

# CIVIL CLAIMS IN THE MAGISTRATE'S COURT

*(For Claims Up to \$15,000)*

## What Types of Cases Can Be Filed Here?

The Magistrate's Court can hear civil cases where:

- The claim is **\$15,000 or less**, and
- The case involves:
  - Money owed (debts)
  - Property damage
  - Unpaid services
  - Recovery of goods valued at \$15,000 or less

The Court does **not** hear cases involving:

- Ownership or title to land
- Validity of wills
- Libel or slander
- Malicious prosecution
- Breach of promise to marry

If your claim is more than \$15,000, it must be filed in the Supreme Court (unless you abandon the excess amount).



## Time Limit for Filing a Claim

In most cases, the Court **cannot hear claims older than six (6) years** from the date the debt arose or the dispute occurred.

### Exception:

Claims brought by:

- **Credit Unions**
- **Banking Institutions**

are not restricted by the six-year limitation in the same way.

If you are unsure whether your claim is within time, you should seek legal advice before filing.

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## How to Start a Claim

1. File a written claim (called a **Plaint**) at the Magistrate's Court in the proper district:
    - o Where the defendant lives, OR
    - o Where the dispute occurred.
  2. Your claim must include:
    - o Names and addresses of both parties
    - o A clear explanation of what happened
    - o The amount you are claiming
  3. The Clerk will issue a **Summons** for the defendant.
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## How the Defendant Is Served

The law requires that the defendant be properly notified.

A Summons may be served in the following ways:

### 1. Personal Service

The document is handed directly to the defendant.

### 2. Service at Home

If the defendant is not available, the Summons may be left with an adult at the defendant's residence. The nature of the document must be explained.

### 3. Service at Work

The Summons may be left with an adult at the defendant's place of business.

### 4. If the Defendant Is Avoiding Service

If the Court is satisfied that the defendant:

- Is hiding to avoid service, OR
- Has left Belize to avoid responsibility,

The Summons may be posted on the door of the defendant's residence or last known address.

**Even if you have changed address but did not inform the court or the Plaintiff of your new address, your last known address is still valid for the purpose of effective service.**

The defendant must be served at least **3 clear days before court**.

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# WHAT TO DO IF YOU ARE BEING SUED

**IF YOU RECEIVE A SUMMONS, DO NOT IGNORE IT.**

You may:

- ✓ Pay the full amount before court
- ✓ Pay money into court
- ✓ Consent to judgment
- ✓ Attend court and defend the claim

Defences are usually made orally at the hearing.

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## What Happens at the Hearing?

If both parties attend:

- The Magistrate hears both sides.
- Witnesses may give evidence.
- The Magistrate gives a decision (judgment).

If you do not attend:

- The Court may proceed without you.
  - Judgment may be entered against you.
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## What Is a Judgment?

A judgment is the Court's final decision. The Court may:

- Order payment of money
- Order return of goods
- Allow payment by instalments
- Award costs
- Dismiss the claim

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# HOW TO ENFORCE A JUDGMENT

If the Court orders payment and the debtor does not pay, the successful party may apply to enforce the judgment.

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## 1. Writ of Execution

A **Writ of Execution** is a court order allowing the bailiff to seize and sell property to satisfy the debt.

### How It Works:

- The successful party applies for enforcement.
- The Court issues a Writ of Execution.
- The bailiff may seize goods.
- The goods are sold at public auction.
- The proceeds are used to pay the debt.

### What Cannot Be Seized:

- Basic clothing and bedding
  - Essential tools of trade (up to a limited value)
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## 2. Judgment Debtor Summons

If the debt remains unpaid, the creditor may apply for a **Judgment Debtor Summons**.

This requires the debtor to attend court and:

- Disclose income
- Disclose employment
- Disclose assets
- Explain ability to pay

The Court may:

- Order payment in full
- Order payment by instalments

This is not automatic imprisonment.

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### 3. Committal Warrant (Last Resort)

If:

- The Court finds the debtor has the ability to pay, AND
- The debtor refuses or wilfully fails to comply with a payment order,

The Court may issue a **Warrant of Committal** under the Debtors Act.

This may result in imprisonment for a limited time.

Important:

- A person cannot be imprisoned simply because they are poor.
- The Court must be satisfied that the failure to pay is deliberate.