COURTS ACT**

**CHAPTER 47 OF THE LAWS OF ZAMBIA**

**CHAPTER 47 THE SMALL CLAIMS COURTS ACT.**

THE SMALL CLAIMS COURTS ACT.

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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

(2) Evidence in a small claims courts shall be given on oath or affirmation.

#### PART IV

##### POWERS OF A SMALL CLAIMS COURT

**17.** A small claims court shall hear the facts of the case and receive any documents relating to the claim before it and do all such things as are authorised by this Act or, as are necessary for the exercise of its functions under this Act. General powers

**18. (1)** A small claims court may summon any person who is a defendant or witness in any matter before it. Issue of summons

(2) The costs of serving or attempting to serve any summons issued by a small claims court relating to any matter shall be borne by the party at whose instance the summons was issued.

(3) Where a defendant is summoned under subsection (1), and has reasonable notice of the time and place at which he is required to attend, but fails to attend without any reasonable cause, the court may arrest him for contempt of court if it is satisfied that the summons was properly served on him.

**19.** A counterclaim by the defendant may be made in a claim brought against him the claimant. Counter-claims

**20. (1)** A small claims court, upon concluding the hearing of a matter, may do the following: Powers relating to orders

- (a) dismiss the claim;
- (b) make an award with or without interest;
- (c) order the restitution of any property;
- (d) order the specific performance of a contract, other than a contract of personal service, between the parties before the court; or
- (e) make any other order which the justice of the matter requires;

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(2) Every award or dismissal, as the case may be, made by the arbitrator under this section shall be registered in the High Court registry and shall state the following:

- (a) in the case of a dismissal, the reasons therefor;
- (b) in the case of a monetary award, when the award is due and payable, the manner of payment, whether by instalments or by one lumpsum and the period of payment;
- (c) in the case of restitution, the period within which the restitution of property should be made; and
- (d) in the case of specific performance of a contract the period within which such performance should be done.

**21.** A small claims court shall have the powers to enforce any award made under this Act including the issue of a warrant of distress under section *twenty-four*. Powers relating to enforcement of awards

**22.** The awards of a small claims court shall be final, but appeal to the High Court shall be allowed on points of law only. Finality of awards

**23.** The court shall not order costs in any matter before it. Costs

**24.** (1) A small claims court may issue a warrant of distress against any person who has failed to pay a sum due and payable to a party in proceedings before it. Powers relating to warrants of distress

(2) A warrant of distress issued under this Act shall be in the prescribed form.

(3) A warrant of distress shall not apply to the following property:

- (a) personal clothing, beds and beddings and household utensils for the use of the owner and his family;
- (b) implements of husbandry and tools of trade of the owner; and
- (c) foodstuffs required for the feeding of the owner and his dependants.

(4) A warrant of distress shall not apply to property which is claimed by a third party, or in respect of which any third party has an interest.

(5) Where a warrant of distress issued under this section is to be executed at a place more than fifty kilometres from the place where the small claims court sat, that court may forward the warrant by post, by hand or otherwise, to the sheriffs office within whose territorial jurisdiction it is to be executed.

(6) Where there is no property to be siezed, the sheriff shall apply to the subordinate court within that territorial jurisdiction and the court shall summon the debtor and order payment to the claimant.

## PART V

### OFFENCES RELATING TO ADMINISTRATION OF JUSTICE

**25.** Any person who is subject to the jurisdiction of a small claims court and who, without reasonable excuse-

Contempt of a small claims court

- (a) fails to obey any summons issued by the court;
- (b) threatens, intimidates or insults that court while sitting in that capacity;
- (c) intentionally interrupts the proceedings of that court or otherwise behaves in a disorderly manner before that court;
- (d) deliberately omits to deliver up any document or thing in accordance with an order of the court;
- (e) refuses to answer any question asked by the court;
- (f) while any proceedings are in progress in the court, makes use of any speech or writing misrepresenting any proceedings of that court in such a way as to prejudice the arbitrator in favour of, or against, any party to those proceedings;
- (g) having the means to pay any sum awarded against him, or due from him, refuses or wilfully fails to make the payment after due notice; or
- (h) wilfully disobeys or fails to comply with any other lawful order of that court;

shall be guilty of an offence and shall be liable, upon conviction to a fine not exceeding four hundred penalty units or to a term of imprisonment not exceeding six months, or to both.

*(As amended by Act No. 13 of 1994)*

**26.** Any person who obstructs, any officer of a small claims court or other person executing a warrant of distress or an order issued or made in the exercise of the powers conferred by this Act, shall be guilty of an offence and shall be liable upon conviction to a fine not exceeding four hundred penalty units or to a term of imprisonment not exceeding six months, or to both.

Obstruction of officers of small claims courts

*(As amended by Act No. 13 of 1994)*



**27.** Any person who, without lawful authority, purports to exercise judicial functions as an arbitrator or, falsely holds himself out to be an arbitrator, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding eight hundred penalty units or to a term of imprisonment not exceeding twelve months, or to both.

Adjudication without authority

(As amended by Act No. 13 of 1994)

## PART VI

### MISCELLANEOUS

**28.** The following moneys shall be paid into, or paid out of a revolving fund created for that purpose under section *eight* of the Finance (Control and Management) Act:

Funds of a small claims court  
Cap. 347

- (a) prescribed fees paid to a small claims court in respect of proceedings before it;
- (b) money paid into a small claims court in the form of awards ordered to be paid to the other party; and
- (c) such other funds as the Permanent Secretary responsible for finance may determine to be paid into, or out of, the funds of a small claims court.

**29.** (1) The administrative expenses of a small claims court shall be a charge on the general revenues of the Republic.

Administrative expenses

(2) A claimant shall pay such fee as may be prescribed when lodging the claim.

**30.** No action or other proceedings shall lie or be instituted against an arbitrator or any other officer of a small claims court for, or in respect of, any act or thing done or omitted to be done in good faith in the exercise or purported exercise of his functions under this Act.

Immunity of arbitrators and officers of small claims courts

**31.** The Chief Justice may, by statutory instrument, make rules for the better carrying out of the provisions of this Act, and, in particular, but without prejudice to the generality of such power, such rules may-

Rules

- (a) regulate the practice and procedure of small claims courts;
- (b) prescribe the fees to be charged under this Act;
- (c) prescribe forms;
- (d) prescribed the duties of officers of small claims courts;
- (e) prescribe allowances and expenses to be paid to the arbitrator; and
- (f) prescribe anything which is authorized or required to be prescribed under this Act.

**SUBSIDIARY LEGISLATION**

THE SMALL CLAIMS COURTS RULES.

ARRANGEMENT OF RULES

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PRELIMINARY

*Rule*

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2. Interpretation

PART II

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5. Certificate of Service of Notice of Claim
6. Service of Form 2 on Claimant
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SECTION 31-SMALL CLAIMS COURTS RULES

*Rules by the Chief Justice*

*Statutory Instrument*  
85 of 1994  
*Act No.*  
13 of 1994

PART I  
PRELIMINARY

1. These Rules may be cited as the Small Claims Courts Rules.

Title

**2. (1)** In these Rules, unless the context otherwise requires-

Interpretation

- "arbitrator" has the meaning assigned to it under subsection (1) of section *two* of the Act;
- "award" has the meaning assigned to it in section *two* of the Act;
- "claim" means a civil proceeding brought under rule 3;
- "claimant" means a person who has filed a claim in court otherwise than by way of a counterclaim or as a defendant;
- "Clerk of the Court" means a person appointed as such under section *ten* of the Act and includes an Assistant Clerk of the Court or other officer performing or assisting a Clerk in his duties;
- "court" means a Small Claims Court established under section *three* of the Act;
- "court messenger" means a person authorised to serve process and levy distress and otherwise execute orders of the court;
- "defendant" means a person against whom a claim has been filed in court;
- "expenses" includes allowances;
- "fee" means money paid to a court on filing any document;
- "process" means any document issued by a court;
- "Registrar" means the Registrar of the High court and includes a Deputy Registrar, District Registrar and Assistant Registrar;
- "sheriff" has the meaning assigned to it in section *two* of the Sheriffs Act;
- "warrant of distress" means a warrant issued by the court under section *twenty-four* of the Act;

(2) Wherever in these Rules anything is required to be done within a specified number of days from the happening of any event, the period shall start to run from the day on which the event aforesaid occurs.

PART II

COMMENCEMENT OF CLAIMS AND SERVICE OF PROCESS

**3.** A claim shall be commenced by the claimant completing and filing with the Clerk of the Court, upon payment of the prescribed fee, a Notice of Claim, which shall be in Form 1 of the First Schedule.

Filing of Notice of Claim

**4. (1)** A Notice of Claim shall, before being issued, be stamped with the Registry stamp, given a number and the particulars of the claim and the names of the parties entered in the Register.

Receipt of Notice of Claim

(2) A Notice of Admission, Defence or Counter claim in Form 2 of the First Schedule shall be attached to a copy of the Notice of Claim for Service upon the defendant.

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(3) A receipt for the prescribed fee shall be issued to the claimant in such form as may be prescribed.

**5.** The court messenger shall personally serve upon the defendant a Notice of Claim to which shall be attached Form 2 of the First Schedule and thereafter file in court a Certificate of Service in Form 3 of the First Schedule. Certificate of service of Notice of Claim

**6.** The Court messenger shall serve a copy of the completed Form 2 upon the claimant. Service of Form 2 of claimant

**7.** The defendant shall within 14 days of service upon him of the Notice of Claim complete and file with the Clerk of the court Form 2, which will have been served together with the Notice of Claim, indicating his admission of the claim, his intention to defend the claim or to counterclaim. Filing of Notice of Admission, Defence and Counter-claim

**8.** The arbitrator shall make an appropriate award where-

(a) the defendant fails to file a defence after 14 days of service of the Notice of Claim upon him but an award made under this paragraph shall on sufficient cause being shown be set aside on an application made in Form 4 of the First Schedule by the defendant made to the court within 7 days of the defendant being award of the award.

(b) the claim or part of it is admitted. Awards in default of defence and for admitted claims

PART III

HEARING OF CASES

**9.** The Clerk of the Court shall, upon receipt of Form 2, if any, issue and cause to be served upon the parties a Notice of Hearing in Form 5 of the First Schedule, specifying the date, time and place of the court sitting and the name of the arbitrator. Notice of Hearing

**10.** The parties shall attend the hearing in person. Appearance of parties

**11.** (1) If none of the parties attend or if the claimant fails to attend the hearing, the claim may be dismissed except where there is a counterclaim, in which case the court may hear the defendant and make an award in his favour and, if the defendant fails to attend the hearing, an award may be made against him and the counterclaim, if any, dismissed: Absence of both parties or any of them

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Provided that an award in the absence of a party may be set aside on sufficient cause being shown and a claim dismissed may be reopened and restored to the active list on sufficient cause being shown.

(2) Any application to set aside an award or re-open a claim shall be made within 7 days and shall be in Forms 4 and 6, respectively, of the First Schedule.

**12.** (1) Where both parties attend, the claimant shall open his case and call witnesses, if any, and may be cross-examined by the defendant. Where both parties are present

(2) At the close of the claimant's case, the defendant shall present his defence and counterclaim, if any, and call witnesses, if any, and may be cross-examined by the claimant.

(3) The evidence of the parties and witnesses shall be taken on oath or affirmation.

(4) At the close of the proceedings no party shall address the court.

PART IV

INTERNAL PROCEDURES OF COURT AND AWARDS

**13.** The court shall not maintain a case record of the proceedings but shall keep notes of such proceedings. Notes of proceedings

**14.** (1) The court may either dismiss the claim or make an award. Award

(2) The decision of the court shall not be reserved to another day and shall be delivered in open court and after delivery shall be reduced to Form 7 of the First Schedule.

**15.** Every award or dismissal of the claim shall be entered against the claim in the Register opened and maintained for that purpose and shall be open to personal inspection by the parties during office hours. Registration of award

**16.** Particulars of every award or dismissal of the award and the claim shall be in Form 8 of the First Schedule and shall be transmitted to the Registrar of the High Court in terms of subsection (2) of section *twenty* of the Act. Particulars of awards of dismissal of claim

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**17.** (1) An award which has not been settled shall be enforced by the court issuing a warrant of distress under section *twenty-one* and under subsection (1) of section *twenty-four* of the Act, which warrant shall be in Form 9 of the First Schedule. Warrants of distress

(2) A warrant of distress shall be executed by a court messenger or the Sheriff of Zambia.

PART V

APPEALS

**18.** A party aggrieved by the decision of the court may, within 30 days of the decision, appeal to the High Court on a point of law but such appeal shall not operate as stay of execution of the award. Appeal and stay of execution

**19.** (1) A Notice of Appeal shall be in Form 10 of the First Schedule. Notice of appeal

(2) An appellant may at any time after lodging the appeal and before it is heard withdraw it by filing a Notice of Withdrawal in Form 11 of the First Schedule and shall serve a copy on the respondent.

PART VI

OTHER MATTERS

**20.** The fees prescribed in the Second Schedule shall be paid by the person at whose instance the document concerned is filed or issued. Fees

**21.** (1) The court messenger's expenses for serving or attempting to serve any court process on any party or witness shall be borne by the party at whose instance the process was issued. Court messenger's expenses

(2) For the purpose of sub-rule (1) the rates applicable shall be those for the time being applicable to Local Courts.

**22.** A witness's travelling expenses and subsistence allowance shall be borne by the party calling him and for this purpose rule 21 (2) shall apply. Witnesses expenses

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- 23.** An arbitrator shall be paid, out of the general revenues of the Republic, a sitting allowance equivalent to that paid to the Chairman of a Commission of Inquiry appointed under the Inquiries Act. Sitting allowance  
Cap. 41
- 24.** An arbitrator who has to spend a night away from home on account of sitting shall be paid subsistence allowance applicable to a superscale officer in the Civil Service, but where the hotel bill is greater than the allowance, he shall be paid the actual cost of board and accommodation. Subsistence allowance
- 25.** An arbitrator who uses his private transport shall be paid kilometer allowance at the rate applicable to a superscale officer in the Civil Service. Travelling allowances
- 26.** The duties and functions of the Clerk of the Court at each Registry of the Small Claims Court shall, in addition to any other duties and functions imposed by any of these Rules or any other written law, be- Duties and functions of  
Clerk of the Court
- (a) to issue and stamp all documents filed in court;
  - (b) to verify all court fees payable on all documents filed in court;
  - (c) to keep and maintain a Claims Register in which the following particulars shall be entered:
    - (i) the case number;
    - (ii) the names of the parties;
    - (iii) the particulars of the Notice of Claim;
    - (iv) the date of filing a Notice of Admission, Defence or Counterclaim;
    - (v) the outcome of the claim;
  - (d) to issue and stamp Notices of Hearing, Notices of Appeal, Warrants of Distress and Summons to Witnesses;
  - (e) to seal all awards;
  - (f) to remit in Form 8 particulars of any award or dismissal of claim to the Registrar of the High Court;
  - (g) to prepare and remit records of appeals to the High Court;

FIRST SCHEDULE

*(Rules 3, 5, 8, 9, 10, 14, 16, 17, 19, 21 and 26)*



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LIST OF FORMS

1. Notice of Claim (rules 3, 4, 5, 6, 8 and 29).
2. Notice of Admission, Defence or Counterclaim (rules 4, 5, 6, 7, 9 and 26).
3. Certificate of Service (rule 5).
4. Application to Set Aside Award given in default of Defence or in the Absence of a Party (rules 8 and 11).
5. Notice of Hearing (rule 9).
6. Application to Restore Dismissed Claim (rule 11).
7. Form of Award or Dismissal of Claim (rule 14).
8. Particulars of Award and Dismissal of Claim (rules 16 and 26).
9. Warrant of Distress (rules 17 and 26).
10. Notice of Appeal (rules 19 and 26).
11. Notice of withdrawal of appeal (rule 19).
12. Summons to a Witness (rule 21).

NOTICE OF CLAIM

(Rules 3, 4, 5, 6, 8 and 26)

In the Small Claims Court at ..... Case No. ....

Between:

1. .... Claimant

Name in full

Residential address

Business and postal address

2. ....

Name in full

Residential address

Business and postal address

DETAILS OF YOUR CLAIM

3. Amount of money claimed or what is claimed .....

4. Nature of the claim .....

5. Details of Documents in support of the claim

(attached copies)

1. ....

2. ....

3. ....

Signature .....

Date .....

NOTE TO DEFENDANT

Judgement may be obtained against you and may be enforced without further notice unless within 14 days of the service of this Notice of Claim, inclusive of the day of service, you complete and file with this court the attached Notice of Admission, Defence or Counterclaim, stating your defence and counterclaim, if any or admission of the claim.

Dated this ..... day of ..... 19.....  
(Court seal or stamp)

Clerk of the Court

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NOTICE OF ADMISSION, DEFENCE OR COUNTER-CLAIM

(Rules 4, 5, 6, 7, 9 and 26)

In the Small Claims Court at .....

Case No. ....

Between:

1. .... Claimant

*Name in full*

.....

*Residential address*

.....

*Business and postal address*

2. ....

*Name in full*

.....

*Residential address*

.....

*Business and postal address*

3. ....

*The above named defendant*

1. ADMIT the Claimant's Claim

2. DISPUTE the Claimant's Claim for the following reasons .....

.....

.....

3. Have a Counterclaim against the Claimant for the sum of K ..... for (State nature of Counterclaim .....

Signature .....

Date .....

N.B. Delete what is inappropriate

CERTIFICATE OF SERVICE

(Rule 5)

In the Small Claims Court at .....

Case No. ....

Between:

1. .... Claimant

*Name in full*

.....

*Residential address*

.....

*Business and postal address*

2. .... Defendant

.....

*Residential address*

.....

*Business and postal address*

I certify that I personally did serve upon the defendant on the ..... day  
of ..... 19.....the  
Notice of Claim.

.....

*Court Messenger*

APPLICATION TO SET ASIDE AWARD

(Rules 8 and 11)

In the Small Claims Court at .....

Case No. ....

Between:

1. .... (Claimant)

and

2. ....(Defendant)

To: The Clerk of the Court  
The Claimant

Take Notice that I .....  
apply to the Court that the award which was made against me for failure to file any defence/in my absence at the hearing  
be set aside on the following grounds:

1. ....

2. ....

Take further Notice that my application will be heard on the ..... day  
of ..... 19 ..... at ..... Dated  
the ..... day of ..... 19 .....

Signed: *Defendant*

N.B. Delete what is inappropriate

NOTICE OF HEARING

In the Small Claims Court at .....

Case No. ....

Between:

1. ....(Claimant)

and

2. ....(Defendant)

to both Parties

Take Notice that this case will be heard on the ..... day of ..... 19 ..... at ..... hours and that if you do not attend the time and place above mentioned, such order will be made as the Court thinks just.

Dated the ..... day of ..... 19 .....  
.....

Clerk of the Court

APPLICATION TO RESTORE DISMISSED CLAIM

(Rule 11)

In the Small Claims Court at .....

Case No. ....

Between:

1. ....(Claimant)

and

2. ....(Defendant)

To: The Clerk of the Court  
The Defendant

Take Notice that I ..... apply to the Court that my claim which was dismissed at the hearing due to my absence be re-opened on the following grounds:

1. ....

2. ....

TAKE FURTHER NOTICE that my application will be heard on the..... day of ..... 19..... at ..... (place)

Dated the ..... day of ..... 19.....

.....

Signed: Claimant



FORM OF AWARD OR DISMISSAL OF CLAIM

(Rule 14)

In the Small Claims Court at .....

Case No. ....

Between:

1. ....(Claimant)

and

2. ....(Defendant)

My decision, after considering what has been said, is as follows:

1. That the claim be dismissed for the following reasons:

(a).....

(b).....

etc.

2. That the award be made against the Defendant for the amount of ..... kwacha for the following reasons:

(a).....

(b).....

.....

Arbitrator

NOTE TO DEFENDANT

The award of this Court once entered in the Register may be enforced against you by the Court issuing a Warrant of Distress authorising the Court Messenger or Sheriff of Zambia or his officers to seize your goods and auction them.

(As amended by Act No. 13 of 1994)

PARTICULARS OF THE AWARD AND OF DISMISSAL OF CLAIM

(Rules 16 and 26)

In the Small Claims Court at .....

Case No. ....

Between:

1. ....(Claimant)

and

2. ....(Defendant)

To: The Registrar of the High Court

I, the Clerk of the Court at the above Station, give you particulars of the decision of the Court in this case given on the day of the ..... by .....

Name of Arbitrator

as follows:

1. The claim was dismissed for the following reasons:

- (a).....
(b).....

2. The defendant was ordered to pay the sum of K by:

- (i) Instalments of K each, the last of which is to be paid on the ..... day of ..... 19 .....
(ii) One lump sum to be paid by the ..... day of .....19.....

3. The Court ordered restitution of the property to be made by the ..... day of ..... 19 .....

4. The Court ordered specific performance of the contract, such performance to be done by the ..... day of ..... 19 .....

Dated the ..... day of ..... 19 .....

Clerk of the Court

WARRANT OF DISTRESS

(Rules 17 and 26)

In the Small claims Court at .....

Case No. ....

Between:

1. ....(Claimant)

and

2. ....(Defendant)

To: The Court Messenger/Sheriff of Zambia

WHEREAS..... of ..... was on the ..... day of ..... 19 ..... ordered by this Court to pay the sum of K ..... to the claimant by the ..... day of ..... 19..... and has not made such payment as ordered:

You are hereby ordered to seize and sell, without delay, the property of the said person to the extent of obtaining thereby the sum of K ..... , being the amount due from him at this date under the said order to pay, together with the sum of K..... , being the fee of execution of this warrant showing the sum received for each article by such sale, to this court, to be dealt with according to law.

If, before or during such sale, the amount which is or remains due from the said person as aforesaid is paid to you, the sale shall not be proceeded with.

The following forms of property shall not be sold:

- (a) personal clothing, beds and bedding and household utensils for the use of the owner and his family;
(b) implements of husbandry and tools of the trade of the owner;
(c) foodstuffs required for the feeding of the owner and his dependants;
(d) any property claimed by a third party or in which a third party has an interest.

Dated the ..... day of ..... 19 .....

Clerk of the Court

ENDORSEMENT OF EXECUTION ON NON-EXECUTION

This warrant was executed by me on the ..... day of ..... 19.....at ..... (place) and a list of articles sold and amounts received thereby is attached.

Dated the ..... day of ..... 19 .....

Court Messenger/Sheriff

(ON SUBSEQUENT EXECUTION)

This warrant was executed by me the .....day of ..... 19 ..... at ..... (place)

Dated the .....day of .....19.....

The Laws of Zambia

*Court Messenger/Sheriff*

(ON REVERSE SIDE)

ENDORSEMENTS

If property to be sold is outside the area of jurisdiction of the authorised officer within whose area of jurisdiction the issuing court is situated, endorsement by authorised officer.

(Date stamp)

Signed .....  
.....

*Clerk of the Court*

Endorsed by the Small Claims Court within whose area of jurisdiction the Warrant of Distress is to be executed.

(Date stamp)

.....

*Clerk of the Court*

NOTICE OF APPEAL

In the Small Claims Court at .....

Case No. ....

Between:

1. .... (Claimant)

and

2. ....(Defendant)

Take Notice that I, ..... being dissatisfied with the dismissal of my claim/award against me given on the ..... day of ..... 19 ..... appeal to the High Court on the following grounds:

- 1. ....;
- 2. .... etc.

Dated the. .... day of ..... 19 .....

Signed .....

*Claimant/Defendant*

To: The Registrar of the High Court

Filed at ..... this ..... day of ..... 19 .....

*Registrar of the High Court*

NOTICE OF WITHDRAWAL OF APPEAL

(Rule 19)

In the Small Claims Court at .....

Case No. ....

Between:

1. .... (Claimant)

and

2. .... (Defendant)

To: The Registrar of the High Court  
Clerk of the Court  
Defendant/Claimant

Take Notice that I ..... have  
withdrawn my appeal against the dismissal of my claim/the award filed on the .....  
day of ..... 19 .....

Dated the ..... day of ..... 19 .....

Signed .....

*Claimant/Defendant*

SUMMONS TO A WITNESS

(Rule 21)

In the Small Claims Court at .....

Case No. ....

Between:

1. .... (Claimant)

and

2. .... Defendant)

To: ..... of .....

You are commanded in the name of the President to attend in person before this Court at ... on the ..... day of ..... 19 ..... and so from day to day till the above case is to be tried, to testify all that you know in the said case on behalf of the Claimant/Defendant at the instance of the Court.

Dated the ..... day of ..... 19 .....

.....

Clerk of the Court

The Laws of Zambia

SECOND SCHEDULE

(Rule 20)

FEES

	Fee units
1. On a claim	5
2. On a counterclaim	5
3. On an application to re-open a claim	10
4. On an application to set aside an award	10
5. On filing a Notice of Appeal	5
6. On filing a Notice of Withdrawal of Appeal	3
7. On issuing a Warrant of Distress	5
8. On issuing Summons to Witness	3

(As amended by Act No. 13 of 1994)