

Chapter 20:27
Environmental Management
Hazardous Substance and Articles
(Declaration of Group I Hazardous Substances)
(Cosmetics Containing Hazardous Ingredients) Notice 2000

Statutory Instrument 247 of 2000

THE Ministry of Health and Child Welfare hereby, in terms of section 38 of the Hazardous Substances and Articles Act [*Chapter 15:05*] and on the recommendation of the Board, makes the following notice –

- 1 This notice may be cited as the Hazardous Substances and Articles (Declaration of Group I Hazardous Substances (Cosmetic's Containing Hazardous Ingredients) Notice 2000
- 2 Any of the chemicals listed in the Schedule, when used as an ingredient in any cosmetic product, is declared to be Group I hazardous Substance, the importation, manufacture, sale, possession, storing or conveyance of which is prohibited.

Schedule (Section 22)

2,4-DIAMINOTOLUNE
ARSENIC
HYDROGEN CYANIDE
HYDROQUINONE
LEAD AND LEAD COMPOUNDS
MERCURY AND MERCURY PRODUCTS
METHANOL

Chapter 20:27
Natural Resources Court Rules, 1974

RGN 353 of 1974.

ARRANGEMENT OF SECTIONS

PRELIMINARY

Section

PART

APPEALS

PART II
GENERAL

IT is hereby notified that the Minister of Justice has, in terms of subsection (2) of section 27 of the Natural Resources Act [*Chapter 20:27*], approved the following rules of court which have

been made by the president of the Natural Resources Court, with the approval of the Chief Justice, in terms of subsection (1) of the said section:—

[Editor's Note: The ***Natural Resources Act [Chapter 20:13]** was repealed on the **17th March 2003** by s. 143 of the above titled Environmental Management Act [*Chapter 20:27*]: whereof subsection (3) saved into force the above Rules of Court for adjudication in the Administrative Court –]

PRELIMINARY

Title

1 These rules may be cited as the Natural Resources Court Rules, 1974.

Interpretation of terms

2 In these rules:—

"**appellant**" means any person entitled to prosecute an appeal to the court under the Act;

"**court**" means the Natural Resources Court, established under section 22 of *the Act;

"**decision**" means any decision or order made in respect of which an appeal may be brought before the court under the *Act;

"**notice**" means notice in writing;

"**president**" means the president of the court;

"**registrar**" means the registrar of the court;

"**respondent**" means the Natural Resources Board, constituted under section 3 of *the Act.

PART I

APPEALS

Lodging of notice of appeal

3 **Within 28 days** of the making of any decision against which the appellant wishes to appeal, the appellant shall serve notice of appeal, in quadruplicate, upon the registrar.

Requirements of notice of appeal

4 In the notice of appeal, the appellant shall:—

- (a) identify the decision appealed against; and
- (b) state the grounds of appeal, setting out all allegations of fact and contentions of law relied upon, and the relief sought by the appellant; and
- (c) certify that a copy of the notice has already been served upon the respondent.

Lodging of respondent's case

5 **Within 60 days** of receipt of the notice of appeal by the registrar, the respondent shall serve a copy of its case upon the appellant, and serve copies of the case, in quadruplicate, upon the

registrar, endorsing thereon the date of service of the said case upon the appellant. Such case shall set out which allegations of fact and contentions of law relied upon by the appellant are admitted, and which are denied, and shall further set out any allegations or contentions relied upon by the respondent.

Application for condonation of late service

6 Subject to the provisions of rule 9, if the appellant or the respondent has failed timeously to serve his notice of appeal or its case, as the case may be, he or it shall include in such notice or case an application for the condonation of such late service, setting out the grounds relied upon for such application.

Opposition to application for condonation

7 If a party desires to oppose an application for condonation of late service, he shall, **within 14 days** of being served with the applicant's notice or case, advise the registrar accordingly, and the registrar shall set down such application for hearing by the court prior to the hearing of the appeal. If the registrar is not so advised, he shall set down such application for hearing by the court simultaneously with the appeal.

Notice of appeal to comply with rules

8 If a notice or case does not substantially comply with these rules, the registrar shall refuse to accept it, and shall notify the party concerned of the grounds for his refusal. The party shall, **within 21 days** of such notification, file an amended notice or case, or make application to the court to overrule the registrar. If an appellant fails to file an amended notice which substantially complies with these rules, or to make such an application within the said period of 21 days, the appeal shall lapse and the appellant shall be barred from further prosecution of the appeal.

When application for condonation not necessary

9 If the notice of appeal was originally served **within the period of 28 days** referred to in rule 3, the appellant shall not be required to apply for condonation of late service should he fail to serve the amended notice of appeal within the said period.

PART II

GENERAL

Notice of set-down

10 At an appropriate stage of the proceedings, the registrar shall, after consultation with the president, appoint a day, time and place for the hearing of any matter, and shall serve notice of such appointment upon all interested parties.

Court may hear matters in absence of parties

11 If any interested party fails to appear, either in person or by representative, at the time and place appointed for the hearing of any matter, the court may, nevertheless, proceed to the determination thereof.

Parties may call evidence

12 If any facts are in dispute, any party may call witnesses and produce evidence at the hearing of the matter.

Court may call evidence and conduct inspections in loco

13 The court may, of its own motion, call any witness, with or without any documents, and may inspect any locality or building:—

Provided that nothing in this rule shall be construed as authorizing entry into a person's dwelling-house without his consent.

Parties or court may determine issues to be decided

14 The court may, at any stage of the proceedings, call upon the parties to determine, or may itself determine, what issues fall to be decided in any matter.

Court may postpone or adjourn any matter

15 The court may postpone or adjourn the hearing of any matter, and the registrar shall serve notice of any postponement or adjournment upon all interested parties not present or represented in the court when the postponement or adjournment is ordered.

Court shall determine matter

16 After hearing such evidence and argument as may be tendered on behalf of all parties, the court shall proceed to determine the matter.

Reserved judgment

17 Should the court reserve its judgment, it may arrange for such judgment to be conveyed in writing to all interested parties by the registrar.

Departures from these rules

18 The court may extend any time laid down by these rules or direct any other departure therefrom.

Other applications

19 Any application in connexion with these rules or with any procedural matter not covered by these rules may be made by letter served upon the registrar, setting out all the facts relevant to the determination of the application. A copy of such letter shall be served upon any other interested party before service upon the registrar.

Registrar to supply documents filed of record to other party

20 The registrar shall, upon request, supply to any interested party in any proceeding a copy of any document filed by any other party in that proceeding.

Record of proceedings

21 The record of proceedings shall be a *verbatim* record, save that, with the consent of all interested parties present or represented at any hearing, the president may record or cause to be recorded the substance of the evidence led at that hearing.

Court may give notice to person not party to proceedings

22 If, at any stage of any proceeding, it appears to the court that some person should be given notice of such proceeding, the court may order that such notice be given, and, if necessary, may postpone such proceeding for such purpose.

Parties may act jointly

23 Any parties may act jointly instead of separately at any stage of any proceeding if the opposite party is not prejudiced thereby.

Consolidation of matters

24 The court may, at any stage of any proceedings, order that 2 or more matters be consolidated, or heard simultaneously.

Repeal

25 The Natural Resources Court Rules, 1951, published in Zimbabwe Government Notice No. 895 of 1951, are repealed.