

LAWS OF THE GILBERT ISLANDS  
REVISED EDITION 1977

CHAPTER 95

SMALL CLAIMS

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Inquiry into and determination of small claims
4. Procedure for inquiry into small claims
5. Judgment after inquiry
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**An Ordinance to provide a procedure for the inquiry into and determination of small claims by magistrates' courts** <sup>1 of 1975</sup>  
<sub>26 of 1977</sub>

*Commencement: 21st May 1975*

1. This Ordinance may be cited as the Small Claims Ordinance. Short title
2. In this Ordinance "small claim" means any personal suit brought in or transferred to a magistrates' court where the value of the property, debt or damage claimed, whether as balance of account or otherwise, is not more than \$1000. Interpretation
3. Notwithstanding any other law, a small claim, whether or not the parties thereto consent, may be inquired into and determined by a magistrates' court in accordance with this Ordinance. Inquiry into and determination of small claims
4. In conducting an inquiry into a small claim under this Ordinance the magistrates' court— Procedure for inquiry into small claims
  - (a) subject to the other provisions of this Ordinance and to any regulations made thereunder, shall not be bound by any rule of evidence or procedure;

- (b) may summon any person to give evidence on oath and order the production of any document or thing relevant to the inquiry;
- (c) shall, unless the defendant admits the claim in writing, give every party to the claim the opportunity to give evidence on oath;
- (d) subject to any different provision made by regulations made under this Ordinance, shall have jurisdiction throughout the Gilbert Islands.

Judgment  
after inquiry

5. (1) After completing an inquiry into a small claim under this Ordinance to its satisfaction the magistrates' court shall give judgment in writing upon the claim which judgment shall contain the point or points for determination, the decision thereon and the reasons for the decision.

(2) A judgment given under this section shall for all purposes be deemed to be a judgment of a magistrates' court.

Regulations

6. The Governor may with the approval of the Chief Justice make regulations in respect of proceedings under this Ordinance—

- (a) regulating the practice and procedure;
- (b) regulating the forms to be used and all matters connected therewith;
- (c) regulating the jurisdiction of magistrates' courts;
- (d) prescribing rules of evidence to be observed;
- (e) generally for the better carrying into effect of the provisions, objects and intentions of this Ordinance.

PART II – LAWS NOT INCLUDED IN THE 1973  
REVISED EDITION

(In alphabetical order of Ordinances)

ADMINISTRATION OF JUSTICE (PROCEDURE FOR SMALL CLAIMS)  
ORDINANCE 1975 (No.1 of 1975)

(CAP.95 OF 1977 – SMALL CLAIMS)

Note: This amendment is replaced in Schedule 3

Section 7 (1977, S.6)

Omit “The Governor in Council”, substitute “The Beretitenti, acting in accordance with the advice of the Cabinet,”.

AIR TUNGARU CORPORATION ORDINANCE 1977 (No.9 of 1977)

Note: This Ordinance is not included in the 1977 Revised Edition

Section 3

Omit from subsection (4) “The Minister”, substitute “The Beretitenti, acting in accordance with the advice of the Cabinet,”.

Section 5

Omit from subsection (1) “the Civil Aviation Act 1949”, substitute “the Civil Aviation Act, 1949 of England”.

Section 17

Omit “The Minister, after consultation with the Corporation”, substitute “The Beretitenti, acting in accordance with the advice of the Cabinet given after consultation by the Minister with the Corporation”.

First Schedule

Section 10 –

Omit the section.