

THE TOWN AND COUNTRY PLANNING ACT

RULES

(under section 22A (2))

THE TOWN AND COUNTRY PLANNING (APPEAL TRIBUNAL) RULES, 1997

(Made by the Minister on the 22nd day of May, 1997)

L.N. 58A/97

1. These Rules may be cited as the Town and Country Planning (Appeal Tribunal) Rules, 1997.

2. In these Rules, "secretary" means the secretary of the Tribunal.

3.—(1) Every appeal to the Tribunal shall be commenced by notice of appeal addressed to the secretary.

(2) The notice referred to in paragraph (1) shall—

- (a) be delivered to the secretary within twenty-eight days of the service of the enforcement notice to which the appeal relates;
- (b) set out clearly the grounds of appeal;
- (c) be accompanied by a copy of the following documents—
 - (i) the enforcement notice to which the appeal relates;
 - (ii) where the relevant enforcement notice requires the cessation of work in any development, a certificate from the Government Town Planner certifying that the work has ceased in conformity with that notice.

4. The Tribunal shall not hear an appeal relating to an enforcement notice referred to in paragraph (2) (c) (ii) of rule 3 where the certificate required by that paragraph is not furnished with the notice of appeal.

5.—(1) Subject to paragraph (2), within twenty-one days of delivery of a notice of appeal in accordance with rule 3—

- (a) the secretary shall inform the members of the Tribunal in writing of the grounds of appeal and furnish to the Tribunal copies of all documents submitted pursuant to rule 3;

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(b) the chairman shall set a date, place and time for the hearing of the appeal and accordingly the secretary shall in writing inform the appellant and the authority which issued the relevant enforcement notice, that is to say—

- (i) the Government Town Planner; or
 - (ii) the Authority; or
 - (iii) the local planning authority,
- as the case may be.

(2) If a notice of appeal is not accompanied by any document required by paragraph (2) of rule 3 to be furnished by the appellant, the secretary shall, within the period of twenty-one days referred to in paragraph (1), request the appellant in writing to furnish the document within the time specified in that request.

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

(4) Where at the hearing of an appeal a person is unable to appear and give oral evidence, the Tribunal may admit into evidence a written statement concerning the appeal made by that person on oath before a Justice of the Peace.