

ORDERS OF THE SMALL CLAIMS TRIBUNALS



ORDERS OF THE SMALL CLAIMS TRIBUNALS

The Small Claims Tribunals (SCT) provide a quick and inexpensive forum for the resolution of small claims disputes.

Common types of SCT orders

Money order: Where a money order is issued, one party must pay to another party the sum of money stated in the order by the due date, failing which the party entitled to be paid may commence enforcement proceedings against the defaulting party.

Default order: A default order may be made where any party fails to appear or attend a scheduled consultation or hearing at the SCT. A default order may be a money order or a dismissal order. Where a respondent fails to appear, a default money order may be made in favour of the claimant. Where a claimant fails to appear, a default dismissal order may be made against the claimant.

Work order: Where a work order is issued, one party must perform the work specified in the order by the due date. Failing which, the party entitled to the work may file an application to vary the work order in the SCT or enforce the work order in a District Court.

Consent order: A consent order may be issued where parties agree to settle some or all of the matters in dispute in the claim or proceedings during the consultation or hearing. The consent order records the terms of the parties' agreement.

Discontinuance order: A discontinuance order may be made where the SCT has found that the claim is not within the jurisdiction of the SCT. The SCT proceedings in respect of the discontinued claim will cease.

SCT orders are enforced as District Court orders.

Considerations before you enforce

> Is it worthwhile to enforce the order? Do note that you would have to set aside time, effort and money to make the necessary applications to enforce the order and the outcome is not guaranteed.

- > The fees paid to the State Courts in enforcement proceedings are non-refundable.
- > Are there currently any enforcement proceedings by other persons against the respondent?
- > Has the respondent been adjudicated a bankrupt?
- > Check if the respondent is still "live" in the Accounting and Corporate Regulatory Authority's records or if there are winding up proceedings against the respondent.

(You may search for the above information at the LawNet & CrimsonLogic Service Bureau, State Courts, 1 Havelock Square, Level 2, Singapore 059724)

*If you or the other party are involved in any bankruptcy, winding up, receivership or judicial management proceedings, please seek your own legal advice on the available courses of action.

Enforcement of Money order

If a party fails to pay or fails to comply with a money order, you may consider enforcing the order. The person applying to enforce an order is known as the "Judgment Creditor", while the other party is known as the "Judgment Debtor".

Variation and Enforcement of Work order

If a party fails to comply with a work order, you may take steps to apply to vary the order in the Community Justice and Tribunals System (CJTS) by clicking "Online Applications" followed by "SCT" and completing the e-service "Request to vary work order". Parties will be notified of a date to attend a hearing before the Tribunal Magistrate. Alternatively, you may apply to enforce the work order in a District Court by filing an application in the eLitigation system. [Click here for more information on eLitigation process.]

Enforcement

An order for the payment of money is generally enforced by:

Writ of Seizure and Sale

A writ of seizure and sale allows a court bailiff to enter the Judgment Debtor's premises, and to seize and sell his movable property. The Judgment Debtor will then have 7 days to settle all payment owed to the Judgment Creditor. If payment is not made, the Judgment Creditor may apply to proceed with an auction sale of the seized items and recover the money from the sale.

This option may be considered if the Judgment Creditor knows that the Judgment Debtor has physical assets of sufficient value that may be sold to recover the cost of enforcement, and pay the amount owed as stated in the order. There is no guarantee that a writ of seizure and sale will be successfully executed, and no guarantee that the amount owed and the expenses incurred during the execution process will be recovered. Enquiries may be made at the State Courts Service Hub on level 2 during operating hours.

Garnishee Proceedings

A "garnishee" is someone who owes money to the Judgment Debtor (e.g. his bank). A Garnishee Order obliges the garnishee to pay the Judgment Creditor instead of the Judgment Debtor. For example, an application may be made to the Court to order the Judgment Debtor's bank to pay the Judgment Creditor the amount owed as stated in the order. However, this is provided the Judgment Debtor has sufficient money in the bank.

This option may be considered if the Judgment Creditor is aware of someone (any third party) who owes the Judgment Debtor money, and if the Judgment Creditor knows of the Judgment Debtor's bank account details. There should be documentary proof that the Judgment Debtor is owed a sum of money by his bank or some other third party. Enquiries may be made at the State Courts Service Hub on level 2 during operating hours.

Pre-Enforcement

Examination of Judgment Debtor

The Judgment Creditor may consider applying for an Examination of Judgment Debtor to examine the Judgment Debtor under oath to find out what assets are available for use to satisfy the judgment debt (whether he has valuable property to be sold, or whether he has money in the bank, or what his bank account details are).

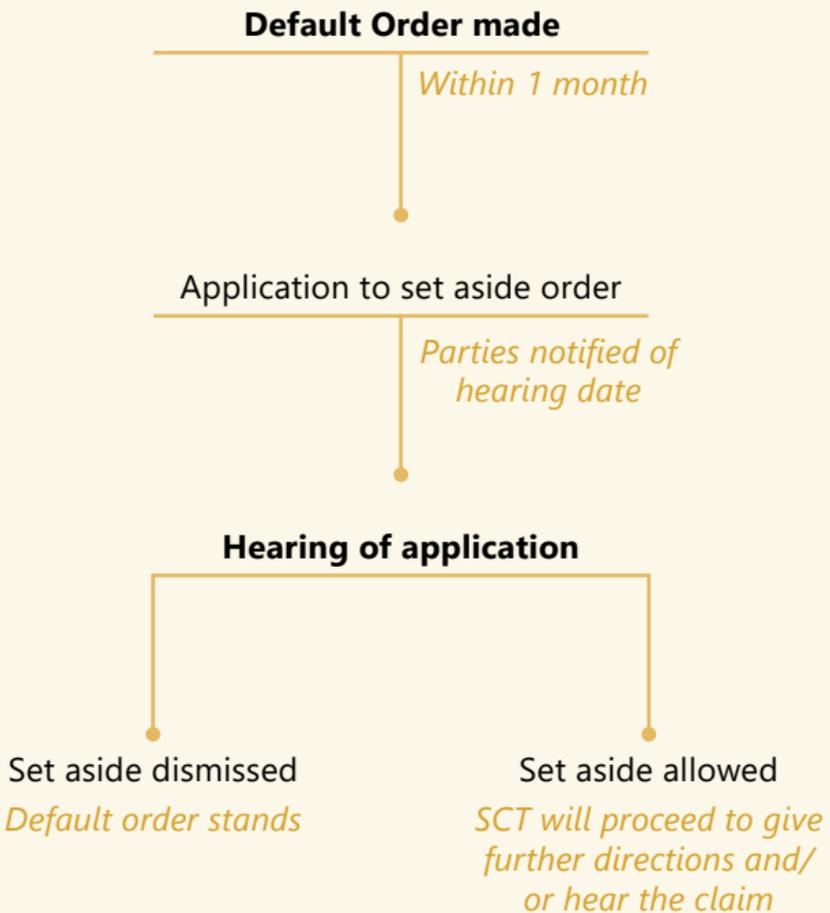
Once the Judgment Creditor knows the nature and extent of the Judgment Debtor's assets, he may then consider and select the most appropriate course of action to enforce the money order.

SETTING ASIDE A DEFAULT ORDER

What can I do if I am dissatisfied with an order?

If you were absent when a default money order or default dismissal order was made against you, you may wish to file an application to set aside the order. The application must be made within 1 month from the date the order was made. The SCT has the discretion to allow a longer period depending on the merits of the application. Parties will be notified in CJTS of the date for the hearing of the application.

Do note that the filing of an application to set aside an order does not mean that the order will be automatically set aside. A decision will be made at the hearing of the application. The following shows the general process of a setting aside application:



Appeal against a Registrar's order

A party may appeal against an order made by the Registrar or Assistant Registrar at the consultation. The appeal may be made by filing a notice of appeal within 1 month from the date the order was made. A filing fee of S\$20 is payable for filing the appeal.

Appeal against a Tribunal Magistrate's order

A party may also appeal against a Tribunal Magistrate's order. The party must apply to the District Court for leave to appeal. The application must be made within 14 days from the date the tribunal order was made, and no time extension can be given. Once leave is given, the party can file an appeal to the General Division of the High Court. A filing fee of S\$100 is payable for the leave to appeal application, and a filing fee of S\$600 is payable for filing a notice of appeal to the General Division of the High Court.

Disclaimer: This publication is produced for general information only and is not intended as substitution for legal advice. A lawyer should be consulted should you require legal advice on your case. The State Courts disclaim any and all liabilities arising from and in connection with the contents of this publication.

All information is correct as of **26 January 2024**.

STATE COURTS

1 Havelock Square
Singapore 059724
Tel: 6 JUSTICE (65878423)
www.judiciary.gov.sg