

S.I. 46 of 2024

PUBLIC HEALTH AUTHORITY ACT, 2013

(Act 7 of 2013)

Public Health Authority (Appeals Rules of Procedure) Regulations, 2024

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S.I. 46 of 2024**PUBLIC HEALTH AUTHORITY ACT, 2013***(Act 7 of 2013)***Public Health Authority (Appeals Rules of Procedure) Regulations, 2024**

In exercise of the powers conferred by section 37(c) of the Public Health Authority Act, the Minister responsible for Health makes the following regulations —

Citation

1. These Regulations may be cited as the Public Health Authority (Appeals Rules of Procedure) Regulations, 2024.

Interpretation

2. In these Regulations —

“Act” means the Public Health Authority Act, 2013;

“Appeals Board” means the Public Health Appeals Board constituted under section 23 of the Act;

“appellant” means a person having a right to appeal to the Appeals Board under section 22 of the Act or any other laws giving a right of appeal under the Act;

“Authority” means the Public Health Authority established under section 3 of the Act;

“respondent” means the party against whom the appeal is filed;

“Secretary” means the Secretary to the Appeals Board appointed under regulation 5;

Appeals

3. Any person aggrieved by a decision made under the Act or any other laws giving a right of appeal under that Act to this Appeals Board may, within 28 days of receiving notification of a decision made by the Authority, appeal to the Appeals Board by giving a written notice of the appeal, indicating the grounds upon which the appeal is sought.

Lodgement of appeals

4.(1) A notice of appeal pursuant to regulation 3 shall be composed in the form specified in the First Schedule to these Regulations.

(2) The appellant shall upon lodging his or her notice of appeal pay a non-refundable fee as specified in the Second Schedule.

(3) The application under subregulation (2) shall be lodged with the Secretary of the Appeals Board.

(4) The Secretary shall register the appeal and without delay deliver the notice of appeal to the Chairperson of the Appeals Board.

(5) The Secretary shall cause a copy of the notice of appeal to be served on the respondent and shall notify the respondent to compile the record and to send a copy of the record to the Appellant.

Secretary to the Appeals Board

5. The Appeals Board shall appoint a Secretary who shall be responsible for —

- (a) ensuring the overall smooth running of the Appeals Board;
- (b) convening the sittings of the Appeals Board after consultation with the Chairperson and members;
- (c) informing any relevant person, authority, or agency of decisions made by the Appeals Board; and
- (d) such other duties as the Chairperson may from time to time direct.

Commencement of proceedings

6.(1) The Chairperson shall, upon examination of the application, cause the Secretary to issue to the parties in the application a Notice of Mention in the form specified in the Third Schedule.

(2) At the hearing of the mention the parties shall make appropriate disclosure of documents they wish to rely upon at the hearing.

(3) The Secretary shall record the date set for hearing and shall ensure that all parties have notice of the date set for hearing.

Hearings before the Appeals Board

7.(1) At a hearing before the Appeals Board, the Chairperson may take evidence on oath and for that purpose may administer oaths.

(2) A hearing before the Appeals Board shall be open to the public but, may be heard in private if —

- (a) the circumstances so warrant; or
- (b) the Appeals Board considers it appropriate.

Evidence rules and Natural Justice

8.(1) The rules of evidence which apply in civil cases before the Supreme Court shall apply in all matters before the Appeals Board.

(2) Whilst hearing an appeal, the Appeals Board shall ensure that the rules of Natural Justice are observed.

Arguments or submissions before the Appeals Board

9.(1) Any party to proceedings before the Appeals Board, or the authorised representative of that party shall declare to the Appeals Board at the earliest opportunity whether he or she intends to make oral or written submissions during the course of the proceedings.

(2) Where a party to the proceedings or his or her authorised representative(s) has chosen to file written submissions, he or she shall arrange to submit copies thereof to the Secretary of the Appeals Board at

least 14 working days before the date fixed for consideration of the matter by the Appeals Board.

Proceedings in absence of a party

10. Where on a date fixed for any particular matter before the Appeals Board, any party to the proceedings who was present when the date was fixed does not appear, the proceedings may be continued in the absence of that party or the Chairperson may issue an Order, Direction or Notice as he or she shall consider appropriate.

Minutes and records of proceedings

11. The Secretary shall keep a record of any oral evidence given at the hearing before the Appeals Board and the record shall be signed by the Chairperson.

Decisions of the Appeals Board

12.(1) Section 24 of the Act shall apply to a decision of the Appeals Board.

(2) Three members of the Appeals Board shall constitute a quorum at any sitting of the Appeals Board.

(3) Every decision of the Appeals Board shall be signed and dated by the Chairperson and two other members.

(4) The Appeals Board shall treat an application with the urgency that it requires.

(5) A certified copy of the decision shall be served on the parties to the proceedings within 14 days from date that the decision is made.

Disclosure of interest

13. Where a member is present at proceedings before the Appeals Board and that member or a close relative of that member, has direct or indirect interest in a matter being dealt with in those proceedings, the member shall, before or as soon as practicable after the commencement of the proceedings, disclose that interest and shall not take part in any consideration or discussion of, or vote on any question relating to, the matter under consideration.

FIRST SCHEDULE

[Regulation 4(1)]

PUBLIC HEALTH APPEALS BOARD

Notice of Appeal

I/We, _____,
being dissatisfied with the decision of _____,
given on _____, and in accordance with the
Public Health Authority (Appeals Rules of Procedure) Regulations, 2024,
give notice of my/our appeal to the Public Health Appeals Board against the
said decision, and undertake to provide the grounds/reasons for this appeal
and furnish any other relevant documentation/information within 28 days
from the date on which the I/we received notice of the decision.

Failure to submit any other relevant documentation /information which may
be required within the aforementioned period without good cause will
render the appeal void or withdrawn.

Signed:..... Dated:.....

Attached: Copy of the letter/document of the decision of the above body/sub-
committee/board

[THIS PART IS FOR OFFICIAL USE ONLY]

Ref. No: _____

Received on: _____

Received by (Full name): _____

Comments : _____

Signed: Dated:

Grounds of Appeal

Ground 1:

Ground 2:

Ground 3:

Ground 4:

Ground 5:

For the above stated reasons, I/we kindly seek the Public Health Appeals Board to grant the following remedy/solution:

(Please note the Appeals Board can only provide the following remedies; confirm the decision of the Authority, vary the decision of the authority, set aside the decision of the authority or remit the matter to the Authority for reconsideration of its decision.)

Remedy/solution sought:

Signed:

Dated:

Attached:

Document 1:

Document 2:

Document 3:

[THIS PART IS FOR OFFICIAL USE ONLY]

Ref. No: _____

Received on: _____

Received by (Full name): _____

Comments: _____

Signed:

Dated:

SECOND SCHEDULE

[Regulation 4(2)]

Fees for filing of Notice of Appeal

SCR 250.00



THIRD SCHEDULE

[Regulation 6(1)]

The Appeals Board under the Public Health Authority Act, 2013

Notice of Mention

..... **Applicant**

Versus

..... **Respondent**

Cs No.....

TAKE NOTICE that the above case will be mentioned on the
at am/pm.

You are required to appear before the Public Health Appeals Board, located at
the building, Victoria, Mahe, on the above mentioned date and time.

Dated this day of,

SECRETARY OF THE APPEALS BOARD

To be served on: 1. XXXX

MADE this 3rd day of July, 2024.

**PEGGY VIDOT
MINISTER OF HEALTH**
