

Small claims - Ireland

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1 Existence of a specific small claims procedure

Yes such a procedure exists under Irish law as an alternative method of commencing a small civil claim. [See the [District Court \(Small Claims Procedure\) Rules 1997 and 1999](#)]. It is a service provided by District Court offices and is designed to handle consumer claims cheaply without involving a solicitor. It is also possible to initiate proceedings involving Small Claims (i.e. certain claims to a maximum value of €2,000) via the Internet.

1.1 Scope of procedure, threshold

The types of claim covered by the small claims procedure are:

- (i) a claim for goods or services bought for private use from someone selling them in the course of a business (consumer claims)
- (ii) a claim for minor damage to property (but excluding personal injuries)
- (iii) a claim for the non-return of a rent deposit for certain kinds of rented properties. For example, a holiday home or a room/flat in a premises where the owner also lives provided that a claim does not exceed €2,000.

Claims in respect of matters relating to landlord/tenant claims or rented accommodation that are not covered by the small claims procedure may be brought to the Private Residential Tenancies Board, 2nd Floor, O'Connell Bridge House, D'Olier Street, Dublin 2. Website: <http://www.prtb.ie/>

Excluded from the small claims procedure are claims arising from:

- (i) a hire-purchase agreement
- (ii) a breach of a leasing agreement
- (iii) debts

1.2 Application of procedure

To be eligible to use the procedure, the consumer must have bought goods or services for private use from someone selling them in the course of business. The procedure is also available for use by one business person against another since January 2010. The District Court Clerk, called the Small Claims Registrar, processes small claims. Where possible, the registrar will negotiate a settlement between the parties without the need for a court hearing. If the matter cannot be settled, the registrar will bring the claim before the District Court for hearing.

The claimant must be sure of the name and address of the person or company against whom they wish to bring their claim. If it is a company they must use the exact legal title. These details must be accurate in order to enable the Sheriff to execute the Court Order (Decree).

If the Small Claims Registrar receives a notice from the respondent disputing the claim or making a counterclaim, the Registrar will contact the claimant and let them have a copy of the respondent's answer or reply to the claim. The Registrar may interview and negotiate with both parties to try to reach an agreement.

If the respondent admits the claim he/she is required to notify the Registrar's office by returning a Notice of Acceptance of Liability form. If the respondent does not reply, the claim will be automatically treated as undisputed. The District Court will then make an order in favour of the claimant (without the necessity of the claimant to attend court) for the amount claimed, and direct that it be paid within a short specific period of time.

1.3 Forms

The Small Claims Registrar will provide a claimant with the application form or it may be downloaded from the Courts Service website at <http://www.courts.ie/>

1.4 Assistance

As the purpose of the small claims procedure is to handle consumer claims cheaply without involving a solicitor, generally legal assistance or advice is unnecessary for these types of claims.

1.5 Rules concerning the taking of evidence

If the matter goes to court, the parties must attend the District Court hearing. The case will be heard in public as part of a normal sitting of the District Court. When the case is called the Court Registrar will call the claimant to the witness box to give evidence. Evidence must be given under oath or affirmation and the respondent can cross-examine the claimant on matters relating to the claim. The respondent will also be given an opportunity to give evidence. Each witness can be subject to cross examination by the opposing party or by their legal representatives if present. The parties are also entitled to call witnesses or to submit reports from witnesses but they will not be able to recover the costs of so doing as the procedure was not designed to cover such expenses but was instead intended to facilitate the bringing of small claims in a relatively inexpensive forum.

1.6 Written procedure

If the matter is not settled by the small claims Registrar, then on the day of the hearing, the claimant must bring documentary evidence supporting the claim, for example any relevant letters, receipts or invoices. In addition to this, both parties will be given an opportunity to give oral evidence and may be cross-examined.

1.7 Content of judgment

If the claimant succeeds, the District Court will then make an order in favour of the claimant for the amount claimed, and direct that it be paid within a short specific period of time.

1.8 Reimbursement of costs

While the parties may engage the services of a legal advisor, they will not be entitled to recover the costs of so doing from the other party even if they are successful at the hearing. The whole point of the small claims procedure is to facilitate the bringing of a claim without the need for a solicitor or barrister.

1.9 Possibility to appeal

Both the claimant and the respondent have the right to appeal an order of the District Court to the Circuit Court. Costs may be awarded by the Circuit Court but that is a matter for the individual Circuit Court judge to decide.

Related links

<http://www.courts.ie/>

<http://www.courts.ie/courts.ie/Library3.nsf/PageCurrentWebLookUpTopNav/Small%20Claims%20Procedure>

http://www.citizensinformation.ie/en/justice/courts_system/small_claims_court.html

<http://www.courts.ie/courts.ie/Library3.nsf/PageCurrentWebLookUpTopNav/Small%20Claims%20Procedure>

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