

1968 Bill 43

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First Session, 16th Legislature, 1968 Elizabeth II

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THE LEGISLATIVE ASSEMBLY OF ALBERTA

**BILL 43**

**An Act respecting Small Claims**

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THE ATTORNEY GENERAL

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First Reading .....

Second Reading .....

Third Reading .....

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# BILL 43

1968

An Act respecting Small Claims

(Assented to , 1968)

**H**ER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. This Act may be cited as *The Small Claims Act*.

2. In this Act,

- (a) "defendant" means the person to whom a summons under this Act is directed;
- (b) "plaintiff" means a person at whose instance a summons is issued under this Act;
- (c) "prescribed" means prescribed by the regulations under this Act.

## Jurisdiction of Magistrates

3. (1) Subject to the restrictions and conditions contained in this Act, a magistrate has jurisdiction to try and adjudicate upon

- (a) any claim
  - (i) for debt (whether payable in money or otherwise) where the amount claimed does not exceed \$500, and
  - (ii) for damages (including damages for breach of contract) where the amount claimed does not exceed \$200,and
- (b) any counterclaim
  - (i) for debt (whether payable in money or otherwise) where the amount counterclaimed does not exceed \$500, and
  - (ii) for damages (including damages for breach of contract) where the amount counterclaimed does not exceed \$200.

(2) Where it appears that

- (a) the claim of a plaintiff, or
- (b) the counterclaim of a defendant

## **Explanatory Notes**

**1.** This Act replaces and repeals chapter 314 of the Revised Statutes. It effects a general revision of chapter 314, and although no major changes result, this Act is more detailed in some respects.

**2.** Definitions.

**3.** Jurisdiction in debt and damages.

is in excess of the appropriate amount specified in subsection (1) the plaintiff or the defendant, as the case may be, may, in writing signed by him, abandon that part of his claim that is in excess of the jurisdiction of the magistrate and, in that event, he forfeits the excess and is not entitled to recover it in any other action.

4. (1) A magistrate does not have jurisdiction to hear or adjudicate upon a claim or counterclaim

- (a) in which the title to land is brought into question, or
- (b) in which the validity of any devise, bequest or limitation is disputed, or
- (c) for malicious prosecution, false imprisonment, defamation, criminal conversation, seduction or breach of promise of marriage, or
- (d) in replevin, or
- (e) against a magistrate, justice of the peace or other peace officer for any thing done by him while executing the duties of his office, or
- (f) by a municipal or school authority for the recovery of taxes, other than taxes imposed in respect of the occupancy of or an interest in land that is itself exempt from taxation.

(2) Where in proceedings before a magistrate a defence or counterclaim of the defendant involves a matter beyond the jurisdiction of the magistrate,

- (a) the defence or counterclaim does not affect the competence or the duty of the magistrate to dispose of the whole matter in controversy so far as it relates to the claim of the plaintiff and the defence thereto, but
- (b) no relief exceeding that which the magistrate has jurisdiction to administer shall be given to the defendant upon the counterclaim.

5. (1) A magistrate has jurisdiction to try and adjudicate upon any matter under this Act only within the limits of the judicial district in which he resides.

(2) A magistrate does not have jurisdiction to try or to adjudicate upon any matter under this Act unless, at the time the summons is issued, the defendant or one of the defendants resides or carries on business within the judicial district in which the magistrate resides.

(3) Where a defendant is a municipal or school authority the claim may be tried in any judicial district

- (a) in which all or any part of the area of that authority is included, or
- (b) in which any other defendant resided or carried on business at the time the summons was issued.

**4. Limits on jurisdiction.**

**5. Territorial jurisdiction.**

(4) Notwithstanding anything in this section, any magistrate may, upon the request of the Attorney General, try and adjudicate upon any matter under this Act in any judicial district in which at the time of the issue of the summons the defendant or some one of the defendants resided or carried on business, without regard to the place of residence of the magistrate.

**6.** A magistrate does not have jurisdiction to try or adjudicate upon any matter in which he has or has had an interest.

#### **Summons**

**7.** (1) A person who has a claim which may be dealt with under this Act may, in person or by his solicitor or agent, apply for the issuance of a summons by

- (a) delivering a statement of the particulars of his claim, in the prescribed form, and
- (b) paying the deposit required under section 8, to a magistrate having jurisdiction with respect to the claim.

(2) Where an application is made in accordance with subsection (1), the magistrate

- (a) may issue a summons, in the prescribed form, to which he shall attach a copy of the particulars of the claim, and
- (b) shall cause the summons, with a copy of the particulars attached, to be served upon the defendant.

(3) Notwithstanding subsection (2), a magistrate may refuse to issue a summons if,

- (a) by reason of the distance between the residences of the proposed parties to the proceedings, or
- (b) for any other reason

he considers that it is not in the interest of any party that the claim be adjudicated upon under this Act.

(4) The refusal of a magistrate to issue a summons does not prejudice the right of the person having a claim to proceed thereon in any other manner by law.

**8.** (1) The plaintiff shall before the summons is issued, deposit with the magistrate the sum of \$4 by way of a deposit on the taxable fees of the magistrate and his bailiff.

(2) When the defendant lives farther than 20 miles from the place of trial the magistrate in his discretion may, before the summons is issued, require the plaintiff to pay as a deposit an additional sum calculated at the prescribed rate a mile for the number of miles return between the defendant's residence and the place of trial.

(3) The amount of the total deposit with the particulars

**6.** No jurisdiction where personal interest.

**7.** Proceedings commenced by summons.

**8.** Deposit on fees.

thereof shall be endorsed on the summons and copy by the magistrate, and if it is not actually paid and so endorsed the summons and the service thereof are void.

(4) The deposit paid pursuant to this section shall be retained by the magistrate and there shall be no refund on any unused portion thereof.

**9.** (1) The date fixed by the summons for trial shall not be more than 60 days from the date of the issue of the summons.

(2) Notwithstanding subsection (1), a summons shall be served at least 10 days before the date appointed therein for trial and if a summons is not so served no trial shall take place on the appointed day unless the defendant consents thereto.

(3) Where a summons is not served within the time prescribed by this section, a magistrate may upon application, issue a new summons in accordance with this Act.

#### **Counterclaims**

**10.** (1) A defendant who wishes to assert a counterclaim which may be dealt with under this Act may

(a) deliver a statement of the particulars of his counterclaim, and

(b) pay the prescribed fees,

to the magistrate who issued the summons and the magistrate shall thereupon cause a copy of the statement of particulars to be served upon the plaintiff.

(2) When, at a trial, a defendant asserts a counterclaim and the plaintiff has not been served with a copy of a statement of particulars pursuant to subsection (1) at least six days before the date fixed for the trial, the magistrate may, if in his opinion the plaintiff has been taken by surprise, adjourn the trial upon such terms as to costs as the magistrate considers just.

#### **Service**

**11.** (1) Except as to subpoenas, service of all documents may be made

(a) by any adult literate person upon the person to be served, either personally or by leaving a copy for him at his most usual place of abode with some resident thereof apparently 16 years of age or older, or

(b) by mailing the copy to the person to be served by double registered mail to his last known post office address, in which case service shall be deemed to be effected at the time the double registered letter is



**9.** Time fixed for trial.

**10.** Counterclaims.

**11.** Service of documents.

delivered by an official of the post office to the person to be served or to any person receiving it on his behalf.

(2) In any action by or against a partnership, service of a document upon one of the partners shall be deemed to be service upon all the partners.

(3) In an action by or against a joint debtor, service of a document upon one of the joint debtors shall be deemed to be service upon all the joint debtors.

(4) Service of a document upon a municipal or school authority may be made by serving the mayor, reeve, chairman, clerk, secretary or secretary-treasurer.

(5) Service of a document upon any other corporation may be made

- (a) by serving the president, head officer, a director or the secretary, or
- (b) by serving a manager, agent or officer of the corporation transacting business in the judicial district in which the action is to be tried, or
- (c) by leaving it or sending it by double registered mail to the registered office of the corporation.

**12.** (1) A person may serve a subpoena by showing it to the witness and delivering to him a copy thereof with his witness fee.

(2) A magistrate may issue subpoenas to witnesses in the prescribed form to be served in the Province, and a person subpoenaed on being tendered the prescribed fees shall attend in accordance with the terms prescribed by the subpoena.

(3) A subpoena issued by a magistrate pursuant to this Act has the same effect as a notice to attend given in a proceeding in the district court and any witness not attending in obedience thereto is liable to attachment and is also liable in all other respects as for disobedience to such a notice.

**13.** The service of any document on a Sunday or on any other holiday is void.

**14.** The service of any document may be proved

- (a) by the oral testimony of the person serving it, or
- (b) by affidavit of service in the prescribed form, or
- (c) by an affidavit of service proving the mailing by double registered mail and exhibiting the acknowledgment of receipt of the double registered letter purporting to be signed by the person to be served or by any person receiving the letter on his behalf,  
or

**12.** Subpoenas to witnesses.

**13.** Service of documents on holidays.

**14.** Proof of service.

- (d) where the service was effected by the magistrate or an officer of his court by double registered mail, by producing the acknowledgment of receipt of the double registered letter purporting to be signed by the person to be served or by the person receiving the letter on his behalf.

#### **Tender and Payment**

**15.** (1) A defendant may, not later than eight days before the date of the hearing, pay to the magistrate a sum of money to satisfy the plaintiff's claim and the costs of summons and service.

(2) Where, before the issue of a summons, the defendant has offered the plaintiff a sum of money to satisfy the plaintiff's claim which was refused the defendant may before or at the hearing pay that sum to the magistrate.

(3) The magistrate shall upon payment being made to him under either subsection (1) or subsection (2), otherwise than at the hearing, cause to be served upon the plaintiff a notice in writing of the payment stating the date and the amount thereof paid in respect of the claim and costs separately.

(4) If the plaintiff proceeds with the claim

(a) after notice of payment made under either subsection (1) or subsection (2), or

(b) after payment made at the hearing under subsection (2),

and does not recover a greater sum than the amount paid in respect of the claim he is liable to pay to the defendant such costs as the magistrate directs.

#### **Trial**

**16.** The room or place in which the magistrate sits to try any matter under this Act is an open and public court to which the public generally shall be given access so far as it can conveniently be given them.

**17.** (1) Where a summons is served in accordance with this Act, the cause shall be tried on the return date of the summons unless on that date the magistrate, upon application, adjourns the trial to a subsequent date, in which case the trial shall commence on the adjourned date.

(2) Where a magistrate adjourns a trial pursuant to subsection (1), he may assess such costs as he considers just against any party requesting the adjournment.

**18.** (1) Subject to section 5, where a magistrate issues a summons under this Act any other magistrate may sub-

**15.** Tender of payment.

**16.** Open court.

**17.** Date of trial.

**18.** Change of magistrates.

sequently continue the proceedings as if the latter magistrate had himself issued the summons.

(2) Where a trial has commenced and the presiding magistrate is unable for any reason to complete the proceedings,

(a) any magistrate residing in the same judicial district as the first magistrate, or

(b) any magistrate requested to act by the Attorney General,

may take up the proceedings at the point at which they have been left off by the first magistrate, and the succeeding magistrate, according to his opinion as to what is required to ensure justice,

(c) may continue the trial to completion, or

(d) may recommence the trial.

**19.** At any stage of proceedings under this Act

(a) a barrister and solicitor, or

(b) a person not prohibited by the magistrate, may appear on behalf of a party.

**20.** On the trial of any action the parties shall be confined to the particulars set out in the statements delivered to the magistrate unless good cause is shown, in which case the magistrate may allow a party to amend particulars upon such terms as to costs and adjournment as he considers just.

**21.** (1) Where a claim or counterclaim is founded in whole or in part upon a negotiable instrument the magistrate may order that the loss of the instrument be not set up as a defence if an indemnity by way of bond is given by the plaintiff to the satisfaction of the magistrate, is given by the plaintiff to the defendant or by the defendant to the plaintiff to protect the defendant or the plaintiff, as the case may require, against the claim of any other person upon the negotiable instrument.

(2) The bond may be in the prescribed form with two sufficient sureties to the satisfaction of the magistrate.

**22.** (1) A clerk of the court in which a cause is pending, may at any time take an admission, indebtedness or liability, as the case may require,

(a) in the case of a claim, from a defendant, or

(b) in the case of a counterclaim, from a plaintiff,

and upon the production of the admission to the magistrate and proof thereof by the oath of the clerk, the magistrate may order that judgment be entered thereon.

(2) An admission taken pursuant to subsection (1) shall be in the writing of the person making it or the writing of

**19.** Right to representation by counsel or agent.

**20.** Trial limited to particulars pleaded.

**21.** When bond required.

**22.** Admission of liability.

some person acting on the direction of the person making it and be witnessed by the clerk of the court.

**23.** (1) The evidence given at a trial shall be given under oath and a person giving evidence is subject to cross-examination and re-examination.

(2) A complete record of the evidence of a trial shall be taken

- (a) by a court reporter appointed pursuant to the Consolidated Rules of the Supreme Court of Alberta, or
- (b) by means of a sound recording machine as provided under *The Mechanical Recording of Evidence Act*.

(3) If for any reason the evidence given at a trial cannot be taken as prescribed in subsection (2), the presiding magistrate shall cause the evidence of each witness to be taken down in writing in a summary fashion, and

- (a) the magistrate shall read to each witness the summary so taken of his own evidence,
- (b) the witness shall subscribe his signature to the written summary of his own evidence, and
- (c) the magistrate shall certify thereon that it is a summary of the evidence given by that witness at the trial.

**24.** A plaintiff may withdraw his claim before trial by delivering a notice in writing to that effect to the magistrate who shall thereupon notify the defendant thereof in writing, or the plaintiff may consent to judgment for the defendant, and in either case the defendant is entitled to such costs as the magistrate orders.

**25.** (1) Where a plaintiff fails to appear for trial the magistrate may in his discretion, dismiss the plaintiff's claim with costs or he may adjourn the trial to a later date.

(2) If a magistrate dismisses a plaintiff's claim pursuant to subsection (1), he shall not give judgment on any counterclaim asserted by the defendant until the defendant has presented his case in respect of the counterclaim

- (a) by the oral evidence given under oath of the defendant and any witnesses he may have, or
- (b) by means of affidavit evidence where the magistrate is satisfied that oral evidence cannot for special good reason be presented to the court.

**26.** (1) Where a defendant fails to appear for trial the magistrate may in his discretion allow the plaintiff to prove his claim in the same manner that a defendant may



**23.** Taking of evidence.

**24.** Withdrawal of claim.

**25.** Failure of plaintiff to appear.

**26.** Failure of defendant to appear.

prove a counterclaim under subsection (2) of section 25, or the magistrate may adjourn the trial to a later date.

(2) Where a plaintiff proves a claim pursuant to subsection (1) the magistrate may order the defendant to pay such costs as the magistrate considers just.

(3) Where a defendant fails to appear for trial the magistrate may in his discretion dismiss with costs any counterclaim that the defendant has asserted.

### **Judgment and Execution**

**27.** The magistrate shall, as soon as possible after the completion of the trial, pronounce his decision in open court, but if he is not prepared to give his decision at the completion of the trial he may postpone judgment until such time as he finds it convenient to give it, and he may for that purpose adjourn the case to a fixed date.

**28.** (1) Subject to this section, a counterclaim shall, to the extent of the amount established in respect thereof, be applied in satisfaction of any claim established by the plaintiff.

(2) Where a counterclaim is established that exceeds the amount established by the plaintiff in his claim, the court shall give judgment in favour of the defendant in the amount of the excess.

(3) Where the counterclaim established is less in amount than the established claim of the plaintiff, the court shall give judgment in favour of the plaintiff for the difference.

(4) Where the defendant's established counterclaim exceeds \$500 in debt or \$200 in damages, the defendant may

(a) abandon so much of his established counterclaim as exceeds \$500 in debt or \$200 in damages, as the case may be, and obtain judgment in his favour for the \$500 or \$200 established, or

(b) apply so much of his established counterclaim as is necessary to satisfy any claim established by the plaintiff and then sue for the balance in any court of competent jurisdiction.

(5) Where at a trial both a claim and a counterclaim are established, the court may make such order as to costs as it considers just, and where costs are awarded for and against both the plaintiff and defendant the court shall make an order for a net amount of costs in favour of the party entitled thereto.

**29.** When a partnership is described by the firm name, the magistrate shall require the individual names of the partners whether plaintiffs or defendants to be disclosed on oath

**27. Judgment.**

**28. Claim and counterclaim may be set off.**

**29. Judgment against partnership.**

- (a) by the person appearing on behalf of the partnership, or
  - (b) by production of a certified copy of the certificate of registration of the partnership,
- and shall endorse the individual names upon the certificate of judgment.

**30.** (1) Where a magistrate renders a judgment under this Act, he shall immediately thereafter prepare a certificate of judgment in the prescribed form and shall furnish a copy of the certificate of judgment to each party to the action.

(2) A copy of the certificate referred to in subsection (1) is admissible in evidence as *prima facie* proof of the facts certified to therein, in any court dealing with a subsequent proceeding relating to the cause of the action, without proof of the authenticity of the magistrate's signature or any other proof.

(3) The person in whose favour judgment is given, after paying the prescribed fee may file the certificate of judgment in the office of the district court in the judicial district in which the magistrate resides and thereupon it shall be entered as a judgment of the court, and execution and garnishee summons may be issued thereon according to the ordinary procedure of the district court.

**31.** (1) At any time after judgment and whether or not the judgment debtor has been previously examined as to his estate or means, the magistrate

- (a) upon the application of the judgment creditor, and
- (b) upon being satisfied that it is proper to do so on account of any default in payment on the judgment or an alteration in the circumstances of the debtor,

may issue a summons in the prescribed form requiring the debtor to appear before him for examination at a time and place set out in the summons.

(2) When a judgment debtor appears in answer to a summons issued under subsection (1), he may be examined with respect to all matters touching his estate and means, and in particular, but without limiting the generality of the foregoing, he may be examined

- (a) as to the means he has of paying off the amount of the judgment,
- (b) as to any change in the nature or amount of his estate or income since the summons which resulted in the judgment was issued, and
- (c) as to the disposal of any property which he has made since the summons which resulted in the judgment was issued.

**30.** Certificate of judgment.

**31.** Examination of party to determine ability to pay judgment.

(3) An examination as to the judgment debtor's means shall be held in private and no person other than the magistrate, the court officers, the judgment creditor and the judgment debtor and their solicitors shall be allowed to be present.

### **Appeals**

**32.** Any party to an action may appeal the decision of the magistrate to a judge of the district court of the judicial district in which the trial was held.

- 33.** (1) Where an appeal is taken, the appellant shall
- (a) prepare a notice of appeal in writing setting forth the grounds of appeal,
  - (b) cause the notice of appeal to be served upon
    - (i) the magistrate from whom the judgment is appealed or such other person as the district court directs,
    - (ii) the respondent or such other person as the district court directs, and
    - (iii) any other person that the district court directs, within 30 days after the judgment was pronounced,
  - (c) file in the office of the clerk of the district court
    - (i) the notice of appeal referred to in clause (a), and
    - (ii) an affidavit of service of the notice of appeal, not later than seven days after the last day for service of the notice of appeal upon any parties served pursuant to clause (b), and
  - (d) deposit with the magistrate, before the expiration of
    - (i) the period fixed by clause (c), or
    - (ii) any period resulting from an extending order made under subsection (2), where any such order is made,security for costs in a sum not to exceed \$50 or such other security as the magistrate approves pursuant to subsection (3).

(2) The district court may, upon application made before or after the expiration of the periods fixed by clauses (b) and (c) of subsection (1), fix a further period not exceeding 30 days from the date of the extending order, within which the service and filing referred to in clauses (b) and (c) of subsection (1) may be effected.

(3) The magistrate may, instead of cash security, accept security by way of bond of the appellant and at least one other person in the sum of \$100 conditioned upon the due payment by the appellant of all costs that may be ordered to be paid by him, and the bond may be in the prescribed form.

**32.** Right of appeal.

**33.** Manner of appealing.

**34.** (1) An appellant shall at his own expense, supply copies of the transcript of the evidence taken at trial, to the district court and to all other parties to the appeal.

(2) The transcript supplied pursuant to subsection (1)

(a) shall be certified to as true copies of evidence by the official court reporter who prepares it, and

(b) shall be provided to the required parties at least three days before the hearing of the appeal.

**35.** (1) Where an appellant fails to comply with the requirements of subsection (1) of section 33, the appeal is automatically dismissed.

(2) Where an appellant fails to provide a transcript as required by section 34, the appeal court may upon application dismiss the appeal unless it is of the opinion that the appellant is not responsible for failing to do so.

(3) When an appeal is dismissed pursuant to subsection (1) or (2), the appeal court may make such order as to costs as it considers just.

**36.** Notwithstanding anything in this Act, an appeal does not operate as a stay of execution or other proceedings under the decision appealed from unless

(a) the security for costs required by clause (d) of subsection (1) of section 33 is deposited within the time fixed by clause (b) of subsection (1) of section 33, and

(b) a stay of execution or other proceedings is ordered by a judge of the district court upon application therefor.

**37.** When an appellant deposits the security for costs required under this Act, the magistrate shall thereupon transmit to the clerk of the district court the amount of money, or the bond taken as security for costs, together with the record of the evidence in the cause and all other documents in his possession connected with the case.

**38.** (1) Where an appellant has complied with sections 33 and 34, the district court shall set down the appeal for hearing at a regular sitting and the clerk of the court shall post in a conspicuous place in his office, a notice of every appeal that has been set down for hearing and notice of the time when it will be heard.

(2) No appeal shall be set down for hearing at a time that is less than 10 days after the time when service was effected upon the respondent of the notice of appeal referred to in section 33 unless the parties or their counsel or agent otherwise agree in writing.



**34.** Transcript of evidence.

**35.** Dismissal of appeal.

**36.** Effect of appeal.

**37.** Disposition of security for costs.

**38.** Time of appeal.

**39.** (1) Upon the hearing of the appeal the record of the evidence which the appellant has provided pursuant to section 34 shall be read and the matter in appeal shall be decided upon such evidence.

(2) Notwithstanding subsection (1), where the district court is satisfied that the evidence available from the trial magistrate's court is not complete, the court shall order that the appeal be heard as a trial *de novo*.

**40.** The district court may adjourn the appeal from time to time as circumstances require and may make such order as seems just in respect of witness fees and other costs.

**41.** (1) The appeal court

(a) shall hear and determine the matter of the appeal, and

(b) shall make such order thereon with or without costs to either party, including costs of all proceedings previous to the appeal, as it considers just.

(2) The decision of the appeal court is final and without further appeal.

**42.** A party to the appeal may, upon paying the prescribed fee to the clerk of the district court, have the judgment entered as a judgment of the court and execution and garnishee summons may be issued thereon in accordance with the ordinary procedure of the court.

**43.** (1) Where a solicitor acts for a party on an appeal the court may allow, in addition to other costs assessed, a sum for solicitor's fee not to exceed

(a) in debt actions

(i) undefended—10%, or

(ii) defended —20%,

and

(b) in damage actions—25%,

the percentage to be calculated as against the defendant on the amount of the judgment recovered and as against the plaintiff on the amount claimed.

(2) Notwithstanding subsection (1), in no case shall the fee allowed be less than \$5.

**44.** A magistrate shall keep a record of all processes issued by him under this Act with the date and names of the parties and the judgments rendered, as well as a statement of all moneys received and the application thereof.

**45.** A magistrate who fails to pay over any moneys or to make any return required by this Act to be so paid over

**39.** Notice of appeal.

**40.** Adjournment of appeal.

**41.** Decision on appeal.

**42.** Entry of judgment.

**43.** Costs.

**44.** Magistrate's records.

**45.** Offence by magistrate.

or made is guilty of an offence and liable on summary conviction to a fine of not less than \$5 nor more than \$100, and in default of payment forthwith to imprisonment for a term not exceeding 30 days.

**46.** Money paid by or on behalf of any person to a magistrate by virtue of this Act may, if detained by the magistrate after demand by the party entitled thereto, be recovered with treble costs by an action in the district court.

**47.** No proceeding under this Act shall be held invalid for informality if there has been a substantial compliance with the requirements of this Act.

**48.** Where anything necessary for carrying out the objects of this Act is omitted herein or in the regulations hereunder, the remedies, practice and procedure of the Consolidated Rules of the Supreme Court of Alberta then in force may be applied.

**49.** The Lieutenant Governor in Council

- (a) may make regulations not inconsistent with this Act,
- (b) may prescribe a schedule of fees to be charged for various things required to be done under this Act, and
- (c) may prescribe forms required for use under this Act.

**50.** (1) Subject to subsection (2), *The Small Debts Act* is repealed.

(2) Notwithstanding subsection (1), a matter pending under *The Small Debts Act* at the time this Act comes into force may thereafter be completed as if *The Small Debts Act* had not been repealed.

**51.** This Act comes into force on the first day of July, 1968.

**46.** Recovery of money wrongfully detained.

**47.** Informalities in proceedings.

**48.** Application of Rules of Court.

**49.** Regulations.