

**THE SMALL CLAIMS COURT (AMENDMENT) BILL,
2025**

MEMORANDUM

The object of this Bill is to amend the Small Claims Court Act
so as to—

- (a) revise the jurisdiction of the small claims court; and
- (b) provide for matters connected with, or incidental to, the
foregoing.

M. D. KABESHA,
Attorney-General

A BILL

ENTITLED

An Act to amend the Small Claims Court Act.

ENACTED by the Parliament of Zambia

Enactment

1. This Act may be cited as the Small Claims Court (Amendment) Act, 2025, and shall be read as one with the Small Claims Court Act, in this Act referred to as the principal Act.

Short title
Cap. 47

5 2. The principal Act is amended in section 2 by the—

Amendment
of
section 2

(a) deletion of the definitions of “Commission” and “small claim” and the substitution therefor of the following definitions in the appropriate places in alphabetical order:

10 “Commission” means the Judicial Service Commission established under the Constitution; and

Cap. 1

“small claim” means a liquidated claim or counter claim that does not exceed the sum that the Chief Justice may, by statutory instrument, prescribe; and

15 (b) insertion of the following new definitions in the appropriate places in alphabetical order:

Cap. 15	“active politics” has the meaning assigned to the words in the Benefits of Former Presidents Act:	
Cap.1	“Emoluments Commission” means the Emoluments Commission established under the Constitution;	
Act No. 6 of 2019	“judicial officer” has the meaning assigned to the words in the Constitution; and	5
Amendment of section 5	“legally disqualified” means the absence of legal capacity as provided under section 4 of the Mental Health Act, 2019;.	
Cap.398	<p>3. Section 5 of the principal Act is amended by the deletion of subsections (1) and (2) and the substitution therefor of the following:</p> <p>(1) The jurisdiction of a small claims court shall be limited to a small claim.</p> <p>(2) Despite the generality of subsection (1), a small claims court shall have jurisdiction over a small claim arising from the following causes of action:</p> <p style="padding-left: 40px;">(a) proceedings for the delivery of movable or immovable property whose value does not exceed the prescribed sum;</p> <p style="padding-left: 40px;">(b) proceedings for debts that are due and payable;</p> <p style="padding-left: 40px;">(c) proceedings for rentals that are due and payable in respect of premises;</p> <p style="padding-left: 40px;">(d) proceedings for possession against the occupier of premises where the rent of occupation per month does not exceed the prescribed sum;</p> <p style="padding-left: 40px;">(e) proceedings relating to, or arising out of a, cheque or an acknowledgment of debt signed by a debtor;</p> <p style="padding-left: 40px;">(f) proceedings of claims arising out of the Money Lender’s Act which does not exceed the prescribed sum; and</p> <p style="padding-left: 40px;">(g) proceedings relating to employment claims whose value does not exceed the sum that the Chief Justice may, by statutory instrument, prescribe.</p>	<p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p>
Repeal and replacement of section 6	<p>4. The principal Act is amended by the repeal of section 6 and the substitution therefor of the following:</p>	35
Appointment of commissioners	<p>6. (1) The Commission shall, in consultation with the Chief Justice, appoint such number of commissioners for a small claims court.</p>	

(2) A commissioner appointed under subsection (1) shall be appointed on a part-time basis.

(3) The Chief Justice may, by *Gazette* Notice, designate a judicial officer to—

5 (a) hear and determine an action over a small claim; and

(b) carry out the duties in the small claims court that the Chief Justice may determine.

10 (4) A judicial officer appointed under subsection (1) shall be appointed on a part-time basis.

5. The principal Act is amended by the repeal of section 8 and the substitution therefor of the following:

Repeal and replacement of section 8

15 8. (1) A commissioner shall hold office for a term of five years and may be re-appointed for a further and final term of five years.

Tenure of office, vacancy and emoluments for commissioners

(2) The office of a commissioner becomes vacant if the commissioner—

(a) dies;

20 (b) resigns, by giving one month notice, in writing, to the Commission;

(c) is legally disqualified from performing the functions of a commissioner;

25 (d) is convicted of an offence under this Act or any other written law and sentenced to imprisonment for a term exceeding six months without the option of a fine;

(e) is adjudged bankrupt;

(f) is removed from office by the Commission; or

(g) engages in active politics.

30 (3) A commissioner shall be paid allowances that the Emoluments Commission may, on the recommendation of the Commission, determine.

6. The principal Act is amended by the repeal of section 12A and the substitution therefor of the following:

Repeal and replacement of section 12A

35 12A. (1) A person may institute an action in the small claims court or become a party to an action before the small claims court, as a defendant.

Commencement of action

- Amendment of section 13 **7.** Section 13 of the principal Act is amended by the deletion of subsection (3) and the substitution therefor of the following:
- (3) Subject to subsection (1), a body corporate or an unincorporated body which is a party to the proceeding before a small claims court may be represented by an— 5
- (a) officer or employee of that body corporate or unincorporated body; or
- (b) agent who is authorised by that body corporate or unincorporated body to appear on its behalf.
- Amendment of section 16C **8.** Section 16C (1) of the principal Act is amended by the insertion of the words “small claims” immediately before the word “court”. 10
- Repeal and replacement of section 19 **9.** The principal Act is amended by the repeal of section 19 and the substitution therefor of the following:
- Counter-claim **19.** (1) A counter-claim by a defendant may be made in a small claim brought against that defendant by the plaintiff. 15
- (2) Where a counter-claim is made by a defendant under subsection (1), the counter-claim shall not exceed the jurisdictional limit of the small claims court.
- Repeal and replacement of section 21 **10.** The principal Act is amended by the repeal of section 21 and the substitution therefor of the following: 20
- Enforcement of judgement Cap. 27 Cap. 28 Cap. 77 **21.** The provisions of the High Court Act, Subordinate Court Act and Debtors Act shall apply, with the necessary modifications, to the enforcement of a judgement made under this Act. 25
- Amendment of section 22A **11.** Section 22A of the principal Act is amended by the insertion of the following new subsection immediately after subsection (2):
- (3) Where a matter is brought before a panel of commissioners on review in accordance with subsection (1), the commissioner that adjudicated on the matter shall not sit on the panel of commissioners on review. 30
- Amendment of section 22B **12.** Section 22B of the principal Act is amended by the deletion of subsection (1) and the substitution therefor of the following:
- (1) A panel of commissioners may, on review of a judgement, confirm or set aside a judgement, by majority, on satisfying themselves that any of the grounds specified under section 22A are proved. 35

	13. The principal Act is amended by the repeal of section 24 and the substitution therefor of the following:	Repeal and replacement of section 24
5	24. The provisions of the High Court Act, Subordinate Court Act and Debtors Act shall apply, with the necessary modifications, to a writ of execution made under this Act.	Writ of execution Cap. 27 Cap. 28 Cap. 77
	14. The principal Act is amended by the repeal of section 25 and the substitution therefor of the following:	Repeal and replacement of section 25
10	25. (1) A person who is before a small claims court shall not, without reasonable excuse—	Contempt of small claims court
	(a) threaten, intimidate or insult the small claims court while sitting in that capacity;	
	(b) intentionally interrupt the proceedings of the small claims court or behave in a disorderly manner before the small claims court;	
15	(c) deliberately omit to deliver up a document or thing in accordance with an order of the small claims court;	
	(d) refuse to answer a question asked by the small claims court;	
20	(e) while proceedings are in progress in the small claims court, make use of any speech or writing misrepresenting any proceedings of the small claims court in a way as to prejudice the commissioner in favour of, or against, any party to those proceedings; and	
25	(f) willfully disobey or fail to comply with any lawful order of the small claims court.	
	(2) A person who contravenes subsection (1) commits an offence and is liable, on conviction, to a fine not exceeding fifty thousand penalty units or to imprisonment for a term not exceeding six months, or to both.	
30	15. Section 26 of the principal Act is amended by the deletion of the words “four hundred” and the substitution therefor of the words “fifty thousand”.	Amendment of section 26
35	16. Section 27 of the principal Act is amended by the deletion of the words “eight hundred” and the substitution therefor of the words “one hundred thousand”.	Amendment of section 27

Repeal and replacement of section 28	17. The principal Act is amended by the repeal of section 28 and the substitution therefor of the following:	
Funds of Small Claims Court	28. The funds of the small claims court consist of monies that may— (a) be appropriated by Parliament; (b) be paid by way of fees to a small claims court in respect of proceedings before it; and (c) vest in, or accrue to, the small claims court.	5
Amendment of section 29	18. Section 29 of the principal Act is amended by the deletion of subsection (2) and the substitution therefor of the following: (2) A party shall pay a prescribed fee when lodging a document under this Act.	10
Amendment of section 31	19. Section 31 of the principal Act is amended by the— (a) deletion of paragraph (e); and (b) renumbering of paragraphs (f) as paragraph (e).	15
