

**Information and Communication Technologies Appeal Tribunal (Rules of Procedure)  
Regulations 2004**

**GN No. 56 of 2004**

**THE INFORMATION AND COMMUNICATION TECHNOLOGIES ACT 2001**

**Regulations made by the Minister, after consultation with the Board of the Information and  
Communication Technologies Authority, under section 48 of the Information and  
Communication Technologies Act 2001.**

1. These regulations may be cited as the **Information and Communication Technologies Appeal Tribunal (Rules of Procedure) Regulations 2004.**
2. In these regulations-  
  
"Act" means the Information and Communication Technologies Act 2001;  
  
"Secretary" means a public officer designated as such by the Minister;
3. Any person who wishes to appeal to the Tribunal shall-
  - (a) give notice of appeal in the form set out in the First Schedule by lodging the notice of appeal with the Secretary, or by sending it to him by registered post, accompanied by a fee of 500 rupees; and
  - (b) at the same time send a copy of the notice of appeal to the Authority and any other party to the appeal.
4. The Secretary shall act as Registrar of the Tribunal and shall-
  - (a) keep minutes of proceedings before the Tribunal and notes of any oral and written evidence adduced;
  - (b) have the custody of any document or exhibit produced at a hearing before the Tribunal; and
  - (c) perform such other duties as the Tribunal may assign to him
5. Whenever the Secretary is absent from the Tribunal, the Chairperson or the Deputy Chairperson may order any other officer to act in place of the Secretary, and to do in the Tribunal all such matters and things as are required to be done by the Secretary, and an entry of such appointment, and of the cause of the absence of the Secretary shall be made in the minutes of the Tribunal.

6. The Secretary shall give not less than 10 days' notice in writing of the date, time and place fixed for the hearing of an appeal to the appellant and to the Authority.
7. At the hearing of an appeal either party may be represented by Counsel or Attorney or other representative duly authorised by him.
8. (1) Where at the hearing of an appeal, or at any continuation or adjournment of the appeal, the appellant or other party-
  - (a) does not appear; and
  - (b) does not sufficiently excuse his absence,after having been duly notified of the date of hearing, the appeal shall, upon proof of the service of the notice, be heard on a day to be fixed by the Tribunal.
- (2) When a hearing has been fixed under paragraph (1), no notice of the day of the hearing shall be required to be served upon the other party.
9. The Tribunal shall endeavour to avoid formality in its proceedings.
10. The Secretary shall-
  - (a) send a certified copy of the determination of the Tribunal to the appellant to the Authority and any other party within 3 days of the determination;
  - (b) draw the attention of the parties to their right of appeal against the determination provided under section 43 of the Act.
11. The Chairperson, Deputy Chairperson and any member of the Tribunal, and any public officer designated under section 37 of the Act-
  - (a) shall, before he begins to perform his duties under the Act, make a declaration of fidelity and secrecy in the form set out in the Second Schedule;
  - (b) shall maintain and aid in maintaining the secrecy of any matter which comes to his knowledge in the performance of his duties under the Act; and
  - (c) shall not, except for the purpose of administering the Act, communicate to any person information about such matter.

12. (1) A representative of the Authority, an appellant and any other party may apply to the Secretary for a copy of the proceedings relating to the hearing of a case before the Tribunal.
- (2) The copy shall be delivered on payment of a fee of 10 rupees for every page of paper used.

Made by the Minister, after consultation with the Board of the Authority, on 28 April 2004.

**FIRST SCHEDULE**

(regulation 3)

**INFORMATION AND COMMUNICATION TECHNOLOGIES APPEAL TRIBUNAL**

**Notice of appeal under section 39 of the Information and Communication Technologies Act 2001.**

1. Name of Appellant : .....
2. Address of Appellant: .....
3. Any communication relating to this appeal should be sent to .....
- the appellant at .....
- (appellant's address for service and telephone number, if any)
4. The appellant appeals against:
- (a) a decision of the Information and Communication Technologies Authority
- (b) Date of decision:.....Date of notification:.....
5. The appellant's grounds of appeal are: .....
- .....
- .....
- .....
6. A copy of the notice of appeal has been sent to the Information and Communication Technologies Authority.

Date:..... Signature:.....

<b>FOR OFFICE USE ONLY</b>	..... .....	Remarks:..... .....
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**SECOND SCHEDULE**

(regulation 11)

**IN THE DISTRICT COURT OF PORT LOUIS**

**Declaration of Fidelity and Secrecy**

I,.....  
make oath/solemnly affirm/ declare that I will well and truly serve the Government of the Republic of Mauritius in the Office of .....in the Information and Communication Technologies Appeal Tribunal and that in the discharge of my duties or employment in the administration of the Information and Communication Technologies Appeal Tribunal, I will regard and deal with all documents, information to which I have access as **Secret** and **Confidential**.

Before me  
District Magistrate for Port Louis

Date:.....