

No. S 81

SMALL CLAIMS TRIBUNALS ORDER, 2006
(S 81/2006)

SMALL CLAIMS TRIBUNALS RULES, 2012
ARRANGEMENT OF RULES

Rule

PART I

PRELIMINARY

1. Citation and commencement.
2. Application.
3. Forms.

PART II

REGISTRY OF TRIBUNALS

4. Registry of tribunals.
5. Office hours.
6. Records.
7. Searches.

PART III

FILING OF CLAIMS

8. Filing of claim.
9. Filing of counterclaim against claimant.
10. Filing of representative claim.

PART IV

SERVICE AND ISSUANCE OF NOTICES

11. Service of documents.
12. Notice for consultation.
13. Notice of hearing.

PART V

SETTING ASIDE ORDER

14. Application to set aside order obtained in default of appearance.

PART VI

WITNESSES

15. Summons to witness.
16. Service of summons to witness.
17. Failure to give evidence.

PART VII

ENFORCEMENT

18. Application for enforcement of order to pay money.
19. Requests for enforcement of work orders.

PART VIII

APPEALS TO SMALL CLAIMS TRIBUNAL AGAINST ORDERS OF REGISTRAR

20. Notice of appeal.
21. Fee for appeal.
22. Registrar to fix time and place for hearing of appeal.
23. Adjournment of hearing of appeal.
24. Where appeal is allowed by tribunal.

PART IX

APPEALS TO HIGH COURT

25. Notice of appeal.
26. Fee for appeal.
27. Time for appeal.
28. Security for costs.
29. Record of proceedings.
30. Petition of appeal.

31. Respondent's notice.
32. Record of appeal.
33. Stay of execution pending appeal.
34. Judgment or order on appeal to be sent to Registrar.
35. Enforcement of judgments of High Court.

SCHEDULE – FORMS

**SMALL CLAIMS TRIBUNALS ORDER, 2006
(S 81/2006)**

SMALL CLAIMS TRIBUNALS RULES, 2012

In exercise of the power conferred by section 54 of the Small Claims Tribunals Order, 2006, the Chief Justice, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Rules –

PART I

PRELIMINARY

Citation and commencement.

1. These Rules may be cited as the Small Claims Tribunals Rules, 2012 and shall commence on the same date as the Small Claims Tribunals Order, 2006 (S 81/2006).

Application.

2. These Rules shall apply to all proceedings under the Small Claims Tribunals Order, 2006 (S 81/2006).

Forms.

3. Where any form in the Schedule is prescribed or authorised to be used, such variations may be made in the form as the circumstances of any particular case require.

PART II

REGISTRY OF TRIBUNALS

Registry of tribunals.

4. (1) Every tribunal shall have a registry for the transaction of business relating to proceedings in the tribunal.

(2) The registry of every tribunal shall be situated at such place as the Chief Justice directs and shall be in the charge of the Registrar.

Office hours.

5. The registry of every tribunal shall be open at the same times and on the same days as the Registry of the Subordinate Courts.

Records.

6. (1) The Registrar shall keep a record of all proceedings of the tribunal.

(2) The record required by this rule shall be kept in such manner and form as the Registrar may determine and in accordance with directions given under the authority of the Chief Justice.

Searches.

7. (1) After an order has been made under section 38 in any proceedings, any person may, with the leave of the Registrar, search, inspect and take a copy of the record relating to those proceedings.

(2) Any person aggrieved by any decision of the Registrar under this rule may appeal to an adjudicator who may confirm, reverse or vary the decision of the Registrar.

(3) Nothing in this rule shall prevent a party to any proceedings from inspecting taking a copy of any part of the record kept by the tribunal in respect of those proceedings.

(4) A fee of \$5 shall be payable to the tribunal at the time of the request to take a copy of the record under sub-rule (1) or (3).

PART III

FILING OF CLAIMS

Filing of claim.

8. (1) Every claim shall be made in Form 1 set out in the Schedule.

(2) At the time of filing any claim, the claimant specified in the first column of the following table shall pay the appropriate fee specified opposite thereto –

TABLE

Claimant	Fees	
	Claims of not more than \$5,000	Claims of more than \$5,000 but less than \$10,000
(a) Consumer	\$10	\$20
(b) Non-consumer	\$50	\$100

(3) For the purpose of sub-rule (2), a claimant is a consumer if —

(a) he neither makes the contract (from which the dispute arose) in the course of a business nor holds himself out as doing so;

(b) the other party does make the contract in the course of a business; and

(c) the goods sold or services supplied under the contract are of a type ordinarily sold or supplied for private use or consumption.

(4) In sub-rule (3), “business” includes a profession and the activities of any Government department, statutory board or local or public authority.

(5) Unless the tribunal or the Registrar otherwise orders, a successful claimant shall not recover from the respondent more than \$10 in respect of a fee paid under sub-rule (2).

Filing of counterclaim against claimant.

9. (1) Every counterclaim shall be made in Form 2 set out in the Schedule and shall be filed before an order has been made by the tribunal in respect of the claim.

(2) Rules 8(2), (3), (4) and (5) shall apply in relation to a counterclaim as if the party making the counterclaim were the claimant and the party against whom it is made were a respondent.

(3) Where a counterclaim is filed in accordance with this rule, the Registrar shall fix the counterclaim together with the claim for consultation or hearing, whichever is pending.

(4) A counterclaim may be proceeded with notwithstanding that an order is given in favour of the claimant or that the claim is stayed, discontinued, dismissed or settled.

(5) Where a claimant and respondent establish their claim and counterclaim, respectively, and there is a balance in favour of one of the parties, the tribunal may make an order as regards the balance.

Filing of representative claim.

10. (1) Every representative claim under section 29 shall be made in Form 3 set out in the Schedule.

(2) Rules 8(2), (3), (4) and (5) shall apply in relation to a representative claim as if the representative claimant were a claimant under rule 8, except that if the representative claimant represents one or more non-consumers, he shall be treated as a non-consumer even though he may also represent one or more consumers.

PART IV

SERVICE AND ISSUANCE OF NOTICES

Service of documents.

11. (1) Subject to sub-rule (2) and to rule 16(1), any document that is to be served on any person in any proceedings before a tribunal or the Registrar, shall be served by personal delivery on that person or by registered post at that person's last known address.

(2) The tribunal or the Registrar may, in any particular case, order that a document be served on a person by any other means including post or facsimile transmission that the tribunal or the Registrar considers proper.

Notice for consultation.

12. (1) Where a claim is filed in accordance with section 15, the Registrar shall –

(a) fix a time a place for consultation in accordance with section 17(1);
and

(b) give notice in Form 4 set out in the Schedule of the time and place of consultation so fixed to the claimant, respondent and every person specified in section 19(1)(b)(ii).

(2) A copy of the claim shall be attached by the Registrar to every notice under sub-rule (1) other than that which is given to the claimant.

(3) The Registrar may adjourn the consultation on such conditions as he thinks just.

Notice of hearing.

13. (1) Where the Registrar, proceeding in the exercise of his powers under section 17, is unable to achieve a settlement acceptable to all parties in the dispute, he shall —

(a) fix a time and place for the hearing of the claim; and

(b) give notice in Form 5 set out in the Schedule of the time and place of hearing so fixed to the claimant, the respondent and every person specified in section 19(1)/b/(ii).

(2) A copy of the claim shall be attached by the Registrar to every notice under sub-rule (1) other than that which is given to the claimant.

(3) The tribunal may adjourn the hearing on such conditions as it thinks just.

PART V

SETTING ASIDE ORDER

Application to set aside order obtained in default of appearance.

14. (1) Every application under section 46(1) to set aside an order of the Registrar or a tribunal shall be made in Form 6 set out in the Schedule within one month after the date on which the order was made or such period as the tribunal may allow.

(2) The application shall be filed with the Registrar.

(3) Where the application is filed in accordance with section 46(1) and this rule, the Registrar shall —

(a) fix a time and place for the hearing of the application; and

(b) give notice in Form 7 set out in the Schedule of the time and place of the hearing so fixed to the applicant, respondent and every person specified in section 19(1)/b/(ii).

(4) A copy of the application shall be attached by the Registrar to every notice under sub-rule (3) other than that which is given to the applicant.

(5) The tribunal may adjourn the hearing of the application on such conditions as it thinks just.

(6) Where the order of the Registrar or a tribunal to which an application under section 46(1) refers is set aside, the tribunal shall proceed to achieve a settlement, or to hear the claim or counterclaim as provided in these Rules, or make any directions as it thinks just.

(7) Where a party who has made an application under section 46(1) to set aside an order of the Registrar or a tribunal which was made in default of his appearance does not appear at the hearing of his application to set aside the order —

(a) the tribunal may dismiss the application and make such orders or ancillary directions as in its opinion are just and expedient; and

(b) the party who made the application shall be precluded from making any further application under section 43(2) to set aside any order of the Registrar or a tribunal made in the course of any proceedings relating to the claim.

PART VI

WITNESSES

Summons to witness.

15. The tribunal may at any time, before or during any hearing, issue a summons in Form 8 set out in the Schedule under the hand of the Registrar, to summon any person —

(a) to attend before the tribunal at the time and place specified in the summons;

(b) to give evidence at the hearing; and

(c) to produce to the tribunal such documents in his possession or control as are specified in the summons.

Service of summons to witness.

16. (1) Every summons issued under rule 15 shall be served on the person to whom it is directed, either by personally delivering it to him or, if he refuses to accept it, by bringing it to his attention, within a reasonable time before the time specified in the summons for his attendance.

(2) The obligation on a witness summoned under rule 15 to attend any hearing shall extend to any time and place to which the hearing may be adjourned.

Failure to give evidence.

17. (1) Any person who has been duly served in accordance with these Rules with a summons issued under rule 15 and fails without sufficient cause to comply with the directions of the summons or with the requirements of rule 16(2) in respect of the summons is guilty of an offence and liable on conviction to a fine not exceeding \$500.

(2) Every person present at any hearing before the tribunal (whether or not as a result of the service of any summons on him) who is required to give evidence in the hearing but refuses —

(a) to be sworn or affirmed; or

(b) to give evidence in the hearing,

is guilty of an offence and liable on conviction to a fine not exceeding \$500.

(3) The payment of a fine shall not release a person from any obligations under any pending or other action to comply with the direction of a summons issued under rule 15 or 16(2).

PART VII

ENFORCEMENT

Application for enforcement of order to pay money.

18. (1) Every application to a Court of a Magistrate under section 40(2) shall be made in Form 9 set out in the Schedule.

(2) The application shall be filed at the registry of the Court of Magistrates.

(3) The Registrar of the Court of Magistrates shall forthwith serve a copy of the application on the party against whom enforcement is sought.

(4) Every notice of objection to the application, referred to in section 40(3), shall be made in Form 10 set out in the Schedule.

(5) The notice of objection shall be filed at the registry of the Court of Magistrates at least 7 days before the date of hearing of the application.

Requests for enforcement of work orders.

19. Every application under section 41(1) for the enforcement of a work order shall be made to the Registrar in Form II set out in the Schedule.

PART VIII

APPEALS TO SMALL CLAIMS TRIBUNAL AGAINST ORDERS OF REGISTRAR

Notice of appeal.

20. An appeal to the tribunal from an order made by the Registrar under section 17(4) shall be brought by filing with the Registrar a notice of appeal in Form 12 set out in the Schedule within one month from the date of the order.

Fee for appeal.

21. An appellant shall, at the time of filing a notice of appeal under rule 20, pay a fee of \$20.

Registrar to fix time and place for hearing of appeal.

22. Upon an appellant having filed a notice of appeal in accordance with rule 20 and made payment of the fee specified in rule 21, the Registrar shall —

(a) assign a number to the notice of appeal and enter the appeal on the list of appeals;

(b) fix a time and place for the hearing of the appeal; and

(c) give notice in Form 13 set out in the Schedule of the time and place of the hearing of the appeal to the appellant, the respondent and any other person who appears to the Registrar to have a sufficient interest in the settlement of the dispute to which the claim relates.

Adjournment of hearing of appeal.

23. The tribunal may adjourn the hearing of the appeal on such conditions as it thinks just.

Where appeal is allowed by tribunal.

24. Where an appeal against an order made by the Registrar under section 17(4) is allowed by the tribunal, the tribunal shall proceed to achieve a settlement, or to hear the claim or counterclaim as provided by the Order and these Rules, or make any order or direction as it thinks just.

PART IX

APPEALS TO HIGH COURT

Notice of appeal.

25. (1) An appeal to the High Court shall be brought by notice of appeal in Form 14 set out in the Schedule.

(2) Notice of appeal may be given either in respect of the whole or in respect of any specified part of the order of the tribunal.

(3) Every such notice shall —

(a) state the whole or part only, and what part, of the order is complained of;

(b) contain an address for service; and

(c) be signed by the appellant or his solicitor.

(4) The Registrar shall assign a number to the notice of appeal and enter the appeal on the list of appeals.

(5) The notice of appeal shall be served on all parties to the proceedings who are directly affected by the appeal or their solicitors respectively at the time of filing the notice of appeal.

Fee for appeal.

26. An appellant shall, at the time of filing a notice of appeal under rule 25 —

(a) pay a fee of an amount equivalent to the fee payable for the time being under the Rules of the Court for the filing of an appeal to the High Court from a judgment or order of a Court of a Magistrate; and

(b) deposit with the Registrar such sum as the Registrar may require towards the fee for making copies of the record of proceedings.

Time for appeal.

27. Every notice of appeal shall be filed and served under rule 25(5) within one month calculated from the date on which the order being appealed was made.

Security for costs.

28. (1) The appellant shall, at the time of filing the notice of appeal, deposit a sum of \$500 by way of security for the respondent's costs of the appeal with the Registrar and obtain a certificate in Form 15 set out in the Schedule.

(2) The High Court may at any time, in any case where it thinks fit, order further security for costs to be given.

(3) Where under rule 30(4) or 32(4) the appeal is deemed to be withdrawn, any sum deposited as security for costs under this rule shall be paid out —

(a) where all the parties to the appeal or their solicitors consent in writing, in accordance with the consent; or

(b) in accordance with an order of the tribunal.

(4) Every application for an order under sub-rule (3)(b) shall be in Form 16 set out in the Schedule.

Record of proceedings.

29. (1) When a notice of appeal has been filed, the adjudicator who made the order shall certify in writing the grounds of the order; but delay or failure to certify shall not prevent the appellant from proceeding with his appeal.

(2) As soon as possible after notice of appeal has been filed, the Registrar shall cause to be served on the appellant or his solicitor at his address for service specified in the notice of appeal a notice that a copy of the record of proceedings is available.

(3) The record of proceedings shall consist of a certified copy of the grounds of the order and a certified copy of the notes of proceedings taken at the hearing of the claim or counterclaim.

Petition of appeal.

30. (1) Within 21 days after service of the notice referred to in rule 29(2), the appellant shall, if he desires to proceed with the appeal, file with the Registrar a petition of appeal in duplicate in Form 17 set out in the Schedule and a copy of the petition shall be served on every respondent to the appeal or his solicitor.

(2) Every petition of appeal shall be signed by the appellant or his solicitor and shall contain concisely and under distinct heads, without argument or narrative, particulars of the matters in regard to which the tribunal is alleged to have erred, such particulars to be numbered consecutively.

(3) Except with the leave of the High Court, the appellant shall not be permitted on the hearing of the appeal to rely on any ground of appeal other than those set out in the petition.

(4) If a petition of appeal is not filed within the time specified in sub-rule (1), the appeal shall be deemed to have been withdrawn, but nothing in this rule shall be deemed to limit or restrict the powers of extending time conferred upon the High Court.

Respondent's notice.

31. (1) A respondent who, not having appealed from the order of the tribunal, desires to contend on the appeal that the order of that tribunal should be varied, either in any event or in the event of the appeal being allowed in whole or in part, shall give notice to that effect, specifying the grounds of that contention.

(2) A respondent who desires to contend on the appeal that the order of the tribunal should be affirmed on grounds other than those relied upon by that tribunal must give notice to that effect specifying the grounds of that contention.

(3) Except with the leave of the High Court, a respondent shall not be entitled, on the hearing of the appeal –

(a) to contend that the order of the tribunal should be varied upon grounds not specified in a notice given under this rule;

(b) to apply for any relief not so specified; or

(c) to support the order of the tribunal upon any grounds not relied upon by that tribunal or specified in such a notice.

(4) Any notice given by a respondent under this rule (referred to in this sub-rule and rule 32 as a respondent's notice) shall be in Form 18 set out in the Schedule and must be filed with the Registrar and a copy thereof served on the appellant and on all parties to the proceedings who are directly affected by the contentions of the respondent within 14 days after the service on him of the petition of appeal.

Record of appeal.

32. (1) Within 14 days after the filing of the petition of appeal referred to in rule 30(1), the appellant shall file with the Registrar three copies of the record of appeal, and serve a copy of it on every respondent to the appeal or his solicitor.

(2) The record of appeal shall consist of a copy each of the notice of appeal, petition of appeal, certificate of payment of security for costs, respondent's notice (if any), the record of proceedings referred to in rule 29(3), and other documents,

so far as is necessary for showing the matter decided and the nature of the appeal, and the order appealed from.

(3) Where an appellant omits to comply with sub-rule (1), any respondent who has filed a respondent's notice may proceed with his appeal, and in any such case the respondent shall as soon as practicable or within such time as may be allowed by the Registrar file a record of appeal.

(4) Where any respondent has not filed a respondent's notice and an appellant omits to comply with sub-rule (1), the appeal shall be deemed to have been withdrawn.

(5) Nothing in this rule shall be deemed to limit or restrict the powers of extending time conferred upon the High Court.

(6) The Registrar shall on receiving copies of the record of appeal transmit two copies together with the exhibits put in evidence at the hearing to the Registrar of the Supreme Court and give notice to the parties to the appeal in Form 19 set out in the Schedule.

Stay of execution pending appeal.

33. The filing of a notice of appeal shall not operate as a stay of execution, but the tribunal may on application by notice in Form 20 set out in the Schedule stay execution on such terms as it thinks just.

Judgment or order on appeal to be sent to Registrar.

34. Whenever an appeal is decided by the High Court, the Registrar of the Supreme Court shall send to the Registrar a certified copy of the judgment or order.

Enforcement of judgments of High Court.

35. The taking of any steps for the execution or enforcement of an order of the tribunal which has been the subject matter of an appeal shall be in accordance with the provisions of the Order.

SCHEDULE

(rule 8(1))

FORMS

FORM 1

Claim No. SCT/_____/20_____

CLAIM

A. Particulars of Claimant:

Name: _____

Address: _____

Tel: _____ Mobile: _____

Email: _____

B. I hereby give notice that I wish to file a claim against the following respondent(s):

Name: _____

Address: _____

Tel: _____ Mobile: _____

Email: _____

C. Particulars of Claim:

(Please complete the next page)

Dated this _____ day of _____ 20 _____.

Signature of Claimant

Name:

Designation:

Notice: Respondent's Counterclaim is to be filed within 2 weeks from the service of this Claim, if any. Please refer to the Small Claims Tribunal Registry for copy of the Counterclaim Form.

SCHEDULE – *Continued*

Annex to Form _____

Claim No. SCT/ _____ 20 _____

A	NATURE OF DISPUTE: Please tick [<input checked="" type="checkbox"/>]	
<p>1. <u>CONTRACT FOR SALE OF GOODS</u></p> <p>[<input type="checkbox"/>] Defective Goods</p> <p>[<input type="checkbox"/>] Non-Delivery</p> <p>[<input type="checkbox"/>] Goods not as Contracted</p> <p>[<input type="checkbox"/>] Non-Payment</p> <p>[<input type="checkbox"/>] Cancellation/Opt Out</p> <p>[<input type="checkbox"/>] Refund (motor vehicle deposit)</p> <p>Complete Boxes B, D & F</p>	<p>2. <u>CONTRACT FOR PROVISION OF SERVICES</u></p> <p>[<input type="checkbox"/>] Unsatisfactory Services</p> <p>[<input type="checkbox"/>] Incomplete Services</p> <p>[<input type="checkbox"/>] No Services Rendered</p> <p>[<input type="checkbox"/>] Non-Payment</p> <p>[<input type="checkbox"/>] Cancellation/Opt Out</p> <p>[<input type="checkbox"/>] Others</p> <p>Complete Boxes B, D & F</p>	<p>3. <u>DAMAGE OF PROPERTY</u></p> <p>[<input type="checkbox"/>] Owner of Property</p> <p>[<input type="checkbox"/>] Damage not arising from motor vehicle accident</p> <p>[Note: Property damage arising from a motor vehicle accident cannot be claimed at Small Claims Tribunal]</p> <p>Complete Boxes C, D & E</p>
B	PARTICULARS OF CLAIM	
	CONTRACT FOR GOODS/SERVICES RENDERED	
1	Name Type of Goods Sold or Services Provided:	
2	Contract Sum: \$	Paid: \$
3	Balance Sum: \$	
4	Contract Date:	Invoice Nos.:
5	Date Contract Performed:	
6	Date Contract Defaulted:	

SCHEDULE – *Continued*

C	DAMAGE TO PROPERTY
1	Date of Damage:
2	Property Damage:
3	Place Where Damage Occurred:
D	BRIEF SUMMARY OF CLAIM
E	CLAIMING FOR: Please [√]
(1)	WORK ORDER <input type="checkbox"/> State the nature of Work Order (in brief)
(2)	MONEY ORDER <input type="checkbox"/> \$ [Indicate amount]
(3)	AND DISBURSEMENTS <input type="checkbox"/> \$
	CLAIM FOR COSTS AND INTERESTS ARE NOT ALLOWED

Dated this _____ day of _____ 20 _____.
 (If a Company Claim)
 Company Stamp

Signature of Claimant
 Name: _____
 Designation: _____

FORM 2

Claim No. SCT/ _____ /20 _____

COUNTERCLAIM

A. Particulars of Counterclaimant:

Name: _____

Address: _____

Tel: _____ Mobile: _____

Email: _____

B. A claim has been filed against me in Claim SCT/ ____/ ____ by:

Name: _____

Address: _____

C. I hereby give notice that I wish to file the following counterclaim:

Particulars of Counterclaim:

Dated this _____ day of _____ 20 ____.

Signature of Counterclaimant

Name:

Designation:

FORM 3

Claim No. SCT/ _____ /20 _____

REPRESENTATIVE CLAIM

A. Particulars of Representative:

Name: _____

Address: _____

Tel: _____ Mobile: _____

Email: _____

B. I hereby give notice that I wish to file a representative claim against the following respondent(s):

Name: _____

Address: _____

Tel: _____ Mobile: _____

Email: _____

C. I am filing a claim under section 29 of the Small Claims Tribunals Order, 2006 (S 81/2006) and I am also representing the following claimant(s):

Name: _____

Address: _____

D. Particulars of Claim:

(Please complete the next page)

Dated this _____ day of _____ 20 _____.

Signature of Representative Claimant

Name:

Designation:

FORM 4

Claim No. SCT/_____/20_____

NOTICE FOR CONSULTATION

- (1) To Claimant: Name: _____
Address: _____

- (2) To Respondent: Name: _____
Address: _____

- (3) To: Name: _____
Address: _____

TAKE NOTICE that a claim (*a copy of which is attached*) has been filed against the above mentioned respondent and has been fixed for consultation.

You are required to attend before the Registrar of the Small Claims Tribunal, _____, Brunei Darussalam on _____ at _____ a.m./p.m.

AND TAKE NOTICE that should you fail to attend before the Tribunal on the day and time appointed, your claim may be dismissed or judgment in default may be entered against you.

Dated this _____ day of _____ 20 _____.

Registrar

FORM 5

Claim No. SCT/ _____ /20 _____

NOTICE OF HEARING

- (1) **To Claimant:** Name: _____
Address: _____

- (2) **To Respondent:** Name: _____
Address: _____

- (3) **To:** Name: _____
Address: _____

TAKE NOTICE that a claim (*a copy of which is attached*) has been filed against the above mentioned respondent and has been fixed for hearing.

You are required to attend before the Small Claims Tribunal, _____, Brunei Darussalam on the _____ day of _____ at _____ a.m./p.m., to answer the claim against you by the above mentioned claimant.

AND TAKE NOTICE that in default of attending the Tribunal on the day and time appointed, an order may be given against you.

Dated this _____ day of _____ 20 _____.

Registrar

FORM 6

Claim No. SCT/ _____ /20 _____

APPLICATION TO SET ASIDE ORDER OF
*REGISTRAR/ADJUDICATOR

A. Particulars of Applicant:

Name: _____
Address: _____

B. 1. An Order has been made against me on _____
by the *Registrar/Adjudicator in Claim No. _____

2. I hereby apply to set aside the above order made in favour of:

Name: _____
Address: _____

C. Grounds of Application:

Dated this _____ day of _____ 20 _____.

Signature of Claimant/Respondent
(Also affix Company stamp if applicable)

Name:
Designation:
Tel:

*Delete accordingly

FORM 7

Claim No. SCT/ _____ /20 _____

NOTICE OF HEARING OF APPLICATION TO SET ASIDE ORDER

- (1) To Claimant: Name: _____
Address: _____

- (2) To Respondent: Name: _____
Address: _____

- (3) To: Name: _____
Address: _____

TAKE NOTICE that the application to set aside an order of the Registrar/Small Claims Tribunal which has been filed (*a copy of which is attached*) has been fixed for hearing.

You are required to attend before the Small Claims Tribunal, _____, Brunei Darussalam on _____ at _____ a.m./p.m., to answer the claim against you by the above mentioned claimant.

AND TAKE NOTICE that should you fail to attend before the Tribunal on the day and time appointed, an order may be made against you.

Dated this _____ day of _____ 20 _____.

Registrar

FORM 8

Claim No. SCT/_____/20_____

SUMMONS TO WITNESS

To: Name: _____
Address: _____

YOU ARE HEREBY SUMMONED TO attend before the Small Claims Tribunal located at the _____, Brunei Darussalam _____ on the _____ day of _____ 20 _____ at _____ a.m./p.m. and at all subsequent times and places to which the proceedings may be adjourned as directed –

(a) to give evidence on behalf of the claimant/respondent; and

(b) to bring with you and produce the following documents:

AND YOU ARE HEREBY WARNED that if you fail without sufficient cause to comply with this summons, you shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$500.

Dated this _____ day of _____ 20 _____.

Registrar
Subordinate Courts

(rule 18(1))

FORM 9

In the Matter of section 40(2) of
SMALL CLAIMS TRIBUNAL ORDER, 2006
(S 81/2006)

AND

In the Matter of rule 18(1) of
SMALL CLAIMS TRIBUNALS RULES, 2012

AND

In the Matter of
Claim No. SCT/ _____ /20 _____

BETWEEN

... Claimant
... Respondent

FOR ENFORCEMENT OF ORDER

To: Name: _____
Address: _____

TAKE NOTICE that you are required to attend before the Registrar, Court of a Magistrate, _____, Brunei Darussalam _____ on the _____ day of _____ 20 ____ at _____ a.m./p.m. on the hearing of an application by the Claimant.

By this application the Claimant seeks the determination of the Honourable Court on the following order:

(State order)

Dated this _____ day of _____ 20 _____.

Registrar
Subordinate Courts

To: The Respondent

FORM 10

**In the Matter of section 40(3) of
SMALL CLAIMS TRIBUNALS ORDER, 2006 (S 81/2006)**

AND

**In the Matter of rule 18(4) of
SMALL CLAIMS TRIBUNALS RULES, 2012**

AND

In the Matter of

Claim No. SCT/_____ /20_____

BETWEEN

... Claimant
... Respondent

NOTICE OF OBJECTION TO ORDER

TAKE NOTICE that I, _____ (*name*) object to the enforcement of the order made by the Small Claims Tribunal in this matter on the _____ day of _____ 20 _____ on the grounds that the order has been fully complied with and I therefore dispute the entitlement of the claimant to enforce it.

Dated this _____ day of _____ 20 _____.

Signature of Respondent
Name:
Designation:
Tel:

To: (1) The Registrar
Subordinate Courts

(2) Claimant

(rule 19)

FORM 11

Claim No. SCT/ _____ /20 _____

... Claimant
... Respondent

REQUEST TO ENFORCE WORK ORDER

I, _____ (name), REQUEST YOU to issue a process for the enforcement of the work order made by the Small Claims Tribunal in this matter on the _____ day of _____ 20 _____, for the following reason:

Dated this _____ day of _____ 20 _____.

Signature of Claimant/Respondent
(Also affix Company stamp if applicable)

Name:
Designation:
Tel:

To: Registrar
Small Claims Tribunal

FORM 12

NOTICE OF APPEAL TO SMALL CLAIMS TRIBUNAL
AGAINST ORDER OF REGISTRAR

APPEAL NO. _____ OF _____

BETWEEN

... Appellant
... Respondent

IN THE MATTER OF CLAIM NO. SCT/_____/20_____

... Claimant
... Respondent

NOTICE OF APPEAL

TAKE NOTICE that the claimant/respondent _____ (name),
being dissatisfied with the order of the Registrar _____ (name)
made at the consultation on the _____ day of _____ 20 _____,
appeals to the Small Claims Tribunal against the order to discontinue the claim,
on the ground(s) that _____

(state ground(s))

Ground(s):

Dated this _____ day of _____ 20 _____.

Signature of Appellant

Name:

Tel:

Fax:

To: (1) Registrar
Small Claims Tribunal
Bandar Seri Begawan BA1910
Brunei Darussalam

To: (2) To the above named Respondent
The address for service of the appellant is:

(rule 22(c))

FORM 13

Claim No. SCT/_____/20_____

**NOTICE OF HEARING OF APPEAL
AGAINST THE ORDER OF THE REGISTRAR**

- (1) **To Claimant:** Name: _____
Address: _____

- (2) **To Respondent:** Name: _____
Address: _____

- (3) **To:** Name: _____
Address: _____

TAKE NOTICE that the appeal from the order of the Registrar has been fixed for hearing before the Tribunal.

You are required to attend before the Small Claims Tribunal, _____, Brunei Darussalam on _____ at _____ a.m./p.m., for the Tribunal to hear the appeal.

AND TAKE NOTICE that should you fail to attend before the Tribunal on the day and time appointed, the appeal may be dismissed or an order may be made against you.

Dated this _____ day of _____ 20 _____.

Registrar

FORM 14
NOTICE OF APPEAL TO HIGH COURT

SMALL CLAIMS APPEAL NO. _____ OF _____

BETWEEN

... Appellant
... Respondent

IN THE MATTER OF CLAIM NO. SCT/_____/20_____

... Claimant
... Respondent

NOTICE OF APPEAL

TAKE NOTICE that the Appellant _____ (name), being dissatisfied with the order of the Adjudicator, _____ (name) given at the Small Claims Tribunal on the _____ day of _____ 20 _____, with leave of the Magistrate in Chamber on _____ day of _____ 20 _____ appeals to the High Court against

Either/or (the whole of the said order
(such parts of the order
(decides that

on the ground(s) that _____ [state ground(s)].

Ground(s):

Dated this _____ day of _____ 20 _____.

Signature of Claimant/Respondent

Name:

Tel:

Fax:

To: (1) The Registrar
Small Claims Tribunal
Bandar Seri Begawan BA1910
Brunei Darussalam

To: (2) To the above named Respondent
The address for service of the Appellant is:

(rule 28(1))

FORM 15
CERTIFICATE FOR SECURITY FOR COSTS

SMALL CLAIMS APPEAL NO. _____ OF _____

BETWEEN

... *Appellant*
... *Respondent*

IN THE MATTER OF CLAIM NO. SCT/ _____ /20 _____

... *Claimant*
... *Respondent*

This is to certify that _____ (name) of
_____ (address) that above named appellant has deposited the
sum of \$500 by way of security for the Respondent's costs of the appeal with the
Registrar.

Dated this _____ day of _____ 20 _____.

Registrar

FORM 16

APPLICATION FOR ORDER OF PAYMENT
OUT OF SECURITY FOR COSTS

TAKE NOTICE that the appellant/respondent intends to apply to the Adjudicator, Small Claims Tribunal located at the _____, Brunei Darussalam _____ at _____ a.m./p.m. on the _____ day of _____ 20 _____, for an order that the security for costs of \$ _____ deposited with the Registrar on the _____ day of _____ 20 _____, be paid out to the _____

Dated this _____ day of _____ 20 _____.

Signature of Claimant/Respondent

Name:

Tel:

Fax:

- To: (1) The Registrar
Small Claims Tribunal
Bandar Seri Begawan BA1910
Brunei Darussalam
- To: (2) To the above named Appellant/Respondent
The address for service of the Appellant/Respondent:

{rule 30(1)}

FORM 17
PETITION OF APPEAL

SMALL CLAIMS APPEAL NO. _____ OF _____

BETWEEN

... Appellant
... Respondent

IN THE MATTER OF CLAIM NO. SCT/ _____ /20 _____

... Claimant
... Respondent

To the Honourable Judge of the High Court.

The Petition of the above named appellant shows as follows:

1. The appeal arises from a claim.
2. By an order dated the ____ day of _____ 20 _____, an order was given for _____.
3. Your petitioner is dissatisfied with the said order on the following grounds:
(State grounds on which appellant relies)
4. Your petitioner prays that such order may be reversed *(or as the case may be)*.

Dated this _____ day of _____ 20 _____.

Signature of Appellant
(or Solicitor for Appellant)

FORM 18

SMALL CLAIMS APPEAL NO. _____ OF _____

BETWEEN

... Appellant
... Respondent

IN THE MATTER OF CLAIM NO. SCT/ _____ /20 _____

... Claimant
... Respondent

RESPONDENT'S NOTICE

TAKE NOTICE that, on the hearing of the above appeal, the respondent above named, will contend that the order of the Adjudicator _____ given at the Small Claims Tribunal on the _____ day of _____ 20 _____ ought to be varied on the grounds hereinafter set out (or affirmed on the grounds additional to those relied upon by the Tribunal).

[Set out in numbered paragraphs _____

- (a) the nature of the relief claimed and/or
- (b) the grounds relied upon]

Dated this _____ day of _____ 20 _____.

Signature of Respondent
(or Solicitor for Respondent)

To: (1) The Registrar
Small Claims Tribunal
Bandar Seri Begawan BA1910
Brunei Darussalam

To: (2) To the above named Appellant/Respondent
The address for service of Appellant/Respondent:

(rule 32(6))

FORM 19

NOTICE OF TRANSMISSION TO HIGH COURT

SMALL CLAIMS APPEAL NO. _____ OF _____

BETWEEN

... Appellant
... Respondent

IN THE MATTER OF CLAIM NO. SCT/_____/20_____

... Claimant
... Respondent

The Records of Appeal together with the exhibits have been filed and are now forwarded to the High Court.

Dated this _____ day of _____ 20 _____.

Registrar

To: (1) Registrar
Supreme Court

To: (2) To the above named Appellant
To: (3) To the above named Respondent

FORM 20

Claim No. SCT/ _____ /20 _____

... Claimant
... Respondent

APPLICATION FOR STAY OF EXECUTION

TAKE NOTICE that the claimant/respondent intends to apply to the Adjudicator, Small Claims Tribunal located at the _____, Brunei Darussalam _____ at _____ a.m./p.m. on the _____ day of _____ 20 _____, for a stay of execution of the order of the Tribunal dated the _____ day of _____ 20 _____.

Dated this _____ day of _____ 20 _____.

Signature of Claimant/Respondent

To: (1) The Registrar
Small Claims Tribunal

(2) Claimant/Respondent

Small Claims Tribunals Order, 2006
{S 81/2006}

APPLICATION BY AN INDIVIDUAL
TO BE AN AUTHORISED REPRESENTATIVE TO PRESENT CASE

To: Registrar, Small Claims Tribunal

Date: _____

Claim No: SCT/ _____ /20_____
(State Claim/Counterclaim No.)

1. The *Claimant/*Respondent _____ is unable to present case at the *Consultation/*Hearing by reason of:-

Tick [] where applicable

Not being resident in Brunei Darussalam and unable to remain in Brunei Darussalam.

OLD AGE. *Claimant/*Respondent is _____ years old.

ILLITERACY. Education level: _____
Language proficiency: _____

INFIRMITY OF MIND OR BODY. Details: _____
[A copy of the medical report to be attached].

2. Mr/Mdm/Miss _____ of
(State name of representative)

_____ applies to be a
(State address of representative)

representative to present the case on behalf of the *Claimant/*Respondent.

Signature of Claimant/Respondent
(Where necessary)

Signature of Representative

FOR REGISTRAR'S USE

- (a) *Claimant/*Respondent is unable to present own case by reason of *Old Age/
*Illiteracy/*Infirmity of mind or body.
- (b) The appointed representative is *duly Authorised/*Not duly Authorised by
*Claimant/*Respondent.
- (c) *APPROVE/*DISAPPROVE _____ to act as
representative on behalf of Claimant/Respondent.
- (d) Remarks: _____

**Delete where applicable*

Registrar

Dated this 20th. day of Muharram, 1434 Hijriah corresponding to the
4th. day of December, 2012.

DATO SERI PADUKA AWANG HAJI KIFRAWI
BIN DATO PADUKA HAJI KIFLI
Chief Justice,
Brunei Darussalam.