

AFRICANS ON PRIVATE ESTATES TRIBUNAL RULES

under s. 18

G.N. 1/1963

1 Citation

These Rules shall be known as the Africans on Private Estates Tribunal Rules.

2. Interpretation

In these Rules, unless the context otherwise requires, “Chairman” means the Chairman of the Tribunal; “member” means a member of the Tribunal; “Secretary” means the Secretary to the Tribunal.

3. Persons who may apply to Tribunal

Application to the Tribunal shall be made only by a person aggrieved by an act, omission or determination of any other person under the Act. For the purposes of this rule, “person” includes the Government.

4. Method of application

All applications shall be made to the Secretary. There is no set form for an application, but all applications must be written and either signed or thumb-printed. An application should state the names and addresses of all persons involved in the matter and shall briefly state the matter in dispute.

5. Secretary to notify person complained against

(1) When the Secretary has received an application, he shall notify the person complained against of the substance of the complaint and invite a written reply.

(2) Where an application is filed against a person or persons unknown, the Secretary may seek assistance from responsible sources to determine the names and addresses of such person or persons.

6. Secretary to establish agreed facts

The Secretary shall attempt to establish as many facts as possible as agreed facts before the Tribunal acts on any matter.

7. Convention of Tribunal

(1) The Chairman, or in his absence or illness, any member designated by him, may convene the Tribunal.

(2) No meeting of the Tribunal may be convened on less than seven days' written notice.

8. Quorum and voting

(1) Three members of the Tribunal shall constitute a quorum. A majority of a quorum shall be competent to conduct the business of the Tribunal.

(2) The Chairman, or the member elected to act as Chairman, shall have both an original and a casting vote.

(3) No member of the Tribunal shall be qualified to participate or vote in any matter in which he has a direct financial interest.

9. Chairman

The Chairman shall preside at all meetings of the Tribunal unless incapacitated by sickness or absent from some other cause. When the Chairman is absent from any meeting, the members present shall choose one of their number to act as Chairman for that meeting.

10. Questions of competence

The Secretary may offer advice to the Tribunal in any matter where the question of the Tribunal's competence to hear that matter is in doubt. The Tribunal shall decide the question of competence before dealing with the substance of the dispute.

11. General procedure

(1) As presiding officer of the Tribunal, the Chairman shall have general powers to supervise the hearing of any matter before the Tribunal. This includes regulating the manner in which persons giving information to the Tribunal may be questioned.

(2) The Tribunal shall not be bound by technical rules of evidence.

(3) Every person having an interest in any matter before the Tribunal shall have the opportunity to be heard, either in person or by a representative.

(4) The Chairman may invite any person who, in the Chairman's opinion, may be able to assist the Tribunal in its deliberations, either to appear in person or to submit a written statement to the Tribunal.

12. Prompt despatch of business

(1) The Tribunal shall promptly consider any matter brought before it.

(2) Where a person has been invited to comment on or reply to a matter before the Tribunal, and such person fails to do so within a reasonable time, the Tribunal may consider the matter, notwithstanding the absence of the invited information.

13. Determination of Tribunal

(1) The Tribunal may withdraw to consider its determination.

(2) A summary of the determination of the Tribunal shall be signed by the Chairman and any written dissent by a member shall be signed by him. Copies shall be made available to the parties to the dispute by the Secretary.

14. Allowances and honoraria

The subsistence and travelling allowances paid to members shall be at the rates laid down from time to time by the Government for payment to non-official members of committees, boards and similar bodies. An honorarium at the rate of £100 per annum shall be paid to the Chairman and each member of the Tribunal. The honorarium will be payable in quarterly instalments calculated from the date of appointment to the Tribunal in respect of each completed month's service on the Tribunal.