

Administrative Appeals:

17A. Administrative Appeal. - (1) Any person who feels aggrieved by the decision of the Tribunal may appeal to the chairperson of the relevant Tribunal MEC against that decision, in the prescribed manner.

(2) The application to appeal the ruling of the Tribunal must be made in writing with 21 days of receipt of the decision.

~~(3) The MEC may appoint an Advocate or Attorney of the High Court of South Africa, whether internal or external to the Department, to consider the appeal and make a recommendation to the MEC~~

(3) The chairperson MEC must finalise the appeal within 30 days of referral and may refer the decision back to the Tribunal, or confirm, set aside or amend the decision.

(4) The Minister must prescribe the circumstances under which an application for appeal may be submitted, including the procedure for appeal.

The Tribunal's Membership – The Chairperson and 1 Deputy Chairperson for every 3 members**[Composition] Membership of Tribunal;**

(1) The Tribunal consists of **[not less than three and not more than five]** four or seven members, who are fit and proper persons appointed by the MEC, and must comprise—

(a) a chairperson, who is suitably qualified a person with legal qualifications and legal expertise and has the necessary expertise and exposure to rental housing matters;

...

“(1A) The MEC must for every three members appoint **[a] one** deputy chairperson from the members referred to in subsection (1) (b).”;

The Functioning of the Tribunal

(1C) The Tribunal may function as two committees, each with three members with the expertise set out in subsection (1)(b)(i), (ii) and (iii) respectively and with one each committee being chaired by the chairperson and the other by the a deputy chairperson: Provided that the chairperson and the deputy chairperson must on a regular basis rotate as chairperson between the meetings of the two committees”;

“(2A) The Chairperson shall not preside at any **[presides at all]** meetings of the Tribunal, but shall consider all administrative appeals as contemplated in section 17A.”;

“(2B) Where the **[Chairperson] Deputy Chairperson** is not present at a meeting, **[the Deputy Chairperson presides or, if the Deputy Chairperson is not present,]** the members of the Tribunal present must appoint from amongst themselves a member to preside at such a meeting