



THE
JAMAICA GAZETTE
SUPPLEMENT

PROCLAMATIONS, RULES AND REGULATIONS

821

Vol. CXX

FRIDAY, DECEMBER 19, 1997

No. 101

No. 141

THE NATURAL RESOURCES CONSERVATION AUTHORITY ACT

THE NATURAL RESOURCES CONSERVATION AUTHORITY APPEALS TRIBUNAL
RULES, 1997

PART 1. *Preliminary*

1. These rules may be cited as the Rules of the Tribunal established under the Natural Resources Conservation Authority Act.

2. In these Rules—

“Authority” means the Natural Resources Conservation Authority (NRCA) established under section 3 of the NRCA Act;

“Chairman” means chairman of the Tribunal;

“Enforcement Notice” means the notice referred to in section 18 (1) of the NRCA Act;

“Secretary” means the person so designated by the Tribunal;

“The Tribunal” means the Tribunal established under section 34 of the NRCA Act;

“Tribunal rules” means the general rules and orders under these rules and under the Act in general.

PART 2. Rules and Orders

3. Every appeal to the Tribunal shall be commenced by notice of appeal, in the form set out in the Schedule hereto, delivered within twenty-eight (28) days of the service of the enforcement notice, and addressed to:—

The Chairman of the Tribunal
Natural Resources Conservation Authority Act
Ministry of Environment and Housing
2 Hagley Park Road,
Kingston 10.

And copied to

The Chairman,
The Natural Resources Conservation Authority
53½ Molynes Road.
Kingston 10.

4. The Tribunal shall not hear an appeal where the notice of appeal was served outside of the period therein, unless it is, in the opinion of the Tribunal, in the public interest to do so.

5. The Chairman, upon receipt of the notice of appeal, shall inform the members of the Tribunal in writing of the enforcement notice and the Notice of appeal.

6. Within fourteen (14) days of the date of the delivery of the notice of appeal as stated herein in Rule 1, both the appellant and the Authority shall submit their case in writing to the Chairman and the other party, along with any information or documents on which they are relying to substantiate their case.

7. The Chairman shall forward to the members of the Tribunal a copy of all documents sent in relation to the appeal.

8. The Chairman shall set a date, place and time for the hearing of the appeal and accordingly the Secretary shall by notice in writing inform the appellant and the Authority.

9. Notwithstanding Rule 7, either party may by notice addressed to the Chairman, apply for an extension of time within which to present its case, and the Tribunal shall grant such extension of time where it thinks fit.

10. Any new evidence that is to be adduced at a hearing of the Tribunal must be disclosed to the other party no later than seven (7) days prior to the hearing.

PART 3. General

11. At the hearing of the appeal, all parties thereto shall be afforded an opportunity to be heard.

12. The appellant may at any time after giving notice of appeal abandon his appeal by notice in writing to the Tribunal and to the Authority.

13. The appellant and the witness may for the purposes of the appeal and any other proceedings connected with it, be represented by an attorney-at-law or any other person.

14. Where the appellant or witness is being represented at the hearing of an appeal, notice in writing of the name and address of the representative and the witness shall be given to the Tribunal not less than three (3) days before the hearing of the appeal.

15. At the beginning of any hearing, the Chairman of the Tribunal shall call the hearing to order, and if one member of the Tribunal is sitting alone then he shall call the hearing to order.

16. Opening arguments may be heard from both sides beginning with the appellant.

17. The Tribunal shall be entitled to make any enquiries it thinks fit.

18. Each party shall be entitled to examine and cross-examine the witnesses.

19. The Tribunal shall be entitled to adjourn at any time.

20. (a) The decision of the Tribunal shall be communicated to the parties within three (3) clear days of the date of the hearing of the appeal.

(b) The written reasons of the Tribunal shall be communicated to both parties within twenty-one (21) days after the decision has been handed down.

21. Each party shall bear its own costs.

22. Subject to the provisions of these rules, the Tribunal may regulate its own procedure.

November, 1997.

SCHEDULE

NATURAL RESOURCES CONSERVATION ACT

**THE NATURAL RESOURCES CONSERVATION AUTHORITY APPEALS
TRIBUNAL RULES, 1997**

Notice of Appeal

To:

**The Chairman of the Tribunal
Natural Resources Conservation Authority Act
Ministry of Environment and Housing
2 Hagley Park Road,
Kingston 10.**

Appellant's Details

Name and Address of Appellant:

Telephone Number:

Name and address of Agent or Professional Representative to whom correspondence should be sent:

Telephone Number:

The appellant hereby appeals against the Enforcement Notice dated

..... with effective date issued by
the Natural Resources Conservation Authority pursuant to section 18 of
the Natural Resources Conservation Authority Act.

I attach a copy of the Enforcement Notice pertaining to this Appeal.

*Statement of Grounds of Appeal**

Dated this day of 19.....

Signature of Appellant

* Please attach additional sheets if necessary.