

**THE MAGISTRATES' COURTS ACT**

**ACT NO. 6 OF 1985**

**RULES**

(Made under section 37(1))

**THE SMALL CLAIMS RULES, 2025**

**PART I**

**PRELIMINARY PROVISIONS**

1. Short Title
2. Application
3. Administration of Rule
4. Interpretation

**PART II**

**ESTABLISHMENT AND INSTITUTION OF SMALL CLAIM**

5. Establishment
6. Presentation of Statement of Claim
7. Rejection
8. Assignment of Claim
9. Services of statement of claim
10. Failure to serve statement of claim
11. Reply to serve statement of claim
12. Reply to counter claim
13. Failure to file a reply to statement of claim
14. Settlement of claim

**PART III**

**PARTIES AND HEARING OF SMALL CLAIM**

15. Parties
16. Setting aside ex parte judgement and dismissal order
17. Hearing
18. Prohibition of adjournments

**PART IV**

**JUDGEMENT AND DECREE**

19. Judgement and decree
20. Inquiry into financial position
21. Execution

**PART V**

**APPEALS, REVISION AND REVIEW**

22. Produced for Appeal and Revision

**PART VI**

**MISCELLANEOUS PROVISIONS**

23. Mode of application
24. Language

# THE MAGISTRATES' COURTS ACT

## ACT NO. 6 OF 1985

### RULES

(Made under section 37(1))

## THE SMALL CLAIMS RULES, 2025

*L.N .....2005*

**IN EXERCISE** of the powers conferred upon me under section 37 of the Magistrates' Court Act No. 6 of 1985. **I , KHAMIS RAMADHAN ABDALLA**, Chief justice of Zanzibar, hereby make the following Rules:

### PART I PRELIMINARY PROVISIONS

Short title	1. These Rules may be cited as Small Claims Rules, 2024.
Application	2. These Rules shall apply to the court when dealing with small claims in proceedings of civil nature except: (a) Claims against the government; and (b) Claims arising from land, labour, probate and administration of estates, matrimonial disputes and other proceedings for which the procedure is specifically prescribed by any other written law.
Administration of Rules	3. In administering these Rules, the court shall strive to: (a) Implement a simple, speedy and affordable determination of disputes in small claims; and (b) Determine such claims according to substantial justice without regard to technicalities.
Applicability	4. (1) These Rules shall apply to Primary Courts only in all actions that are purely civil nature where the claim or relief prayed for by the claimant is solely for payment or reimbursement of sum of money which does not exceed the amount of Tanzania Shillings 15,000,000 (2) The claim or demand may be for money owed under any of the following: (a) Contract of lease, (b) Contract of loan, (c) Contract for service, (d) Contract of sale, (e) Sale on credit.
Interpretation	5. In these Rules, unless the context otherwise requires-  “Act” means the Magistrates’ Court Act; 6 of 1985.

	<p>“Claimant” means a person who lodges a small claim in the court and includes any person who becomes a party to the proceedings in a small claim in the capacity of a claimant;</p> <p>“Court” means a court of primary magistrate court;</p> <p>“Creditors” means a person to whom Debtor is required to pay a sum of money which the court finds to be due and payable.</p> <p>“Debtor” means a person who owes a Creditors a sum of money which the court finds to be due and payable to the creditors;</p> <p>“High Court” means the High Court of Zanzibar;</p> <p>“Magistrate in charge” means a magistrate in charge of the court;</p> <p>“Respondent” means a party against whom the claimant has instituted small claim;</p> <p>“Small claim” means a claim of a civil nature the value of which does not exceed Fifteen Million shillings (15,000,000/-).</p>
	<p><b>PART II</b></p> <p><b>ESTABLISHMENT OF SMALL CLAIM</b></p>
Presentation of Statement of Claim	<p>6. (1) A claim shall be instituted manually or electronically (Electronic Filing) by presenting a statement of claim substantially in Form SC- 001 set out under the schedule to these Rules.</p> <p>(2) Any statement of claim shall include the whole of the claim which the claimant is entitled to make in respect of the cause of action, but a claimant may relinquish any portion of his claim in order to bring the claim within the meaning of small claims under these Rules.</p> <p>(3) Where a claimant intentionally relinquishes, any portion of his claim, he shall not afterwards claim in respect of the portion so relinquished.</p> <p>(4) The claimant may join in a single statement of claim one or more separate small claims against the defendant provided that, the total amount claimed does not exceed the sum of fifteen million Tsh 15,000,000.</p> <p>(5) No formal pleadings other than the statement of claim shall be necessary to initiate a small claim action.</p>

Prohibition of pleading, motion or petition	<p>7. For the purpose of these Rules, the pleadings, motions or petition shall not be allowed in cases covered under these Rules including:</p> <ul style="list-style-type: none"> <li>(a) Motion to dismiss the statement of claim,</li> <li>(b) Motion of extension of time to file response,</li> <li>(c) Motion to adjourn the hearing without sufficient cause.</li> </ul>
Assignment of claim	<p>8. A magistrate in charge of the court or acting magistrate in charge in that capacity shall, within twenty-four hours after filling the claim, assign it to a magistrate for trial and also to carry out any other duties' incidental to the claim.</p>
Services of statement of claim	<p>9. (1)A person may institute a small claims by filing a claim form specified in Schedule SC- 001.</p> <p>(2)A person who institutes small claim shall attach with the statement any of the following documents.</p> <ul style="list-style-type: none"> <li>(a) A copy of the demand notice and an affidavit of service;</li> <li>(b) Attach to the claim a copy of any agreement, document or other proof upon which the claim is based;</li> <li>(c) The full name and address of the intended defendant; and</li> <li>(d) Any other information relevant for the speedy disposal of the claim.</li> </ul>
Failure to serve statement of claim	<p>10. Where the claimant fails to serve a statement of claim under rule 9, the claim shall be deemed to have been abandoned and it shall be struck out.</p>
Reply to serve statement of claim	<p>11. (1) Upon receipt of the statement of claim, the respondent shall, within seven days, file and serve the claimant with a copy of a reply to the claim substantially in Form SC- 002 set out under the schedule to these Rules.</p> <p>(2) Notwithstanding the provisions of sub rule (1), the respondent may;</p> <ul style="list-style-type: none"> <li>(a) settle the amount claimed in full by making payment directly to the claimant or by depositing the amount claimed in court, or</li> <li>(b) admit the whole or part of the amount claimed with a proposal on the mode of payment on such terms as the parties may agree. The respondent shall file to the Court an agreement on that proposal, or</li> <li>(c) deny the whole or part of the claim, or</li> <li>(d) raise a counterclaim, or</li> <li>(e) apply to join a third party, or</li> <li>(f) Off set.</li> </ul>
Reply to counter claim	<p>12. (1) A claimant who submitted a reply to the counterclaim shall, within seven days from the date of receipt of services, reply to the counterclaim in a form SC-003 as specified in this Rules.</p> <p>(2) A claimant who is submit a reply to the counterclaim under sub rule (1) may take one or more of the following actions-</p>

	<ul style="list-style-type: none"> <li>(a) settle the amount in the counterclaim in full by making payment directly to the respondent or by depositing the amount counterclaimed in court; or</li> <li>(b) admit the whole or part of the amount counterclaimed with a proposal on the mode of payment on such terms as the parties may agree. The complainant shall file to the Court an agreement on that proposal, or</li> <li>(c) Deny the whole or part of the counterclaim.</li> </ul>
Failure to file a reply to statement of claim	<p>13. (1) Where the respondent fails to file a reply within the prescribed time, the court shall make an order to proceed with the claim ex- parte.</p> <p>(2) Notwithstanding the provisions of sub rule (1) the court may, within fourteen days of the ex-parte order, and upon the respondent showing good cause, set aside the ex-parte order and the claim shall be heard enterparte.</p>
Settlement of claim	<p>14. (1) Parties may agree to settle the claim at any stage before the hearing or during the hearing or before judgment.</p> <p>(2) The settlement of claim shall be in writing and signed by the parties.</p> <p>(3) The agreement for the settlement of the claim shall be filed in court and, upon approval by the court, the court shall cause such agreement to be recorded, and shall pass a decree in accordance therewith so far as it relate to the claim.</p> <p>(4) Without prejudice to the provision of sub rules (1), (2), and (3) of this rule, where the parties agree in court to settle their dispute amicably, the court shall order the party to submit their agreement.</p> <p>(5) On recite such agreement the court shall record such agreement and cause it to be signed by the parties.</p>
	<p><b>PART III</b></p> <p><b>PARTIES AND HEARING OF SMALL CLAIM</b></p>
Court to encourage settlement	<p>15. At the hearing, the presiding magistrate shall first exert efforts to bring the parties to an amicable settlement of their dispute. If such efforts fail, the hearing shall proceed in an informal and expeditious manner and to be determined within the period prescribed in these Rules.</p>
Appearance of parties.	<p>16. Parties to a small claim shall, on the day and time of hearing:</p> <ul style="list-style-type: none"> <li>(a) Appear in person with all the relevant documents and exhibits to the claim, written statement of defence or counterclaim if any, and</li> <li>(b) Ensure that any witness or witnesses in support of the claim are present in Court; and</li> <li>(c) Where the claimant does not appear on the date fixed for hearing, the court may dismiss the claim unless it deems fit to adjourn the hearing, and</li> </ul>

	<p>(d) Where the respondent does not appear on the date fixed for hearing the court may, on proof of service, proceed ex-parte, and</p> <p>(e) Where neither party appear, the court shall dismiss the claim.</p> <p>(2) without prejudice to the provision of sub rule (1)(a) of this Rule the court, where deems necessary, may allow any person to be represented by his representative.</p>
Setting aside ex-parte judgment and dismissal order	<p>17. (1) Where a claim has been dismissed under rule 14(2) or an ex-parte judgment entered under rule 14(3), the aggrieved party may within fourteen days of the order or judgment apply to the court to set aside the dismissal order or ex-parte judgment.</p> <p>(2) The court may, upon the applicant showing good cause, set aside the dismissal order or ex-parte judgment.</p>
Determination of claim	<p>18. (1) A claim duly instituted under these Rules shall be heard and determined within 3 months from the date of its institution: Provided that, the court may, in exceptional circumstances, extend the time for not more than thirty days.</p> <p>(2) The procedure for conducting hearing and questioning of witnesses shall be informal with the sole purpose of timely dispensation of substantial justice.</p> <p>(3) Where both parties are in attendance, the claimant shall open his case and call witnesses (if any), who may be examined by the parties.</p> <p>(4) At the closure of the claimant's case, the respondent shall present a reply, counterclaim and set-off, if any, and may call witnesses who may be examined by the parties.</p> <p>(5) The court may issue summons to appear to any witness and shall have power to compel attendance of witnesses.</p> <p>(6) Evidence shall be given orally, under oath or affirmation, or by way of an affidavit of witnesses.</p> <p>(7) Provided that, a witness who gives evidence by affidavit may be summoned for cross examination at the instance of the court or the opposite party.</p> <p>(8) Except with the leave of the court, no party shall address the court after the closure of hearing.</p>
Prohibition of adjournments	<p>19. When hearing has begun, all the witness in attendance shall be examined, unless, for reasons to be recorded, the court finds it necessary to adjourn the hearing.</p>

	<b>PART IV JUDGMENTS AND EXECUTION OF DECREES</b>
Judgement and Decree	20. Where the Magistrate has heard all parties and witness to the case, he shall pass judgment immediately after the hearing or within seven days after the conclusion of the hearing of the case.
Inquiry into financial position	<p>21. (1) Where court has granted judgment for payment of a sum of money, the court shall inquire from the judgment debtor whether he is able to comply with the judgment without delay, and if he indicates that he is unable to do so, the court may, in camera, conduct an inquiry into the financial position of the judgment debtor and into his ability to pay the judgment debt and costs.</p> <p>(2) After such an inquiry, the court may:</p> <p>(a) order the judgment debtor to pay the judgment debt and cost in specified instalments; or</p> <p>(b) suspend the order under sub-rule (a) either wholly or in part on such conditions as to security or as the court may determine.</p>
Execution of decrees	22. A decree issued under these Rules shall be executed immediately in the manner provided for in the Civil Procedure Decree, Cap 8.
	<b>PART V APPEALS, REVISIONS AND REVIEW</b>
Procedure for appeals and revisions	23. The process of appeal, review or revision shall be undertaken subject to the provisions provided for under the Civil Procedure Decree Cap 8.
Power to review	<p>24. (1) The Court may, on application by any aggrieved party or on his own motion, review any order of the Court on the ground that:</p> <p>(a) the order was made ex-parte without notice to the applicant;</p> <p>(b) the claim or order was outside the jurisdiction of the Court;</p> <p>(c) the order was obtained fraudulently;</p> <p>(d) there was an error of law on the face of the record; or</p> <p>(e) new facts previously not before the Court have been discovered by either of the parties.</p> <p>(2) The application referred to under subsection (1) shall be made within thirty days of the order or award sought to be reviewed or such other period as the court may allow</p>

	<b>PART VI</b> <b>MISCELLANEOUS PROVISIONS</b>
Fees	25. The provisions of the Court Fees Rules, 2018 shall apply to fees payable under these Rules.
Amendment of Rules	26. The Chief Justice may amends, vary or replace the Rules where deems necessary.



**THE REVOLUTIONARY GOVERNMENT OF ZANZIBAR****JUDICIARY OF ZANZIBAR****IN THE ..... COURT****HELDAT.....****SMALL CLAIM CASE NO.....OF.....****..... CLAIMANT (S)****VERSUS****..... RESPONDENT(S)****STATEMENT OF CLAIM***(Made under rule 6 and, 9*

1. Name in full.....Claimant\*

Legal status of the claimant (*tick whichever is appropriate*)

- ☐ Natural person  
☐ sole proprietorship  
☐ Partnership  
☐ Company  
☐ Co-operative society  
☐ Government  
☐ others (specify)

Residential address.....

Business and postal address.....

Post code.....

Phone number.....

Email address.....

2. Name in full.....Respondent\*

Legal status of the respondent (*tick whichever is appropriate*)

- ☐ Natural person  
☐ sole proprietorship  
☐ partnership  
☐ company  
☐ Co-operative society  
☐ Government  
☐ others (specify)

Residential address.....

Business and postal address.....  
Post code.....  
Phone number.....  
Email address.....

*\*In case of multiple claimants or respondents, give the details of each claimant or respondent.*

3. Nature of the claim and cause of action (*tick whichever is appropriate*)

- ☐ Recovery of civil debts  
☐ portion of civil debts  
☐ Recovery of any civil debt arising out of contract  
☐ Any other cause of action (*briefly specify*)

4. Date of cause of action.....

5. Briefly explain the circumstances under which the claim arose and attach documents in support of your claim (*if any*).

.....  
.....  
.....  
.....

Reliefs sought: (*tick whichever is appropriate*)

- ☐ Judgement in the sum of Tshs  
☐ Compensation  
☐ Costs of the claim (*to be assessed by the court*)  
☐ Other appropriate

6. Fill this part if the amount claimed exceeds the amount of the small claim.

By filing this claim, I..... (the claimant) hereby abandon and forfeit the recovery of all sums in excess..... of Tshs....., excluding costs and interest.

.....  
**Signature of Claimant**

### VERIFICATION

I verify that the information given above is true.

.....  
**Signature of the Claimant**

Verified at.....(*place*) this .....day of ...20.....

.....  
**Signature of the Claimant**

Presented for filing this.....day.....of 20.....

**Signed.....**  
**Registry Officer**

## THE REVOLUTIONARY GOVERNMENT OF ZANZIBAR

## JUDICIARY OF ZANZIBAR

IN THE ..... COURT

HELD AT.....

SMALL CLAIM CASE NO.....OF.....

..... CLAIMANT (S)

VERSUS

..... RESPONDENT(S)

## NOTICE TO RESPONDENT(S)

*(Made under rule 11)*

To:.....

**WHEREAS** the above-named claimant has instituted a claim against you the particulars of which are set out in the annexed copy of the statement of claim;

**YOU ARE HEREBY NOTIFIED** that you must file your reply to the statement of claim in duplicate within fourteen days of service of this notice upon you. Where there are more than one claimant, additional copies of your reply to the statement of claim must be filed sufficient for service on each of the claimants. If there are more than one respondent and the reply to the statement of claim has not been made jointly, you must file sufficient copies for service on each of the other respondents.

**AND TAKE NOTICE** that if you default in filing the reply to the statement of claim within the time specified, the court may proceed *ex-parte* and pronounce judgment against you.

**TAKE FURTHER NOTICE** that the case has been fixed for orders before  
Hon.....magistrate on the.....day  
of.....20..... at o'clock in the forenoon/afternoon.

**GIVEN UNDER MY HAND AND SEAL OF THE COURT** this .....day of  
.....20.....

**ACKNOWLEDGMENT OF SERVICE OF STATEMENT OF CLAIM**, I hereby  
acknowledge receipt of a duplicate of this notice this .....day of.....,  
20.....

.....

**Respondent**

**THE REVOLUTIONARY GOVERNMENT OF ZANZIBAR**

**JUDICIARY OF ZANZIBAR**

**IN THE ..... COURT**

**HELD AT.....**

**SMALL CLAIM CASE NO.....OF.....**

..... **CLAIMANT (S)**

**VERSUS**

..... **RESPONDENT(S)**

**REPLY TO COUNTER CLAIM**

*(Made under rule 12)*

1. Name in full.....Respondent\*

Legal status of the Respondent (*tick whichever is appropriate*)

- |                          |                      |
|--------------------------|----------------------|
| <input type="checkbox"/> | Natural person       |
| <input type="checkbox"/> | sole proprietorship  |
| <input type="checkbox"/> | Partnership          |
| <input type="checkbox"/> | Company              |
| <input type="checkbox"/> | Co-operative society |
| <input type="checkbox"/> | others (specify)     |

Residential address.....

Business and postal address.....

Post code.....

Phone number.....

Email address.....

*\*In case of multiple claimants, give the details of each claimant*

2. Actions to be taken (*tick whichever is appropriate*)

- |                          |   |
|--------------------------|---|
| <input type="checkbox"/> | Settle the amount in full               |
| <input type="checkbox"/> | Settle the amount by instalments        |
| <input type="checkbox"/> | Admit the whole or part of the amount   |
| <input type="checkbox"/> | Counter claim                           |
| <input type="checkbox"/> | Deny the whole or part of counter claim |
| <input type="checkbox"/> | others (specify)                        |

3. Briefly explain the circumstances under which the claim arose and attach documents in support of your claim (*if any*).

By filing this claim, I..... (the Respondent)  
hereby abandon and forfeit the recovery of all sums in excess ..... of Tshs  
....., excluding costs and interest.

.....  
**Signature of Respondent**

**VERIFICATION**

I verify that the information given above is true.

.....  
**Signature of the Respondent**

Verified at.....(*place*) this .....day of ...20.....

.....  
**Signature of the Respondent**

**Signed on this .....day of ....., 2024.**

.....  
**KHAMIS RAMADHAN ABDALLA**  
**CHIEF JUSTICE.**  
**ZANZIBAR**