**SMALL CLAIMS COURT OF DELTA STATE**

**THE NEED**

The establishment of the Small Claims Court (SCC) stems from the recognition that enforcement of simple monetary disputes needs to be resolved differently and should not be subjected to the complexity of regular court processes. The processes and processing in the regular courts can make the expenses in time and money expended in the prosecution of such small claims prohibitive and thus discouraging to parties. There is therefore the need for an accessible, inexpensive, speedy forum for the resolution of such small monetary claims. It is hoped that such a speedy resolution will keep small businesses afloat; thereby improving the economy. This will also create more jobs. The success of the small claims court will most definitely have a ripple effect, i.e. decongesting the court, fast & speedy resolution of small claims, improve the economy of the State and the country at large. This will also positively impact the global outlook of the nation and of course World Bank’s ranking on the Ease of Doing Business in Nigeria. This therefore informed the decision of the Honourable Chief Judge, Hon. Justice Tessy Diai to inaugurate the Small Claims Court Committee chaired by Hon Justice Roli Harriman.

**STEERING COMMITTEE**

The Committee chaired by Justice Roli Harriman was to work in collaboration with the Presidential Enabling Business Environment Council (PEBEC)to set up the SCC. Other members of the Committee were O. Aforkeya Esq, Chief Registrar (member), E. C. Tabowei Esq, DCR Special Duties (member) and J. C. Edomwonyi (Mrs), Director, Litigation Dept. (Secretary).

**TERMS OF REFERENCE OF THE STEERING COMMITTEE**

* Liaise with PEBEC
* Draft Practice Direction and performance reporting template
* Designate magistrate courts
* Organise training of magistrates and support staff
* Launch take off

**ACHIEVEMENTS**

* The Honourable the Chief Judge has issued the SCC Practice Direction (see link)
* Training of designated Magistrates and Court Staff has been completed
* Designed Performance Reporting Template are in use by designated Magistrates
* Launch of Small Claims Court
* Radio and other electronic advertisement done
* Handbills and posters displayed at strategic venues

**HIGHLIGHTS**

The objective of the Small Claims Court’s Procedure is to provide easy access to an informal, inexpensive and speedy resolution of simple debt recovery disputes in the Magistrates’ Courts, of claims, not exceeding N5, 000,000.00 (Five Million Naira). See **Article 1 of the Practice Direction**.

Jurisdiction of the small claims court is limited to actions for the recovery of money; i. e. simple debt; recovery disputes up to the sum of N5 million.

A liquidated money demand is “a debt or other specific sum of money usually due and payable and its amount must be already ascertained or capable of being ascertained as a mere matter of arithmetic without any other or further investigation. Whenever, therefore, the amount to which a plaintiff is entitled can be ascertained by calculation or fixed by any scale of charges or other positive data, it is said to be 'liquidated' or made clear. See **Maja Vs. Samouris (2002) 7 NWLR (Pt.765) 78** and L**ibra Imports (Nig) Ltd Vs. Access Bank (2018) LPELR-46795 (CA).** See also **WEMA SECURITIES AND FINANCE PLC. VS. NIGERIA AGRICULTURAL INSURANCE CORP. (2015) LPELR-24833**

The SCC can be said to be the **Fast Track Division** of the Magistrate Courts

**SPECIAL FEATURES**

1.  **MONETARY JURISDICTION** of N5 million for liquidated debt

2. A **COUNTERCLAIM** filed in the same action can be accommodated up to the limit of N10 million. The rationale for allowing a counterclaim, up to the limit of N10 Million is to discourage a Defendant/Counter-claimant from filing a counter-claim in excess of N5 Million, for the sole purpose of taking the Claimant’s action outside the limit of the small claims’ court thus placing it in the regular track of the court to delay the process. See **ARTICLE 7 (2) of the Practice Directions**

3. **COMPUTATION OF TIME**

a. Judgment ought to be delivered within 60 days of filing. Magistrates are urged to deliver judgment within 14 days of the close of the hearing. To ensure that these timelines are strictly observed, determination on interlocutory applications shall be reserved and form part of the judgment of the court. See **Article 12 (1)**

b. Appeals are to be filed within 14 days of the judgment in the lower court. The judgment ought to be delivered by the Appeal court within 30 days from the filing of the appeal.

c. Adjournments are to be granted only in exceptional circumstances and may not be granted more than once to a party during the entire proceedings.

4. **SELF-REPRESENTATION** is encouraged thus reducing costs**. See ARTICLE 10.** Parties are still at liberty to have legal representation.

5. **INFORMALITY** is one key point in the operations of the Small Claims Court. The primary purpose of the small claims court is to provide a less formal and relatively inexpensive forum in which parties to a contract can resolve their disputes very quickly and possibly represent themselves at the hearing of the matters.

6. **SIMPLICITY** in its practice & procedure. Easy to understand and use prescribed forms thus eliminating the complexity involved in the settlement of pleadings and filing of processes.

7. **STANDBY** assistance in mediation by **Delta State Multidoor Courthouse**. Alternative Dispute Resolution is at the heart of the Small Claims Court procedure and can also be deployed by Magistrates to decongest their dockets.

6. **THE USE PERFORMANCE EVALUATION REPORTS** by designated magistrates encourages efficiency and compliance. Reports are published on and offline for proper collation of Data.

**Signed**

**Hon Justice Roli D. Harriman**

**Supervising Judge**