

*Statutory Instrument No. 149 of 1983*

**TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS ACT, 1983**  
(23 of 1983)

**TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS (APPEAL)  
RULES, 1983**

*(Published on 2nd December, 1983)*

**ARRANGEMENT OF RULES**

**RULE**

1. Citation
2. Application of Rules to every appeal to High Court under section 13 or 48 of Act
3. Appeal to be brought by notice of motion within limited time
4. Fee
5. Contents of notice of motion
6. Respondent
7. Service of copies of notice of motion on respondents and other persons
8. Power of High Court to give notice of hearing of motion
9. Directions for hearing of motion
10. General powers of High Court
11. Costs
12. Applicability of Rules of High Court
13. Revocation of Cap. 48:01 (Sub. Leg.)

**SCHEDULE**

IN EXERCISE of the powers conferred on the Chief Justice by section 13 (4) of the Trade Unions and Employer's Organizations Act, 1983, the following Rules are hereby made —

1. These Rules may be cited as the Trade Unions and Employer's Organizations (Appeal) Rules, 1983. Citation
2. These Rules shall apply to every appeal to the High Court under section 13 or 48 of the Act — Application of Rules to every appeal to High Court under section 13 or 48 of Act
  - (a) against a refusal of the Registrar in terms of section 10 or 48 of the Act to register a trade union, federation of trade unions or employers' organization or to register a proposed amalgamation of registered trade unions; or
  - (b) against an order of the Registrar in terms of section 12 of the Act cancelling the registration of a trade union, federation of trade unions or employers' organization.
3. The appeal shall be brought by notice of motion, in the form set out in the Schedule, within the period of 60 days immediately following the day on which — Appeal to be brought by notice of motion within limited time
  - (a) the original applicants were notified in accordance with section 11 of the Act of the Registrar's refusal (if the appeal is against his refusal to register the trade union, federation of trade unions or employers' organization in question or to register the proposed amalgamation of registered trade unions in question); or

(b) the Registrar's order was served in accordance with section 12 of the Act on the trade union, federation of trade unions or employers' organization in question (if the appeal is against his order cancelling the registration of the same):

Provided that the High Court may, if it considers it just to do so, extend or further extend the material 60 days' period prescribed by this rule for such period as it thinks fit.

Fee	4. A fee of P25,00 shall be taken in the High Court in the form of stamps affixed to the copy of the notice of motion filed with the Registrar of the High Court at Lobatse or with the Assistant Registrar of the High Court at Francistown, as the case may be.
Contents of notice of motion	5. (1) The notice of motion shall clearly identify the decision of the Registrar against which the appeal is brought and the grounds of appeal therein set out shall be concisely stated. (2) At the hearing of the motion, no grounds other than those set out in the notice of motion shall be taken by the appellant without the leave of the High Court which may grant such leave on such terms as it thinks just.
Respondent	6. Any person who appeared before the Registrar and in whose favour he decided shall, unless the High Court otherwise orders, be the respondent or one of the respondents to the motion.
Service of copies of notice of motion on respondents and other persons	7. (1) A copy of the notice of motion shall be served on each of the respondents, in the manner provided by the Rules of the High Court for the time being in force in relation to the service of documents, by any responsible person in the employ of the appellant. (2) The High Court may, at any stage of the motion, direct that a copy of the notice of motion be served on any person on whom the High Court thinks such a copy ought to be served.
Power of High Court to give notice of hearing of motion	8. The High Court may, at any stage of the motion, if it appears expedient to do so, cause notice to be given by advertisement or otherwise of the time when the motion is or is likely to be heard and disposed of or otherwise make provision for enabling any person interested in the trade union, federation of trade unions or employers' organization in question or in the proposed amalgamation of registered trade unions in question or in the subject matter of the appeal to appear and be heard on the motion.
Directions for hearing motion	9. The High Court may, at any stage of the motion, give such special directions as it thinks fit for the hearing and disposing of the motion, either on affidavit evidence or with witnesses or otherwise, and generally at such time and in such manner as appear to it just and convenient.
General powers of High Court	10. In all proceedings on the appeal, the High Court shall have all the powers vested by the Act in the Registrar and may make any decision or order the Registrar might or ought to have made.
Costs	11. Directions by the High Court as to the costs of the appeal may include directions as to the costs incidental to the appeal, including the costs of and incidental to any proceedings before the Registrar.

12. Subject to the provisions of these Rules, the Rules of the High Court for the time being in force shall apply to all proceedings on the motion. Applicability of Rules of High Court

13. The Trade Unions (Appeal) Rules are hereby revoked. Revocation of Cap. 48:01 (Sub. Leg.)

**SCHEDULE**

(r. 3)

**FORM 31**

**TRADE UNIONS AND EMPLOYERS' ORGANIZATIONS  
ACT, 1983  
(23 of 1983)**

**NOTICE OF MOTION**

Trade Unions and Employers' Organizations (Appeal)  
Rules, 1983  
(S.I. 149 of 1983)

**IN THE HIGH COURT OF BOTSWANA**

In the matter of:

*Appellant*

— and —

*Respondent*

TAKE notice that the High Court at \_\_\_\_\_ will be moved on the  
day of \_\_\_\_\_, 19\_\_\_\_ at 10 a.m. or as soon thereafter as  
counsel can be heard, for an order that

And that the costs of and incidental to this appeal may be paid by

And take notice further that the grounds of this appeal are

DATED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

**AGENT FOR APPELLANT**  
Address for service

To: (1) .....  
.....  
.....  
.....

(2) Registrar/Assistant Registrar of the High Court,  
LOBATSE/FRANCISTOWN.

MADE this 16th day of November, 1983.

**J.A. O'BRIEN QUINN,**  
*Chief Justice.*

**L2/7/266 I**