

Home>Money/monetary claims>Small claims

Small claims

Belgium

1 Existence of a specific small claims procedure

There is no specific procedure for small claims under Belgian legislation, although summary proceedings to order payment are available (*procédure sommaire d'injonction de payer/summiere rechtspleging om betaling te bevelen*): see separate file.

There is no specific procedure for small claims. The ordinary legal procedure applies, but it is very simple.

The normal procedure is as follows:

summons (*citation/dagvaardiging*) by means of a bailiff's notification (*exploit d'huissier/deurwaardersexploot*)

exchange of written arguments (*conclusions/conclusies*)

hearing (pleadings (*plaidoirie/pleidooi*)) and closure of argument

judgment.

In principle, no simplifications are possible, but some actions are brought not by a summons of the kind referred to above but rather by an application initiating ordinary adversarial proceedings which is made direct to the court (*requête contradictoire/verzoekschrift op tegenspraak*) (Articles 1034*bis* to 1034*sexies* of the Judicial Code (*Code judiciaire/Gerechtig Wetboek*)). Such an application can be made for example in a dispute between landlord and tenant. Section 1344*bis* of the Judicial Code states that, always subject to the rules governing leases of agricultural land, any action relating to the rental of property can be brought by way of an application filed with the registry (*greffe/griffie*) of the civil magistrate's court (*justice de paix/vrederecht*).

1.1 Scope of procedure, threshold

1.2 Application of procedure

1.3 Forms

1.4 Assistance

1.5 Rules concerning the taking of evidence

1.6 Written procedure

1.7 Content of judgment

1.8 Reimbursement of costs

1.9 Possibility to appeal

Related links

The legislation relating to summary proceedings to order payment: Website:[Federal Public Service for Justice](#):

Click on 'Consolidated legislation' under the heading 'Sources of law'

Select 'Judicial Code' under the heading 'Legal nature'

Type '664' under the heading 'words'

Click 'Retrieve' and then 'List'.

Click 'Detail'.

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