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BCCSA - Appeal to Appeal Tribunal

- 4.1 If any of the parties to a matter which has been decided upon by the Tribunal is aggrieved by the decision, that party may, within 5 days, apply to the Chairperson of the Tribunal in writing for leave to appeal to an Appeal Tribunal of the Commission.
- 4.2 A party who files such an application must set out the grounds fully upon which that party believes that an Appeal Tribunal is likely to come to a different decision.
- 4.3 The Chairperson of the Tribunal may decide the matter on the papers and broadcast in the matter and without hearing the parties if the parties agree to such a procedure.
- 4.3 Where such leave is granted, the said Chairperson may require the party who applied for such leave to provide security (R10 500 excl VAT) to the Registrar for the costs of the adjudication by the Appeal Tribunal, which costs would include the foregoing procedural costs and would be based on an adjudication which does not last longer than one day.
- 4.4 Where leave to appeal is refused, a party who is aggrieved by such a refusal may, within 5 days, apply to the Chair of the Commission or the Deputy Chairperson of the Commission or another Commissioner designated by the Commission for leave to appeal – such Chair, Deputy or Commissioner not having sat in the first Tribunal. Such application is decided upon on the papers, unless the Chairperson, Deputy or other Commissioner requests the party to address him or her.
- 4.5 Where leave to appeal is granted the Chairperson or other Commissioner which has granted such leave, may suspend the sanction imposed by the Tribunal pending the outcome of the appeal.
- 4.7 The Appeal Tribunal and its Chairperson shall apply the same procedure which is applied by the first Tribunal of the Commission when it decides

upon a matter. In this procedure the grounds of appeal and response thereto, as lodged within a time frame determined by the Chairperson of the Appeal Tribunal, plus the reasons given by the Tribunal, shall be considered. The Chair of the Appeal Tribunal may co-opt a maximum of two persons who are not Commissioners for the hearing of an appeal and such persons will have the right to partake in the proceedings and vote. An Appeal Tribunal shall not consist of more than five persons, including the Chairperson. Where the Chairperson or Deputy of the Commission is not available or may not (as a result of having been on the first Tribunal) sit in such a matter, the Appeal Tribunal will be chaired by another Commissioner designated for that purpose by the Commission.

- 4.8 The Appeal Tribunal may, where it is deemed appropriate, order an appellant to pay the costs which the Commission had in determining the appeal. Such costs would consist of the fees and costs payable to the persons who were involved in the allowing of the appeal, the hearing thereof plus an administrative fee determined by the Chairperson of the Commission from time to time. An Appellant shall be notified by the Registrar of the possible costs involved when the appeal is lodged.
- 4.9 An Appeal Tribunal shall not set aside or amend a decision of the first Tribunal unless it is clearly wrong.

BANK DETAILS:

**NEDBANK HYDE PARK
CURRENT ACCOUNT
ACCOUNT NO: 1972141848
BRANCH CODE: 197205**