

Seychelles

Courts Act

Magistrates' Court (Recovery of Government Debts) (Summary Procedure) Rules

Statutory Instrument 122 of 1968

Legislation as at 1 December 2014

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Magistrates' Court (Recovery of Government Debts) (Summary Procedure) Rules
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Seychelles

Courts Act

Magistrates' Court (Recovery of Government Debts) (Summary Procedure) Rules Statutory Instrument 122 of 1968

Commenced on 1 December 1968

[This is the version of this document at 1 December 2014.]

1. Short title

These rules may be cited as the Magistrates' Court (Recovery of Government Debts) (Summary Procedure) Rules.

2. Interpretation

In these rules unless the context otherwise requires--

“**authorised officer**” means the Attorney General, and the head of a Government department;

“**clerk**” has the same meaning as in Part III of the Courts Act;

“**debt**” includes dues, fees and taxes;

“**Schedule**” means a schedule to these rules;

“**the court**” means the Magistrates' Court;

“**the Government**” means the Government of Seychelles.

3. Debt not to exceed Rs 2,000

Whenever any debt not exceeding Rs.2,000 is due to the Government the person liable for the payment of such debt may be sued in the court for non-payment thereof at the instance of an authorised officer in accordance with the provisions of these rules.

4. Procedure by complaint

All claims for non-payment of debts under these rules shall be entered by complaint as nearly as may be as in Form A of the first schedule.

5. Issue of summons

Upon such complaint being filed the clerk shall issue a summons to the person proceeded against as nearly as may be as in Form B of the first schedule.

6. Service

Such summons shall be served by a process server of the Supreme Court or by a member of the police force in the same manner as a summons to answer a plaint is served under the Seychelles Code of Civil Procedure.

7. Costs

All proceedings under these rules shall be free of stamp and registration duty but when the person proceeded against is ordered to pay costs, such costs shall be taxed on the scale set out in the second schedule.

8. Procedure on hearing

- (1) On the day fixed in the summons the court, after ascertaining that service of the summons has been duly made and the amount of the debt remains unpaid, either in whole or in part, shall, unless it is satisfied that the person proceeded against is not liable for or does not owe the debt claimed, or any part thereof, order such person to pay the amount owed together with the costs of the proceedings, or may make such order as to it may seem just.
- (2) If the person proceeded against disputes his liability to pay the debt or any part thereof—
 - (a) rule 50 of the Magistrates' Court (Civil Procedure) Rules shall apply *mutatis mutandis*, and
 - (b) the court may, if it thinks fit, proceed in accordance with the Magistrates' Court (Civil Procedure) Rules in so far as those rules relate to the hearing of disputed claims.

9. Evidence

In proceedings under these rules the court shall have power to summon witnesses, and to call for the production of books and documents and to examine witnesses and parties concerned on oath and section 36 of the Courts Act shall apply.

10. Civil Procedure Rules not to apply

Subject as otherwise provided, the Magistrates' Court (Civil Procedure) Rules shall not apply to proceedings under these rules.

11. Suit may be brought under Civil Procedure Rules

Any claim for a debt due to the Government and enforceable under these rules, may be enforced by suit under the Magistrates' Court (Civil Procedure) Rules.

First Schedule

Form A

In the Magistrates' Court

Complaint is made against the persons whose names are hereinafter set forth that they owe the Government of Seychelles the debts as set out against their name.

Name of debtors	Address	Amount of debt	Debt when due

Wherefore the undersigned prays that the said persons be summoned to appear before the Magistrates' Court at _____ to answer the aforesaid complaint.

Dated this _____ day of _____ 19 _____

Form B

In the Magistrates' Court

To _____ of _____

Whereas complaint has been made by the _____ of the _____ Department that you have failed to pay a debt amounting to Rupees _____ in relation to (*state nature of debt as described in the complaint*).

You are hereby summoned to appear before Magistrates' Court at _____ on the _____ day of _____ 19 _____ at _____ o'clock in the forenoon to answer the said complaint.

Should you fail to appear the court may, in your absence, proceed with the case and make an order against you for the payment of the debt claimed.

Dated this _____ day of _____ 19 _____

Clerk of the Magistrates' Court

Second Schedule

Fees of court

	When claim does not exceed Rs. 500	When claim exceed Rs. 500
1. Entering complaint before the court.	5	10
2. Issuing summons to appear	1	3
3. Issuing summons to witness (each witness)	1	1
4. Process servers fee for serving any summons	2	2
(a) within two miles of the court house		
(b) above two miles for every extra mile to be charged one	1	1
Provided that for service in Praslin and La Digue of a summons issued in Mahe, and vice versa, a fixed fee of Rupees 25 will be payable.		
5. Hearing fee	3	5