

- If judgement is given against the defendant and he fails to pay by paying the debt apply to the clerk of court to the issue of a writ of execution.
- Instruct the deputy sheriff or messenger of the court to serve and enforce the writ of execution. The deputy sheriff or messenger of the court will demand payment of the debt and if the defendant fails to satisfy the writ, attach and sell his property.
- The messenger of the court will give you the proceeds of sale at the conclusion of the sale in execution.

WHERE DO I FIND THESE COURTS?

Currently the courts are found in Francistown and Gaborone

Plans are underway to roll them out to other stations



Administration of Justice

For further details contact

REGISTRAR & MASTER

Private Bag 00220 Gaborone

Tel : 3718000 Fax: 3915119

website: www.justice.gov.bw

TOLL FREE NUMBERS

0800 600 922

0800 600 947

0800 601 027

**SMALL CLAIMS
COURT**

WHAT IS A SMALL CLAIMS COURT?

A small claims court is a court that operates in the Magistrate court with limited powers prescribed by the Act. The proceedings of this court are open to public. However, a presiding officer may conduct the hearing in camera (in private) for good reasons. The objectives for setting up of this courts was to simplify the procedure and allow access to justice by those who are incapable of engaging lawyers and whose claims are within the powers of the court.

WHAT MAKES THE COURT EASY TO USE?

- The atmosphere in the court is relaxed and informal.
- The proceedings are conducted in any of the official languages of Botswana.
- Lawyers are not allowed to appear to represent parties in that court.
- The court may allow or call further witness(es) to give evidence.
- The fees for initiating the case are low.
- Interpretation is provided for those who do not understand any of the official languages used in court.
- If the plaintiff is unable to prepare his own documents, the clerk of court will assist to draft the documents for free.

- Strict rules of evidence do not apply in the court and cases before the court must be completed in one sitting.
- The judgement of the court is final and cannot be appealed against but can be reviewed on the grounds that the magistrate did not have jurisdiction over the matter for gross irregularity.

WHO CAN TAKE A CASE TO THAT COURT?

- Any person who resides in or carries on a business or is employed within the court area of jurisdiction.
- Any person who has a case which arose in the district of the court.
- Any person who is a party to a case and does not object to the jurisdiction of the court.

N.B: Only natural persons may institute cases in this court. However, a corporate body or association may be a party only as a defendant and may bring counter claim.

WHAT CLAIMS CAN BE BROUGHT TO THIS COURT?

- Claims for payment, delivery or transfer of money owed or other property, movable or immovable, where the claim or value of the property or money does not exceed such monetary limits as may be prescribed in the rules currently P10 000.

- Claims for eviction where the value of the right of occupation does not exceed such monetary limits as may be prescribed in the rules.
- Claims against sellers of defective goods for refunds or replacement or for cost of repairs, where the value of the claim does not exceed such monetary limits as may be prescribed in the rules.
- Counter claims not exceeding such monetary limits as may be prescribed in the rules.
- Any contract, letter, document upon which your claim is based.
- The defendant's full name and address including telephone numbers for his house or work.

HOW TO START A CASE?

- Issue a letter of demand setting out your claim and demand that it to be settled within 14 days, failing which action will be instituted against the defendant.
- If the defendant fails to settle the claim, request the clerk of court to issue a summons to the defendant.
- Serve or cause to be served the summons on the defendant.
- If the defendant satisfies the claim by paying, withdraw the action. You may also withdraw the claim if you accept the defendants offer.