

Government Notice No. 258 of 2021

**THE ENVIRONMENT AND LAND USE
APPEAL TRIBUNAL ACT**

**Rules made by the Environment and Land Use Appeal
Tribunal, with the approval of the Minister, under
section 7 of the Environment and Land Use
Appeal Tribunal Act**

1. These rules may be cited as the Environment and Land Use Appeal Tribunal Rules 2021.
2. In these rules –
 - “Act” means the Environment and Land Use Appeal Tribunal Act;
 - “formal matters” means the preliminary stage of an appeal before it is fixed for hearing.
3. Any person who wishes to appeal to the Tribunal shall, in the statement of case, annex the notification letter from the relevant authority and, where possible, the envelope bearing the date of receipt of notification.
4. (1) A party may, with leave of the Tribunal, file witness statements prior to the hearing of an appeal.
 - (2) Every party shall communicate and exchange expert reports, if any, prior to the hearing of an appeal.
 - (3) A request for disclosure of documents, information and further and better particulars shall be made by way of motion during formal matters.

5. Where the Tribunal considers that 2 or more appeals involve the same or substantially similar issues of fact or law, the Tribunal may –
- (a) with the consent of the parties, consolidate the appeals;
 - (b) where there is no consent of the parties, hear arguments on the motion of consolidation and determine whether the appeals involve the same or substantially similar issues of fact or law; or
 - (c) order that the appeals be heard one after the other.
6. (1) The Tribunal may, at any stage, set aside an appeal –
- (a) in case of non-attendance of the appellant;
 - (b) where the documents required under section 5(4) of the Act are not provided; or
 - (c) where, after examination, the appeal is found to be trivial, frivolous or vexatious.
- (2) Where the Tribunal makes an order to set aside an appeal under paragraph (1), the appellant may, on the day the appeal is set aside, apply to the Tribunal in writing to have the appeal recalled and reinstated.
- (3) The Tribunal may, on good cause shown, recall and reinstate the appeal.
7. An appeal before the Tribunal may be withdrawn by way of –
- (a) a letter duly signed by the appellant, accompanied by a copy of his National Identity Card; or
 - (b) motion made before the Tribunal.
8. No judicial review shall lie against a ruling of the Tribunal, other than an appeal against the final decision of the Tribunal under section 6 of the Act.

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9. These rules shall come into operation on 9 October 2021.

Made by the Environment and Land Use Appeal Tribunal, with the approval of the Minister, on 8 October 2021.

