



## CHECKLIST FOR PERSONS FILING DOCUMENTS – APPEALS

**THIS DOCUMENT IS NOT A SUBSTITUTE FOR INDIVIDUAL PROFESSIONAL ADVICE. THE ENVIRONMENTAL COMMISSION HAS PREPARED THIS DOCUMENT MERELY AS A GUIDE. IT IS RECOMMENDED THAT YOU SEEK LEGAL ADVICE FOR YOUR PARTICULAR CASE.**

The procedure for filing Notices of Appeal is set out in the Environmental Management Act, 2000 and the Environmental Commission Rules of Practice and Procedure, 2001. You should therefore ensure compliance with these in preparing and filing your documents. Failure to do so may result in your documents being struck out and your application being dismissed.

**Before filing your Notice of Appeal you should verify the following:**

- that the date of service, on the Appellant, of the decision of the EMA has been stated;
- that the provision of the Environmental Management Act, 2000 under which the Notice of Appeal is submitted is clearly stated;
- that for appeals other than under sections 25, 30 or 41 of the Environmental Management Act, 2000, the appeal is within the required time for appealing, i.e. 28 days of the date of service, on the Appellant, of the decision of the EMA. (The 28 days should be counted from the day following the date of service). **If your appeal is out of time you should first file an Application for an Extension of Time to File your Notice of Appeal;**
- that the Respondent is correctly identified;
- that the order or decision of the EMA being appealed against is stated;
- that the name and title of the person whose decision is the subject of the Notice of Appeal and the details of the decision objected to are clearly stated;
- that the grounds of appeal including the reasons why the Appellant objects to the decision are clearly stated;
- that a description of the relief requested by the Appellant is clearly stated;
- that the Notice of Appeal is dated and signed;
- that the Appellant's address for service is clearly stated;
- that the Notice of Appeal is accompanied by:
  - a copy of the order or decision of the Environmental Management Authority being appealed (for appeals other than under sections 25, 30 or 41 of the Environmental Management Act, 2000);
  - a list of the names and addresses of all owners of property within 120 meters of the boundary of the property which is the subject of the order or decision; and
  - a list of the names and addresses of any other persons who should be notified of the proceedings because they may have an interest in the outcome.



- that you have brought the original and at least six (6) copies of the Notice of Appeal (i.e. the original and four (4) copies to be retained by the Registry; one (1) for **each** person intended to be served with the Notice; and one (1) for yourself);
- that you have securely bound all exhibits and accompanying documents to the Notice of Appeal.

**Before leaving the Registry verify that all of your copies have been stamped as “Filed” and “Sealed” with the Seal of the Environmental Commission.**

**After you have served the Notice of Appeal** you may wish to file an Affidavit of Service. This formally notifies the Environmental Commission that the other party has been served with the Notice of Appeal and may expedite the hearing of the matter by allowing the Commission to set the earliest practical date for the Preliminary hearing of the matter. An example of an Affidavit of Service is attached hereto.



**REPUBLIC OF TRINIDAD AND TOBAGO**

IN THE ENVIRONMENTAL COMMISSION

E.A.P. No. 100 of 2007

Between

ACME WIDGETS COMPANY LIMITED

Appellant

And

THE ENVIRONMENTAL MANAGEMENT AUTHORITY

Respondent

I, **JOHN DOE** of 1, Frederick Street, Port of Spain, legal secretary, **MAKE OATH** and **SAY** as follows:

1. That I did on Thursday the 15<sup>th</sup> February, 2007 at the Environmental Management Authority, No. 8, Elizabeth Street, St. Clair the registered office of the Environmental Management Authority personally serve Mary Small who accepted service for Jane Smith, Corporate Secretary for the Environmental Management Authority with a true copy of the Notice of Appeal in this action, which appeared to me to have been regularly issued out of the Registry of the Environmental Commission of Trinidad and Tobago, against the above named Respondent at the suit of the above named Appellant, and which was dated the 15<sup>th</sup> day of February, 2007 by handing the same to and leaving the same with her the aforesaid registered office.
  
2. That the time of the said service the said Notice and the copy thereof were subscribed and endorsed in the manner and form prescribed by the Environmental Commission Rules of Practice and Procedure, 2001.

Sworn to at )  
 )  
 )  
 this day of )

Before me,

.....  
 Commissioner of Affidavits



"A"

This is the said Notice of Appeal dated the 15<sup>th</sup> day of February, 2007 as referred to in the annexed affidavit of JOHN DOE declared to before me this 15<sup>th</sup> day of February, 2007

Commissioner of Affidavits

# COPY OF NOTICE OF APPEAL WHICH WAS SERVED ON OTHER PARTY