

# SMALL CLAIMS TRIBUNAL

Before Filing a Claim  
in the Small Claims  
Tribunal

For more information please contact:

The Small Claims Tribunals  
Subordinate Court  
The Law and Courts Building  
KM 11/2, Jalan Raja Isteri Pengiran  
Anak Saleha,  
Bandar Seri Begawan, BA 1910,  
Negara Brunei Darussalam  
or  
Subordinate Courts in  
Kuala Belait, Tutong and  
Temburong.

Office Hours:  
Government Office Hours (Counter)

General Inquiries: Tel.no.: 2232979

Before filling a claim at the Tribunal, you may wish to consider the following:

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- **Do you have a claim?**

This must be considered before filing a claim at the Tribunal. You must ascertain that you have a cause of action against the person you wish to file the claim against.

- **Does your claim fall within the jurisdiction of the Small Claims Tribunal?**

Small Claims Tribunal have jurisdiction to hear cases involving contract of sales of goods, a contract for provision of services, claims arising from a respondent causing damages to a property and contracts under the Consumer Protection Act, where the claim does not exceed \$10,000.

- **Have you attempted to settle the claim amicably?**

It is advisable to consider settling the claim amicably before filing a claim at the Tribunal. Parties are encouraged to settle their claims amicably. Court action should be your last resort/option.

[When a claim is filed, it is the start of civil proceedings in court.]

- **Is the other party in a financial position to pay the sum that you are claiming?**

It is important to ensure that the other party is in a financial position to pay that sum that you are claiming. You may wish to note that expenses would be incurred in filing the claim and enforcing an Order of the Tribunal.

- **Will I be provided with legal advice?**

The answer is NO. The role of the Registrars of the Small Claims Tribunal are purely **mediatory**.

A Registrar will hear the case presented by both parties and allow parties to come to an amicable solution to resolve their disputes. In the event that both parties are not able to resolve their disputes, the Registrar will fix the case for hearing before an Adjudicator where the matter will be judged.

- **Am I allowed to have a lawyer to represent me at the Tribunal?**

At the Tribunal, legal representation is not allowed. You bear your own responsibility to prepare your own documents and the conduct of your case.

- **What are the expenses to file a claim in the Small Claims Tribunal?**

You will have to incur fees at various stages of the case and for the preparation of your case.

Please refer to The Small Claims Tribunals, Subordinate Court, The Law and Courts Building for the further information.

You **may** have to incur further costs for obtaining documents in support of your case. The party who wins the case **may** be able to recover the above expenses.

- **Can I afford the time?**

The time spent depends on the issue/s raised by the claimant and the complexity of the case. Even if you win the case, you may spend more time to enforce the judgment.

- **Do I need to consult a Lawyer?**

This is a frequently asked question where members of the public wish to know the merits of their case, if they should proceed with their claim or the best way to present their case. It is advisable that you seek your own legal advice as the officers of the Tribunal cannot give legal advice. You will however have to incur costs for this consultation.

- **Are you aware that commencing a claim at the Small Claims Tribunal does not necessarily mean that you will get a decision in your favour?**

The hearing in the Small Claims Tribunal is a court proceeding. At the hearing, an Adjudicator will hear the case presented by both parties and decide your case based on merits in accordance with the law.

- **Do you know that you may have to apply for enforcement proceedings if the other party does not pay or comply with the Order of the Tribunal?**

When an Order is granted in your favour and the other party does not pay, you may have to file a separate enforcement proceeding in the Subordinate Court by paying the appropriate fees that have been fixed.

Thank you