

AGRICULTURE ACT
SUBSIDIARY LEGISLATION

SECTION 18

THE AGRICULTURE (PROCEDURE ON APPEAL) REGULATIONS

S.I. 22 of 1966.
S.I. 104 of 1975.

[21st March, 1966]

1. These regulations may be cited as the Agriculture (Procedure on Appeal) Regulations.

2. In these regulations –

“appellant” means a person having a right to appeal to the Agricultural Appeal Tribunal under section 9 of the Act;

“Director” and “respondent” mean the Chief Agricultural Officer;

“Judge” means a Judge of the Supreme Court;

“Registrar” means the Registrar or the Assistant Registrar of the Supreme Court;

“Tribunal” means the Agricultural Appeal Tribunal constituted under section 9 of the Act.

3. Any person aggrieved by the making of a land preservation order or by any alteration or amendment thereof may appeal to the Tribunal as provided under section 9 of the act by giving written notice of such appeal to the Tribunal. The notice shall set forth the grounds of appeal.

4. Such notice and a copy thereof shall be filed with the Registrar within thirty days of the service of the land preservation order or the alteration or amendments thereof as provided under subsection (1) of section 9 of the Act.

5. The copy of the notice of appeal shall be sent by the Registrar to the Director who shall be respondent to the appeal.

6. The Tribunal shall fix a day for the hearing of the appeal and the Registrar shall give both parties reasonable notice of the time and place of the hearing.

7. The Tribunal before making any order shall give the parties to the appeal the opportunity of being heard and of producing all the relevant evidence they may wish to produce.

8(1) The Tribunal shall at the request of either party to the appeal or may upon its own motion summon witnesses to give evidence or to produce any document and any such witness may be examined and cross-examined on oath by either party and may be so examined by the Tribunal.

(2) Summonses for attendance of witnesses may be served by an usher of the Supreme Court or by a member of the Police Force. Oaths, affirmations or declarations, as the case may be, may be administered by the Tribunal.

9. The Rules of evidence which apply in civil cases before the Supreme Court shall apply in all appeals heard by the Tribunal.

10. The Tribunal may adjourn the hearing of an appeal from time to time.

11. A record of all the proceedings and evidence taken at the hearing of an appeal shall be kept in English by the Tribunal or by any person appointed by it and such record shall be certified as correct and signed by the Judge. Any decision or order of the Tribunal shall be incorporated in the record and shall be signed by the Judge.

12. All notices, summonses and orders purporting to be signed by a judge or the Registrar shall prima facie be deemed to be issued or made by the Tribunal.

13(1) Appeals shall be heard in public, by the Tribunal may for good cause exclude any particular person or persons.

(2) The appellant or his deputy or proxy and his counsel or attorney and the respondent or his deputy or proxy and his counsel or attorney shall have the right to be present during the hearing and at the determination of the appeal.

14. An appellant may withdraw his appeal by notice to the Tribunal signed by himself or his deputy or proxy.

15. The appellant shall on filing his notice of appeal pay a fee of R.5. This fee shall not be returned on withdrawal of the appeal.