

The Small Claims Court

The aim of the Small Claims Court procedure in the District Court is to provide an inexpensive, fast and easy way for consumers (and businesses since January 2010: see further below) to resolve disputes. It is an alternative to the court based civil bill procedure.



Eoin McManus
Beauchamps Solicitors

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The following types of claims can be dealt with under the procedure:

- Consumer claims such as for faulty goods or bad workmanship. You must have bought the goods or service for private use from someone selling them in the course of business.
- Claims for minor damage to property.
- Claims for the non-return of a rent deposit for certain kinds of rented properties, such as, a holiday home or a flat in a premises where the landlord also lives.

A consumer is defined as “*a purchaser of goods or a service of a type ordinarily supplied for private use or consumption, where the purchaser does not make the contract in the course of a business and the vendor does make the contract in the course of a business.*”

A small claim is a claim not exceeding €2,000. The procedure does not apply to claims in respect of personal injuries or breaches of leasing agreements or hire purchase agreements.

If a claimant or respondent engages a solicitor to deal with a claim which is being processed as a “*small claim*”, they will have to pay their own solicitors fees, regardless of the outcome. Similarly, if any witnesses are called by a party, the expenses of such witnesses will not be recoverable from the other party, regardless of the outcome.

An application may be made to the Small Claims Registrar in the appropriate District Court with a fee of €15. The application may be made online. The Registrar will send a copy of the application form to the respondent, and depending on the response from the respondent, will try to resolve the dispute. The Registrar will usually call the parties to an interview together with any other person the party might want the Registrar to hear and try to negotiate

an agreement between the parties. Where settlement cannot be reached, the Registrar will refer the matter to the District Court where the judge will make an order or decree.

Extension to business claims

The District Court (Small Claims) Rules 2009 extends the remit of the small claims procedure to include certain business claims from 11 January 2010. A business for these purposes means a company, partnership or a sole trader who supplies, sells or purchases goods or services in the ordinary course of a business.

Therefore, businesses can now take claims against other businesses in respect of goods or services purchased from someone selling them in the course of business up to the value of €2,000. Currently limited liability companies must have legal representation for court based proceedings so for small claims this is a welcome alternative. However, as with consumer claims above, claims cannot be made in respect of debts, or breach of leasing or hire purchase agreements.

Enforcement and appeals

If the respondent does not comply with the order of the court, the enforcement procedure must be followed with the assistance of the Registrar and it will involve a further fee. If you are not satisfied with the decision of the Small Claims Court, you can appeal to the Circuit Court.

Eoin McManus is a Solicitor in the Litigation and Dispute Resolution Department at Beauchamps Solicitors.