

SUBSIDIARY LEGISLATION 378.01**CONSUMER CLAIMS TRIBUNAL RULES**

16th January, 1996

*LEGAL NOTICE 8 of 1996, as amended by Legal Notice 284 of 2000.***Rule 1 - Citation**

- 1.** The title of these rules is the Consumer Claims Tribunal Rules. Citation.

Rule 2 - Definitions

- 2.** In these rules unless the context otherwise requires - Definitions.
- "Act" means the Consumer Affairs Act; Cap. 378.
- "claimant" means the person, whether a consumer or a trader, who is making the claim;
- "Code" means the Code of Organization and Civil Procedure; Cap. 12.
- "counterclaim" means a claim made by a defendant against a claimant;
- "court" means any court or other tribunal of civil jurisdiction as the case may be;
- "days" means, unless stated otherwise, running days and includes Saturdays, Sundays and all public holidays;
- "default order" means a decision of the Tribunal on the issues in dispute after a party fails to reply to, or admits to, a claim or counterclaim with which he has been served;
- "defendant" is the person, whether a consumer or a trader, against whom the claim is made;
- "Director" means the Director of Consumer Affairs;
- "Form" means any one of such forms as are specified in the Second Schedule;
- "Minister" means the Minister responsible for consumer affairs;
- "prescribed fees" means the fees payable by a party as may be established in the First Schedule or any other rules made in conformity with the Act;
- "Secretary" includes any Deputy Secretary appointed in accordance with the Act;
- "Tribunal" means a Consumer Claims Tribunal established under the Act.

Rule 3 - Making a Claim

- 3.1.** A claimant when presenting a claim shall complete a Notice of Claim (Form 1), following the instructions on the form and filing it in the Registry of the competent Tribunal. The claimant shall together with the Notice of Claim file a note by the
- Completing a notice of claim.
Amended by:
L.N. 284 of 2000.

	Director of Consumer Affairs or by a registered consumer association, as the case may be, stating that the claim has been referred to the Director or to the registered consumer association and that subsequent to such reference no settlement was achieved on the issues in dispute.
Claimant may name more than one defendant.	3.2. A claimant in a Notice of Claim may name more than one defendant, provided that the claim against each of the defendants is related to or connected with the original subject matter of the claim.
Claimant to list his witnesses.	3.3. A claimant shall, in his Notice of Claim, list any witnesses whom he intends to ask to give evidence during the proceedings. If the claimant wants to ask a witness who has not been previously listed, he shall then request the Arbiter, using a Blank Application (Form 7) for authorisation to produce such witness. Such an application shall in any case be filed at least seven days before the date scheduled for the proceedings.
Effect if part of claim is abandoned. <i>Amended by: L.N. 284 of 2000.</i>	3.4. If the value of a claim is more than five hundred liri, a claimant may pursue his claim before a Tribunal if he declares in his Notice of Claim that he is abandoning the amount of his claim which is in excess of one thousand five hundred liri.
Documents to be served when making a claim.	3.5. A claimant shall serve through the Secretary each of the defendants named in the Notice of Claim with: <ul style="list-style-type: none"> 3.5.1. a copy of the Notice of Claim; and 3.5.2. a Blank Reply (Form 2). <p style="text-align: center;">Rule 4 - Replying to a Claim</p>
Time-limit in which defendant may reply.	4.1. A defendant shall reply to a claim within eighteen days from the date when he is served with the Notice of Claim. If the defendant fails to do so the claimant may, in accordance with rule 6, apply to the Tribunal for a default order against the defendant.
What a defendant must do when replying.	4.2. A defendant shall, when replying, complete a Reply (Form 2) following the instructions on the form. The Reply shall then be filed in the Registry of the Tribunal where the Notice of Claim was originally filed.
Defendant to list his witnesses.	4.3. A defendant shall, in his Reply, list any witnesses whom he intends to ask to give evidence during the proceedings. If the defendant wants to ask a witness who has not been previously listed, he shall then request the Arbiter, using a Blank Application (Form 7) for authorisation to produce such witness. Such an application shall in any case be filed at least seven days before the date scheduled for the proceedings.
If a defendant admits liability or pays.	4.4. If a defendant, after being served with the Notice of Claim, admits to the claim or makes payment, he shall still be liable to pay to the claimant any expenses the claimant incurred in bringing the claim before the Tribunal.
Service of a reply and a counterclaim if any.	4.5. A defendant shall through the Secretary serve the claimant with: <ul style="list-style-type: none"> 4.5.1. a copy of his Reply; and 4.5.2. if the defendant has with his Reply made a

counterclaim in accordance with rule 5, with a copy of the Notice of Claim made by the defendant and with blank Reply (Form 2).

Rule 5 - Making a Counterclaim

- 5.1.** A defendant may together with his Reply also make a counterclaim against the claimant by completing a Notice of Claim (Form 1) following the instructions on that form. The counterclaim shall be connected to or related with the claim made against the defendant, and the value of the counterclaim shall not exceed one thousand five hundred liri.

How to make a counterclaim.
Amended by:
L.N. 284 of 2000.
- 5.2.** A counterclaim is served on the claimant when a copy of the Reply together with the Notice of Claim made by the defendant is served on the claimant in accordance with rule 4.5.

Serving a counterclaim.
- 5.3.** If the value of the counterclaim is more than one thousand five hundred liri, the defendant may pursue the counterclaim before the Tribunal if he declares in his Notice of Claim that he is abandoning the amount of the counterclaim which is in excess of one thousand five hundred liri.

Effect when abandoning part of part of a counterclaim.
Amended by:
L.N. 284 of 2000.
- 5.4.** A claimant shall reply to a counterclaim by completing a Reply (Form 2) following the instructions on the form and the rules for replying to a Notice of Claim.

Reply to a counterclaim.
- 5.5.** A defendant who begins an action against a claimant before a court, which action is related to or connected with such claim brought by the claimant against defendant before the Tribunal, may apply in writing using a Blank Application (Form 7) to the Tribunal for an order to postpone proceedings before the Tribunal.

Tribunal may postpone proceedings.

Rule 6 - Default Orders against a Defendant

- 6.1.** If a defendant does not file a Reply within the time limit prescribed in rule 4.1, the claimant may ask the Tribunal for a default order against the defendant.

When a claimant can ask for a default order.
- 6.2.** To ask for a default order a claimant must:

 - 6.2.1. complete an Application for a Default Order (Form 3) following the instructions on that form, and filing it in the Registry of the Tribunal where the Notice of Claim was filed; and
 - 6.2.2. confirm on oath before the Secretary that the claim is still due.

How to ask for a default order.
- 6.3.** The Secretary shall refer any Application for a Default Order to an Arbiter, and the Arbiter shall then decide whether or not to grant such a request.

Secretary to refer default order to Arbiter.
- 6.4.** The Arbiter may, in determining an Application for a Default Order:

 - 6.4.1. if such defendant failed to reply, give a default order against the defendant who failed to reply without holding a hearing; or
 - 6.4.2. direct that a hearing be held subject to any measures that the Arbiter may consider appropriate

Arbiter may hold hearing.

before proceeding to determine the Application for a Default Order.

Secretary to notify of hearing.

6.5. If the Arbiter orders that a hearing be held under this rule, he shall direct the Secretary to notify in writing the date, time and place of the hearing to the claimant and any other persons whose attendance the Arbiter may require. In any case the defendant against whom an Application for a Default Order has been made, shall also be notified of any such hearing.

Rule 7 - Default Orders against a Claimant

Defendant may ask for a default order if a claimant does not reply to a counterclaim.

7.1. If a claimant does not file a Reply to a counterclaim made against him in accordance with rule 5.4, the defendant making the counterclaim may ask for a default order against that claimant.

How a defendant may ask for a default order.

7.2. A defendant may ask for a default order under this rule by:

7.2.1. completing an Application for a Default Order (Form 3) following the instructions on that form and filing it in the Registry where he originally filed his counterclaim; or

7.2.2. making a verbal request during the hearing scheduled for the proceedings of the claim and counterclaim.

Secretary to refer request for default order.

7.3. The Secretary shall refer a request for a Default Order made under rule 7.2.1 to the Arbiter appointed to hear and determine the original claim made against the defendant who is applying for a default order.

Determination of default order.

7.4. The Arbiter shall determine both the claim and the Application for a Default Order made under this rule in the course of the same proceedings. In doing so the Arbiter may take such measures as he may consider necessary to determine all the issues before him.

Defendant to take oath.

7.5. In any case before an Arbiter determines an Application for a Default Order made under this rule, the defendant making the Application for a Default Order shall confirm on oath either before the Arbiter or the Secretary that the counterclaim is still due.

Rule 8 - Amending or Withdrawing a Claim, Reply or Counterclaim

Any document filed may be amended.

8.1. A party may, at least seven days before the date appointed for trial, apply to the Tribunal to change anything in a Notice of Claim, in a Reply, or in any application or other document filed by that same party.

Arbiter to decide.

8.2. In requesting the Tribunal to amend anything in accordance with this rule, a party shall complete a Blank Application (Form 7) and file it in the Registry of the Tribunal where the Notice of Claim was originally filed. The Secretary shall refer the application to the Arbiter who shall then decide what amendments, if any, shall be authorised.

Duties of Secretary relating to amendments.

8.3. The Secretary shall underline, initial and date any amendments that an Arbiter may authorise to be effected.

8.4. The Secretary shall, at the expense of the party who made the application, serve on the parties a copy of the revised document as authorised by the Arbiter. Service of a revised document.

8.5. A party may withdraw a claim or counterclaim at any time. In doing so a party shall, through the Secretary, notify the other parties with the withdrawal. A withdrawal may also be done verbally during the course of proceedings before the Arbiter, provided all the parties have been served with a notice of the hearing. Claim or counterclaim may be withdrawn.

8.6. A party who withdraws a claim or counterclaim may not at any time proceed with it or file another Notice of Claim with respect to that same claim or counterclaim unless that party first applies in writing, using a Blank Application (Form 7), to the Tribunal for permission to do so. Such an application shall be determined by an Arbiter. The effect of withdrawing.

Rule 9 - Preliminary Proceedings

9.1. After the lapse of the period in which a reply to a claim and a reply to a counterclaim, if any, may be made, the Secretary shall verify that all the parties have been served with the Notice of Claim against them or a Reply, if any, in accordance with these rules before proceeding to appoint the case for hearing before an Arbiter. Secretary to verify that parties are served.

9.2. If a party has not been served with a Notice of Claim or a Reply, the Secretary shall inform the Arbiter who may take such measures as he considers to be appropriate in accordance with these rules to ensure that all parties are duly served. Secretary to take necessary measures.

9.3. The Secretary shall, after verifying that each of the parties has been served with the Notice of the Claim and with the Reply, if any, appoint a date for hearing before an Arbiter. The Secretary shall serve all the parties with a Notice of Hearing (Form 4). Secretary to serve Notice of Hearing.

Rule 10 - Preparing for the Hearing

10.1. Each party shall, on being served with a Notice of Hearing - What a party shall do before a hearing.

10.1.1. bring with him to the hearing all the documents, reports and any other evidence he intends to rely upon during the course of the hearing, if these have not already been filed in the Registry of the Tribunal; and

10.1.2. ensure that any witness he needs, attends for the hearing at the appointed time, date and place.

10.2. If the Arbiter considers that a party has attended for a hearing unprepared, the Arbiter shall order that party to pay any reasonable expenses any of the other parties may have incurred as a result. Award of expenses against a party who attends unprepared.

10.3. If a witness is not prepared to attend for a hearing voluntarily, a party may apply to the Tribunal for an order to summon a witness by completing a Summons to Witness (Form 5) following the instructions on that form. If a witness is not prepared to attend voluntarily.

Time-limit when application must be presented.	10.4. A Summons to Witness shall be filed at least seven days before the date of the hearing when the person to be summoned as a witness is required to give his evidence.
Duties of a person served with a Summons to Witness.	10.5. A person who is served with a Summons to Witness shall: <ul style="list-style-type: none"> 10.5.1. attend for the hearing at the time, date and place stated Witness in the summons, and 10.5.2. bring with him any document and any other things that may be required by the summons.
Arbiter may issue an Order of Escort.	10.6. The Arbiter appointed to hear the case may issue an Order of Escort (Form 6) for a witness who does not attend for the hearing as required in a Summons to Witness, if the Arbiter is satisfied that: <ul style="list-style-type: none"> 10.6.1. the summons was duly served on the witness; and 10.6.2. the evidence of the witness is necessary.
Secretary to refer Order of Escort to the Registrar of the Courts.	10.7. The Secretary shall, acting on the direction of the Arbiter, refer an Order of Escort issued under this rule, to the Registrar of the Courts for execution by an executive officer of the Courts.
Exercise of Order of Escort.	10.8. An Arbiter shall, when issuing an Order of Escort, have the same power as a Magistrate when issuing a warrant of escort.
Rule 11 - The Conduct of the Hearing	
Continuity of Tribunal.	11.1. The Tribunal shall, in the course of the hearing of a claim and counterclaim, if any, be constituted by the same arbiter and each claim together with any counterclaim, if any, shall be tried separately.
When a new arbiter shall conduct the hearing.	11.2. If a hearing is interrupted before a final conclusion is reached as a result of the death, incapacity or removal of the Arbiter who constitutes the Tribunal in the hearing, the claim and counterclaim, if any, shall be recommenced before a Tribunal constituted by another Arbiter.
Adjournment of a hearing.	11.3. The Arbiter may adjourn or postpone a hearing only if he considers that there are valid reasons therefore. In doing so the Arbiter may order such measures as he considers to be necessary to ensure a swift conclusion of the hearing.
Hearing to be held in public.	11.4. A hearing shall be held in public. The Arbiter may, however, after having considered the circumstances of the dispute or at the request of a party, order that a hearing be held in private if he considers it to be necessary to do so. In doing so the Arbiter may give directions as to the persons who may be present during the hearing.
Arbiter may try to settle amicably.	11.5. During the hearing, the Arbiter may at his discretion and after considering the issues in dispute, assist the parties to arrive at a settlement.
Enforcement of a settlement.	11.6. If the parties arrive at a settlement and the Arbiter approves of the settlement agreed to, the settlement shall then take effect as if it were a decision of the Arbiter given in accordance with article 25 of the Act.
Conduct of a hearing by Arbiter.	11.7. Subject to article 23 of the Act the Arbiter may during the course of a hearing adopt any method of procedure which he

considers to be fair and which gives to each party an equal opportunity to submit his case.

11.8. Without prejudice to rule 11.7. or to the provisions of the Act, the Arbiter may, after having considered the circumstances of the parties and whether they are represented or not:

- 11.8.1. put questions to any of the parties or the witnesses; and
- 11.8.2. explain any legal terms or expressions which are used.

11.9. An Arbiter may at his discretion and in accordance with article 23 of the Act, decide to appoint a technical referee if:

- 11.9.1. the Arbiter considers that such an appointment is necessary; or
- 11.9.2. if a party makes a request for such an appointment and none of the other parties oppose.

11.10. When appointing a technical referee the Arbiter shall determine the fees each of the parties shall initially pay to the referee. The fees due to a referee shall be calculated in the same manner as if the referee was giving expert evidence before the Court of Magistrates (Malta) in its civil jurisdiction or the Court of Magistrates (Gozo) in its inferior civil jurisdiction.

Rule 12 - Failure of a Party to Attend for the Hearing,

12.1. If a defendant does not attend for the hearing, the Arbiter may allow the claim against that defendant.

12.2. If a claimant does not attend for the hearing, the Arbiter may:

- 12.2.1. dismiss the claim, and
- 12.2.2. if the defendant has made a counterclaim and the defendant is present, allow the counterclaim.

12.3. If the Arbiter awards or dismisses a claim or counterclaim, if any, under this rule, he shall order that the costs be borne by the party that failed to appear for the hearing.

Rule 13 - Representation

13.1. A party may conduct his own case during a hearing. He may also be assisted by any other person including an advocate or a legal procurator.

13.2. An Arbiter may exclude any person from assisting a party if he considers that such a person is not competent to do so.

13.3. If a party is a body having a distinct legal personality, such a body shall be represented by a person who is duly authorised to act on its behalf. In any claim or reply filed by or against such a body it shall be sufficient to state the name of the said body.

13.4. An Arbiter may at his discretion relieve any party from the consequences of the failure to comply with the Act or these rules, if the Arbiter considers that this was due to error, oversight or any other reason which the Arbiter considers to be valid. The Arbiter

may, in such a case, make any order which he considers to be just.

Rule 14 - Decision of Arbiter after the Hearing

Arbiter to give decision after the hearing.

14.1. The Arbiter shall give a decision about the claim and counterclaim, if any, either at the end of the hearing or at a later date.

If decision is given later.

14.2. If the decision of the Arbiter is to be given at a later date, the Arbiter shall either orally at the end of the hearing or in writing through the Secretary, inform the parties of the date when the decision shall be given.

Decision to be given as soon as practicable.

14.3. If the decision of the Arbiter is not given at the end of the hearing, then it shall be given as soon as practicable and each of the parties shall be entitled to request from the Secretary a copy of that decision. In no case shall a decision be given any later than forty days from the date of the end of the hearing.

Rule 15 - Appeal

Filing an appeal.

15.1. An appeal or a reply thereto shall be filed in the Registry of the competent Court of Appeal in accordance with article 22 of the Act.

Procedure in an appeal from a decision of the Consumer Claims Tribunal (Malta).

15.2. In making an appeal or replying to an appeal from a decision of the Consumer Claims Tribunal (Malta) a party shall follow the procedure applicable when an appeal or reply thereto is made from a judgement of the Court of Magistrates (Malta) sitting in its civil jurisdiction, to the extent that such procedure is not in conflict with the Act or with these rules.

Procedure in an appeal from a decision of the Consumer Claims Tribunal (Gozo).

15.3. In making an appeal or replying to an appeal from a decision of the Consumer Claims Tribunal (Gozo) a party shall follow the procedure applicable when an appeal or reply thereto is made from a judgement of the Court of Magistrates (Gozo) sitting in its inferior civil Jurisdiction to the extent that such procedure is not in conflict with the Act or with these rules.

Transmission of records to Superior Courts.

15.4. The Registrar of Courts shall within four days from when an appeal is entered in the Registry of the competent Court of Appeal, notify in writing the Secretary of the Tribunal which gave the decision, of the filing of such an appeal. The Secretary shall, on receipt of such notification, transmit within four days the records of the case to the Registrar.

Rule 16 - General

Claim or counterclaim cannot be divided.

16.1. A claim or counterclaim may not be divided into two or more claims for the purpose of bringing it within the jurisdiction of the Tribunal.

Tribunal may give orders for swift and effective settlement.

16.2. Without prejudice to these rules and in conformity with the Act an Arbiter may give any order which he considers to be fair and necessary for the swift and effective settlement of any dispute before him.

Arbiter may extend or shorten times.

16.3. At any time, an Arbiter may extend or shorten any time limit set by these rules on the terms which he considers to be fair to all parties.

Correction of decisions.

16.4. An Arbiter may correct an accidental error or omission in

a decision, and may furthermore add provisions on expenses, interests or anything else that was not, but should have been adjudicated on.

16.5. The Secretary shall assist any person who seeks assistance in completing any forms under these rules or in making any application to the Tribunal in accordance with these rules.

Secretary to assist parties.

16.6. The provisions of the Code of Organization and Civil Procedure shall apply only to the extent that they are not inconsistent with the provisions of the Act or these rules.

Applicability of Code of Organization and Civil Procedure. Cap. 12.

16.7. If a case before a court is transferred to a Tribunal following a request by the parties made in accordance with the Act, in such an instance that case shall not be referred to the Director or to the registered consumer association, as the case may be, in accordance with the provisions of article 23(4), and the Secretary shall proceed to schedule the case for a hearing. This rule shall also apply to any counterclaims made before a Tribunal.

Cases before a court referred to a Tribunal.
Amended by:
L.N. 284 of 2000.

Rule 17 - Other Rules about Service

17.1. Where any notice or any other document is required to be served under the Act or these rules, it shall in the first instance be served through the Secretary in any of the following manners:

Service of notice or document.

17.1.1. in the case of a physical person, by delivering it, or by sending it in a registered letter addressed to him, at his usual or last known place of residence; and

17.1.2. in case of a body having a distinct legal personality, by delivering it to an officer or servant thereof at the registered office or any other place of business, or by sending it in a registered letter addressed to the body aforesaid at its registered office, postal address or any other place of business.

17.2. If service cannot be effected in any of the foregoing manners stated in this rule, the Arbiter shall then order that service be made by directing that a summary of such notice or document be published in the Gazette and at least one daily newspaper and by any other means which he may consider suitable.

Arbiter may order notice of service in the Gazette etc.

17.3. Service may be effected by Tribunal officers, officers of the Post Office in conformity with postal regulations or by executive officers acting under the direction of the Registrar of Courts at the request of an Arbiter or the Secretary.

Officer to effect service.

Rule 18 - Fees and Expenses

18.1. Any party who files any act or document in the registry of a Tribunal shall pay such fees as are prescribed in the First Schedule.

Party to pay any prescribed fees.

18.2. The Tribunal shall in its award tax -

Applicability of the Code on professional fees.

18.2.1 any fees that may be due to advocates, legal procurators or any other person assisting a party before the Tribunal, and

18.2.2 any fees that may be due to a technical expert, in accordance with the provisions of the Code and any rules made thereunder about the payment of fees due respectively to advocates, legal procurators or any other person assisting a party before a court and to technical experts, to the extent that the taxation of such fees is not in conflict with the Act or these rules.

Applicability of the Code on Court Registry fees.

18.3. The provisions of the Code relating to the fees payable in the Registry of the Court of Appeal where a party is filing an appeal or a reply to an appeal from a decision of a Tribunal, shall apply to the extent that they are not in conflict with the Act or these rules.

Rule 19 - Use of Forms

Forms.

19.1. The forms in the Second Schedule shall be used in accordance with these rules and the instructions on the respective forms.

Secretary may refuse to accept improper forms.

19.2. The Secretary may refuse to accept a document for filing unless it is:

- 19.2.1. in the form required by these rules, or
 - 19.2.2. completed according to the instructions on that form.
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FIRST SCHEDULE

TARIFF A

*Substituted by:
L.N. 284 of 2000.*

Fees payable in the Registry of a Tribunal

- | | | |
|------|---|------------|
| 1. | For filing a notice of claim or a reply containing a counterclaim: | |
| 1.1 | where the amount claimed does not exceed Lm 250 | Lm 3.00,0 |
| 1.2 | where the amount claimed does not exceed Lm 500 | Lm 5.00,0 |
| 1.3 | where the amount claimed does not exceed Lm 1000 | Lm 8.00,0 |
| 1.4 | where the amount claimed exceeds Lm 1000 | Lm 10.00,0 |
| 2. | For filing a reply provided it does not include a counterclaim | Lm 3.00,0 |
| 3. | For the filing of any application or any other act including the filing of a technical referee's report | Lm 0.75,0 |
| 4. | For every service | Lm 1.00,0 |
| 5. | For every copy, for every page of the original | Lm 0.25,0 |
| 6. | For each definitive decision of a Tribunal - | |
| 6.1. | In respect of the first Lm 500 | Lm 4.00,0 |
| 6.2. | In respect of any value in excess of Lm 500 | Lm 8.00,0 |

TARIFF B

Fees payable in respect of Executive Acts

- | | | |
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| 1. | For the publication of adverts in the Gazette, for every insertion | Lm 2.00,0 |
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TARIFF C

*Added by:
L.N. 284 of 2000.*

Fees payable in the Registry of the Court of Appeal

- | | | |
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| 1. | For the filing of an application of appeal | Lm 15.00,0 |
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Amended by:
L.N. 284 of 2000.

SECOND SCHEDULE

Form 1

REGISTRY FILE NUMBER
LOCATION

**NOTICE OF CLAIM (OR COUNTERCLAIM)
IN THE CONSUMER CLAIMS TRIBUNAL**

Notice to party making a counterclaim If this is a counterclaim then you should indicate the registry file number of the claim made against you

FROM CLAIMANT
Fill in the name, address and telephone of the person(s) making the claim

TO DEFENDANT
Fill in the name, address and telephone number of the persons the claim is against

NOTICE TO THE PARTY AGAINST WHOM THE CLAIM IS MADE
Whoever is served with this notice of claim must within 18 days from the date of service file a reply. If he fails to do so, the Tribunal may then proceed to determine the dispute in his absence

Tribunal staff will fill in this part	FOR OFFICE USE ONLY	
	AMOUNT CLAIMED	Lm
	FILING FEES	Lm
	SERVICE FEES	Lm
	TOTAL	Lm

PARTICULARS OF THE CLAIM

NOTICE TO CLAIMANT
You must first refer your claim to the Director of Consumer Affairs who will try to settle your dispute. If no settlement is achieved within 15 working days you may then present your claim before the Tribunal. This notice does not apply if you are a defendant who is making a counterclaim against the claimant.

Give the reference number of the Department of Consumer Affairs file relating to your claim and state the date when you referred your claim to the Director reference number
date

WHERE? **WHEN?**
Tell where this happened Tell when this happened

HOW MUCH?
State how much is being claimed from the defendant Lm

ABANDONING PART OF A CLAIM
If you are abandoning part of your claim in excess of Lm 1,500 sign this declaration I declare that any amount of my claim in excess of Lm 1,500 is being abandoned
..... signature

<p>STEP 1</p> <p>COMPLETE the NOTICE OF CLAIM using a typewriter or writing clearly. Make sure that all the copies are legible.</p> <p>STEP 2</p> <p>FILE the NOTICE OF CLAIM by taking it to the Consumer Claims Tribunal Registry. You must pay a filing fee, which depends on the amount you are claiming and a service fee. The staff will check the form and when it is accepted for filing, apply the registry stamp, add on filing and service fees and assign a file number. The Secretary will then proceed to serve on your behalf the defendant with a copy of the Notice of Claim.</p> <p>STEP 3</p> <p>WHAT HAPPENS AFTER</p> <p>If the defendant files a reply, you will be served with a copy of the reply. If no reply is filed within 18 days of the date of the notification of the NOTICE OF CLAIM, you may apply for a default order against the defendant who failed to file a reply.</p>	<p>FROM</p> <p>You must be sure that the address that you give is correct because this is where the Registry will send you any further notices or information. If your address changes at any time please notify the Registry immediately.</p> <p>TO</p> <p>Be sure that you have the correct address of defendant. If there is more than one defendant put the name of each defendant (side by side) in the space provided. In such a case however make sure that the claim is a result of the same transaction.</p> <p>WHAT HAPPENED?</p> <p>You do not need to tell everything about your case here. You must tell just enough to let defendant know what the case is all about. Keep your description brief. You will have a full opportunity to present all the facts during the trial.</p> <p>WHERE?</p> <p>A Notice of Claim must be filed in the Registry of the Tribunal where the transaction, to which the claim refers, took place.</p> <p>HOW MUCH?</p> <p>If the value of your claim is more than Lm1,500 (excluding filing and services fees) you may still present your claim before the Tribunal if you are prepared to abandon the amount of your claim in excess of Lm1,500. In such a case you must then declare under ABANDONING PART OF A CLAIM that you are abandoning the amount of your claim in excess of Lm1,500.</p>
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PARTICULARS OF THE CLAIM - continued

LIST YOUR WITNESSES IN
THIS PART

Name and address of persons you intend to call as witness

WHAT HAPPENED?

Say what is being claimed,
stating briefly the facts that
led to the dispute

ATTACH EXTRA SHEETS IF SPACE IS INSUFFICIENT

signature of claimant

date

Form 2

REGISTRY FILE NUMBER
LOCATION

REPLY
IN THE CONSUMER CLAIMS TRIBUNAL

TO CLAIMANT

Fill in the name, address and telephone number of the person making the claim against you

FROM DEFENDANT

Fill in the name, address and telephone number of the defendant filing this reply

NOTICE TO DEFENDANT

If with your reply you want to make a counterclaim then you should complete a notice of claim yourself, following the instructions on that form. Make sure that your notice of claim is presented together with your reply.

Tribunal staff will fill in this part *Amount claimed is only applicable if you as a defendant are also making a counterclaim together with this reply	FOR OFFICE USE ONLY	
	AMOUNT CLAIMED*	Lm
	FILING FEES	Lm
	SERVICE FEES	Lm
	TOTAL	Lm

<p>STEP 1</p> <p>COMPLETE the REPLY using a typewriter or writing clearly. Make sure that all the copies are legible.</p> <p>STEP 2</p> <p>FILE the REPLY by taking it to the Consumer Claims Tribunal Registry where the NOTICE OF CLAIM against you was filed. The staff will check your form and if it is in order, accept it for filing. The REPLY must be filed within the 18 days from when you are served with the NOTICE OF CLAIM.</p> <p>STEP 3</p> <p>WHAT HAPPENS AFTER</p> <p>THEN the Tribunal will send a copy of your Reply to the claimant and set a date for trial. You will receive a notice informing you of the date and place when the dispute will be heard.</p>	<p>FROM</p> <p>This is where you identify the party who is filing this Reply. Give an address where notices and other information about the dispute can be sent to you. If this address changes at any time be sure to inform the Tribunal Secretary.</p> <p>DISPUTE</p> <p>You do not need to tell everything about your case here. You must tell just enough to indicate to the claimant and to the Tribunal what parts of the claim you dispute and why. If there is anything in the Notice of Claim with which you agree, be sure to include that in your reply.</p> <p>COUNTERCLAIM</p> <p>If you want to make a counterclaim that is a claim against the claimant, then together with your reply you must also complete a Notice of Claim following the instructions on that form. To make a counterclaim your own claim must be connected to or related to the claim that the claimant has made against you.</p>
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PARTICULARS OF YOUR REPLY

LIST YOUR WITNESSES
IN THIS PART

Name and address of whom you intend to call as witness

DISPUTE

ATTACH SEPARATE SHEETS IF SPACE IS NOT ENOUGH

State if you are disputing
the claim being made. If
you are then explain with
what you disagree and why

Defendant's signature

date

Form 3

REGISTRY FILE NUMBER
LOCATION

**APPLICATION FOR A DEFAULT ORDER
IN THE CONSUMER CLAIMS TRIBUNAL**

Fill in the names of parties to the claim copying them from the Notice of Claim.

In the case between:

	CLAIMANT
AND	
	DEFENDANT

Name of party making application

	APPLICANT
--	-----------

I request that this Tribunal issue a default order against full name and address of party against whom the default order is being requested
--

I confirm that the amount still due to me is of	Lm
---	----

signature of applicant	date
------------------------	------

FOR OFFICE USE	
Amount claimed	Lm
Expenses	Lm
Interest	Lm

DECREE BY TRIBUNAL

This part will be completed by the Tribunal when deciding your application for a default order

signature of Arbiter	date

Form 4

REGISTRY FILE NUMBER
LOCATION

**NOTICE OF HEARING
IN THE CONSUMER CLAIMS TRIBUNAL**

TO

CLAIMANT

AND

DEFENDANT

You are informed that the hearing of your dispute will take place before an Arbitrator of the Consumer Claims Tribunal:

on

date	time
------	------

at

address where the hearing will be held
--

signature of tribunal secretary	date
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WARNING TO PARTIES

If you fail to attend for the hearing without giving a valid reason the Arbitrator may decide the dispute in your absence and award expenses against you. If you cannot attend for the hearing you must then immediately apply in writing to the Tribunal requesting a postponement, explaining why you cannot attend. It is at the discretion of the Tribunal to decide whether your request is justified or not.

NOTICE OF HEARING

ATTEND for the hearing at least ten minutes before the appointed time.

Make sure that you are fully prepared, since this will be your only opportunity to state your case and submit your evidence to the Tribunal.

BEAR IN MIND these points

- 1) BRING all the documents that are relevant to the case such as receipts, correspondence or agreements.
- 2) MAKE SURE that any witnesses whose evidence you need arrive early. If a witness is not prepared to attend voluntarily, then you should apply to the Tribunal for the issue of a Summons to Witness (Form 5). The summons is an order of the Tribunal telling the witness to attend for the hearing.
- 3) PREPARE what you are going to say beforehand. Go over all the facts in chronological order. You may during the hearing refer to any notes you may have prepared beforehand.

Form 5

REGISTRY FILE NUMBER

LOCATION

**SUMMONS TO WITNESS
IN THE CONSUMER CLAIMS TRIBUNAL**

In the case between:

Fill in the names of the parties to the claim copying them from the Notice of Claim

	CLAIMANT
--	----------

AND

	DEFENDANT
--	-----------

TO

Fill in the name and address of the person you want to attend the Tribunal

	WITNESS
--	---------

Name of party who requires witness

	APPLICANT
--	-----------

WHEN AND WHERE

Witness is required to attend before the Consumer Claims Tribunal

Fill in the place, date and time of the hearing

	on	date	at	time
	at	full address of the place where witness must attend		

WHY IS THE WITNESS BEING SUMMONED

State briefly to your witness why you need his evidence

--

Witness is required to bring these documents and other things

If you want the witness to bring to the hearing any documents or other things list them here

--

Sign and date your summons

signature of party applying for summons	date
---	------

This part will be completed by the Tribunal

For office use only
DECREE BY ARBITER
After having considered this application for a summons to witness, I hereby authorise the issue of this summons and order witness to appear at the place, time and date as aforesaid and to bring any of the documents or things as required in this summons
signature of Arbitrer date

NOTICE TO WITNESS

Once you have received a notice of summons duly authorised by the Tribunal, you must then attend for the Tribunal hearing at the time and place indicated in this summons and bring with you any documents or other things required from you in the summons.

SUMMONS TO WITNESS

You do not need to ask the Tribunal to issue a Summons to Witness, if witness is prepared to attend voluntarily.

COMPLETE the Summons to Witness following the instructions on the form. Be sure to type or write clearly and that all copies are legible.

FILE the Summons to Witness by taking it to the Consumer Claims Tribunal Registry. The Staff will check if the form has been completed correctly. They will then apply the registry stamp and proceed with the service of the summons. If you want the witness to bring any specific documents (for example invoices) be sure to list them in your summons.

REMEMBER to file the summons in good time before the date of the hearing when you want the witness to attend. If a witness who is notified with the summons fails to attend the Arbiter may then issue an Order of Escort against him.

Form 6

REGISTRY FILE NUMBER
LOCATION

**ORDER OF ESCORT
IN THE CONSUMER CLAIMS TRIBUNAL**

In the case between:

CLAIMANT

AND

DEFENDANT

TO

Officer executing order of arrest

Whereas the witness

..... full name and address of witness

was served with a Summons to Witness at the hearing of this dispute and the said witness failed to obey the summons, and I am satisfied that the evidence of the witness is material to this dispute,

YOU ARE THEREFORE ORDERED TO ESCORT AND BRING THE WITNESS BEFORE THIS TRIBUNAL

on

date	time
------	------

at

address where the trial is to be held

signature of Arbiter	date
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REGISTRY FILE NUMBER
LOCATION

IN THE CONSUMER CLAIMS TRIBUNAL

Fill in the names of the parties to the claim copying them from the Notice of Claim

In the case between:

	CLAIMANT
--	----------

AND

	DEFENDANT
--	-----------

Name of party making application

	APPLICANT(S)
--	--------------

Briefly state what you are applying for

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signature of applicant	date
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