

GOVERNMENT NOTICE NO. 649 published on 8/9/2023

THE CAPITAL MARKETS AND SECURITIES ACT,
(CAP. 79)

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RULES
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(Made under section 136J)

THE CAPITAL MARKETS AND SECURITIES TRIBUNAL RULES, 2023

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THE CAPITAL MARKETS AND SECURITIES ACT,
(CAP. 79)

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RULES
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(Made under section 136J)

THE CAPITAL MARKETS AND SECURITIES TRIBUNAL RULES, 2023

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Rules may be cited as the Capital Markets and Securities Tribunal Rules, 2023.
- Interpretation 2. In these Rules, unless the content requires otherwise-
Cap. 79 “Act” means the Capital Markets and Securities Act;
“applicant” means any person who institutes an application before the Tribunal;
“appellant” means any person who institutes an appeal before the Tribunal;
- Cap. 79 “Authority” means has the meaning ascribed to it under section 6 of the Act;
“Chairman” means the Chairman appointed under section 136B (a) of the Act;
“member” means the Chairman and other members of the Tribunal appointed in accordance with section 136B of the Act;
“market intermediary” has the meaning ascribed to it under section 2 of the Act;
“Minister” means the Minister responsible for finance;
“Registrar” means the Registrar of the Tribunal;
“respondent” means any person against whom an appeal or an application as the case maybe is instituted;
“Tribunal” means the Capital Markets Tribunal established by section 136A of the Act.

PART II
COMPOSITION AND FUNCTIONS OF THE TRIBUNAL

Composition
of Tribunal

3. The Tribunal shall consist of:
- (a) a chairman; and
 - (b) four members with knowledge and experience on the capital markets, one of whom shall be a lawyer.

Conflict of
interest

4.-(1) Where a Member present at a sitting of the Tribunal at which any matter, in which the member or immediate family of the Member is directly or indirectly interested, is the subject of consideration, that Member shall, as soon as is practicable, after or before the commencement of the proceedings of the Tribunal, disclose that interest and shall not, unless the Tribunal otherwise directs, take part in the determination of the appeal or give an opinion on any question relating to that matter.

(2) A disclosure of interest made by a Member shall be recorded as part of the proceedings in relation to the matter under determination.

(3) A member who sits and takes part in the proceedings of the Tribunal in contravention of these rules commits an offence.

Registrar of
Tribunal

5. There shall be a Registrar of the Tribunal who shall be appointed in accordance with the Act.

(2) The Registrar shall perform all administrative functions as provided for under the Act and as may be assigned to him by the Chairman of the Tribunal.

Secretariat to
Tribunal

6.-(1) There shall be appointed a Secretariat to the Tribunal which shall perform all administrative functions of the Tribunal and be composed of:

- (a) the Registrar, who shall be the head to the Secretariat;
- (b) lawyers;
- (c) an administrative Secretary;
- (d) a registry officer;
- (e) an accountant; and

- (f) a driver.
- (2) Tribunal may determine number and category of staff and such other staff to be hired.

PART III
INSTITUTION OF AN APPEAL BEFORE THE TRIBUNAL

Matters from which appeal may lie

7.-(1) Subject to section 136 D of the Act, the Tribunal shall have powers to adjudicate on matters related to-

- (a) the interpretation of any enactment or regulations to which the Act applies;
 - (b) disputes between the Authority and any stock exchanges;
 - (c) disputes between the Authority and any market intermediaries;
 - (d) disputes between market intermediaries and their clients;
 - (e) disputes between listed companies and regulators or the securities exchange;
 - (f) refusal by the Authority to grant a licence;
 - (g) imposition by the Authority of limitations or restrictions on a licence;
 - (h) suspension or revocation of a licence by the Authority;
 - (i) refusal to admit securities in a stock exchange;
 - (j) suspension of trading of a security on a stock exchange;
 - (k) removal of a security from the official list of a stock exchange; and
 - (l) any other dispute arising in the course of discharge of the functions of the Authority under the Act;
- (2) Without prejudice to subrule (1), the Tribunal shall have no criminal jurisdiction.

Appeal to Tribunal

8. -(1) A person who is aggrieved by the decision of the Authority or any of the parties as stipulated under rule 7(1) may appeal to the Tribunal within thirty days from the date on which the decision was made.

(2) An appeal may be instituted by lodging a statement to

the Registrar of the Tribunal to address other disputes as reflected under rule 7(1).

Notice of
intention to
appeal

9.-(1) A person who wishes to appeal against a decision of the Authority shall file a notice of intention to appeal within seven days from the date of the decision in respect of which the appeal is to be preferred.

(2) A notice of intention to appeal shall:

- (a) state whether it is intended to appeal against the whole or part of the appealable decision;
- (b) be made in CMT Form No. 1 as set out in the First Schedule to these Rules;
- (c) be signed by or on behalf of the appellant; and
- (d) Submitted in seven copies

(3) The fees for filing a notice of intention to appeal shall be as set out in the Second Schedule to these Rules.

(4) Where a party joins in an appeal, he shall also be required to pay fees as set out in the Second Schedule to these Rules.

Endorsement
and service of
notice of
intention to
appeal

10.-(1) The Registrar shall, upon receipt of a notice of intention to appeal, endorse on it the date on which it was received and thereafter enter or cause to be entered into the register, all relevant particulars as may be necessary to identify such appeal.

(2) The appellant shall cause a copy of the endorsed notice of intention to appeal to be served on the respondent and all parties who are, likely to be affected by the decision of the Tribunal.

Contents of
appeal

11.-(1) An appeal to the Tribunal shall be instituted by lodging a statement of appeal with the Registrar of the Tribunal within thirty days from the date of the decision of the Authority against whom the appeal is preferred.

(2) The statement of appeal shall be in CMT Form No. 2 as set out in the Third Schedule to these Rules.

(3) Every appeal shall be accompanied by all materials, which are necessary for the determination of the appeal.

(4) Without prejudice to subrule (2), the appeal shall be

accompanied by-

- (a) a certified copy of the decision of the Authority;
- (b) a certified copy of the proceedings by the Authority;
- (c) a copy of the notice of intention to appeal;
- (d) a statement of appeal; and
- (e) any other material documents which the appellant may consider necessary for the proper determination of the appeal.

(5) For the purpose of subrule (4)(b), proceedings shall not necessarily include exhibits and annexures presented during the hearing of the matter at the level of the Authority.

(6) The Tribunal may require that annexures and exhibits presented during the hearing of the matter at the level of the Authority be presented.

Receipt of
appeal and
notification of
parties

12.-(1) On receipt of the appeal, the Registrar shall endorse the date of receipt of the statement of appeal and send a copy of the appeal to the respondent together with a notification letter requiring the respondent to submit his reply within fourteen days from the date of receiving the notification.

(2) Upon receipt of a notification letter and the statement of appeal, the respondent shall, within fourteen days from the date of receipt, file a written statement of reply to the Tribunal, addressing all the issues raised in the statement of appeal and submit all documents or information requested by the Tribunal, if any.

(3) The statement of reply shall be in CMT Form No. 3 as set out in the Fourth Schedule to these Rules.

(4) The statement under sub-rule (3) shall be accompanied by the statement of appeal and the statement of reply from the respondent and at this stage, any other party, which may be affected by the appeal proceedings, if any, shall have the right to join as a party to the proceedings or attend the hearing as an observer.

(5) Where the procedure for determination of an appeal is by way of oral hearing, the Registrar shall fix the hearing date and notify all relevant parties through CMT Form No. 4(a), as set out in the Fifth Schedule to these Rules.

(6) The Registrar shall notify the witnesses or experts

required for the appeal to appear for hearing through CMT Form No. 4(b), as set out in the Sixth Schedules to these Rules.

(7) Where a person who may be affected by the appeal proceedings, opts to join as a party to the proceedings, he shall file a statement indicating his reasons for joining, if any, within five days from the date of receipt of the notification.

Rejection of application by Registrar

13. The Registrar shall, where the application for appeal has not complied with the requirements under these Rules, reject the appeal.

Extension of time to institute appeal

14.-(1) Notwithstanding the rejection of an application for appeal in rule 13, the Tribunal may-

- (a) by a written application by the appellant;
- (b) where it deems just and equitable; and
- (c) upon the respondent being given an opportunity to be heard,

by order, extend the period within which the appellant may institute an appeal to the Tribunal.

(2) For the purpose of subrule (1) an application for an extension of time to lodge an appeal out of time shall be filed with the Tribunal within seven days from the date on which the appeal was due for filing.

(3) The application for extension of time shall be in CMT Form No. 5, as set out in the Seventh Schedule to these Rules.

Striking out appeal

15.-(1) The Tribunal may, in its discretion strike out an appeal where it is satisfied that any condition regarding institution of an appeal has not been complied with.

(2) Where an appeal is struck out pursuant to subrule (1), the Tribunal shall give reasons for striking out the appeal.

(3) The striking out of appeal on any ground, shall not operate as a bar of institution of a fresh appeal in respect of the same matter, subject to the law of Limitation Act.

Withdrawal of appeal

16.-(1) An appellant may, at any time in the course of hearing, but not later than three days before the hearing date, lodge a written notice to the Registrar that he does not intend to further proceed with the appeal.

(2) The appellant shall, before or within seven days after lodging the notice of withdrawal, serve copies of it on the respondent or any other party who may be affected by the lodged appeal, if any.

(3) If the withdrawal is made at the time when the parties are in attendance, it shall be sufficient for the appellant to make an oral statement to that effect and the chairman of the panel shall record the statement.

(4) The Tribunal may, upon receipt of the notice of withdrawal, grant the application, upon such terms as to costs or other conditions.

(5) Where the appeal has been withdrawn, the Registrar shall immediately send to the respondent and to other parties a copy of the notice of withdrawal or a statement as recorded by the Chairman, pursuant to sub-rule (4), and may attach any document relating to the subject matter of the appeal.

Summary
withdrawal of
appeal

17. Notwithstanding the preceding provisions regarding admission of an application for appeal, an applicant may at any time after instituting his appeal and before the appeal is called on for hearing, lodge in the registry of the Tribunal a written notice that he does not intend to proceed with the appeal,

Provided that, the applicant shall ensure that before or seven days after lodging the notice of withdrawal, he serves copies of it on each respondent.

Amendment of
statement of
appeal

18.-(1) The Tribunal may, on its own motion or on application by a party to the proceedings order that the statement of appeal be amended in such manner as may be suitable and necessary for the determination of the appeal.

(2) An order for amendment under subsection (1) shall be made-

- (a) in the case of a motion by the Tribunal, within reasonable time before the hearing date; or
- (b) in the case of a motion by the appellant, within seven days from the date of submission of the application for statement of appeal to be amended.

(3) Where an order for amendment has been issued, the

amended statement of appeal shall be made in writing and filed with the Tribunal within five days from the date of the order for the amendment.

(4) After the amended statement of appeal has been lodged with the Tribunal and a copy of the same served on the respondent, the respondent shall have the right to reply and that such right shall be exercised within five days from the date of receipt of the amended statement of appeal.

(5) At the hearing of the appeal or review, the appellant shall not raise any new issues, which were not in the original written statement of appeal except where such new issues emanate from the respondent's reply.

PART IV APPEARANCE OF THE PARTIES

Appearance
and
representation
of parties

19.-(1) In every proceeding before the Tribunal the appellant may appear in person or be represented by a person registered as market intermediary, tax consultant, accountant, auditor or advocate, and the Authority may be represented by a person duly authorized in that behalf

(2) The Registrar shall issue a summons to appear and the party served with a summons shall endorse each copy of the summons and submit one copy to the Tribunal.

Where
appellant does
not appear

20.-(1) Where, at the scheduled time the date fixed for hearing of an appeal, the appellant does not appear but the respondent appears, and it is proved that the notice of hearing was duly served but the appellant failed to appear for no justifiable cause, the appeal may be dismissed, unless the Tribunal deems fit to adjourn the hearing.

(2) Where the appeal has been dismissed pursuant to sub rule (1), the appellant shall be barred from re-instituting the appeal.

Where
respondent
does not
appear

21. Where, at the scheduled time and the date fixed for hearing of an appeal, the appellant appears and the respondent does not, and it is proved that the notice was duly served but the respondent failed to appear for no justifiable cause, the appellant

may apply to proceed *ex parte*.

Where neither party appears

22. Where neither party appears at the hearing of an appeal for no justifiable cause, the Tribunal may make an order dismissing the appeal or proceed to review the matter by way of review of documents and inform the parties accordingly.

Setting aside *ex parte* decision

23.-(1) Where an *ex parte* decision is made against a respondent, he may apply to the Tribunal, within thirty days from the date of the decision, for an order to set it aside the expert decision upon satisfaction that sufficient cause exists for the respondent's non-appearance, shall fix another date for hearing.

(2) The application to set aside an *ex parte* decision shall be made-

- (a) by filing CMT Form No. 6 set as set out in the Eighth Schedule to these Rules; and
- (b) within five days from the date on which the decision was communicated to the respondent.

PART V PROCEEDINGS OF THE TRIBUNAL

Proceedings of Tribunal

24.-(1) Subject to the provisions of the Act and these Rules, the procedure of the proceedings before the Tribunal, shall be in the discretion of the Tribunal.

(2) The proceedings before the Tribunal shall be conducted with as little formality and technicality as possible and, in relation thereto, the Tribunal shall not be bound by strict rules of evidence or court procedures.

(3) Where these Rules are silent in relation to any particular practice or procedure, the proceedings of the Tribunal shall be conducted in accordance with such rules of practice and procedure as the Tribunal may specify.

(4) The hearing before the Tribunal shall be open to the public unless the Tribunal, at the request of either party, or on its own motion, may direct that the hearing be closed to the public.

(5) For the purposes of proceedings before the Tribunal,

the Tribunal may take additional evidence on oath, either orally or by affidavit, as it shall deem fit.

Sitting of
Tribunal

25. The sitting of the Tribunal shall be in Dar es Salaam Region,

Provided that, the Tribunal may sit at any other location in the United Republic were it deem necessary to do so.

Quorum

26.-(1) Three members of the Tribunal shall form a quorum at the determination of an appeal.

(2) The Proceedings shall be presided over by the Chairman

(3) Notwithstanding sub-rule (2), where the Chairman is absent, the members present shall appoint a member amongst themselves to preside.

(4) At any sitting to determine an appeal the decision of the majority of the members present shall be recorded as the decision of the Tribunal, provided that-

(a) a member who dissents from the decision shall be entitled to a dissenting opinion and the reasons thereof recorded in the minutes of the proceedings of the appeal; and

(b) the Chairman shall not be bound by the opinion of any member, but if he disagrees with the opinion of any member, he shall record the opinion of such member or members differing with him and the reasons for his disagreement.

Record of
proceedings

27.-(1) The records of proceedings on appeal shall be taken down in writing by the Chairman of the Tribunal or by any person authorized to do so, in the form to be decided upon by the Chairman.

(2) The records of every proceedings of the Tribunal shall be signed by the Chairman and the Members present.

(3) Without prejudice to sub-rule (1), the proceedings of appeal at the hearing of an appeal may be recorded in shorthand or by mechanical means or electronic means and if certified by the Tribunal be deemed to be a true record of such proceedings.

Review before
Tribunal

28.-(1) A party who is aggrieved by the decision of the Tribunal may apply in writing to the Tribunal for a review of its decision.

(2) A party intending to apply for a review shall issue a written notice to the Registrar, within seven days upon delivery of the verdict, of his intention to seek redress by way of review before the Tribunal.

(3) The application for review shall:

(a) be lodged with the Tribunal within ten days from the date of issuance of the Notice of intention to apply for review of the decision of the Tribunal; and

(b) state points of law or facts that if properly considered could have led to a contrary findings or verdict.

(4) Failure to comply with the requirements set under this rule shall warrant the Tribunal to reject the application.

(5) A person who was a party to the matter before the Tribunal and who is aggrieved by the decision of the Tribunal may, upon pronouncement of a verdict for an appeal or review by the Tribunal, appeal to the Court of Appeal of Tanzania within forty five days.

Notice to
parties to
attend hearing

29.-(1) After submission of all the required statements by the parties, the Registrar shall issue a 14 days' notice of hearing to the parties.

(2) The notice of hearing shall:

(a) specify the date, time and place of hearing; and

(b) be signed by the Registrar and served upon the parties using CMT Form No. 4(a) as set out in the Fifth Schedule to these Rules.

(3) A person served with a notice of hearing shall endorse each copy of the notice and return a copy to the Registrar.

(4) Endorsement of notice by the person served shall be sufficient proof of service.

Tribunal may
call for expert
opinion

30.-(1) The Tribunal may summon any person to attend at the hearing and give expert opinion including production of any document, if it believes that such opinion is necessary for judicious disposition of a matter preferred before it.

(2) The summons to appear shall be issued and signed by the Registrar consistent with CMT Form No.4 (b), as set out in the Sixth Schedule to these Rules.

(3) A person who is summoned as a witness by the Tribunal shall be entitled to an allowance to defray traveling expenses at the rate to be determined by the Tribunal.

Tribunal may
call witnesses

31.-(1) Notwithstanding the preceding provisions of these Rules, the Tribunal may, on application by either party or on its own motion, call witnesses for such additional evidence as it may deem necessary.

(2) Where the witness is called upon the application by the party, a party whom the witness is to testify for shall bear the cost.

(3) At the conclusion of the submission and of any evidence on behalf of the appellant, the respondent shall be allowed to make his submissions, supported by such relevant evidence as may be necessary.

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Decision

32.-(1) The Tribunal shall, upon completion of the hearing, give its decision within forty five days.

(2) The decision of the Tribunal shall:

- (a) be in writing and signed by all members forming the panel;
- (b) be pronounced in the presence of the parties or their advocates or representatives; and
- (c) state the reasons for the decision and the remedies granted, if any.

(3) Upon delivery of the decision by the Tribunal, the Registrar shall, within seven days from the date of delivery of the decision avail the parties certified copies of the decision.

(4) For the purpose of subrule (3), the Chairman or the Registrar, as the case may be, or their successors in office, may certify copies of decision or decree of the Tribunal and furnish such copies to the parties.

Disposal by
written
submissions

33.-(1) Where the nature of appeal permits, the Tribunal may order that the appeal be disposed of by way of written submissions.

(2) Where the Tribunal orders for an appeal to be disposed of by way of written submissions the appellant shall-

- (a) lodge his statement of appeal with the Tribunal and the Tribunal shall serve a copy of the same to the respondent; and
- (b) file his reply to the response of the respondent, if any, within fourteen days from the date of receipt of the response.

(3) The provisions of rules 35, 36 and 37 shall apply with regard to delivery of the decision of the Tribunal.

(4) The Tribunal shall review the submissions filed by the parties, deliberate on the evidence produced and give its decision within forty days from the date of institution of the appeal.

Consolidation of appeals.

34. The Tribunal may, where it deems fit, order any two or more appeals to be-

- (a) consolidated on such terms as it thinks just;
- (b) heard or reviewed at the same time or one immediately after the other; or
- (c) stayed until after determination of any one of them.

Contents of decision

35. The decision of the Tribunal shall be in writing and contain:

- (a) a brief description of the nature of the appeal;
- (b) affirmation or varying or setting aside the decision of the Authority;
- (c) the reasons for the decision;
- (d) the relief or remedy, if any, to which the parties are entitled; and
- (e) an order as to costs.

Decree

36.-(1) A decree shall be extracted from the decision and be signed by the Chairman or the Registrar, as the case may be, or their successors, in office.

(2) The decree shall agree with the decision and contain the number of the appeal, the names and description of the parties, particulars of the claim and specify the relief granted or

other determination of the appeal.

(3) The Tribunal may direct that the costs payable to one party by the other shall be set off against any sum which is admitted or found to be due from the former to the latter.

(4) The decree shall bear the date of the day on which the decision was pronounced and when the Chairman or Registrar as the case may be or their successors in office, has satisfied himself or herself that the decree has been drawn up in accordance with the decision, sign the decree.

Execution
of decision

37.-(1) The decision of the Tribunal shall be enforced by submitting a written application to the Tribunal in Form CMT No. 6 and the Chairman or Registrar, thereafter issue an order authorizing execution.

Cap.33

(2) Execution of the decree or order issued by the Tribunal shall be in accordance with the provision of the Civil Procedure Code or any other law.

(3) The application for execution shall be made upon expiry of thirty days from the date on which the decision of the Tribunal was made.

Assistance in
execution of
orders etc. of
court

38. For the purpose of rule 38 the Tribunal shall have such assistance in carrying out its lawful processes, orders, rules, decrees, or commands as is available to an ordinary court in Tanzania.

Account of
Tribunal

39. There shall be established an account of the Tribunal into which all monies in relation to the operation and functions of the Tribunal under these Rules shall be deposited.

PART VI APPEALS TO THE COURT OF APPEAL

Appeals from
decision of
Tribunal

40. A person who is aggrieved with the decision of the Tribunal may lodge an appeal to the Court of Appeal of Tanzania within thirty days from the date of the decision.

Application of
Court of
Appeal Rules

41. Without prejudice to the preceding provisions with regarding appeals to the Court of Appeal of Tanzania, the

Capital Markets and Securities Tribunal Rules

GN. No. 649 (Contd)

GN. No. 344 of 2019 procedure for lodging a petition of appeal to the court of appeal of Tanzania shall be in accordance with the Court of Appeal Rules, 2019.

FIRST SCHEDULE

(Made under rule 9(3))

THE CAPITAL MARKETS TRIBUNAL FEES

S/N	Particulars	Amount in Shs.
1.	Lodging notice of appeal	50,000.00
2.	Lodging statement of appeal	200,000.00
3.	Lodging statement of reply	50,000.00
4.	Lodging additional statement	100,000.00
5.	Application for execution of decree or order	30,000.00
6.	Application for extension of time to appeal	50,000.00
7.	Perusal fee	40,000.00
8.	On option to join as co-appellant to the proceedings	200,000.00
9.	Application for Amendment of Statement of Appeal	100,000.00
10.	Notification for withdrawal of appeal	3,000,000.00
11.	Application to set aside ex parte decision	1,500,000.00
12.	On option to join as co-appellant to the proceedings	200,000.00
13.	Service of Judgment, Proceedings etc.,	50,000.00

SECOND SCHEDULE

(Made under rule 9(2)(b))

CMT FORM No.1

IN THE CAPITAL MARKETS TRIBUNAL

AT _____

In the matter of the intended

APPEAL NO. _____ OF _____

BETWEEN

_____ APPELLANT

AND

_____ RESPONDENT

NOTICE OF INTENTION TO APPEAL

TAKE NOTICE that _____ (Appellant's name) of
P.O Box, _____ Physical Address: _____
Tel: _____ being aggrieved by the decision of
_____ (the Respondent's name) made on the _____ day
of _____ 20 _____
regarding _____ intends to appeal
against the whole /part of the decision.

Appellant's Signature _____ Dated this _____ day of
_____ 20 _____

OR

Signed by: _____ (the
Appellant/Legally Authorized representative).

Signature _____ dated this _____ day of _____ 20

Capital Markets and Securities Tribunal Rules

Gn. No. 649 (Contd)

FOR OFFICIAL USE ONLY (REGISTRY)

Received by the Registry this _____ day of _____ 20
at (AM/PM) _____

Name: _____

Designation _____

Signature _____
stamp _____

Official

THIRD SCHEDULE

(Made under rule 11(2))

CMT FORM No.2

IN THE CAPITAL MARKETS TRIBUNAL

AT _____

In the matter of the intended

APPEAL NO. _____ OF _____

BETWEEN

_____ APPELLANT

AND

_____ RESPONDENT

STATEMENT OF APPEAL

1. PARTICULARS OF THE APPELLANT

(a) Name: _____

Capital Markets and Securities Tribunal Rules

Gn. No. 649 (Contd)

Empty rectangular box for stamp or signature.

5. REMEDIES/RELIEFS/CLAIMS SOUGHT: (number them consecutively)

- 5.1 _____
5.2 _____
5.3 _____
5.4 _____
5.5 _____
5.6 _____
5.7 _____
5.8 _____
5.9 _____
5.10 _____

6 PARTICULARS OF WITNESS

Table with 4 columns: S/N, NAME, DESIGNATION, ADDRESS. Multiple empty rows for witness details.

Dated this _____ day of _____ 20_____

Name: _____

Designation: _____

Signed by: _____ (the Appellant/Legally Authorized representative).

FOR OFFICIAL USE ONLY (REGISTRY)

Received by the Registry this _____ day of _____ 20_____ at (AM/PM)

Capital Markets and Securities Tribunal Rules

G.N. NO. 649 (Contd)

Name: _____ Designation _____

Signature _____ Official
stamp _____

7. COPY OF THE STATEMENT OF APPEAL TO BE SERVED UPON:

Name: _____

Address: _____

Tel: _____

Date: _____

Signature of the recipient: _____

Designation: _____

Official stamp _____

FOURTH SCHEDULE

(Made under rule 12(3))CMT FORM No.3

IN THE CAPITAL MARKETS TRIBUNAL

AT _____

In the matter of the intended

APPEAL NO. _____ OF _____

BETWEEN

_____ APPELLANT

AND

_____ RESPONDENT

REPLY TO THE STATEMENT OF APPEAL

1. PARTICULARS OF THE RESPONDENT

Name: _____

Postal address: _____

Physical Address: _____

City, Municipality, Town: _____

Telephone No: _____

Fax No. _____

E-mail address: _____

2. REPLIES TO THE STATEMENT OF APPEAL

(If the space provided is not adequate, attach as many additional pages as needed for the statements. Ensure you address each of the grounds of appeal in the same order as presented by the Appellant)

3. LIST OF DOCUMENTS OR ITEMS TO BE PRODUCED BEFORE THE CM TRIBUNAL

(Give a brief description of each document or items attached to the Statement of Reply and number them accordingly)

Appendix No.	Subject	Date	Source/Author

4. REPLY TO THE REMEDIES SOUGHT

5. PARTICULARS OF WITNESSES

S/N	Name	Designation	Address

Dated _____ this 20 _____ day _____ of _____

Capital Markets and Securities Tribunal Rules

GN. NO. 649 (Contd)

Name: _____ Designation: _____

Signed by: _____ (the Respondent/Legally Authorized representative).

FOR OFFICIAL USE ONLY:

Received by the Registry on the _____ day of _____ 20____ at _____ (AM/PM)

Name: _____ Designation: _____

Signature: _____

Official stamp _____

6. SERVICE OF THE COPY OF THE STATEMENT OF REPLY UPON:

Name: _____

Address: _____

Physical Address: _____

Date: _____

Signature: _____

Designation: _____

Official stamp: _____

FIFTH SCHEDULE

(Made under rule 12(5), 29(2))

CMT FORM No.4 (a)

IN THE CAPITAL MARKETS TRIBUNAL

AT _____

In the matter of the intended

APPEAL NO. _____ OF _____

BETWEEN

_____ APPELLANT

AND

_____ RESPONDENT

NOTICE FOR PARTIES TO APPEAR

TO:

TAKE NOTICE that the above appeal will be heard by the Capital Markets Tribunal (CM Tribunal) on the _____ day of _____ 20____ at (time) _____ (AM/PM) at (venue and physical address) _____

You are required to appear on scheduled time before the CM Tribunal and bring witness with you, if any. If you do not appear in person without notice or by any person legally authorized by you to act on your behalf, the appeal may be dismissed or heard and decided in your absence.

Capital Markets and Securities Tribunal Rules

GN. NO. 649 (Contd)

Signed and issued by the CM Tribunal this _____ day
of _____ 20 _____

Name: _____ Designation

Signature: _____

Official Stamp: _____

ACKNOWLEDGEMENT OF RECEIPT OF NOTICE

Name: _____ Address: _____

Signature: _____ Designation: _____

Date: _____

SIXTHS CHEDULE

(Made under rule 12(6)) and 30 (2)

CMT FORM No.4 (b)

IN THE CAPITAL MARKETS TRIBUNAL

AT _____

In the matter of the intended

APPEAL NO _____ OF _____

BETWEEN

APPELLANT

AND

RESPONDENT

NOTICE OF A WITNESS/EXPERT TO APPEAR

To:

Whereas your attendance is required as a witness/ an expert witness on behalf of the CM Tribunal during the hearing of the above appeal. By this notice, You are required to appear before the CM Tribunal on the _____ day of _____ 20 ____ at ____ O'clock at (venue and physical address) _____

You are required to bring with you or send the following books, documents or items to the CM Tribunal.

- (a) _____
- (b) _____
- (c) _____
- (d) _____; or
- (e) any other relevant material as your evidence.

Signed and Issued by the CM Tribunal this _____ day of _____ 20 ____.

Name: _____

Designation:

Signature: _____ Official

Stamp: _____

ACKNOWLEDGEMENT OF SERVICE OF NOTICE BY THE WITNESS

Full Name: _____

Address: _____

Tel: _____

Signature: _____

Designation: _____

Date: _____

SEVENTH SCHEDULE

(Made under rule 14(3))

CMT FORM No.5

IN THE CAPITAL MARKETS TRIBUNAL

AT _____

In the matter of the intended

APPEAL NO. _____ OF _____

BETWEEN

_____ APPELLANT

AND

_____ RESPONDENT

APPLICATION FOR EXTENSION OF TIME

1. PARTICULARS OF THE APPLICANT

(a) Name: _____

(b) Nature of business: _____

(c) Postal address: _____

(d) City, Municipality, Town: _____

(e) Telephone No. _____

(f) Fax No: _____ E-mail address: _____

To:

Capital Markets and Securities Tribunal Rules

G.N. NO. 649 (Contd)

Dated
at _____ this _____ of _____ 20 _____

–

Name: _____ Designation: _____

Signature: _____ (the Respondent/legally Authorized
representative)

FOR OFFICIAL USE ONLY:

Received by the Registry on the _____ day of _____ 20 _____ at _____ (AM/PM)

Name: _____ Designation: _____

Signature: _____

Official stamp: _____

EIGHTH SCHEDULE

(Made under rule 23(2)(a))

CMT FORM No.6

IN THE CAPITAL MARKETS TRIBUNAL

AT _____

In the matter of the intended

APPEAL NO _____ OF _____

BETWEEN

_____ APPELLANT

AND

_____ RESPONDENT

APPLICATION TO SET ASIDE EXPARTE DECISION

1. PARTICULARS OF THE APPLICANT.

- (a) Name: _____
- (b) Postal address: _____
- (c) Physical Address: _____
- (d) City, Municipality,
Town: _____
- (e) Telephone No: _____ Fax
No: _____
- (f) E-mail address: _____

To:

2. STATEMENT OF FACTS

The above named Applicant being the Respondent in the Dispute between _____ and _____ of P.O. BOX _____ with regard to (issue in dispute) No. ____ with regard to _____ applies to this Tribunal to set aside its exparte decision delivered on the _____ day of _____ 20____ on the following grounds:

- (a) _____
(b) _____
(c) _____
(d) _____
(e) _____

The Applicant wishes to attach the following documents to support their application (attach if any)

- (a) _____
(b) _____
(c) _____
(d) _____
(e) _____

Dated at _____ this _____ of _____ 20____

Name: _____ Designation: _____

Signature: _____ (the Respondent/legally Authorized representative)

3. FOR OFFICIAL USE ONLY:

Received by the Registry on the _____ day of _____ 20____ at _____ (AM/PM)

Name: _____ Designation: _____

Signature: _____

Official stamp: _____

GN. NO. 649 (Contd)

4. COPY OF THE APPLICATION TO BE SERVED UPON:

Name: _____

Address: _____

Date: _____

Signature of the recipient: _____

Designation: _____

Official stamp _____

Dodoma,
21st August, 2023

MUSTAFA ISMAIL KAMBONA
Chairman of the Tribunal

