Commencement: 30 April 1981

CHAPTER 130

MAGISTRATES' COURT (CIVIL JURISDICTION)

Act 4 of 1981
Act 8 of 1994

ARRANGEMENT OF SECTIONS

1. Jurisdiction of the Magistrates' Court in civil matters
2. Restriction on jurisdiction of the Magistrates' Court in civil matters
3. Institution of suits, counterclaims and referrals to Supreme Court
4. Decisions on value

MAGISTRATES' COURT (CIVIL JURISDICTION)

To provide for the civil jurisdiction of the Magistrates' Court and matters incidental thereto.

1. Jurisdiction of the Magistrates' Court in civil matters

The Magistrates' Court established pursuant to section 12 of the Judicial Services and Courts Act [Cap. 270] shall have jurisdiction to try all civil proceedings –

(a) in which the amount claimed or the value of the subject matter does not exceed VT 1,000,000 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 VT 2,000,000;

(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 Act [Cap. 42]

(ii) Maintenance of Children Act [Cap. 46];

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 VT 1,200,000.

2. Restriction on jurisdiction of the Magistrates' Court in civil matters

The 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 judicaire*, adoption, civil status, succession, wills, bankruptcy, insolvency or liquidation of corporate bodies.

3. Institution of suits, counterclaims and referrals to Supreme Court

(1) More than 1 suit may not be instituted in the 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 the Magistrates' Court but shall not have a right to sue afterwards in respect of the portion relinquished.

(3) The 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 the Magistrates' Court to hear it.

4. Decisions on value

(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.

Table of Amendments (since the Revised Edition 1988)

1(a), 1(b)	*Amended by Act 8 of 1994*
Throughout	*Reference to magistrate's courts updated to the Magistrates' Court, per Act 54 of 2000*