

ADMINISTRATION OF LANDS (APPEAL TRIBUNAL) REGULATIONS, 1963 (LI 251).

ARRANGEMENT OF REGULATIONS

Regulation

1. Secretary to the Appeal Tribunal.
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IN exercise of the powers conferred on the President by section 29 of the Administration of Lands Act, 1962 (Act 123) (hereinafter referred to as “ the Act”), the following Regulations are hereby made this 22nd day of February, 1963.

Regulation 1—Secretary to the Appeal Tribunal.

The Minister shall appoint to act as Secretary to the Appeal Tribunal appointed under section 9 of the Act a person who is entitled to practise as a lawyer and who is also a public officer not below the rank of Assistant State Attorney or a rank equivalent thereto.

Regulation 2—Service of Documents Transmitted to the Tribunal.

(1) The Appeal Tribunal shall ensure that a copy of every document transmitted to it in connection with an appeal duly made under the Act is served on every party to the appeal not later than two weeks after the receipt of the document by the Tribunal.

(2) Service under the foregoing sub-regulation shall be deemed to be properly effected if a copy of the document—

(a) is served by a public officer on a party, or some other person, at the address given by the party in connection with the appeal; or

(b) where there is no person at such address, or no such address has been given, is published in the Gazette not later than two weeks after attempted service under paragraph (a).

(3) An affidavit by the public officer who effected service under paragraph (a) of the last foregoing sub-regulation or a copy of the Gazette (as the case may require) shall be sufficient proof of service for the purposes of this regulation.

Regulation 3—Dates of Hearings.

(1) The first hearing of any appeal transmitted to the Appeal Tribunal shall be held not later than six weeks after the date on which the appeal was received by the Tribunal, and the Tribunal shall give notice of such hearing to all parties to the appeal in the appropriate form specified in the Schedule hereto.

(2) Subsequent hearings of the Appeal Tribunal shall be on such dates and at such times as the Tribunal may from time to time direct.

Regulation 4—Representation of Parties.

Any party to an appeal may be represented at the hearing by a person entitled to practise as a lawyer.

Regulation 5—Evidence and Procedure.

(1) The rules of evidence applicable in civil proceedings in the High Court shall apply in any hearing of an appeal by the Appeal Tribunal.

(2) Except where the Chairman otherwise directs the rules of procedure applicable in such proceedings shall apply in any such appeal.

Regulation 6—Compensation Appeals.

(1) Subject to the next following sub-regulation in any appeal under subsection (4) of section 10 of the Act (which subsection relates to appeals on compensation)—

(a) the Minister shall be represented at the hearing by a public officer who is entitled to practise as a lawyer;

(b) the person appealing shall have the right to begin; and

(c) expert evidence shall be given on behalf of the Minister by a competent public officer.

(2) Where any such appeal involves more than one appellant the Appeal Tribunal shall—

(a) first determine the amount of compensation (if any) to be granted by the Minister; and

(b) where circumstances so require, then determine the person to whom (and, where there is more than one person, the proportions in which) that compensation is to be granted.

And for the purpose of enabling the Tribunal to make a determination under paragraph (b) the matter shall be presented to the Tribunal by the Secretary, and the Minister shall, subject to any direction by the President under section 2 of the Act, take no part in the proceedings.

Regulation 7—Approvals by Appeal Tribunal Under Section 8 (2) of the Act.

Where the Appeal Tribunal approves any disposal of land under subsection (2) of section 8 of the Act, the Secretary shall ensure that the instrument effecting the disposal is endorsed to that effect.

Regulation 8—Requirements of Sections 8 (4) and 10 (5) of the Act.

The Appeal Tribunal shall not entertain any appeal unless it is satisfied that the requirements of subsection (4) of section 8 or of subsection (5) of section 10 of the Act (as the case may require) have been complied with.

Regulation 9—Costs.

The Appeal Tribunal shall have power to make an award of costs in any appeal.

By Command of the President

K. A. OFORI ATTA

Minister of Justice

SCHEDULE

(Regulation 3)

REPUBLIC OF GHANA

THE ADMINISTRATION OF LANDS ACT, 1962 (ACT 123)

THE ADMINISTRATION OF LANDS (APPEAL TRIBUNAL) REGULATIONS, 1963.

NOTICE

Under Regulation _____ by the Tribunal

(delete where inapplicable)

To

.....
.....

In _____ the _____ matter _____ of _____ land

.....

(described location)

and _____ in _____ the _____ matter _____ of _____ the _____ appeal _____ by

.....

(name)

against a refusal by the Minister to approve the disposal of the land/failure of the Minister to notify his decision regarding the disposal of the land/determination by the Minister of compensation for special loss by reason of disturbance/failure by the Minister to grant compensation/the amount of compensation.

TAKE NOTICE that the Minister has transmitted the above appeal to the Tribunal and that the Tribunal will proceed to hear the appeal on the _____ day of _____, 196.....

at

(place)

and on such other days as may be directed by the Tribunal.

Accra, the.....day of196

.....

Chairman.

Date of Gazette Notification: 23rd February, 1963.