

GOVERNMENT OF ZAMBIA

STATUTORY INSTRUMENT NO. 5 OF 2023

The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (Appeals Tribunal) Rules , 2023

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*Copies of this Statutory Instrument can be obtained from the Government Printer,
P.O. Box 30136, 10101 Lusaka. Price K 56.00 each.*

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IN EXERCISE of the powers contained in section 42 of the Energy Regulation Act, 2019, the following Rules are made:

PART I

PRELIMINARY

1. These Rules may be cited as the Energy Regulation (Appeals Tribunal) Rules, 2023. Title
2. In these Rules, unless the context otherwise requires— Interpretation
 - “appellant” means a person who appeals to the Minister against a decision of the Energy Regulation Board in accordance with section 34 of the Act;
 - “Chairperson” means the person appointed as Chairperson of the Tribunal under section 35 of the Act;
 - “Emoluments Commission” means the Emoluments Commission established under the Constitution; Cap.1
 - “Energy Regulation Board” has the meaning assigned to the words in the Act;
 - “legal practitioner” has the meaning assigned to the word “practitioner” in the Legal Practitioners Act; Cap. 30
 - “Secretary means the person designated as Secretary under rule 3; and
 - “Tribunal” means an *ad hoc* appeals tribunal appointed and convened in accordance with section 35 of the Act.
3. (1) The permanent secretary within the ministry responsible for energy shall designate a public officer from within the ministry responsible for energy to serve as Secretary of the Tribunal. Secretary
 - (2) Subject to subrule (1), a person shall be designated as Secretary if the person holds a position of assistant director or higher than assistant director.
 - (3) Subject to section 37 of the Act, the Secretary shall—
 - (a) receive, register and assign a reference number to each appeal;
 - (b) keep and maintain a register of appeals;
 - (c) issue and serve notices of hearing;
 - (d) ensure that notices, summons, or other documents are served on appropriate persons before a hearing by the Tribunal;
 - (e) receive correspondence or documents on behalf of the Tribunal;

- (f) keep and maintain a record of proceedings before the Tribunal; and
- (g) perform any other function specified in the Act or these Rules, as may be directed by the Chairperson.

PART II

APPEALS PROCESS AND PROCEDURE

General title
of
proceeding

4. Proceedings under these Rules shall be titled as set out in Form I of the First Schedule.

Notice of
appeal

5. (1) A person aggrieved with a decision of the Energy Regulation Board may appeal to the Minister by lodging a notice of appeal in Form II set out in the First Schedule on payment of a fee set out in the Second Schedule.

(2) A notice of appeal referred to in subrule (1) shall be accompanied by—

- (a) the decision appealed against;
- (b) a statement of facts, setting out the appellant=s grounds of appeals, based on facts and the law, and the relief being sought; and
- (c) any other information which the Minister may require.

(3) The Minister shall cause a notice of appeal lodged under this rule to be acknowledged as received by stamping all copies of the notice of appeal with the Minister=s official stamp, and a copy of the notice of appeal shall be returned to the appellant.

(4) The Minister shall, within three days of receipt of a notice of appeal under this rule, cause the notice of appeal together with the accompanying documents, to be submitted to the Secretary.

(5) The Secretary shall, within two days of receipt of a notice of appeal from the Minister under subrule (4)—

- (a) submit the notice of appeal, together with the accompanying documents, to the Chairperson; and
- (b) serve the notice of appeal , together with the accompanying documents, on the Energy Regulation Board.

Request for
additional
information

6. (1) The Chairperson may, at any time after receipt of a notice of appeal, order the appellant to furnish the Secretary with a statement, in writing, setting out additional information—

- (a) relating to the grounds on which the appellant intends to rely; and
- (b) which the Chairperson considers necessary for the proper determination of the matter.

(2) The additional information referred to in subrule (1) shall be furnished within a period as the Chairperson may direct, but not exceeding fourteen days.

(3) The Secretary shall, on receipt of the statement referred to in subrule (1), submit a copy of the statement to the Energy Regulation Board.

7. The Energy Regulation Board shall, where the Energy Regulation Board intends to oppose an appeal, within fourteen days of being served with the notice of appeal, and the accompanying documents, file with the Secretary an answer in Form III set out in the First Schedule on payment of a fee set out in the Second Schedule.

Answer and
reply

(2) An answer filed under subrule (1) shall be accompanied by a statement of facts, setting out the grounds on which the Energy Regulation Board intends to rely on in opposing the appeal.

(3) The Secretary shall, within two days of receipt of the answer under subrule (1), serve the answer on the appellant.

(4) An appellant may, within seven days of being served with an answer under this rule, file a reply with the Secretary.

8. (1) The Chairperson shall, within fourteen days of the expiry of the period for filing a reply under rule 7, summon the parties to a scheduling conference by notice in Form IV set out in the First Schedule.

Scheduling
conference

(2) At the scheduling conference, the Chairperson shall—

(a) direct the parties to indicate—

(i) the number of witnesses each party intends to call;
and

(ii) an estimate of the amount of time the hearing shall take;

(b) issue directions regarding—

(i) the filing of witness statements and lists of authorities; and

(ii) any other procedural step to be taken by each party prior to the hearing; and

(c) subject to rule 8(3), set a date for hearing the appeal.

(3) The Chairperson may dismiss an appeal if the parties do not attend a scheduling conference on two consecutive occasions without justifiable cause.

9. (1) The parties shall, at least fourteen days before the date set for the hearing of an appeal, comply with the directions issued at the scheduling conference.

Status
conference

(2) The Chairperson may summon the parties to a status conference for purposes of establishing the parties' compliance with the directions issued at the scheduling conference.

(3) The Chairperson may, where a party has not complied with directions issued at the scheduling conference, make an order which the Chairperson considers appropriate, including an order for costs against that party.

Notice of hearing

10. The Secretary shall, after the scheduling conference and in consultation with the Chairperson, issue a notice of hearing in Form V set out in the First Schedule.

Sittings of Tribunal

11. The Tribunal shall sit and hear matters at a place, time and in a manner determined by the Chairperson, in consultation with the members.

Hearing

12. (1) Subject to the Act and these Rules, the Tribunal shall regulate its own procedure and cause to be kept a record of its proceedings.

(2) A sitting of the Tribunal shall be presided over by—

(a) the Chairperson; or

(b) in the absence of the Chairperson, a member elected by the members from among themselves.

(3) Proceedings before the Tribunal shall be held in public unless, on an application by a party, the Tribunal directs that the proceedings or part of the proceedings be held in camera on conditions that the Tribunal may determine.

(4) The validity of a process, proceeding, act or decision of the Tribunal shall not be affected by -

(a) a vacancy in the membership of the Tribunal;

(b) a defect in the appointment of a member; or

(c) reason that a person not entitled to do so took part in the process, proceeding, act or decision.

(5) At the hearing of a matter the—

(a) appellant shall present evidence in support of the appellant's case;

(b) the Energy Regulation Board may present evidence to rebut the evidence of the appellant; and

(c) the appellant may present evidence in reply to the evidence presented by the Energy Regulation Board.

(6) At the conclusion of the hearing, the parties may make oral or written submissions within a period as the Tribunal, the Chairperson or the person presiding may direct.

(7) The Tribunal may, where on the hearing of an appeal the appellant intends to introduce a ground of appeal which was not specified in the notice of appeal and the omission of that ground from the notice was, in the opinion of the Tribunal, not wilful or unreasonable, allow the appellant to introduce that ground.

(8) The Tribunal shall, where the Tribunal allows an appellant to introduce a new ground of appeal under subrule (7), give the Energy Regulation Board an opportunity to respond to the new ground.

(9) Except as specified in these Rules, the law relating to admissibility of evidence and procedures of a court shall not apply to proceedings before the Tribunal.

(10) The standard of proof required to determine a question or issue before the Tribunal shall be that applicable to civil proceedings in a Court.

13. (1) A matter may be struck out if the appellant, the appellant's legal practitioner or other representative of the appellant does not attend a hearing of the matter.

Non
attendance at
hearing

(2) An appellant may, within fourteen days of a matter being struck out, apply to have the matter restored, failing which the Tribunal may dismiss the matter.

(3) The Tribunal may, after hearing an application under subrule (2), order that the matter be restored.

(4) The Tribunal may dismiss a matter if the

(a) appellant does not attend a hearing on two consecutive dates of hearing; or

(b) matter is restored under subrule (3) and the appellant does not attend the next hearing.

(5) Subject to rule 17, the Tribunal may hear or adjourn a matter on terms that the Tribunal considers necessary if the appellant attends the hearing but the Energy Regulation Board, despite having been notified of the hearing, does not attend.

14. Despite rule 13, a party may, at least seven days before the date of hearing of an appeal, apply to the Tribunal to dispense with the attendance of the parties at the hearing, and for the Tribunal to determine the appeal on the basis of the documents lodged by the parties.

Determination
of appeal on
documents
lodged

15. (1) A party may, at least seven days before the date of hearing, apply to the Tribunal to hold the hearing by electronic means in Form VI set out in the First Schedule on payment of a fee set out in the Second Schedule.

Electronic
hearings

(2) The Tribunal shall, where the Tribunal grants an application under subrule (1), give directions relating to the time and mode of the hearing.

Notice to
produce
document or
other
information

16. (1) A party may, at any time before or during the hearing of an appeal, file a notice to produce a document or other information relating to the appeal which is in the possession of the other party.

(2) A party that files a notice referred to under subrule (1) shall serve the notice on the other party within five days of filing that notice.

(3) A notice to produce a document or other information shall be in Form VII set out in the First Schedule.

Adjournments

17. (1) Subject to subrule (2), the Tribunal may, on an application by a party or at the instance of the

Tribunal, adjourn a hearing on terms that the Tribunal considers just.

(2) An application for an adjournment shall not be granted except in compelling and exceptional circumstances.

(3) The Secretary shall, where the Tribunal adjourns a hearing, notify the parties of the new date of hearing in Form V set out in the First Schedule.

Interlocutory
applications

18. (1) An interlocutory application shall be made to the Tribunal.

(2) A party shall, where a party intends to make an interlocutory application, file with the Secretary summons

in Form VIII set out in the Schedule and an affidavit in support of the interlocutory application in Form IX set out in the First Schedule, on payment of a fee set out in the Second Schedule.

(3) A party may, within five days of being served with an interlocutory application, oppose the application by lodging an affidavit in opposition on payment of a fee set out in the Second Schedule.

(4) The Secretary shall, within five days of lodging an interlocutory application or an affidavit in opposition by a party under this rule, serve the application or the affidavit in opposition on the other party.

(5) The Tribunal may, where an application is made under this rule—

(a) dismiss the application if the Tribunal is of the opinion that the application is frivolous or vexatious;

(b) set a date for hearing the parties on the application; or

(c) make an order granting the application and set a date for hearing the parties on the application, after which hearing the Tribunal may confirm, vary or discharge the order.

(6) A party that intends to withdraw an interlocutory application made under this rule may file a notice of withdrawal of proceedings in Form X set out in the Schedule—

(a) at anytime before the hearing of the application; or

(b) during the hearing of the application, with the consent of the Tribunal.

19. (1) A party may, at any stage of the proceedings and prior to the determination of an appeal or an application, apply to the Tribunal for an order to amend a document filed by that party.

Amendment
of
documents

(2) A party granted an application made under subrule (1) shall, within seven days from the date of receipt of the order, file and serve the amended document on the other party.

(3) A party affected by an amendment made under this rule may, within seven days of being served with the amended document—

(a) amend and file that party's relevant documents;

(b) serve the documents referred to under paragraph (a) on the other party.

20. (1) The Tribunal may, at any stage of the proceedings, by summons in Form XI set out in the First Schedule, direct a person to—

Summoning
of persons
before
Tribunal

(a) attend before the Tribunal in respect of the matter before the Tribunal, at the time and place specified in the summons;

(b) give evidence in the proceedings; or

(c) produce a document or other thing in that person's possession or control as specified in the summons.

(2) The obligation on a witness summoned in accordance with subrule (1) to attend proceedings extends to any time and place to which the proceedings are adjourned to.

(3) A summons for the attendance of a witness or for the production of a document or other thing shall be signed by the Chairperson and served in the same manner as a subpoena for the attendance of a witness in a civil matter before a court.

21. (1) The Tribunal may receive a witness statement, document or other thing as evidence which, in the opinion of the Tribunal, may assist in effectively determining a matter before the Tribunal.

Evidence

(2) The Tribunal may receive oral evidence from a witness within, or outside, the Republic through—

- (a) audiovisual technology and that evidence shall be recorded in the same manner as if the witness were physically present at the hearing; or
- (b) any other means as may be determined by the Tribunal.

(3) The Tribunal may take judicial notice of a fact.

(4) A person summoned to give evidence is entitled to the same privileges and immunities as those enjoyed by a person called or summoned to give evidence in civil proceedings before a court.

Witness
statement

22. (1) A witness statement shall—

- (a) be expressed by, stating—
 - (i) the full name of the person making the statement;
 - (ii) place of residence of the person making the statement or, if made in a professional, business or other occupational capacity, the position of that person, the address of the place of business and the name of the firm or employer; and
 - (iii) the occupation or description of occupation of the person making the statement;

(b) be written in clear narrative form;

(c) contain all the facts relevant to the matter for determination by the Tribunal;

(d) make reference to the documents relied on by the person making the statement;

(e) state that the contents of the witness statement are true to the best of the knowledge and belief of the person making that witness statement;

(f) be treated, on production, as the evidence in chief of the person by whom the statement is made, who shall be amenable to cross-examination; and

(g) be signed by the person making the statement.

(2) Dates, sums or other numbers in a witness statement shall be expressed in figures and not words.

(3) A witness statement under this rule shall not be required to be authenticated under the Authentication of Documents Act.

Cap. 75

Assessors
and experts

23. (1) An assessor or expert appointed by the Tribunal shall be suitably qualified to provide the Tribunal with expert information or advice relevant in assisting the Tribunal to determine an appeal.

(2) An assessor or expert referred to in subrule (1) shall be paid an allowance as determined by the Emoluments Commission.

24. (1) A decision of the Tribunal may be delivered by a member who presided over the proceedings.

Decision of
Tribunal

(2) The Tribunal may dispose of an appeal by—

(a) confirming, varying or setting aside a decision of the Energy Regulation Board and substituting that decision with one which the Tribunal considers appropriate;

(b) remitting the matter which is the subject of the appeal to the Energy Regulation Board with directions which the Tribunal considers appropriate; or

(c) making any other order which the Tribunal considers appropriate.

(3) Where the Tribunal varies or substitutes a decision of the Energy Regulation Board in accordance with subrule (2), the decision as varied or substituted shall be the decision of the Minister made on appeal.

(4) The Tribunal shall deliver its decision within fourteen days of the conclusion of the hearing of an appeal.

(5) A decision or order of the Tribunal shall be signed by the members who sat to hear the matter.

(6) The Secretary shall communicate a decision of the Tribunal by serving a copy of the decision on each party to the proceedings and on every person affected by the decision.

(7) A decision of the Tribunal shall be enforced as if it were a decision of a court.

25. An appeal to the High Court against a decision of the Tribunal shall be instituted in accordance with the rules of procedure applicable to the High Court.

Appeals to
High Court

PART IV

GENERAL PROVISIONS

26. (1) The jurisdiction vested in the Tribunal shall, as regards practice and procedure, be exercised in accordance with the Act, these Rules or other written laws.

Practice
and
procedure

(2) The practice and procedure applicable in the High Court shall apply, with the necessary modifications, where the Act, these Rules or other written laws do not provide for the manner in which the Tribunal may exercise its jurisdiction relating to practice and procedure.

Withdrawal of proceedings	<p>27. (1) An appellant may withdraw an appeal at any time before the hearing of the appeal or, with the consent of the Tribunal, during the hearing of the appeal but before final determination of the appeal.</p> <p>(2) An appellant who intends to withdraw an appeal shall lodge with the Secretary a notice of withdrawal in Form X set out in the First Schedule on payment of a fee set out in the Second Schedule.</p> <p>(3) The Tribunal may order a party who withdraws an appeal in accordance with this rule to pay costs to the other party.</p>
Withdrawal of legal practitioner	<p>28. A legal practitioner who withdraws from representing a party shall file a notice of withdrawal stating the last known contact details of the party and serve the notice on the other party within five days of filing the notice.</p>
Service of process	<p>29. (1) A document required to be served under these Rules shall be served by physically delivering the document to the person to whom the document is addressed.</p> <p>(2) Despite subrule (1), the Tribunal may, where the Tribunal considers that it is impracticable to effect service of a document in accordance with subrule (1), permit service to be effected by—</p> <ul style="list-style-type: none">(a) sending the document to the electronic mail address provided by the person to whom that document is addressed;(b) registered post to the postal address provided by the person to whom that document is addressed; or(c) advertising the document in a daily newspaper of general circulation in the Republic.
Appeal not to operate as stay	<p>30. An appeal against a decision of the Energy Regulation Board or the Tribunal shall not operate as a stay.</p>
Language	<p>31. (1) A document to be filed under these Rules shall be in the English language.</p> <p>(2) Despite subrule (1), where a document referred to in subrule (1) is in a language other than English, the document shall be accompanied by a certified translated version.</p>
Number of copies to lodge	<p>32. A person filing a document required to be filed under these Rules shall, unless otherwise provided in these Rules, lodge a minimum of nine copies of the document.</p>
Proceedings to be judicial proceedings Cap. 87	<p>33. A proceeding before the Tribunal shall for all purposes, and in particular for the purposes of Chapter XI of the Penal Code, be a judicial proceeding.</p>

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------|
| <p>34. (1) Where parties agree on the terms of an order to be made by the Tribunal, the particulars of the terms agreed on shall be in writing and signed by the parties, their legal representatives or agents.</p> <p>(2) The parties shall send the terms agreed on in accordance with subrule (1) to the Secretary, and the Tribunal may, in the absence of the parties, make an order in accordance with those terms.</p> | <p>Consent order</p> |
| <p>35. (1) The Tribunal may, on an application by a party, extend the time within which to file a document, other than an appeal, or to take any other step in the proceedings.</p> <p>(2) An application to extend the time under this rule shall—</p> <p style="padding-left: 40px;">(a) state the grounds for seeking an extension; and</p> <p style="padding-left: 40px;">(b) be made before the expiration of the time fixed by these Rules.</p> <p>(3) The parties may, by consent, abridge the time for making an application or for taking a step in, or in connection with, the proceedings.</p> <p>(4) Where the parties fail to consent to abridge time under subrule (3), a party may apply to the Tribunal to abridge the time.</p> | <p>Extension and abridgment of time</p> |
| <p>36. (1) The Tribunal may, at any time, correct a clerical error arising from an accidental slip or omission made in a decision of the Tribunal.</p> <p>(2) Where a correction is made under subrule (1), the Tribunal shall cause to be—</p> <p style="padding-left: 40px;">(a) altered, in the appropriate register, an entry which is affected by the correction; and</p> <p style="padding-left: 40px;">(b) sent to the parties a copy of the decision as corrected.</p> | <p>Correction of clerical errors, accidental slips or omissions</p> |
| <p>37. (1) The Tribunal may, at the instance of the Tribunal or on an application by a party or a person likely to be affected by a decision of the Tribunal, join a person to the proceedings.</p> <p>(2) A person that has been wrongly joined to the proceedings before the Tribunal may apply to be removed as a party.</p> | <p>Joinder and misjoinder</p> |
| <p>38. A summons, notice or other document issued by the Tribunal shall be signed by the Chairperson or, where the Tribunal so directs, by the Secretary.</p> | <p>Signing of documents</p> |
| <p>39. (1) Subject to this rule, the Tribunal may, on an application by a party or at the instance of the Tribunal enter on, and inspect, property which is the subject of the proceedings at reasonable times.</p> | <p>Inspection of property</p> |

(2) The Tribunal shall give the parties at least twenty four hours notice of the Tribunal's intention to enter on and inspect property referred to in subrule (1).

(3) A party may attend an inspection under this rule in person or be represented by a legal practitioner.

(4) An inspection under this rule shall not be rendered invalid by the non attendance of a party who has been notified of the inspection in accordance with subrule (2).

Database of
appeals

40. (1) The Secretary shall keep and maintain a database of appeals heard by the Tribunal, together with all correspondence regarding appeals, decisions or settlements, under relevant dates.

(2) The database referred to in subrule (1) shall be in the form of a document management system which—

(a) tracks and monitors appeals and applications brought before the Tribunal; and

(b) maintains an auditable trail of every decision of the Tribunal.

(3) Subject to subrule (4), a person may, during normal working hours, search the database kept and maintained under this Rule.

(4) The Secretary may restrict a search on a matter in respect of which the hearing was held in camera.

(5) A request for a search under this rule shall be in Form XII set out in the First Schedule.

Taxation of
costs

41. (1) A party may, within sixty days of an order for costs, apply to the Tribunal for taxation of the costs.

(2) Subject to the Act and these Rules, the practice and procedure applicable in the High Court in relation to taxation of costs shall apply to taxation of costs by the Tribunal.

(3) The Tribunal shall, in taxing a bill of costs, apply the scale of fees for the time being applicable in the High Court.

(4) The Chairperson shall, on payment of the taxing fee set out in the Second Schedule, sign the Certificate of Taxation.

Fees

42. The fees payable for matters provided for in these Rules are set out in the Second Schedule.

Non-
compliance
with rules

43. Where a party does not comply with these Rules, the Tribunal may, after giving the parties an opportunity to be heard, make an order that may be appropriate for the purpose of expediting or disposing of the proceedings.

FIRST SCHEDULE

(Rules 4, 5, 7, 8, 10, 15, 16, 17, 18, 20, 27 and 40)

PRESCRIBED FORMS



The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (Appeals Tribunal) Rules, 2023

Form I

(Rule 4)

(To be completed in duplicate)

GENERAL TITLE OF PROCEEDINGS

IN THE ENERGY REGULATION (APPEALS TRIBUNAL)

HELD AT.....

BETWEEN

.....
APPELLANT

AND

.....
RESPONDENT



The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (Appeals Tribunal) Rules, 2023

Form II
(Rule 5(1))
(To be completed in duplicate)

(Insert title of proceedings)
NOTICE OF APPEAL

To: The Minister
The Energy Regulation (Appeals Tribunal)
Lusaka

I, do hereby appeal to the Minister against a decision made by the Energy Regulation Board, as follows:

DETAILS OF APPELLANT AND SUBJECT MATTER

- 1. Name of appellant
.....
- 2. Date of Energy Regulation Board decision and subject reference
- 3. Appellant’s contact information
- 4. Brief summary of appeal, including reference to a licence or permit, if applicable
.....
- 5. List of documents provided by Appellant
- 6. Date appeal lodged
- 7. Means of communication to be used to communicate with Appellant:
.....
- 8. Contact information including telephone, email and postal Address of Appellant:
.....
- 9. Other necessary information:
.....

LODGEMENT REQUIREMENTS

1. Decision appealed against: Yes No

2. Statement of Facts: Yes No

3. Any other information required:

.....
.....
.....
.....

.....

Signature of Appellant



The Energy Regulation Act, 2019
 (Act No. 12 of 2019)

The Energy Regulation (Appeals Tribunal) Rules, 2023

Form III
 (Rule 7(1))
 (To be completed in duplicate)

(Insert title of proceedings)

ANSWER

May it please the Honourable Tribunal

The Respondent above named begs to submit the Respondent's answer to the appeal as follows (herein set out in numbered paragraphs the Respondents answer):

.....

.....

.....

.....

.....

.....

.....

Date:

Signature:



The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (Appeals Tribunal) Rules, 2023

Form IV
(Rule 8(1))
(To be completed in duplicate)

(Insert title of proceedings)

NOTICE OF SCHEDULING CONFERENCE

TAKE NOTICE THAT shall be held on the
..... day of 20..... at hours in
the..... noon at (*here insert place*)

.....
Chairperson



The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (Appeals Tribunal) Rules, 2023

Form V
(Rule 10, 17(3))
(To be completed in duplicate)

(Insert title of proceedings)

NOTICE OF HEARING

Sir/Madam,

On behalf of the Chairperson of the Appeals Tribunal notice is hereby given to you that an appeal made to the Minister will be heard at(place) on the day of20 athours.

Appeal: *(set out briefly the facts alleged)*

Attachments: *(attach notice of appeal and other documents and information)*

You are hereby invited to attend the Appeals Tribunal and also to appear before the Appeals Tribunal at the place and time specified above.

You may appear in person or by a legal practitioner, or by an officer or agent of your choice. Any answer, admission, or other statement or communication, which you may desire to make with respect to the said appeal, should be addressed to the Secretary.

If you desire to make an application that the hearing be postponed, you should send the application to the Secretary as soon as may be, stating the grounds on which you desire a postponement. Such an application shall be considered by the Appeals Tribunal in accordance with the Energy Regulation (Appeals Tribunal) Rules, 2022.

Issued by the Secretary

.....
Signature



The Energy Regulation Act, 2019
 (Act No. 12 of 2019)

The Energy Regulation (Appeals Tribunal) Rules, 2023

Form VI
 (Rule 15)

(To be completed in duplicate)

(Insert title of proceedings)

APPLICATION TO HOLD HEARING ELECTRONICALLY

I,(*Appellant/Respondent), seek leave of the Appeals Tribunal that the hearing set for theday of.....20..... of be held electronically for the following reasons:

.....

.....

.....

.....

.....

.....

.....
Signature

**Delete whichever is inapplicable.*



The Energy Regulation Act, 2019
 (Act No. 12 of 2019)

The Energy Regulation (Appeals Tribunal) Rules, 2023

Form VII
 (Rule 16(3))
 (To be completed in duplicate)

(Insert title of proceedings)

NOTICE TO PRODUCE DOCUMENT OR OTHER INFORMATION

TAKE NOTICE that you are required to lodge with the Appeals Tribunal the following documents or other information which, in the opinion of the Appeals Tribunal, is in your possession or under your control on or before the day of, 20.....
 Given under my hand and the seal of the Appeals Tribunal this day of, 20.....

.....
Chairperson

To: Whose address (es) for service is or are:
 Physical address:
 Electronic mail address:
 Postal address:
 Telephone/Mobile Phone Number:



The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (Appeals Tribunal) Rules, 2023

Form VIII
(Rule 18(2))
(To be completed in duplicate)

(Insert title of proceedings)

SUMMONS (FOR USE IN INTERLOCUTORY APPLICATION)

LET the *party/parties concerned attend (state whether physically or virtually) before the *Appeals Tribunal/Chairperson on the day of..... 20..... at hours in the noon on the hearing of an application on the part of the *Appellant/Respondent for an order thatand that costs of the application be

Dated at this day of 20

This Summons was taken out by..... whose address(es) of service is or are:

1. Physical address:
2. Electronic mail address:.....
3. Postal address:
4. Telephone/Mobile Phone Number:

To: whose address(es) for service is or are:

1. Physical address: :
2. Electronic mail address:
3. Postal address:
4. Telephone/Mobile Phone Number:

**Delete whichever is inapplicable.*



The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (Appeals Tribunal) Rules, 2023

Form IX
(Rule 18(2))
(To be completed in duplicate)

(Insert title of proceedings)

AFFIDAVIT (GENERAL)

I,, of (address) hereby make oath and say as follows:

- 1. That I am(insert profession)
- 2. That
(insert all the relevant facts relating to the appeal)
- 3. That

Sworn by the said:

At Signature

on the day of 20

Before me: _____
Commissioner for Oaths



The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (Appeals Tribunal) Rules, 2023

Form X
(Rule 18(6) and 27(2))
(To be completed in duplicate)

(Insert title of proceedings)

NOTICE OF WITHDRAWAL OF PROCEEDINGS

TAKE NOTICE THAT the *Appellant/Applicant..... (name)
discontinues further proceedings in this *appeal/interlocutory application, or such part thereof
as relates to *(set out part to which withdrawal relates)*.

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

This notice has been filed by the *Appellant/Applicant or their Advocate, whose address(es) for
service is or are:

1. Physical address:
2. Electronic mail address:
3. Postal address:
4. Telephone/Mobile Phone Number:

To: The Minister
Ministry of Energy
Lusaka

The *Appellant/ Applicant or their Advocate, whose address (es) for service is or
are:

1. Physical address:
2. Electronic mail address:
3. Postal address:
4. Telephone/Mobile Phone Number:

*"Delete whichever is inapplicable.



The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (Appeals Tribunal) Rules, 2023

Form XI
(Rule 20(1))
(To be completed in duplicate)

(Insert title of proceedings)

SUMMONS TO APPEAR BEFORE TRIBUNAL

To:
.....
.....

(Name of person or witness summoned and address)

YOU ARE HEREBY SUMMONED to appear at (Place)
on..... (day of the week), theday of..... 20.....
at hours in the noon before the Appeals Tribunal convened under
the Energy Regulation Act, 2019, to give evidence in respect of an appeal to the Minister against
a decision of the Energy Regulation Board (*if the person summoned is to produce any book,
record, document or thing, add*) and you are required to bring or submit the following documents
and information:

(Specify the book, record, document or other information required)

Issued by the Secretary to the Tribunal

Signature:



The Energy Regulation Act, 2019
(Act No. 12 of 2019)

The Energy Regulation (Appeals Tribunal) Rules, 2023

Form XII
(Rule 40(5))
(To be completed in duplicate)

(insert title of proceedings)

SEARCH FORM

SEARCH for:

Dated at the day of 20.....

Signed:.....

Address:.....

.....

.....

.....

Capacity in which search conducted:

.....

SECOND SCHEDULE
(Rules 5, 7, 15, 18, 27, 41 and 42)

FEES

<i>No.</i>	<i>Process</i>	<i>Fee Units</i>
1.	On lodging an appeal	3,333
2.	On lodging an Answer On lodging an affidavit	333.3666.6
4.	On lodging a Notice of withdrawal of proceedings	1, 666.6
5.	On lodging any other document not specifically provided for	833.3
6.	Lodging of a Witness Statement	333.3
7.	Summons	333.3
8.	Search	333.3
9.	For transcript of proceedings per page	66.6
10.	On lodging a Notice of taxation	833.3
11.	Consent of Taxation	5% of the agreed cost
12.	Taxing fee on taxing bill of costs	10% of taxed bill of costs
13.	Objection to bill of costs	166.6

JUSTICE M. MALILA,
Chief Justice

LUSAKA
14th February, 2023
[J/64]