

SMALL CLAIMS COURT STEP-BY-STEP GUIDE



YOU CAN
NOW CLAIM
R20 000.

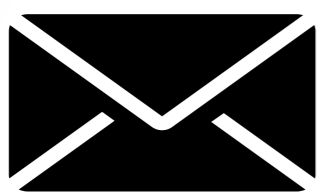
1



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).

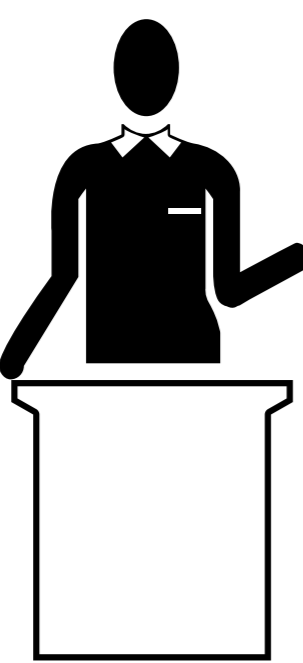
2



WRITE A LETTER TO THE PERSON WHO OWES YOU

If the person who 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.

3



GO TO THE CLERK OF THE COURT AT YOUR NEAREST MAGISTRATE'S COURT

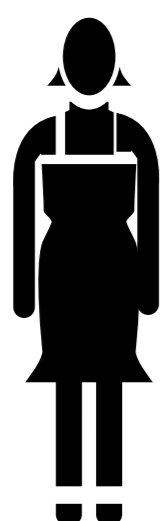
If the person owing your money has not paid the claim in 14 days, go to the small claims court at your nearest Magistrate's Court with:

- 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 which 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.

4



COURT DATE

On the day of the court hearing, you must bring proof that the summons was delivered to the person you are claiming from. 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.

5



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.

6



FAILURE TO COMPLY

If the person does not settle the dispute as agreed, the matter will be referred to the magistrate's court, for execution processes.

7



WHERE CAN I GET MORE INFORMATION?

You can contact your nearest Magistrate's Court or view the Department website at: www.justice.gov.za

ACCESS TO JUSTICE FOR ALL



the **doj & cd**

Department:
Justice and Constitutional Development
REPUBLIC OF SOUTH AFRICA