

**SUGAR (ARBITRATION TRIBUNAL) RULES, 2008**

[L.N. 121/2008.]

**PART I – PRELIMINARY**

**1. Citation**

These Rules may be cited as the Sugar (Arbitration Tribunal) Rules, 2008.

**2. Definitions**

In these Rules, unless the context otherwise requires—

“**Chairman**” means the Chairman of the Tribunal;

“**clerk**” means the clerk to the Tribunal;

“**day**” means a calendar day;

“**interested parties**” means the Government, millers, growers or out-grower institutions or as otherwise defined in the Sugar Act, 2001;

“**member**” means a member of the Tribunal;

“**Secretary**” means the Secretary to the Tribunal;

“**Tribunal**” means the Sugar Arbitration Tribunal established under section 31 of the Sugar Act, 2001.

**3. Forms**

(1) The Tribunal may from time to time prescribe or give directions on such forms as it may deem necessary for the purposes of filing any claims, replies or applications.

(2) Forms already prescribed as referred to in paragraph (1) are set out in the First Schedule and may be used with appropriate modifications.

**4. Directions**

(1) The Tribunal may give all such directions as may be required whether on its own motion or under a formal or informal application in court as the case may be with respect to any necessary procedure to be followed in any proceedings or any relevant issue or step in the proceedings, including directions with respect to the form to be used where no form is otherwise provided for under these Rules.

(2) The formats prescribed under these rules for the making of any documents may be accepted in modified form at the discretion of the Tribunal.

(3) The Tribunal shall subject to paragraph (1) have power to admit any pleadings, documents, references, petitions or applications instituted or presented other than by way of the form prescribed under these rules:

Provided that, no compliant shall be refused for defects in the pleadings or to the presentation, without giving an opportunity to the party filing to rectify the defects within the time which may be given for the purpose.

**5. Fees**

(1) Filing fees, as may be prescribed by the Tribunal, shall be payable on presentation of the compliant.

(2) The fees set out in the Second Schedule to these rules shall be payable in proceedings before the Tribunal.

**[Subsidiary]**

(3) The fees shall be payable by way of cash, bankers cheque or postal order issued in favour of the Tribunal or may otherwise be payable to the Tribunal through the Ministry of Agriculture as may be directed by the Tribunal through its officers handling fees matters on behalf of the Tribunal.

(4) The fee received shall be entered into the register prescribed for the purpose and a receipt issued accordingly.

(5) The Tribunal is entitled to demand additional court fees where an award is clear or quantified at the conclusion of the case and whereby the fee charged at the time of filing does not take into account or correlate with the award as the case may be and the Tribunal may at any time require that a defined amount of fees be paid before further proceedings are entertained in the matter.

**PART II – DISPUTES AND PROCEEDINGS****6. Initiation of proceedings**

(1) Where any dispute exists, the party desirous of referring such dispute to the Tribunal shall file suit or lodge complaint, reference or petition to the Tribunal in the appropriate form or nature, and the Tribunal shall thereupon take cognizance of the dispute and register the dispute in the register.

(2) All complaints to be filed before the Tribunal shall be typewritten, photocopied, printed or written neatly and legibly on one side of A4 paper and every page shall be consecutively numbered.

(3) The contents of a compliant shall be divided appropriately into separate paragraphs, which shall be numbered serially.

**7. Register**

(1) The Tribunal shall cause to be prepared a register containing, with regard to any reference before the Tribunal, the following particulars—

- (a) date of filing the complaint, reference or petition;
- (b) the serial number;
- (c) the name of the applicant and other parties involved;
- (d) the relief sought by the applicant and identifying details of the stakeholders or other interested parties affected if any; and
- (e) provision for the final determination or order and the date thereof.

**8. Registration of disputes**

(1) The clerk shall, after charging the appropriate fee, open a case file and shall record the particulars in the register.

(2) The complaint may be in the form of plaint, reference or dispute with such modifications as the case may be.

(3) The general heading in all matters before the Tribunal and in all publications and notices shall be as prescribed in the First Schedule, with appropriate modifications.

(4) Where the document is to be signed, each copy required shall be signed.

(5) Upon receipt of a case or complaint the Tribunal shall acknowledge receipt by stamping and endorsing the date on which the complaint is presented.

(6) The date of presentation and receipt of the complaint shall be duly entered in the register maintained for that purpose.

**10. Service, filing of reply, opposition, objections etc.**

(1) Once a matter is filed with the Tribunal, the party filing the matter shall serve a copy of the complaint/or matter on the respondent as soon as possible from the date of the presentation of the complaint.

(2) The provision for service may be dispensed with if the respondent involved has acknowledged service pursuant to the Tribunal writing to the parties upon receipt of the complaint in exceptional circumstances in the discretion of the Tribunal.

**11. Defence and Reply to defence**

(1) The respondent shall file a defence or reply to the complaint in original and sufficient copies within fourteen (14) days from the date of service of the complaint.

(2) The defence may specifically admit, deny or explain each of the facts stated in the complaint and may also state such additional facts as the respondent may consider necessary for just determination of the complaint or case.

(3) The defence shall be signed dated and, once filed, be duly served.

(4) The respondent may include a counter-claim against the complainant as the case may be.

(5) The claimant may file a reply to defence within seven days of being served subject to Rule 13 below.

(6) In the event of the defendant filing a counter-claim the plaintiff shall file a defence thereto within fifteen (15) days of service of the defence and counter claim.

**12. Close of pleadings**

Pleadings shall be deemed to have closed upon expiry of fifteen days from the date of filing of reply or defence to the suit or to the counter claim as the case may be.

**13. Fixing of a hearing date**

The Tribunal may on its own motion or at the instance of any of the parties to the dispute set down the dispute for hearing any time subject to giving any necessary directions by the Tribunal and in setting the hearing date the Tribunal shall have regard to any material circumstances including convenience as to the Tribunal's own diary and schedules of business.

**14. Supporting data**

The Tribunal may direct that copies of such data, statements, Reports or contracts, agreements, receipts, invoices or other documentary evidence or reference material to be relied on in the hearing or proceedings be lodged in advance with the Tribunal and copies served accordingly as the Tribunal may specify.

**15. Information to be provided by a complainant**

In his complaint, the complainant shall provide the following information—

- (a) complainant's name and address;
- (b) nature of complaint or claim; and
- (c) the relief sought.

**16. Hearing notices**

A hearing notice may be issued by the Tribunal directly or by any party as appropriate and shall subject to such modifications as necessary be in the Form prescribed in the First Schedule.

[Subsidiary]

**17. Tribunal orders**

An order issued by the Tribunal shall be under the Tribunal seal and executed or certified by at least two members of the Tribunal one of whom must be the Chairman.

**18. Witness summons**

When a witness is required to appear before the Tribunal the clerk shall prepare witness summons as prescribed in the First Schedule upon written or formal application to the Tribunal by any party and thereafter the party requesting for the witness summons shall effect service on the witness accordingly.

**19. Representation by counsel**

A person may be represented before the Tribunal by an agent in respect of a matter if—

- (a) an appointment of the agent in respect of the matter has been filed with the Tribunal vide Form I (1); and
- (b) the agent is an advocate with a current practicing certificate.

**20. Costs**

The Tribunal may—

- (a) in its sole discretion award costs in favour of parties generally;
- (b) require a party to pay all or part of the costs of another party and specify how the costs are to be determined and how they are to be paid; or
- (c) be entitled to decide in each dispute the party or parties who shall bear the costs of the hearing.

**21. Proceedings to be open to public**

Proceedings of the Tribunal shall be open to the public but where the Tribunal deems fit it may conduct proceedings in camera.

**22. Majority decision**

The decision of the Tribunal shall be the decision of the majority of the members present and shall be signed by all the members sitting.

**PART III – GENERAL RULES APPLICABLE TO ALL PROCEEDINGS****23. Frivolous or vexatious proceedings**

(1) If a dispute, application or case discloses no reasonable grounds and it appears to the Tribunal that it is frivolous or vexatious; the Tribunal may dismiss the application or request without a hearing:

Provided that appropriate advance notification shall be given to the parties who will be at liberty to make submissions on the issue for the Tribunal's consideration.

(2) The Tribunal shall advise the parties in writing explaining why the Tribunal cannot maintain the complaint, in that eventuality.

**24. Petitions**

(1) Such petitions or cases by law or contract of respective parties requiring reference to the Tribunal for arbitration or determination shall be instituted or presented to the Tribunal subject to the terms specified in the rules or provisions applicable with respect to the matters in dispute.

(2) Petitions, cases or references under paragraph (1) may be entertained in tandem with the sources of references and without strict regard to forms prescribed under these rules in the Tribunal's discretion.

## **25. Hearings before the Tribunal**

(1) The Tribunal may from time to time hold hearings or proceedings as it may consider appropriate in the discharge of its functions under the Act with respect to matters before it.

(2) The Tribunal may, if it considers appropriate, invite comments from any person on the issues involved in any hearing in such form as the Tribunal may direct.

## **26. Place of hearing**

The Tribunal shall determine the place, the date and the time of the hearing of a dispute.

## **27. Service of notices**

(1) Notice of the time and place of hearing shall be served at least fifteen (15) days prior to the hearing upon all affected persons subject to the Tribunal being at liberty to vary this requirement as it may deem fit.

(2) Notices issued under this Rule may be served by—

- (a) by hand delivery;
- (b) by registered post; or
- (c) in any other manner as considered appropriate by the Tribunal.

(3) The Tribunal may require that a return of service giving details of document served, the date and manner of service be filed as proof of such service.

(4) Every notice or process required to be served on or delivered to any person may be sent to the person or his agent empowered to accept service at the address furnished by him for service or at the place where the person or his agent ordinarily resides or carries out business or personally works for gain.

(5) In the event any matter is pending before the Tribunal and the person to be served has authorized an agent or representative to appear for or represent him or her in the matter, such agent or representative shall be deemed to be duly empowered to take service of the notices and processes on behalf of the party concerned in all matters and the service on such agent or representative shall be taken as due service of the person to be served.

(6) No service or publication required to be done shall be deemed invalid by reason of any defect in the name or description of a person provided that the Tribunal is satisfied that such service is in other respects sufficient, and no hearing shall be invalidated by reason of any defect or irregularity unless the Tribunal, on an objection taken, is of the opinion that substantial injustice has been caused by such defect or irregularity or there are otherwise sufficient reasons for doing so.

## **28. Determination of dispute**

(1) The Tribunal may determine the dispute in any manner as it may consider appropriate, including being at liberty to decide the dispute on the strength of pleadings and submissions of the parties only in line with directions as may be so taken or otherwise on the basis of trial and submission of oral evidence in the dispute.

(2) The Tribunal may in consultation with or upon application by the parties order consolidation of two or more matters for purposes of expediency in proceedings and finalization where it is deemed appropriate and parties are in agreement to consolidation.

**[Subsidiary]**

(3) Where evidence of a party is by way of oral submission, the Tribunal may, if considered necessary or expedient, grant an opportunity to the opposing party to cross-examine the persons giving evidence.

(4) The Tribunal may, if considered necessary or expedient, record the evidence of the parties by any means it may deem fit.

(5) The Tribunal may direct the parties to file written notes of arguments or submissions in the dispute on such terms as the Tribunal may order.

(6) The Tribunal shall be at liberty to pose or address any questions to the parties during hearing or other proceedings of the dispute.

(7) The Tribunal shall give its decision in writing, giving reasons thereof after conclusion of the hearing and delivery of decision shall be on such date as may be directed by the Tribunal.

**29. Further information and evidence**

(1) The Tribunal may, at any time before passing orders on any dispute, require the parties or any one or more of them or any other person whom the Tribunal considers appropriate, to give such documentary or other evidence as the Tribunal may consider necessary for the purpose of enabling it to pass orders and subject to such directions as the Tribunal may consider appropriate.

(2) The Tribunal may require to be disclosed or given such further information details or particulars from any of the parties at any time before commencement or during hearing where deemed necessary at the Tribunal's discretion on its own motion or at the instance of any party on such terms or orders as the Tribunal may find fit.

**30. Experts**

(1) At any stage of the hearing, the Tribunal may refer on its own motion or on application such issues or issues in the dispute as it considers appropriate to persons including, but not limited to, professionals and consultants whom the Tribunal considers as qualified to give expert advice or opinion and to consider and rely on or otherwise deal with such expert evidence as necessary and subject to any party being at liberty to cross-examine the witness and to call alternative expert evidence opinion as the case may be.

(2) The Tribunal may nominate from time to time any person including, but not limited to, the officers of the Tribunal as well as any professionals or consultants to visit any place or places for inspection and report on the existence or status of the place or any facilities and circumstances therein as may be necessary.

(3) The Tribunal, if it thinks fit, may direct the parties to appear before the persons designated in paragraph (1) and (2) to present their views on the issues or matters referred to.

(4) The report or the opinion received from such person shall form part of the record of the dispute and the parties shall be given the copies of the report or opinion and shall be entitled to file their version either in support or in opposition to the report or the opinion.

(5) The Tribunal may take into account the report or opinion given and the reply filed by the parties while deciding the dispute and if considered necessary the examination before the Tribunal of the person giving the report or the opinion.

(6) The Tribunal may make such order as it will deem necessary with respect to costs and expenses of an expert.

**31. Consequences of non-appearance**

(1) Where, on the date fixed for hearing or any other date to which such hearing may be adjourned, any party or their authorized agent or representative does not appear when

the dispute is called for hearing, the Tribunal may, in its discretion, either dismiss the complaint for non-attendance when the complainant (or the person who moves the Tribunal for hearing) is in default or proceed *ex parte*.

(2) Where a complaint is dismissed in default or decided *ex parte*, the person aggrieved may file an application within thirty days from the date of such dismissal or *ex parte* proceedings, as the case may be, for review of the order, and the Tribunal may within reasonable time review the order on such terms as it thinks fit, if the Tribunal is satisfied that there was sufficient cause for non-attendance.

### 32. Interim orders

(1) Applications seeking relief of an interim, interlocutory, procedural or other relevant nature may be filed at the Tribunal under and subject to existence of a substantive case filed and pending before the Tribunal.

(2) All applications filed in the Tribunal shall be by way of Notice of Motion as set out in the Schedule hereto and shall have grounds in support of the application as well as an Affidavit in support.

(3) Any party wishing to oppose an application filed shall be at liberty to file Grounds of Opposition and a Replying Affidavit thereto.

(4) The Tribunal may upon its discretion make or pass such interim orders as the Tribunal may consider appropriate at any stage of the proceedings.

(5) The reasons given by the Tribunal in support of an order shall form a part of the order and shall be available in accordance with these Regulations.

(6) Any order and decision issued or communicated by the Tribunal shall be under the official seal of the Tribunal and appropriately executed.

(7) Any order of the Tribunal shall be communicated to the parties to the dispute.

### 33. Inspection of records

(1) Records of every hearing, except those parts which for reasons specified by the Tribunal are confidential or privileged or otherwise not to be disclosed to any person, may, on application, be open to inspection either during the hearing or after the order has been passed, subject to such person complying with such terms as the Tribunal may direct from time to time.

(2) The application for inspection of documents shall be in writing and shall be accompanied by the prescribed fees.

(3) The inspection of records shall be allowed on any working day during working hours in the presence of an officer authorized for that purpose.

(4) The person inspecting the records shall not in any manner cause displacement, mutilation, tampering or damage to records in the course of inspection.

(5) The officer supervising the inspection may at any time prohibit further inspection if, in his opinion, any of the records are likely to be damaged in the process of inspection and shall immediately make a report about the matter to the Chairman and seek further orders on the matter.

(6) A register for inspection of records may be maintained by the Tribunal.

### 34. Supply of certified copies of documents

An interested party may, on written application and on payment of the prescribed fee, be entitled to obtain a certified copy of the order as well as the pleadings, papers and any

**[Subsidiary]**

other part of the records of the Tribunal to which he is entitled to inspect, subject to complying with any other condition as the Tribunal may direct:

Provided that, unless ordered otherwise by the Tribunal, a copy of the final order may not be sent to any party who has not entered appearance.

**35. Hearing notice**

(1) The Tribunal may allow not less than fourteen days notice to be given prior to hearing.

(2) A hearing may be adjourned by the Tribunal on such terms as the Tribunal may deem fit.

**36. Records to be maintained**

(1) In every reference or case or dispute filed at the Tribunal, the following records and particulars shall be maintained within the case file and or otherwise as may be directed by the Tribunal—

- (a) the date of the reference;
- (b) dispute and case file number;
- (c) names of applicant and respondent;
- (d) a record of the evidence/proceedings generally;
- (e) the composition of the Tribunal;
- (f) any documentary exhibits shall be attached to the record; and
- (g) any other relevant details or documents.

(2) At the conclusion of every reference the Tribunal shall make a determination or order as circumstances of each case will require and such determination or order shall be conclusive proof of the decision of the Tribunal.

(3) The decision of the Tribunal once hearing is concluded will be made within a reasonable time but in case of delay written explanation will be given to parties concerned.

**PART IV – MISCELLANEOUS PROVISIONS****37. Amendments**

The Tribunal may—

- (a) on such terms as it may specify, allow a document to be amended or a procedural irregularity to be rectified;
- (b) on such terms as it may specify dispense with or modify any requirement to do anything, including a requirement to provide a document; and
- (c) enlarge any of the time limits provided in these Rules on such terms as the Tribunal may find appropriate.

**38. Withdrawal of suit**

(1) The person making a complaint, application or request may, at any time, withdraw the complaint, application or request by giving written notice to the Tribunal duly signed and filed and served.

(2) A party may request the Tribunal to order costs to be paid by the party withdrawing the complaint, application or request.

**39. Documents to be in English**

(1) Documents provided to the Tribunal shall be in English.

[Subsidiary]

(2) Notwithstanding paragraph (1), a document that is not in English may be included as an exhibit subject to—

- (a) an English translation of the document being included; and
- (b) the translation being certified to be an accurate translation under such means as the Tribunal may direct.

**40. Extension time**

(1) The Tribunal may extend, on such conditions as it may specify a time limit under these Rules.

(2) An application to the Tribunal for an extension of a time limit shall state the grounds on which the application is based and shall be supported by a statutory declaration or affidavit.

(3) An application for an extension of a time limit may be made even though the time limit has expired.

**41. Application to be by motion**

(1) An application for any orders before the Tribunal shall be by motion in the general format stipulated under the schedule to these rules, with appropriate modification.

(2) All applications shall set out the orders being sought together with the grounds in support thereof and shall be accompanied by a statutory declaration or affidavit setting out the facts being relied upon.

**42. Saving of discretionary powers of the Tribunal**

The Tribunal may make such orders as may be necessary or expedient in the circumstances of each case.

**43. Stay Orders**

Upon the decision, judgement or determination of the Tribunal being read, the Tribunal may make stay orders or provide for the time of taking effect of the decision.

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FIRST SCHEDULE

[Rule 3.]

**Form A**

REPUBLIC OF KENYA

BEFORE THE SUGAR ARBITRATION TRIBUNAL

DISPUTE NO ..... OF 20 .....

COMPLAINANT .....

VERSUS

RESPONDENT .....

PLAINT/DISPUTE/COMPLAINT/PETITION ..... (With modifications as necessary)

- 1. Description and address of Plaintiff/Disputant/Complainant etc as necessary.
- 2. Description and address of Defendant/Respondent/etc as necessary.
- 3. The Plaintiff/Disputant/Complainant's claim against the Respondent is as follows: .....

.....

(State further particulars where appropriate)

Sugar

[Subsidiary]

FIRST SCHEDULE—continued

4. There have not been previous proceedings and neither are any proceedings pending in any court of law in respect of the same subject matter and cause of action between the parties herein.

5. THIS Tribunal has jurisdiction to hear and determine this dispute.

REASONS WHEREFORE: The Complainant claims against the Respondent for: .....

DATED at ..... this ..... day of ..... 20 .....

COMPLAINANT/ADVOCATES FOR THE COMPLAINANT

Drawn & Filed by:

.....

P. O. Box .....

To be served upon:

.....

P. O. Box .....

Form B

REPUBLIC OF KENYA

BEFORE THE SUGAR ARBITRATION TRIBUNAL

DISPUTE NO ..... OF 20 .....

COMPLAINANT .....

VERSUS

RESPONDENT .....

AFFIDAVIT

I ..... of P. O. Box ..... in the Republic of Kenya do hereby make oath and state as follows:

- 1. THAT I am the ..... herein hence competent to make and swear this affidavit.
2. THAT I am well conversant with the particular of this suit as set out in the .....
3. THAT the averments contained in the ..... are true and correct to the best of my own knowledge, information and belief.
4. THAT I make this Affidavit in solemn verification of the particulars contained in the .....
5. THAT what is stated above is true and correct to the best of my knowledge, information and belief.

SWORN at ..... this ..... day of ..... 20 ..... by the said

)
.....)
) .....
BEFORE ME )
.....)
COMMISSIONER FOR OATHS .....

FIRST SCHEDULE—continued

Drawn & Filed by:

.....  
.....

P. O. Box .....

.....  
.....

**Form C**

REPUBLIC OF KENYA

BEFORE THE SUGAR ARBITRATION TRIBUNAL

DISPUTE NO ..... OF 20 .....

COMPLAINANT .....

VERSUS

RESPONDENT .....

**DEFENCE/REPLY/RESPONSE (ETC)**

- 1. Description and address of defendant etc.
- 2. .... Statements in Reply/Response/Defence with specific reference to the statement of claim with any additional averments or counter-claim as the case may be.

DATED at ..... this ..... day of ..... 20 .....

RESPONDENT/ADVOCATES FOR THE RESPONDENT

Drawn & Filed by:

.....  
.....

P. O. Box .....

To be served upon:

.....  
.....

P. O. Box .....

**Form D1**

REPUBLIC OF KENYA

BEFORE THE SUGAR ARBITRATION TRIBUNAL

DISPUTE NO ..... OF 20 .....

COMPLAINANT .....

VERSUS

RESPONDENT .....

**NOTICE OF MOTION**

TAKE NOTICE that this Honourable Tribunal shall be moved on the ..... day of ..... 20 ..... at 9.00 O'clock in the

Sugar

[Subsidiary]

FIRST SCHEDULE—continued

forenoon or so soon thereafter as the Complainant/Counsel for the Complainant/Respondent can be heard for ORDERS THAT:

WHICH APPLICATION is based on the following grounds:

WHICH APPLICATION is further supported by the annexed affidavit of (where applicable)

DATED at this day of 20

(ADVOCATES FOR) THE COMPLAINANT/RESPONDENT

Drawn & Filed by:

P. O. Box

To Be Served Upon:

P. O. Box

If any party served does not appear at the time and place above mentioned such orders will be made and proceedings taken as the Tribunal may think just and expedient.

Form D2

REPUBLIC OF KENYA

BEFORE THE SUGAR ARBITRATION TRIBUNAL

DISPUTE NO OF 20 COMPLAINANT

VERSUS

RESPONDENT

AFFIDAVIT

I, of P. O. Box do hereby make oath and state as follows:

- 1. THAT:
2. THAT I make this affidavit in support of the application herein now before this Tribunal.
3. THAT all stated above is true and correct to the best of my own knowledge, information and belief.

SWORN at this day of 20 by the said

BEFORE ME

COMMISSIONER FOR OATHS

FIRST SCHEDULE—continued

Drawn & Filed by:

.....  
P. O. Box .....  
.....

Form E

REPUBLIC OF KENYA

BEFORE THE SUGAR ARBITRATION TRIBUNAL

DISPUTE NO ..... OF 20 .....  
COMPLAINANT .....  
VERSUS  
RESPONDENT .....

AFFIDAVIT OF SERVICE

I, ..... of P. O. Box .....  
do hereby make solemn oath and state as follows:

- 1. THAT I am the Complainant/Respondent herein hence competent to make and swear this affidavit.
- 2. THAT on (*state date*) ..... I served a hearing notice/notice of motion application dated ..... scheduled for hearing on ..... for service upon the Complainant/Respondent (*state name*) ..... of P. O. Box .....
- 3. THAT on ..... I caused the same to be served upon ..... by way of Registered Post; see annexed certificate of posting marked ..... and our file copy of the forwarding letter marked .....
- 4. THAT the said letter has not been returned to me/us unclaimed hence deemed as duly served.  
*(If by personal service, state:)*
- 5. THAT the Complainant/Respondent acknowledged service by signing on the reverse side of the principal copy herein returned duly served.
- 6. THAT all stated herein above is true and correct to the best of my own knowledge, information and belief.

SWORN by the said ..... )  
at ..... this ..... ) .....  
day of ..... 20 ..... )  
BEFORE ME ..... )

COMMISSIONER FOR OATHS

Drawn & Filed by:

.....  
P. O. Box .....  
.....

Sugar

[Subsidiary]

FIRST SCHEDULE—continued

Form F

REPUBLIC OF KENYA

BEFORE THE SUGAR ARBITRATION TRIBUNAL

DISPUTE NO ..... OF 20 .....
COMPLAINANT .....

VERSUS

RESPONDENT .....

HEARING NOTICE

To: .....

P. O. Box .....

TAKE NOTICE that the above mentioned Dispute has been fixed for hearing on .....
at ..... (time) ..... at ..... (venue) .....

TAKE FURTHER NOTICE that unless you attend either by yourselves or someone by law duly
authorized to act on your behalf the same shall proceed and decided your absence notwithstanding.

GIVEN under my hand and the seal of the Tribunal at NAIROBI this .....
day of ..... 20 .....

Chairman
The Sugar Arbitration Tribunal

Form G

REPUBLIC OF KENYA

BEFORE THE SUGAR ARBITRATION TRIBUNAL

DISPUTE NO ..... OF 20 .....
COMPLAINANT .....

VERSUS

RESPONDENT .....

SUMMONS TO WITNESS

To: .....

WHEREAS your attendance is required to ..... on behalf of the .....
in the above Dispute, you are required (personally) to appear before this Tribunal on the .....
day of ..... 20 ..... at ..... o'clock in the forenoon
and to bring with you the following: .....

GIVEN under my hand and the seal of this Tribunal this .....
day of ..... 20 .....

Chairman
The Sugar Arbitration Tribunal

FIRST SCHEDULE—continued

Form H

REPUBLIC OF KENYA

BEFORE THE SUGAR ARBITRATION TRIBUNAL

DISPUTE NO ..... OF 20 .....  
COMPLAINANT .....

VERSUS

RESPONDENT .....

DECREE

Claim for:

- (a) .....
- (b) .....
- (c) .....

THIS DISPUTE coming up for hearing on ....., and for judgement on ..... AND UPON HEARING the Complainant/Counsel for Complainant and Respondent/Counsel for the Respondent.

IT IS HEREBY ORDERED THAT:

- (a) .....
- (b) .....
- (c) .....

GIVEN under the seal of the Sugar Arbitration Tribunal this ..... day of ....., 20 .....

AND ISSUED at ..... this ..... day of ..... 20 .....

Chairman .....

Member .....

Member .....

Form I (1)

REPUBLIC OF KENYA

BEFORE THE SUGAR ARBITRATION TRIBUNAL

DISPUTE NO ..... OF 20 .....  
COMPLAINANT .....

VERSUS

RESPONDENT .....

NOTICE OF APPOINTMENT

TAKE NOTICE that Messrs ..... Co. Advocates of P.O. Box ..... have been appointed to act for the Complainant/Respondent herein .....

Sugar

[Subsidiary]

FIRST SCHEDULE—continued

Henceforth all correspondence appertaining this matter shall be received by the said advocates on behalf of the Complainant/Respondent.

Dated at ..... this ..... day of ..... 20 .....

ADVOCATES FOR THE COMPLAINANT/RESPONDENT

Drawn & Filed by:

P. O. Box .....

To Be Served upon:

P. O. Box .....

Form I (2)

REPUBLIC OF KENYA

BEFORE THE SUGAR ARBITRATION TRIBUNAL

DISPUTE NO ..... OF 20 .....  
COMPLAINANT .....

VERSUS

RESPONDENT .....

NOTICE OF CHANGE OF ADVOCATES

TAKE NOTICE that Messrs. .... & Co. Advocates have been appointed herein to act for and on behalf of the Complainant/Respondent herein in place of Messrs. .... & Co. Advocates of P.O. Box .....

HENCEFORTH any correspondence to the Complainant/Respondent should be served upon Messrs. .... & Co. Advocates of P.O. Box .....

Dated at ..... this ..... day of ..... 20 .....

ADVOCATES FOR THE COMPLAINANT/RESPONDENT

Drawn and Filed by:

Messrs ..... & Co. Advocates,

P. O. Box .....

To be served upon:

Messrs ..... & Co. Advocates,

P. O. Box .....

P. O. Box .....

FIRST SCHEDULE—continued

Form I (3)

REPUBLIC OF KENYA

BEFORE THE SUGAR ARBITRATION TRIBUNAL

DISPUTE NO ..... OF 20 .....  
COMPLAINANT .....

VERSUS

RESPONDENT .....

**NOTICE OF INTENTION TO ACT IN PERSON**

I, ....., a Complainant/Respondent  
in this suit do hereby wish to act in person from the date of this Notice and my address of service  
shall be care of P.O. Box .....

Dated at ..... this ..... day of ..... 20 .....

COMPLAINANT/RESPONDENT

Drawn and Filed by:

P. O. Box .....

To be served upon:

1. Messrs ..... & Co. Advocates,  
P. O. Box .....

2. ....  
P. O. Box .....

Form I (4)

REPUBLIC OF KENYA

BEFORE THE SUGAR ARBITRATION TRIBUNAL

DISPUTE NO ..... OF 20 .....  
COMPLAINANT .....

VERSUS

RESPONDENT .....

**NOTICE OF CESSATION**

TAKE NOTICE that Messrs ..... & Company Advocates of P.O. Box  
..... have now ceased acting for the Complainant/Respondent in the above case.  
HENCEFORTH all correspondence should be addressed to Complainant directly.

Dated at ..... this ..... day of ..... 20 .....

..... & COMPANY ADVOCATES

Sugar

[Subsidiary]

FIRST SCHEDULE—continued
FOR THE COMPLAINANT/RESPONDENT

Drawn and Filed by:

Messrs ..... & Co. Advocates,
P. O. Box .....

To be served upon:

- 1. ....
P. O. Box .....
2. ....
P. O. Box .....

Form J

REPUBLIC OF KENYA

BEFORE THE SUGAR ARBITRATION TRIBUNAL

DISPUTE NO ..... OF 20 .....
COMPLAINANT .....

VERSUS

RESPONDENT .....

ORDER

THIS MATTER coming up for hearing of the Complainant's/Respondent's notice of motion application dated ..... on the ..... before the Honourable Tribunal and UPON reading the said application and perusing the annexures thereto and upon hearing both parties/counsel inter-parties.

IT IS HEREBY ORDERED THAT:

- (a) .....
(b) .....
(c) .....

GIVEN under the seal of the Sugar Arbitration Tribunal this ..... day of ..... 20 .....

AND ISSUED at ..... this ..... day of ..... 20 .....

Chairman .....

Member .....

Member .....

*Sugar*

[Subsidiary]

## SECOND SCHEDULE

[Rule 5.]

## REPUBLIC OF KENYA

## BEFORE THE SUGAR ARBITRATION TRIBUNAL

## PRESCRIBED FEES

Item Description	Fee Prescribed <i>Ksh.</i>
Fees on statement of claim	2,500
Filing of any documents, notices, objections etc where no other special fee is prescribed	200
Notice of motion	200
Order	200
Consent	200
Decree	200
Certificate of costs	200
Filing of appearances	200
Defences	200
Certification or attestation of documents	200
Fee for filing claim or counter-claim-liquidated sum	5% of the total sum claimed subject to max of 40,000
Fee for filing plaint unliquidated sum (per item of prayer)	2500
Tribunal collection fees on money paid into the Tribunal in an action	1,000
Application for extension of time	1,000
For annexure (standard rate)	200
Injunctions (non-pecuniary matters)	1000
Filing of return of service	200
Application for substituted service	500
Issue summons	200
Exhibits (standard rate)	500
For listing of a matter for mention	200
Adjournment fees on hearing	1,000
Adjournment fees on application	1,000
Typed copies of proceedings (per page)	100
Perusing file	200
Bills of costs	300
Fees for petitions, cases, appeals and other matters of reference	2,500
Service fees	1,000

