

**SECTION 24-THE LANDS (THE LANDS TRIBUNAL)
RULES**

Rules by the Chief Justice

Statutory
Instrument
90 of 1996

**PART I
PRELIMINARY**

1. These Rules may be cited as the Lands Tribunal Rules.

Title

2. In these Rules, unless the context otherwise requires-

Interpretation

"member" means a member of the Tribunal;

"proceedings" means proceedings before the Tribunal;

"Secretariat" means the Secretariat referred to in the Act;

"Office" means the office for the time being of the Lands Tribunal.

PART II

PROCEEDINGS OF THE TRIBUNAL

3. (1) An appeal to the Tribunal against any directive or decision may be instituted by sending to the Secretariat, in duplicate, a written notice of appeal stating-

Notice of Appeal

- (a) the name and address of the appellant and the respondent;
- (b) the date, reference number and particulars of the directive or decision;
- (c) the description of the land or hereditament including, where appropriate, a plan identifying the land to which the appeal relates;
- (d) the question which the appellant requires the Tribunal to determine, including a statement of the figure representing the amount or value, where necessary, which the appellant requires the Tribunal to determine;
- (e) the grounds of appeal;
- (f) whether the appellant does not propose to call an expert witness

- to give evidence;
- (g) the address for service or notices and other documents upon the appellant; and
 - (h) such other information as may be necessary for hearing of the appeal.

(2) A notice of appeal shall not be valid unless it is lodged with the Secretariat within thirty days from the date on which the directive or decision was served upon the appellant, or within such other time as may be prescribed by the enactment conferring the right of appeal.

4. (1) Upon receiving a notice of appeal, the Secretariat shall-

Entry and
acknowledgement
of appeal

- (a) enter particulars of the appeal in the Register of Appeals; and
- (b) send the duplicate notice to the respondent and inform the appellant and the respondent of the reference number of the appeal entered in the Register, which shall thereafter constitute the title of the appeal.

(2) Upon receiving the duplicate notice of appeal, the respondent shall send a copy of the decision to the Secretariat.

5. (1) Subject to any direction which may be given by the Chairperson, the Secretariat may, at any time after receiving a notice of appeal, require the person giving the notice to furnish a statement setting out further and better particulars of the grounds on which he intends to rely and any relevant facts and contentions.

Power to require
further particulars

(2) The statement shall be sent in duplicate to the Secretariat within such time as the Chairperson may direct, not being less than fourteen days after the date of the requirement, and copies of the statement shall be sent to such other persons who have given notice of appeal, in relation to the same proceedings, as the Secretariat may determine.

(3) Upon receiving the statement referred to in sub-rule (2), the Secretariat shall send the duplicate statement to the respondent.

6. Where the Chairperson requests the respondent to furnish particulars of any decision which appear to be requisite for deciding the appeal, the respondent shall furnish the particulars to the Secretariat and the appellant.

Power to require particulars of decision

7. (1) Where the Tribunal has appointed an assessor under the provisions of section *twenty-two* of the Act, to assist it in the determination of any matter before it, the Secretariat shall notify any assessor so appointed in writing and inform him of the place and date of the hearing.

Appointment of an assessor

(2) The remuneration to be paid to any assessor shall be such as the Chairperson may, with the approval of the Minister responsible for finance, determine.

8. (1) The Tribunal shall sit at such places and times as the Chairperson may determine.

Sittings of Tribunal

(2) The Secretariat shall send to each party to proceedings before the Tribunal a notice informing him of the place and date of the hearing which, unless the parties otherwise agree, shall not be earlier than fourteen days after the date on which the notice is served on them.

(3) Any person to whom notice has been sent under sub-rule (2) may apply to the Secretariat, in accordance with the provisions of Rule 19, for an alteration of the place or date of hearing.

9. The Tribunal shall sit in public except where on application by a party to the proceedings, the Tribunal directs that the whole or part of the proceedings shall be held in Camera.

Tribunal to sit in public

10. (1) Subject to the provisions of sub-rule (2), the Tribunal may inspect the land or hereditament which is the subject of the proceedings and may, if it thinks fit, enter on the land or hereditament for that purpose.

Inspection of land

(2) Notwithstanding sub-rule (1) the Tribunal shall not enter any premises unless it gives seven days notice to the parties of that intention and the parties shall attend the inspection.

11. (1) Where more than one notice of appeal has been given to the Secretariat in respect of the same land or hereditament, an application to the Secretariat for an order that the appeals be consolidated may be made by any party to the appeals.

Proceedings to be consolidated or heard together

(2) The Secretariat may consolidate the appeals under sub-rule (1) where it considers just to do so.

(3) The Tribunal may make an order in respect of only some of the matters to which the notice of appeal relates where it considers it fit to do so.

12. (1) Evidence before the Tribunal may be given orally or, if the parties to the proceedings consent or the Chairperson of the Tribunal so orders, by affidavit.

Evidence

(2) The Tribunal may at any stage of the proceedings make an order requiring the personal attendance of any deponent for examination and cross examination.

13. A party to the proceedings shall produce to the Secretariat, on request, any document or other information which the Tribunal may require and which is in the power of that party to produce, and shall afford to every party to the proceedings an opportunity to inspect those documents or copies of them and to take copies of the documents:

Production of document or information

Provided that nothing in this rule shall be deemed to require any information to be disclosed contrary to public interest.

14. If it appears to the Tribunal that any party to the proceedings has failed to produce a copy of any document required under these Rules to be sent to any other party or to the Secretariat, the Tribunal may direct that a copy of the document be sent as may be necessary and that the

Failure to produce document

further hearing of the proceedings be adjourned, and may in any such case require the party at fault to pay any additional costs occasioned by that failure.

15. On the hearing of an appeal, the appellant shall not be entitled to rely upon any grounds not stated in his notice of appeal, unless the Tribunal thinks it just, on such terms as to costs or adjournment or otherwise as it may think fit.

Appellant limited to grounds of appeal

16. In any proceedings a party may appear and be heard in person, or through an advocate, or any other person appointed for that purpose, with the consent of the Tribunal or, in the case of the person in authority by an official appointed for that purpose.

Right of audience

17. (1) Except where these Rules otherwise provide, an application for directions of an interlocutory nature in connection with any proceedings shall, unless otherwise ordered by the Chairperson, be made to the Secretariat.

Interlocutory applications

(2) The application referred to in sub-rule (1) shall be made in writing and shall state the title of the proceedings and the grounds upon which the application is made.

(3) Where the application is made with the consent of all parties it shall be accompanied by consents signed by or on behalf of the parties.

(4) Where the application is not made with the consent of every party, then before it is made, a copy shall be served on every other party and the application shall state that this has been done.

(5) A party who objects to the application may, within 14 days after service of a copy on him, send written notice of objection to the Secretariat and a copy to the applicant.

(6) Before making an order on the application, the Secretariat shall consider all the objections which have been received and, if any party wishes to be heard, the Secretariat shall give him and every other party an opportunity to do so.

(7) The Secretariat may, and shall if so required by the applicant or by a party objecting to an application under this rule, refer the application to the Chairperson for decision.

(8) A party aggrieved by a decision of the Secretariat on an application under this Rule may appeal to the Chairperson by giving notice, in writing, to the Secretariat and to every other party within 14 days after service on him of the notice of the decision or within such further time as may be allowed by the Secretariat.

(9) An appeal from a decision of the Secretariat shall not act as a stay of proceedings unless so ordered by the Chairperson.

(10) The powers and duties of the Chairperson under this Rule may be exercised and discharged in relation to the application by any member of the Tribunal authorised by the Chairperson.

18. The Secretariat shall have power to administer oaths and take affirmations for the purpose of affidavits to be used in proceedings. Administration of oaths

19. The time appointed by or under these Rules for doing any act or taking any steps in connection with any proceedings may be extended, on an application to the Secretariat in accordance with these Rules, upon such terms, if any, as the justice of the case may require, and an extension may be ordered although the application may not be made until after the expiration of the time appointed. Extension of time

20. (1) The Chairperson may, on the application of any party to the proceedings, order any point of law, which appears to be in issue in the proceedings to be disposed of at a preliminary hearing of the Tribunal. Preliminary point of law opinion

(2) If, in the opinion of the Tribunal, the decision on the point of law substantially disposed of the proceedings, the Tribunal may order that the proceedings be treated as the hearing of the case or make such other order as may be just.

21. (1) An appeal may be withdrawn by sending to the Secretariat a written notice of withdrawal signed by all parties to the proceedings or Withdrawal, or dismissal of appeal

by their advocates or agents.

before hearing

(2) An appellant may, at any time before the hearing of the proceedings, apply to the Chairperson for an order to dismiss the proceedings and the Chairperson may thereupon make such order as may be just.

(3) Where any party has failed to comply with any of these Rules, the Chairperson, may, after giving the parties an opportunity to be heard, make an order that the proceedings be heard by the Tribunal or make such other order as may be appropriate for the purpose of expediting or disposing the proceedings.

22. (1) If on an appeal, the appellant, or any other party to the proceedings does not appear at the time and place appointed for the hearing, the Tribunal may-

Default of
appearance at
hearing

(a) dismiss the appeal; or

(b) hear and determine the appeal in his absence and may make such order as to costs as it thinks fit:

Provided that, where proceedings have been dismissed or determined under this Rule in the absence of a party, the party may, on an application made by that party within fourteen days of the dismissal or determination, apply to the Tribunal to set aside the dismissal or determination, and give the reasons for his absence from the hearing.

(2) Where the Tribunal is satisfied that the reasons given by a party under the provisions to sub-rule (1) are sufficient to set aside the dismissal or determination, the Tribunal may set aside that dismissal or determination.

24. (1) The decision of the Tribunal on an appeal shall be given in writing, together with a statement of the Tribunal's reason for its decision.

Decision of
Tribunal

(2) The Secretariat shall send a copy of the decision to every party who has appeared before the Tribunal, within 14 days of the decision being delivered.

25. Where the parties to any proceedings have agreed upon the terms of any order to be made by the Tribunal, particulars of the terms, signed by all the parties or by their advocates or agents, shall be sent to the Secretariat, and an order may be made by the Tribunal in accordance with those terms in the absence of the parties. Consent order

PART III

GENERAL PROVISIONS

26. (1) The Tribunal may award such costs as it considers necessary. Costs

(2) Where the Tribunal directs that the costs of a party to the proceedings shall be paid by any other party, the Tribunal may settle the amount of the costs by fixing a lump sum, or it may direct that the costs be taxed by the Secretariat on a scale of costs prescribed by the High Court Rules. Cap. 27

(3) Any party who is dissatisfied with the taxation of costs directed by the Tribunal may, within seven days of the taxation, serve on any other interested party and on the Secretariat an objection, in writing, specifying the items objected to and the ground of objection and apply for taxation to be reviewed in respect of those items.

(4) Where an objection is made under sub-rule (3), the Secretariat shall reivew the taxation of the items objected to and shall state in writing the reasons for his decision.

(5) Any party who is dissatisfied with a decision of the Secretariat under sub-rule (4) may, within fourteen days of the decision, apply to the Chairperson to review the taxation, and the Chairperson may make such order as he thinks just, including an order as to the payment of the costs of the review, but the taxation shall be final in respect of all matters to which objection has not been made.

27. (1) Any notice or other document required or authorised to be served on any person for the purposes of these Rules shall be deemed to have been duly served if sent by registered post to that person's usual address for service specified in any notice given under these Rules.

Service of notices

(2) Any application or communication to be made to the Chairperson or to any member of the Tribunal in respect of any case shall be addressed to the Secretariat.

28. (1) Where any party to any proceedings changes his address he shall by notice in writing to the Secretariat and to every other party to those proceedings inform the Secretariat and the parties of these changes.

Change of address

29. If any person to whom any notice or other documents is required to be sent for the purpose of these Rules cannot be found, or has died and has no personal representative or is out of Zambia, or if for any other reason service upon him cannot be readily effected in accordance with these Rules, the Chairperson of the Tribunal may make an order for substituted service upon such other person or in such other form as the Chairperson of the Tribunal may think fit.

Substituted service

30. Any failure on the part of any person to comply with the provisions of these Rules shall not render the proceedings or anything done in pursuance of the proceedings invalid, unless the Chairperson of the Tribunal so directs.

Compliance with Rules