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First Session Thirteenth Parliament Republic of Trinidad and Tobago

REPUBLIC OF TRINIDAD AND TOBAGO

Act No. 5 of 2026

[L.S.]

AN ACT to make jurisdiction for matters of a civil nature exercisable in a division of the Judiciary to be known as the "Civil Division" and to make jurisdiction for specified civil matters exercisable in a sub-division of the Civil Division known as the "Civil Court", to make jurisdiction for small-valued claims exercisable in a sub-division of the "Civil Division" to be known as the "Small Claims Courts", to make jurisdiction for estates administration business exercisable in a sub-division of the Civil Division known as the "Estates Administration Office" and for related matters

[Assented to 24th March, 2026]

Enactment

ENACTED by the Parliament of Trinidad and Tobago as follows:

PART I

PRELIMINARY

Short title

1. This Act may be cited as the Civil Division Act, 2026.

Commencement

2. This Act comes into operation on such date as is fixed by the President by Proclamation.

Interpretation

3. (1) In this Act—

"Civil Court" means a High Court established under section 5 exercising jurisdiction in civil matters;

"Civil Court Administrator" means a person referred to in section 35*(a)*;

"Civil Court Judge" means a Puisne Judge referred to in section 9(1);

"Civil Court Master" means a Master referred to in section 9(2);

"Civil Division" means the division of the Judiciary established under section 4;

"civil matter" means a matter where the claim is civil in nature, but does not include a small claims matter or estates administration business;

"claim" includes a counterclaim;

"claimant" means a person who—

(a) institutes proceedings under this Act; or

(b) becomes a party to proceedings under this Act, in the capacity of a claimant;

"Court Executive Administrator" means the person who, subject to the Chief Justice, is charged with responsibility for the administration of the Judiciary and heads the Department of Court Administration;

"Department of Court Administration" means the administrative arm of the Judiciary of Trinidad and Tobago which is headed by the Court Executive Administrator of the Judiciary and comprises various administrative units;

"Deputy Court Executive Administrator" means the Deputy Court Executive Administrator referred to in section 34;

"Division" means the Civil Division of the Judiciary established under section 4;

"election petition" means a representation petition questioning elections or returns referred to in section 129 of the Representation of the People Act; Chap. 2:01

"Estates Administration Attorney" means an attorney-at-law within the meaning of the Legal Profession Act and referred to in section 32(1)*(a)*; Chap. 90:03

"estates administration business" means the business of obtaining probate and administration where there is no contention as to the right thereto, including—

(a) the granting of probates and administrations in contentious cases where the contest has been terminated;

(b) all business of a non-contentious nature in matters of testacy and intestacy not being proceedings in any suit; and

(c) the business of lodging caveats against the grant of probate or administration;

"Estates Administration Manager" means a person referred to in section 35*(c)*;

"Estates Administration Office" means the registry where estates administration business is conducted and an "Estates Administration Sub-Office" shall be construed accordingly;

Chap. 4:21 "former Act" means the Petty Civil Courts Act;

"hybrid claim" means a small claim where the claim comprises both a liquidated claim and an unliquidated claim;

"liquidated small claim" means a small claim for a fixed amount of money;

"Magistracy Registrar and Clerk of the Court" means a person holding the office of Magistracy Registrar and Clerk of the Court;

"Master" has the meaning assigned to it under section 2 of the Supreme Court of Judicature Act;

Chap. 4:01

"mediation" has the meaning assigned to it under section 2 of the Mediation Act;

Chap. 5:32

"mediator" has the meaning assigned to it under section 2 of the Mediation Act;

"party" means a claimant, respondent or any other person joined as a party in proceedings under this Act and "parties" shall be construed accordingly;

"Petty Civil Court" means a Petty Civil Court established under the former act;

"pecuniary jurisdiction" means the amount of value of the subject-matter over which a Small Claims Court has jurisdiction, as prescribed under section 40;

"Puisne Judge" has the meaning assigned to it under section 2 of the Supreme Court of Judicature Act;

"respondent" means a person—

(a) against whom a claim is made; or

(b) who becomes a party to proceedings under this Act, in the capacity of a respondent;

"Registrar" means the Registrar and Marshal of the Supreme Court, the Deputy Registrar and Marshals of the Division, the Assistant Registrar and Deputy Marshals of the Division;

"Senior Magistracy Registrar and Clerk of the Court" means a person holding the office of Senior Magistracy Registrar and Clerk of the Court;

"small claim" or "small claims matter" means a claim for—

(a) contract;

(b) tort;

(c) monies owed;

(d) insurance;

(e) recovery of penalties or expenses, contribution;

(f) landlord and tenant;

(g) recovery of land; or

(h) ejectment proceedings,

where the amount claimed or the value of the personal property or service does not exceed the pecuniary jurisdiction of the Court excluding interest and costs;

"Small Claims Court" means a Summary Court referred to in section 13;

"Small Claims Court Administrator" means a person referred to in section 35*(b)*;

"Small Claims Court Judge" means a Magistrate referred to in section 18;

"small claims court location" means a location appointed under section 7(1) for the hearing of a small claim or small claims matter;

"Summary Court" has the meaning assigned to it under section 2 of the Summary Courts Act; Chap. 4:20

"unliquidated small claim" means a small claim where the value cannot be determined by a fixed formula;

"video link" means a technological arrangement whereby a person, without being physically present in the place where the proceedings are conducted, is able to see and hear and be seen and be heard by the following persons:

(a) the Judge or Magistracy Registrar and Clerk of the Court;

(b) the parties to the proceedings;

(c) an Attorney-at-law acting in the proceedings;

(d) any interpreter or other person appointed to assist; or

(e) any other person who may be required to assist the Court in the conduct of its proceedings.

(2) In any written law in relation to proceedings in respect of a civil matter, a reference to—

(a) the High Court shall be read and construed as a reference to the Civil Court;

(b) a Judge shall be read and construed as a reference to a Civil Court Judge;

(c) a Master shall be read and construed as a reference to a Civil Court Master;

(d) a Registrar shall be read and construed as a reference to the Registrar and Marshal of the Supreme Court, a Deputy Registrar and Marshal of the Supreme Court, or an Assistant Registrar and Marshal of the Supreme Court;

(e) a Clerk of the Court shall be read and construed as a reference to a Senior Magistracy Registrar and Clerk of the

Court or a Magistracy Registrar and Clerk of the Court; or

(f) a Clerk of the Peace shall be read and construed as a reference to a Senior Magistracy Registrar and Clerk of the Court or a Magistracy Registrar and Clerk of the Court.

(3) In any written law in relation to proceedings in respect of a small claims matter, a reference to—

(a) a Court of summary jurisdiction or a Magistrate's Court or a Summary Court shall be read and construed as a reference to a Small Claims Court;

(b) a Judge of a Petty Civil Court or a Judge of the Petty Civil Court shall be read and construed as a reference to a Small Claims Court Judge;

(c) a Magistrate shall be read and construed as a reference to a Small Claims Court Judge;

(d) a Clerk of the Court shall be read and construed as a reference to a Senior Magistracy Registrar and Clerk of the Court or a Magistracy Registrar and Clerk of the Court; or

(e) a Clerk of the Peace shall be read and construed as a reference to a Senior Magistracy Registrar and Clerk of the Court or a Magistracy Registrar and Clerk of the Court.

(4) In any written law in relation to proceedings in respect of estates administration business, a reference to—

(a) a Registrar or Sub-Registrar shall be read and construed as a reference to the Registrar and Marshal of the Supreme

Court, a Deputy Registrar and Marshal of the Supreme Court, or an Assistant Registrar and Marshal of the Supreme Court; or

(b) the registry or sub-registry shall be read and construed as a reference to the Estate Administration Office.

PART II

THE CIVIL DIVISION OF THE JUDICIARY

Establishment of Civil Division

4. There shall be a Civil Division of the Judiciary which shall comprise the following:

(a) the Civil Court;

(b) Small Claims Courts; and

(c) the Estates Administration Office.

PART III

THE CIVIL COURT

Authority and jurisdiction in civil matters exercised by the Civil Court

5. Upon the commencement of this Act, authority and jurisdiction in civil matters exercisable by the High Court shall be exercisable by the Civil Court.

Power to hear election petitions

6. Notwithstanding section 5, upon the commencement of this Act, the Civil Court shall have the power to hear election petitions.

Sittings of the Civil Court

7. (1) Sittings of the Civil Court shall be held at such locations and at such times as the Chief Justice may appoint in accordance with the Supreme Court of Judicature Act.

(2) Notwithstanding subsection (1), the Civil Court may, when required and appropriate, sit at any time, and may conduct hearings by telephone, video link or any other appropriate electronic means.

Assignment of Judges and Masters to the Civil Court

8. (1) The Chief Justice may assign to the Civil Court such Puisne Judges and Masters as he thinks fit.

(2) A Puisne Judge or Master assigned to the Civil Court under subsection (1) may apply to the Chief Justice for reassignment to any other Court within the High Court.

Civil Court Judge and Civil Court Master

9. (1) A Puisne Judge or the Chief Justice when sitting in the Civil Court shall be known as a "Civil Court Judge".

(2) A Master when sitting in the Civil Court shall be known as a "Civil Court Master".

Authority and jurisdiction of Civil Court Masters

10. (1) A Civil Court Master shall exercise all the authority and jurisdiction of a Judge which are conferred on Masters under the Supreme Court of Judicature Act.

(2) Any order made by a Civil Court Master shall have the same effect as if it had been made by a Civil Court Judge.

Rights, immunities and privileges of a Civil Court Master

11. Where a Civil Court Master exercises jurisdiction in relation to any civil matter, he shall have all the rights, powers, immunities and privileges of a Civil Court Judge in relation to that matter.

Staff of a Civil Court

12. (1) The Civil Court shall, in addition to judicial officers, be staffed with—

(a) public officers; and

(b) an appropriate number of other persons engaged on contract by the Chief Justice, who shall hold office for up to five years, but may be eligible for re-engagement.

(2) The persons referred to in subsection (1)*(a)* and *(b)* shall—

(a) be dedicated to the Civil Court; and

(b) possess the requisite special training, experience and temperament suitable for

appointment to the Civil Court, in accordance with the Court's performance standards.

PART IV

THE SMALL CLAIMS COURT

Small Claims Court

13. On the commencement of this Act, a Summary Court when exercising its authority and jurisdiction in relation to a small claims matter, shall be known as a "Small Claims Court".

Jurisdiction of a Small Claims Court

14. (1) A Small Claims Court shall have jurisdiction to hear and determine any action in relation to—

(a) a small claim; and

(b) a small claims matter,

where the debt, demand or damage claimed does not exceed the pecuniary jurisdiction of the Court, whether on balance of account or otherwise, and excluding interest and costs.

(2) Upon the commencement of this Act, authority and jurisdiction in all small claims matters exercised by a Petty Civil Court shall be exercisable by a Small Claims Court.

(3) Notwithstanding subsection (1), a Small Claims Court may exercise any other—

(a) civil jurisdiction as may be conferred under any other written law; or

(b) pecuniary jurisdiction as may be prescribed by Rules of Court.

(4) A Small Claims Court may grant equitable relief and nothing in this Act shall be construed as prohibiting the Small Claims Court from granting such relief.

(5) Nothing in this Act shall operate to give the Small Claims Court jurisdiction over a small claims matter, the amount or value of the subject matter of which exceeds the pecuniary jurisdiction of the Court, unless otherwise expressly provided in this Act or any other written law.

Exclusion of jurisdiction

15. A Small Claims Court shall not have jurisdiction to hear and determine a claim for—

(a) libel;

(b) slander; or

(c) malicious prosecution.

Prohibition on division of claims

16. No claim shall be divided or pursued in parts for the sole purpose of bringing the sum claimed in each of such proceedings within the jurisdiction of a Small Claims Court.

Assignment of Magistrates to small claims courts locations

17. (1) The Chief Justice may assign one or more Magistrates to a small claims court location or may assign a Magistrate to more than one small claims court location, as he thinks fit.

(2) Where more than one Magistrate is assigned to a small claims court location, each such Magistrate shall exercise concurrent jurisdiction in that court location with the other or others so assigned.

(3) Every Magistrate wherever assigned pursuant to this section, shall have jurisdiction throughout Trinidad and Tobago.

Small Claims Court Judge

18. A Magistrate when sitting in a Small Claims Court shall be known as a "Small Claims Court Judge".

Hearings of the Small Claims Court

19. A Small Claims Court may conduct hearings by telephone, video link or any other appropriate electronic means.

Senior Magistracy Registrar and Clerk of the Court

20. (1) The Chief Justice may assign an appropriate number of Senior Magistracy Registrars and Clerks of the Court to a Small Claims Court and such officers shall be *ex officio* a Justice of the Peace and Commissioner of Affidavits.

(2) A Senior Magistracy Registrar and Clerk of the Court referred to in subsection (1) shall report to the Chief Justice or such other person designated by the Chief Justice.

Magistracy Registrar and Clerk of the Court

21. (1) The Chief Justice may assign an appropriate number of Magistracy Registrars and Clerks of the Court to a Small Claims Court and such officers shall be *ex officio* a Justice of the Peace and Commissioner of Affidavits.

(2) A Magistracy Registrar and Clerk of the Court referred to in subsection (1) shall report to the Senior Magistracy Registrar and Clerk of the Court.

Functions and duties of the Senior Magistracy Registrar and Clerk of the Court and the Magistracy Registrar and Clerk of the Court

22. The functions and duties of the Senior Magistracy Registrar and Clerk of the Court and the Magistracy Registrar and Clerk of the Court, referred to in sections 20 and 21 respectively, are to—

(a) supervise employees of the Small Claims Court who are engaged in legal, quasi-judicial and other related duties and ensure compliance with the law;

(b) be the Keeper of the Record of the Small Claims Court;

(c) process documents filed with the Small Claims Court;

(d) assess costs as required;

(e) refer matters to mediation in accordance with Rules of Court;

(f) issue summons, warrants and other documents related to process;

(g) be a Collector of Revenue for the Small Claims Court;

(h) assist the Magistrate to fix hearing and trial dates;

(i) be *ex officio* a Justice of the Peace and Commissioner of Affidavits;

(j) take and witness oaths;

(k) make provision for the filing and storage of court documents;

(l) transfer matters to other courts;

(m) be the custodian of evidence tendered and keep a proper inventory of anything detained in accordance with any written law;

(n) have custody of the Small Claims Court's seal;

(o) carry out any other duty or function required by an order of the Court, Practice Directions, Rules of Court or any other written law; and

(p) perform any other functions or duties pertaining to the operation of the Small Claims Court, as may be required for the operation of the Small Claims Court.

Staff of a Small Claims Court

23. (1) A Small Claims Court shall, in addition to judicial officers, be staffed with—

(a) public officers; and

(b) an appropriate number of other persons engaged on contract by the Chief Justice, who shall hold office for up to five years, but may be eligible for re-engagement.

(2) The persons referred to in subsection (1)*(a)* and *(b)* shall—

(a) possess the requisite special training, experience and temperament suitable for

appointment to the Small Claims Court, in accordance with the Court's performance standards; and

(b) report to the Small Claims Court Manager or the Small Claims Court Administrator, as the case may be.

Proceedings of the Small Claims Court

Unliquidated or hybrid claims which on assessment exceed pecuniary jurisdiction

24. Where, upon the assessment of an unliquidated claim or a hybrid claim, the Small Claims Court determines that the value of the claim exceeds the pecuniary jurisdiction of the Court—

(a) the Court shall inform the claimant that he may abandon that part of the claim that exceeds the pecuniary jurisdiction;

(b) the Court may refer the matter to the Civil Court for assessment and enforcement; or

(c) the parties may enter a consent order and the order may be filed and enforced in the Civil Court.

Mediation

25. (1) The Small Claims Court may refer a small claims matter to mediation and the mediation shall be conducted in accordance with Rules of Court.

(2) Where a matter is referred to mediation and—

(a) there is no resolution of the dispute after three months from the date on which the matter was referred to mediation; or

(b) the mediator is of the opinion that the mediation is unsuccessful,

the mediator shall inform the Court forthwith, in writing.

(3) The Small Claims Court shall, after receipt of the information referred to in subsection (2), fix a date for the hearing of the claim and such date shall be no more than twenty-eight days after the date of the conclusion of the mediation.

(4) Where a date is fixed for the hearing of a claim pursuant to subsection (3), the Magistracy Registrar and Clerk of the Court shall give notice of the date, time and place at which, the claim is to be heard, to the claimant and the respondent.

(5) The hearing of a claim under this section shall be in accordance with Rules of Court.

Appeals

26. (1) Without prejudice to section 36 of the Supreme Court of Judicature Act, there shall be a right of appeal to the Court of Appeal from any judgment or order in any action brought under this Part, being an action in which the sum claimed is more than two thousand dollars.

(2) In any case in which an appeal lies under this section, the Small Claims Court shall provide the Court of Appeal with a summary of—

(a) any question of law raised at the hearing;

(b) the evidence given;

(c) the decision of the Small Claims Court Judge before whom the matter was heard; and

(d) the determination of the proceedings.

(3) The rules of practice and procedure governing the Court of Appeal in civil matters shall apply to appeals under this section.

(4) Where a notice of appeal is filed, the Registrar shall notify the Small Claims Court Judge referred to in subsection (2) and the Small Claims Court Judge shall forthwith forward a copy of the documents referred to in subsection (2) to the Registrar.

Record of proceedings

27. (1) The record of a Small Claims Court shall include—

(a) a claim filed by a party;

(b) a response filed by a party;

(c) a summary of the facts in dispute;

(d) any order made by the Court;

(e) the reasons for the adjournment of a hearing, where appropriate; and

(f) any other thing that the Court thinks fit.

(2) The record of proceedings held under this Act shall be in accordance with the Recording of Court Proceedings Act and any other relevant law.

Chap. 4:31

Seal

28. A Small Claims Court shall have an official seal which shall be judicially noticed in all courts.

PART V

THE ESTATES ADMINISTRATION OFFICE

Authority and jurisdiction in estates administration business

29. Upon the commencement of this Act, authority and jurisdiction in all estates administration business exercisable by the High Court, shall be exercisable by the Estates Administration Office and may be exercisable by an Estates Administration Sub-Office.

Estates Administration Office locations

30. (1) There shall be an Estates Administration Office in North Trinidad.

(2) Notwithstanding subsection (1), there may be Estates Administration Sub-Offices in South Trinidad and in Tobago.

Estates Administration Office hours

31. The Estates Administration Office and Sub-Offices shall be kept open for the transaction of estates administration business by the public, on such days and at such times as the Chief Justice may determine by Practice Direction.

Staff of the Estates Administration Office

32. (1) The Estates Administration Office shall be staffed with—

(a) a Deputy Registrar and such number of Assistant Registrars as may be determined by the Chief Justice;

(b) Estates Administration Attorneys; and

(c) an appropriate number of other persons referred to in subsection (2).

(2) A person referred to in subsection (1) *(b)* or *(c)* may be—

(a) a public officer; or

(b) a person engaged on contract by the Chief Justice, who shall hold office for up to five years, but may be eligible for re-engagement.

(3) A person referred to in subsection (1) shall—

(a) be dedicated to the Estates Administration Office;

(b) possess the requisite special training, experience and temperament suitable for appointment to the Estates Administration Office, in accordance with the Office's performance standards; and

(c) report to the Deputy Registrar or Assistant Registrars, as the case may be.

(4) The Estates Administration Manager shall report to the Deputy Registrar or Assistant Registrars, as the case may be.

PART VI

ADMINISTRATION OF THE CIVIL DIVISION OF THE JUDICIARY

Establishment of the Civil Division Administration Department

33. (1) There shall be established an administration department for the Civil Division of the Judiciary which shall be known as the "Civil Division Administration Department" and which shall be a sub-department of the Department of Court Administration.

(2) The Civil Division Administration Department shall comprise—

(a) a Central Co-ordinating Office;

(b) a Civil Court Administrative Office;

(c) an Estates Administration Administrative Office; and

(d) a Small Claims Court Administrative Office.

(3) The Central Co-ordinating Office shall comprise—

(a) a Human Resources Unit;

(b) a Finance and Accounts Unit;

(c) a Records Management Unit;

(d) a Mediation Unit;

(e) a Civil Court Information Communications Technology Unit; and

(f) such other units as may be determined by the Chief Justice.

(4) The Civil Court Administrative Office shall comprise—

(a) a Civil Court Office;

(b) sub-units of the Central Co-ordinating Office; and

(c) such other units as may be determined by the Chief Justice.

(5) The Small Claims Administrative Office shall comprise—

(a) a Small Claims Court Office;

(b) sub-units of the Central Co-ordinating Office; and

(c) such other units as may be determined by the Chief Justice.

(6) The Estates Administration Administrative Office shall comprise—

(a) a Records Management Unit;

(b) sub-units of the Central Co-ordinating Office; and

(c) such other units as may be determined by the Chief Justice.

Deputy Court Executive Administrator

34. (1) The Civil Division Administration Department shall be headed by a Deputy Court Executive Administrator who may be—

(a) a public officer employed; or

(b) employed on contract by the Court Executive Administrator for a term of up to five years, but may be eligible for re-engagement,

on terms and conditions equal to those of a Deputy Permanent Secretary and shall report to the Court Executive Administrator.

(2) The Deputy Court Executive Administrator shall have overall responsibility for the administration of the Civil Division Administration Department and may assign staff of the Civil Division Administration Department to—

(a) the Civil Court;

(b) a Small Claims Court; or

(c) the Estates Administration Office.

Court Administrators and Estates Administration Office Manager

35. The Deputy Court Executive Administrator shall be assisted by—

(a) a Civil Court Administrator;

(b) a Small Claims Court Administrator; and

(c) an Estates Administration Manager,

who shall possess the appropriate training and experience as required by the Judiciary.

Staff of the Civil Division Administration Department

36. The Civil Division Administration Department shall, in addition to judicial officers, be staffed with an appropriate number of suitably qualified persons as

determined from time to time by the Court Executive Administrator and shall include—

(a) public officers; and

(b) an appropriate number of other persons engaged on contract by the Chief Justice, who shall hold office for a term not exceeding five years, but may be eligible for re-engagement.

Court Managers and Assistant Court Managers

37. (1) The Civil Court and the Small Claims Court shall have in each location a Court Manager who shall be responsible for the management of the particular location.

(2) A Court Manager referred to in subsection (1), may be assisted by Assistant Court Managers.

(3) The Estates Administration Manager shall perform the duties of a Court Manager in relation to the Estates Administration Office and may be assisted by Assistant Court Managers.

(4) The Court Executive Administrator shall assign Court Managers and Assistant Court Managers to the Civil Court, the Small Claims Court and the Estates Administration Office.

(5) Notwithstanding subsections (1) and (3), the Court Executive Administrator may assign an Assistant Court Manager to the Civil Court, a Small Claims Court, or the Estates Administration Office and the Assistant Court Manager shall be responsible for the management of the Court or the Office to which he is assigned.

(6) A Court Manager shall report to—

(a) the Civil Court Administrator, in case of the Civil Court Manager; or

(b) the Small Claims Court Administrator, in the case of the Small Claims Court Manager.

(7) An Assistant Court Manager shall report to—

(a) the Civil Court Manager, in the case of the Civil Court;

(b) the Small Claims Court Manager, in the case of the Small Claims Court; or

(c) the Estates Administration Manager, in the case of the Estates Administration Office.

Digital Records Manager

38. The Estates Administration Records Management Unit shall be headed by a Digital Records Manager, who shall have overall responsibility for the Estates Administration Records Management Unit and shall report to the Estates Administration Manager.

PART VII

MISCELLANEOUS

Oath of Secrecy

39. A member of staff of—

(a) the Civil Division Administration Department;

(b) the Civil Court;

(c) a Small Claims Court; and

(d) the Estates Administration Office,

shall, prior to the assumption of duty, make an oath or affirmation of secrecy before a Judge or Justice of the Peace.

Rules

40. (1) The Rules Committee established under section 77 of the Supreme Court of Judicature Act, may make Rules of Court—

(a) stating the pecuniary jurisdiction of the Small Claims Court; and

(b) generally for giving effect to the purposes of this Act.

(2) Rules made under this section shall be subject to negative resolution of Parliament.

Transitional provisions

41. Where, before the commencement of this Act—

(a) a small claims matter which was instituted in the High Court or the Petty Civil Court, the High Court or the Small Claims Court, as the case may be, shall have jurisdiction to continue to hear and determine the proceedings, notwithstanding any provision to the contrary in this Act;

(b) the High Court or a Petty Civil Court was vested with jurisdiction to enforce, renew, vary, suspend, revive, cancel or discharge an Order in respect of a small claims matter and, by virtue of this Act such jurisdiction vests in a Small Claims Court, the jurisdiction shall be exercisable by the High Court or a Small Claims Court;

(c) an appeal which was instituted in the High Court or the Petty Civil Court, the High Court or the Small Claims Court, as the case may be, shall have jurisdiction to continue to hear and determine the proceedings notwithstanding any provision to the contrary in this Act; and

(d) the High Court was vested with jurisdiction to conduct estates administration business and by virtue of this Act such jurisdiction vests in the Estates Administration Office, the jurisdiction shall be exercisable by the Estates Administration Office.

Consequential amendments

42. The written laws specified in the First Column of the Schedule are amended to the extent specified in the Second Column of that Schedule.

Chap. 4:21 repealed

43. The Petty Civil Courts Act is repealed.

SCHEDULE

(Section 42)

CONSEQUENTIAL AMENDMENTS

First Column	*Second Column*
Bailiffs Act, Chap. 4:61	Delete section 9A and substitute the following sections:

"Interpleader

9A. Where a claim is made to or in respect of any goods or chattels taken in execution under the process of the Small Claims Court, or in respect of the value or proceeds therefore, by any person, the bailiff may, whether before or after any action is brought against him, obtain a summons in the prescribed form without any fee for the same, calling before the Small Claims Court both the party issuing the process and the party making the claim, and the Judge shall adjudicate between the parties, or either of them, and the bailiff with respect to any damage or claim or to damages arising or capable or arising out of the execution of the process by the bailiff, and make such order in respect thereof and of the costs of the proceedings as he thinks fit; and such orders shall be enforced in like manner as any order in any enforced in like manner as any order in any action brought in such Court, and shall be final and conclusive as between the parties and as between them, or either of them, and the bailiff; and upon the issue of such summons, any action that has been brought in any Court in respect of such claim, or of any damage arising out of the execution of such process, shall be stayed.

Assault or obstruction of bailiff

9B. Where a bailiff is assaulted while in the execution of his duty, or if any rescue is made or attempted to

SCHEDULE—*CONTINUED*

be made of any goods levied under process of the Small Claims Court, the person so offending is liable on summary conviction to a fine of one thousand dollars, or to imprisonment for six months, and the bailiff or any police officer may in any such case take the offender into custody (with or without warrant) and bring him before a Small Claims Court Judge.

Misconduct of bailiffs

9C. Where a bailiff acting under or under colour or pretence of the process of the Small Claims Court, is charged with extortion or misconduct, or with any neglect of duty, or with not duly paying or accounting for any money levied by him under the authority of this Act the Judge may enquire into the matter in a summary way, and for that purpose summon and enforce the attendance of all necessary parties in like manner as the attendance of witnesses in any case may be enforced; and the Judge may thereupon make such order for the repayment of any money extorted, or for the due payment of any money so levied as mentioned above, and for the payment of such damages and costs as he thinks just; and the Judge may also, if he thinks fit, impose such fines upon such bailiff, clerk or other officer, not exceeding fifty thousand dollars for each offence.

Actions against bailiffs

9D. Where an action is brought in respect of any grievance committed by a bailiff under or under colour or pretence of the process of a Small Claims Court, and the plaintiff, upon the trial of the action, is not awarded greater damages than the sum of fifteen thousand dollars, no costs

SCHEDULE—*CONTINUED*

shall be awarded to him in the action unless the Judge trying the action certified in the Small Claims Court upon the record that the action was fit to be brought in the High Court.

Oath of Office

9E. A bailiff shall, prior to the assumption of duty, take the oath of office before a Judge or Justice of the Peace.

Oath of Secrecy

9F. A bailiff shall, prior to the assumption of duty, make an oath or affirmation of secrecy before a Judge or Justice of the Peace.".

Summary Courts Act, Chap. 4:20

A. Insert in section 2 in the appropriate alphabetical order, the following new definition:

" "small claims matter" has the meaning assigned to it under section 3 of the Civil Division Act, 2026;".

B. Insert after section 9A, the following section:

"Chief Justice to determine court locations for small claims matters

9B. The Chief Justice may, by Practice Direction, determine the court location at which a small claims matter may be heard.".

The Criminal Division and District Criminal and Traffic Courts Act, 2018

Insert after section 15(1), the following sub-section:

"(1A) The Chief Justice may assign an appropriate number of Senior Magistracy Registrars and Clerks of the Court to the District Criminal and Traffic Court.".

Passed in the Senate this 10th day of February, 2026.

Clerk of the Senate

Passed in the House of Representatives this 13th day of March, 2026.

Clerk of the House

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