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### COURT DATE

The Clerk of the Court will inform you of the court date. The court procedure is informal and not complicated. You will be expected to tell your story and answer questions from the Commissioner of the Small Claims Court.

On the day of the court hearing, you must bring proof that the summons was delivered to the person you are claiming from, as well as all the proof that you have to substantiate your claim.

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### PAYMENT

If judgment is given in your favour, the person must pay the money immediately and will be issued a receipt.

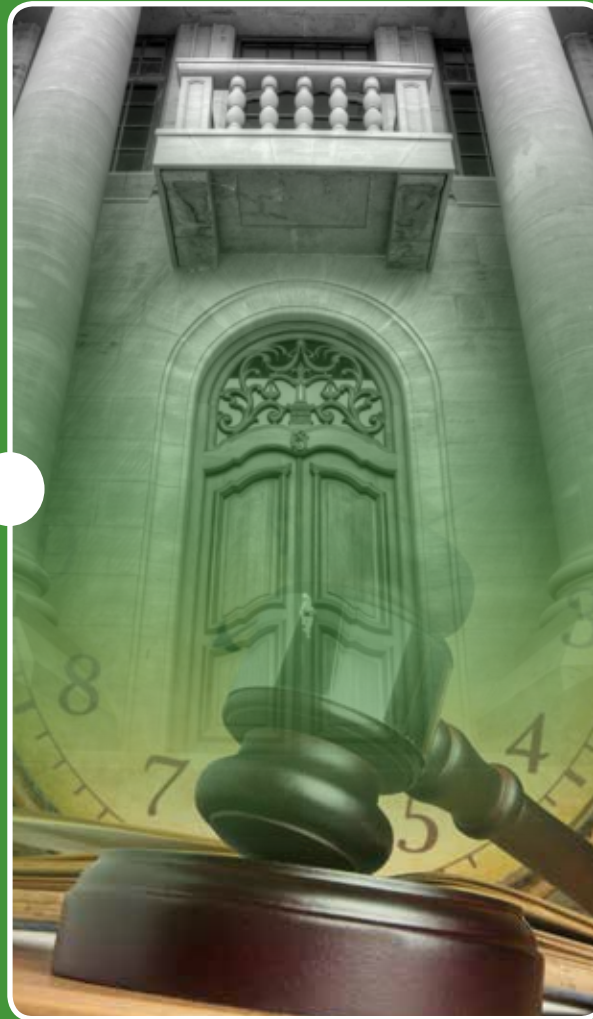
If they are not able to pay, the court will investigate their financial position and determine a payment plan.

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### FAILURE TO COMPLY

If the person fails to comply with the judgement then the matter will be referred to the magistrate's court for execution processes.



### WHERE CAN I GET MORE INFORMATION?

You can contact your nearest Magistrate's Court or view the Department website at:

[www.justice.gov.za](http://www.justice.gov.za)

# SMALL CLAIMS COURT



YOU CAN NOW CLAIM R20 000.



ACCESS TO JUSTICE FOR ALL



**the doj & cd**

Department:  
Justice and Constitutional Development  
REPUBLIC OF SOUTH AFRICA

# MATTERS THAT CAN BE TAKEN TO THE SMALL CLAIMS COURT

- Small Claims Court offer a quicker and easier way of resolving certain civil disputes that involve amounts up to R20 000.
- You do not need a lawyer to represent you at a Small Claims Court.
- All official languages may be used in a Small Claims Court.

## REPAYMENT OF MONIES LENT



If someone owes you money and they refuse to pay you at the agreed time, you may take the matter to the Small Claims Court.

## CLAIMING GOODS THAT ARE DUE TO YOU



If someone has bought goods such as furniture from you and they have failed to pay for it, you can take the matter to the small claims court, provided that the value of the goods does not exceed the monetary limit for Small Claims Courts at that time.

## CLAIMING MONIES OWED



If you have rented out a house or any other property to a person (tenant) and the tenant does not pay the agreed rental at the right time, you can take the matter to the Small Claims Court.

## ENFORCING A CLAIM BASED ON A LEGAL DOCUMENT



If you have a document that proves that you should receive money from someone, such as a cheque, an acknowledgement of debt or promissory note, you can take the matter to the small claims court to enforce this agreement.

## CLAIMING DAMAGES



If you are involved in an accident and you can produce proof that the other driver was at fault, you can take the matter to the Small Claims Court.

## CLAIMS BASED ON CREDIT AGREEMENTS



If you have lent people money on credit and they are not paying the agreed instalments, you can take the matter to the Small Claims Court.

## CLAIMS THAT ARE EXCLUDED FROM SMALL CLAIMS COURTS



You cannot bring forward claims that:

- go against a judgment or order of a court,
- are more than R20 000,
- are against the State, local municipality or local government,
- are for the official cancellation of a marriage,
- concerns the validity of a will.

# SMALL CLAIMS COURT STEP-BY-STEP GUIDE

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## CONTACT THE PERSON WHOM YOU HAVE A DISPUTE WITH

Contact the person with whom you have a dispute in person, in writing or telephonically and ask them to settle your claim. (The current limit is R20 000).

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## WRITE A LETTER TO THE PERSON WHO OWES YOU

If the person who, for example, owes you money refuses to pay, they should then be sent a letter of demand which indicates all the facts and the specific amount you are claiming. The letter must be delivered in person or by registered mail (the Post Office can assist). Once the person receives the letter, they are given 14 days within which to settle your claim.

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## GO TO THE CLERK OF THE COURT AT THE NEAREST MAGISTRATES COURT

If the person owing your money has not paid the claim in 14 days, go to the Small Claims Court at your nearest Magistrate's Court with:

- a copy of the letter of demand.
- any contract or agreement between you and the person which proves the claim
- a post slip or any other document that proves that the letter of demand was handed to the person.
- The person's personal and contact details.

The clerk of the court will prepare a summons which will force the person to come to court at the set date. The summons can be delivered by you or the sheriff of the court. Please always remember the date and time when your case will be heard and be there to state your case.