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REPUBLIC OF VANUATU
BILL FOR
THE MAGISTRATES COURTS
(CIVIL JURISDICTION) ACT
NO 4 OF 1981

Explanatory Note

Section 19 of the Courts Regulation, Joint Regulation No 30 of 1980 provides that a Magistrates Court may try summarily any civil proceedings in respect of which jurisdiction is by any written law expressly conferred upon a Magistrates Court.

The purpose of this Bill is to provide generally and in some specific matters for the civil jurisdiction of magistrates courts.

Other laws will from time to time provide for jurisdiction in other specific matters.

Section 1 provides for magistrates to have general jurisdiction in matters when the total claim does not exceed Vt. 200,000. It also provides for magistrates to hear cases relating to -

- (a) disputes between landlords and tenants;
- (b) undefended divorce or judicial separation unless the Chief Justice directs otherwise;
- (c) maintenance of children or wives.

Under Section 2 a magistrates court is excluded from hearing certain cases dealing with the status of persons or with succession or wills or bankruptcy, insolvency or liquidation of corporate bodies.

Sections 4 and 5 of the law set out the procedures with regard to civil claims and their valuation for the purpose of deciding whether a magistrate can hear them.

Claims which are not within the jurisdiction of magistrates will have to be heard by the Supreme Court.

JANUARY 1981

W.H. LINI

PRIME MINISTER AND
MINISTER OF JUSTICE

REPUBLIC OF VANUATU

BILL FOR
THE MAGISTRATES COURTS (CIVIL JURISDICTION) ACT
No. OF 1981

Arrangement of Sections

1. Jurisdiction of magistrates courts in civil matters.
2. Restriction on Jurisdiction of Magistrates in Civil Matters.
3. Institution of suits, counterclaims and referrals to Supremo Court.
4. Decisions on value.
5. Transitional.
6. Commencement.

REPUBLIC OF VANUATU

THE MAGISTRATES COURTS
(CIVIL JURISDICTION) ACT

NO 4 OF 1981

To provide for the civil jurisdiction of magistrates courts and matters incidental thereto.

Be it enacted by the President and Parliament as follows :-

1. (1) Every magistrates court established pursuant to Section 16 of the Courts Regulation No 30 of 1980 shall have jurisdiction to try all civil proceedings -
- (a) in which the amount claimed or the value of the subject matter does not exceed $\sqrt{V}200,000$ except claims relating to permanent physical damage to a person;
 - (b) relating to disputes between landlords and their tenants where there is no claim for damages or compensation or if there is such a claim if the value does not exceed $\sqrt{V}500,000$;
 - (c) subject to such directions as may be made by the Chief Justice those relating to undefended suits for divorce or judicial separation; or
 - (d) relating to claims made under the -
 - (i) Maintenance of Family Regulation No 5 of 1966;
 - (ii) Maintenance of Children Regulation No 13 of 1966;

or any other law providing for the maintenance of children, mothers of children or wives by the fathers of children or husbands as the case may be where the annual sum claimed does not exceed $\sqrt{V}1,200,000$.

2. A magistrates court shall not have jurisdiction to try a suit concerning wardship, guardianship of minors and persons of unsound mind, interdiction, appointment of a conseil judiciaire, adoption, civil status, succession, wills, bankruptcy, insolvency or liquidation of corporate bodies.

Jurisdiction of magistrates courts in civil matters.

Restriction on Jurisdiction of Magistrates in Civil Matters.

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3. (1) More than one suit may not be instituted in a magistrates court in respect of the same cause of action against the same party.
 - (2) A person may relinquish part of a claim in order to bring a suit in a magistrates court but shall not have a right to sue afterwards in respect of the portion relinquished.
 - (3) A magistrates court may hear a counterclaim in a suit where the original claim is within its jurisdiction although the counterclaim exceeds its jurisdiction.
 - (4) A magistrate may refer a case where the counterclaim exceeds the original claim to the Supreme Court for hearing.
 - (5) Where a case is referred under subsection (4) the Supreme Court shall either hear the case or direct a magistrates court to hear it.
 4. (1) Where the value of property or a claim cannot be precisely given a plaintiff may give an estimated value in his plaint.
 - (2) When an estimated value is given in accordance with subsection (1) the court shall try the question of value as a preliminary issue.
 - (3) When the court has heard the evidence and representations on value under subsection (2) it shall determine whether or not the claim comes within its jurisdiction and if it decides that it does not shall, subject to section 3 (2), refer the claim to the Supreme Court.
 5. Where any civil suit has been commenced in the Supreme Court before the coming into force of this Act and by virtue of this Act the suit comes within the jurisdiction of a magistrates court the Supreme Court shall have discretion as to whether or not to transfer the suit to a magistrates court.
 6. This Act shall come into force on such day as the Minister responsible for Justice may declare by Order published in the Gazette.