



# CAPITAL MARKETS TRIBUNAL

## Taking Your Case to the Court of Appeal

**Title:** *"Your Guide to Appeals Beyond the Tribunal"*

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- **Can You Appeal a Tribunal Decision?**

Yes, if you are dissatisfied with the Tribunal's decision, you have the right to escalate your case to the **Court of Appeal of Tanzania**.

### Who Can Appeal?

- Any party involved in the Tribunal proceedings who is **aggrieved** by the final decision.
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- **Steps to File an Appeal**

1. **Timeline:**

- Appeals must be filed within **30 days** of the Tribunal's decision.

2. **Procedure:**

- The appeal process follows the **Court of Appeal Rules, 2019** for filing petitions and other procedural requirements.
- You will need:
  - Certified copies of the Tribunal's decision.
  - A record of Tribunal proceedings.

3. **Application for Documents:**

- Submit a formal request to the Tribunal Registrar for necessary documents to support your appeal.
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- **What the Court of Appeal Considers**

The Court of Appeal reviews:

1. **Points of Law:**

- Whether the Tribunal correctly interpreted and applied the law.
  - 2. **Procedural Irregularities:**
    - Any procedural errors that may have affected the fairness of the Tribunal's decision.
  - 3. **Key Facts:**
    - Whether the Tribunal's conclusions were supported by the evidence presented.
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- **Important Points to Remember**

1. **Adherence to Timelines:**
    - Appeals submitted beyond the **30-day limit** may be rejected unless you secure an extension for valid reasons.
  2. **Costs of Appeal:**
    - Court filing fees and costs for certified documents apply. Ensure these are budgeted in advance.
  3. **Legal Representation:**
    - Hire a qualified advocate to guide you through the appeal process.
  4. **Finality of Court of Appeal Decisions:**
    - Decisions made by the Court of Appeal are binding and final.
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- **Why Appeal to the Court of Appeal?**

1. **Fair Review:**
    - Ensures that the Tribunal's decision adheres to legal standards and proper procedure.
  2. **Higher Authority:**
    - Offers a chance to challenge decisions if you believe justice was not served at the Tribunal level.
  3. **Legal Oversight:**
    - Provides an additional layer of legal scrutiny for complex or disputed cases.
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- **Stay Informed and Prepared**

**Key Takeaways:**

- Act quickly if you wish to appeal.
- Ensure all documentation is accurate and complete.
- Seek professional legal advice to strengthen your case.

## **Contact Information:**

### **Capital Markets Tribunal (CMT)**

P.O. Box 75713

Dar es Salaam

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## **Disclaimer**

This digest is intended to provide a simplified summary of the *Capital Markets and Securities Tribunal Rules, 2023* to help stakeholders understand key aspects of the procedures. While every effort has been made to ensure accuracy, this digest is for informational purposes only.

In the event of any conflict or discrepancy between the content of this brochure and the actual rules or the law, the provisions of the *Capital Markets and Securities Act* and the official *Capital Markets and Securities Tribunal Rules, 2023* shall prevail and take precedence. Stakeholders are advised to refer to the official legal documents or consult legal professionals for authoritative guidance.