

SIGUNGU SEMTSETFO LESIMASEKO MATSATFU SEKWENCISA EMACALA

UMCULU WEMIGOMO NGEKWETIGABA 14(1) KANYE NA 51(1) YEKUKHUTSATA KUFINYELELA ELWATINI UMTSETFO NOMBOLO 2 WANGA 2000

1. LUHLAKA NEKUSEBENTA (SIGABA 14(1)(a))

1.1 Luhlaka lwesigungu semtsetfo lesimaseko matsatfu sekwencisa emacala lwemboni yashukela

1.1.1 Sigungu semtsetfo lesimaseko matsatfu sekwencisa emacala nemboni yashukela sakhiwe ngekwesivumelwano nemboni yashukela 2000 futsi sifaka:

- (i) Bantfu labatsatfu labakhethwe yinhlangano ye South African Association ("SASA");
- (ii) Umuntfu abe munye lokhethwe yinhlangano ye South African Millers Association ("Inhlangano yebagayi bemoba");
- (iii) Umuntfu abe munye lokhethwe yinhlangano ye South African Cane Growers Association ("Inhlangano yebalimi bemoba")

1.1.2 Inhlangano yebagayi kanye neyebalimi bemoba ngekulandzelana, ingakhetsa umuntfu abe munye nobe ngetulu kwamunye labangemalunga latawumela nobe latawubambela labo labakhetsiwe uma bangekho nobe bangeke bakwati kwenta loko lokufuneka kwentiwe.

1.1.3 Emalunga esigungu semtsetfo lesimaseko matsatfu sekwencisa emacala lakhethwe ngu SASA kutakuba bantfu labangatsintseki matfupha futsi labete sabelo embonini yashukela kantsi futsi akufuneki kutsi babe ngemalunga eBhodi yekusebenta yenhlangano yashukela. Ngayoyonkhe iminyaka mhla tingu 31 Julayi lilunga lelikhetsiwe le SASA lese linesikhatsi lesidze lililunga kunalامanye litawutsatsa umhlalaphasi bese kungena lilunga lelisha lelitawukhethwa. Ngulelo nalelo lilunga lelikhethwe yinhlangano yebagayi nebalimi bemoba litawutsatsa umhlalaphasi yonkhe iminyaka mhlatingu 31 Julayi bese kungena lilunga lelisha lelitawukhethwa esikhundleni salo.

1.1.4 Lilunga linye lelakhethwa laka SASA litawukhonzwa ngu SASA kutsi libe ngumgcini sihlalo we sigungu semtsetfo lesimaseko matsatfu sekwencisa emacala kuphindze kukhonzwe lelinye lilunga libe lisekela la sihlalo.

1.2 **Imisebenti leyentiwa sigungu semtsetfo lesimaseko matsatfu sekwengcisa emacala emboni yashukela.**

1.2.1 Noma ngubani lotsintseka matfupha esincumeni, nemyalo, nasekwehluleleni Noma incubo ye bhodi lekusebenta lenhlangano ya shukela (“Ibhodi Yekusebenta”) unelilungelo lekufaka sicelo esigungwini semtsetfo lesimaseko Matsatfu sekwengcisa emacala macondzana nesincumo, umyalo, sahlulelo nobe Incubo. Ngaphandle kwekutsi kubekwe ngaleny indlela yesivumelwano nemboni Yashukela 2000 loyo muntfu utakutsi kungakapheli emalanga langemashumi Lamabili nakunye (21) kusukela elangeni lekutsatfwe ngalo sincumo, umyalo, Sahlulelo nobe incubo yelibhodi lekusebenta, bese uyatiswa, afake satiso Sekwengcisa, uma ehlulekile kwenta loko, lilungelo lekufaka sicelo sekwengcisa Litawuphela, nesincumo, umyalo, sahlulelo nobe incubo yelibhodi lekusebenta Kugcine yona futsi kubengiyo lehipha sibopho. Kutakutsi uma ibhodi yekusebenta Itfolo satiso sekufaka sicelo sekwengcisa, itfumele emakhophi alesosatiso kulabo Labanye labatsintseka matfupha ngulesincumo, umyalo, nesehlulelo nobe incubo Lekufakwe sicelo sekwengcisa macondzana nayo esigungwini semtsetfo lesimaseko Matsatfu sekwengcisa emacala.

1.2.2 **Sigungu semtsetfo lesimaseko matsatfu sekwengcisa emacala senta loku**

Lokulandzelako:

- (i) Kulalela nekutsatsa sincumo nobe ngabe ngusiphi sicelo sekwengcisa lapho ligunya lekwegcisa sicelo esigungwini semtsetfo lesimaseko matsatfu sekwengcisa emaca lilungiselelwe esivumelwaneni nemboni yashukela 2000;
- (ii) Kulalela nekutsatsa sincumo kunobe nguluphi ludzaba nobe sisho kwekutsi kufuneka kentiwe njani kunobe nguluphi ludzaba lolwengciselwe kuso kwekutsi kutsatfwe sincumo nobe umyalo ngalo eBhodini yekusebenta nobe ku SASA;
- (iii) Kulalela nekuncuma nobe ngukuphi kudvosisana nobe kungavumelani lokungase kubekhona emkhatsini wesigayo sashukela nemlimi wemoba macondzana nesivumelwano sekuniketa ngemoba nobe ngabe ngusiphi sivumelwano emkhatsini kwabo lokuhlobene nekuniketwa nobe kuletfwa kwemoba esigayweni;
- (iv) Kusukumela nekulamula nobe ngabe nguluphi ludzaba lekungatsi ngekwesivumelwano semboni yashukela 2000 luwele ngephasi kwe Bhodi yekusebenta mangabe iBhodi

yekusebenta ingakwati nobe yehluleka kulamula ngalokufanele ludzaba lolubangelwe bumatima lobungetulu kwemandla nobe ngabe ngusiphi sizatfu;

- (v) Kulalela nekutsatsa sincumo kunobe nguluphi ludzaba lolutakutsi ngekwesivumelwano nemboni yashukela 2000, kufuneke lujutjwe sigungu semtsetfo lesimaseko matsatfu sekwengcisa emacala.

2. IMINININGWANE YEKUTSINTSANA (SIGABA 14(1)(b) NA 51(1)(a))

Inhloko yeLibandla

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3. SELULEKO SEKHOMISHINI YEMALUNGELO EBANTFU (SIGABA 14(1)© na 51(1)(b))

Ngekwesigaba 10 semtsetfo wekutfutukisa kufinyelela elwatini ("umtsetfo"), ikhomishini yemalungelo ebantfu kufuneka ihlanganise seluleko kusita bantfu labafisa kusebentisa nobe ngabe ngumaphi emalungelo ebantfu ngephasi kwemtsetfo.

Leseluleko sitfolakala kukhomishini wemalungelo ebantfu longatfolakala ku:

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4. TINHLOBO TEMAREKHODI KANYE NENDLELA LEKUFUNEKA ILANDZELWE YETICELO (Sigaba 14(1)(d) na 51(1)(e))

4.1 Tinhlobo temarekhodi esigungu semtsetfo lesimaseko matsatfu sekwengcisa Emacala emboni yashukela

4.1.1 Emaminitisi emihlangano yesigungu semtsetfo lesimaseko matsatfu sekwengcisa emacala;

4.1.2 Emakhophi etehlulelo, tabelo netigwebo tesigungu semtsetfo lesimaseko matsatfu sekwengcisa emacala;

4.1.3 Kucopha kanye/noma nalokubhaliwe kwekulalelwa kwemacala kungakayiwa esigungwini semtsetfo lesimaseko matsatfu sekwengcisa emacala;

4.1.4 Kubhalelana ne sigungu semtsetfo lesimaseko matsatfu sekwengcisa emacala;

4.1.5 Tincwadzi tekubekwa kwemalunga esigungu semtsetfo lesimaseko matsatfu sekwengcisa emacala;

4.1.6 Imitsetfo yekutsetfwa kwemacala embi kwe sigungu semtsetfo lesimaseko matsatfu sekwengcisa emacala;

4.1.7 Imibono levela kubo chwepheshe bebaluleki.

4.2 Indlela lekufuneka ilandzelwe uma kufakwa ticelo (Sigaba 18 na 53)

4.2.1 Sicelo sekufuna lwati kufuneka sentiwe:

- (i) Kumgcini welwati (nangabe sicelo sitawube sentiwe ngekwesigaba 18) nobe Kunhloko ye mgwamanda (nangabe sicelo sitawube sentiwe ngekwesigaba 53) kusetjentiswa imininingwane yekutsintsana leniketiwe ngenhla;
- (ii) Sigcwaliswe efomini lekujutjwe kutsi lisetjentiswe ngekwemtsetfo kanye nekulungiswa kwawo;
- (iii) Kuniketwe imininingwane leyenele efomini lesicelo khona kutamsita umgcini welwati nobe inhloko ye libandla (ngekwesimo sangaleso sikhatsi) kutfola kamalula lirekhodi nemfakisicelo;
- (iv) Khombisa indlela yekufinyelela elwatini ledzingekayo;
- (v) Nangabe sicelo sentiwe egameni lalomunye umuntfu, umuntfu lofaka sicelo kufuneka kutsi abuvete bufakazi bekutsi uniketiwe ligunya lekumela loyomuntfu lomunye kute atekwenetiseka umgcini welwati nobe inhloko yelibandla (ngekwesimo sangaleso sikhatsi);
- (vi) Nangabe sicelo sentiwe ngekwesigaba 53, umuntfu lofake sicelo kufuneka akhombise kahle lilungelo lalifunako nobe lalivikelako anikete nencazelo yekutsi yini afake sicelo salelorekhodi lasifakile sekufuna nobe kuvikela lelo lilungelo asifakile.

4.2.2 Umgcini welwati nobe inhloko yelibandla, kuye ngekwaleso simo, utawukwatisa umfakisicelo kutsi abhadale linani lemali lelijutjiwe (nangabe likhona) kungakachutjekwa nesicelo.

4.2.3 Umgcini welwati nobe inhloko yelibandla, kuye ngekwaleso simo utawube sewutsatsa sincumo kwekutsi uyasivumela sicelo nobe cha bese watisa lofake sicelo ngelifomu lekufute lisetjentiswe.

4.2.4 Nangabe sicelo semukelwe kutawufuneka lenye imali yekufuna emafayela, kwenta imifanekiso, nekutilungiselela, nobe sikhatsi lesinganani lesingetulu kwemahora labekelwe kufuna nekulungisa lirekhodi kutsi livetwe.

CAPHELA : Caphela loku lokulandzelako :

4.2.5 Ngekwesivumelwano semboni yashukela 2000, kulalelwa kwesigungu semtsetfo lesimaseko matsatfu sekwengcisa emacala emboni yashukela angeke kuvumeleke kunobe ngubani longatsintsekile matfupha ngulolodzaba kuhletive ngalo, ngaphandle nangabe Mgcini sihlalo angekho, lisekela laMgcini sihlalo lingavumela nobe ngubani lonesidzingo selwati kulolo ludzaba kepha angatsintsekile matfupha kwekutsi abekhona.

4.2.6 Lencwadzi yemigomo ilungiselelwe ngekwesigaba 14 semtsetfo kanye nangewesigaba 51 semtsetfo, njengesigungu semtsetfo lesimaseko matsatfu sekwengcisa emacala, kungenteka kwekutsi ngakulolunye luhlangotsi sibe libandla lemphakatsi ngalokunye sibe libandla langasese, kuye ngekutsi lelirekhodi lokukhulunywa ngalo liphatselene nekusebentisa emandla nobe kwenta umsebenti njengelibandla lemphakatsi nobe langasese. Nangabe lilibandla lemphakatsi sicelo sekufuna kufinyelela erekhodini lesiphetfwe sigungu semtsetfo lesimaseko matsatfu sekwengcisa emacala kufuneka sentiwe ngekuhambisana nesigaba 11 semtsetfo. Kepha nangabe sicelo sekufinyelela erekhodini lapho sigungu semtsetfo lesimaseko matsatfu sekwengcisa emacala

silibandla langasese, leso sicelo kufuneka sentiwe ngekuhambisana kanye nalokufunekayo ngekwesigaba 50 semtsetfo.

- 4.2.7 Nobe ngabe ngusiphi sicelo sekutfolela emarekhodi esigungu semtsetfo lesimaseko matsatfu sekwegcisa emacala singachitfwa ngekwanobe ngusiphi sizatfu kuleto letibonelelwe esahlwukweni 4 semtsetfo.

5. LUSITO LOLUTFOLAKALAKO (Sigaba 14(1)(f))

Lusito loluniketwa emalunga emphakatsi loluvela esigungwini semtsetfo lesimaseko matsatfu sekwegcisa emacala lubekwe kahle esigabeni 1.2 salomculu wemgomo.

6. EMAKHAMBI LATFOLAKALAKO NGEKWENTA NOBE KWEHLULEKA KWENTA KWESIGUNGU SEMTSETFO LESIMASEKO MATSATFU SEKWENGCSISA EMACALA (SIGABA 14(1)(h))

- 6.1 Ngekwesivumelwano nemboni yashukela 2000, licembu lelitsintseka ekuphikisaneni, lelikhetfwe sigungu semtsetfo lesimaseko matsatfu sekwegcisa emacala, lingatsi kungakapheli emalanga langemashumi lamabili nakunye (21) sigungu semtsetfo lesimaseko matsatfu sekwegcisa emacala sitsatse sincumo, lengcise sicelo sekubuyeketa sincumo sesifundza sendzawo nobe sigaba sendzawo senkantolo lephakeme yase Ningizimu Africa lenemandla esikhundla ngetulu kwesincumo sesigungu semtsetfo lesimaseko matsatfu sekwegcisa emacala ngekubeka sikhalo ku Registrar wenkantolo sesicelo sekubuyeketa sincumo, libeke sizatfu ngalokuphelele tesicelo futsi lihambisele nobe linikete umgcini mabhuku wesigungu semtsetfo lesimaseko matsatfu sekwegcisa emacala, ngalelolanga lekufakwe ngalo sicelo sekubuyeketa sincumo nobe singakengciswa sicelo, likhophi lesicelo sekubuyeketa sincumo. Sicelo lesifute lesi kungenteka sishushiswe kulokunye ngekulungiselelwa kwesivumelwano semboni ya shukela 2000.
- 6.2 Sigungu semtsetfo lesimaseko matsatfu sekwegcisa emacala, site indlela yencubo yangekhatsi malungana nekungaphumeleli, kwehluleka ngaseluhlangotsini lwesigungu semtsetfo lesimaseko matsatfu sekwegcisa emacala, Umphatsi welwati nobe Inhlolo yesigungu semtsetfo lesimaseko matsatfu sekwegcisa emacala, ngekuya kwalesosimo, kuhambisana nalokuniketiwe emtsetfweni wekukhutsata lwati. Kuletimo letinjengaleti, lofake sicelo ubukeke kwekutsi atfole kubalekela kunobe nguyiphi inkhantolo lenelikhono nemandla lanesikhundla. Loku kutakwenteka nakunobe ngusiphi simo lapho lofake sicelo afisa kubuyeketa khona sincumo lesentiwe ngumgcini welwati nobe yinhloko yesigungu semtsetfo lesimaseko matsatfu sekwegcisa emacala, ngekuya kwesimo sangaleso sikhatsi.

7. KUTFOLAKALA KWEKUFINYELELA EMCULWINI WELWATI (Tigaba 14(3) na 51(3))

- 7.1 Lencwadzi yemgomo itawutfolakala kwekutsi ihlolwe nobe ibonwe mahhala elikhelini lesigungu semtsetfo lesimaseko matsatfu sekwegcisa emacala (buka ku 2 ngenhla).
- 7.2 Ikhophi yalencwadzi yemigomo iyatfolakala futsi ku Khomishini wemalungelo ebantfu (buka imininingwane yekutsintsana ku 3 ngenhla).
- 7.3 Incwadzi yemigomo itawukwatiswa bonkhe bantfu ku Gazethi ya Hulumende kanye naku website yesigungu semtsetfo lesimaseko matsatfu sekwegcisa emacala lets www.sugartribunal.org.za.