KONSTITUSIE
VAN DIE ONAFHANKLIKE SERTIFISERINGSRAAD VIR AARTAPPELMOERE

CONSTITUTION
OF THE INDEPENDENT CERTIFICATION COUNCIL FOR SEED POTATOES

KONSTITUSIE VAN DIE ONAFHANKLIKE SERTIFISERINGSRAAD VIR AARTAPPELMOERE

1. NAAM

Die naam van die liggaam is die **Onafhanklike Sertifiseringsraad vir Aartappelmoere** (hierna die **Raad** genoem).

2. STATUS

2.1 Die **Raad** is 'n verteenwoordigende outonome nasionale liggaam in die aartappelbedryf wat deur die Minister van Landbou as gesag aangewys is om die bepalings van die Suid-Afrikaanse Aartappelmoersertifiseringskema (hierna die **Skema** genoem), onderhewig aan die voorskrifte van die Registrateur van Plantverbetering, uit te voer.

2.2 Die **Raad** is opgerig vir die doelstellings en met die magte en bevoegdhede hierin uiteengesit. Die **Raad** is 'n regspersoon in die gemenereg, wat onafhanklik van sy raadslede bestaan en sal die selfstandige draer van regte en verpligtinge wees. Die **Raad** is in staat om enige regshandeling te verrig en kan in sy eie naam enige regshandeling aanhangig maak, voer of in enige hof bestry, en word by enige sodanige regshandeling of regsgeding deur sy raadslede of deur enige persoon of persone wat behoorlik deur die **Raad** daartoe gemagtig is, verteenwoordig.

3. DOELSTELLINGS

Die doelstellings van die **Raad** is:

3.1 om beleidsriglyne waarvolgens die **Skema** behoort te funksioneer, te formuleer en daar te stel;

3.2 om toe te sien dat die **Skema** doeltreffend en haalbaar in belang van die totale aartappelbedryf toegepas word;

3.3 om die **Skema** deurlopend te evalueer ten einde wysigings in belang van die aartappelbedryf aan te bring; en

CONSTITUTION OF THE INDEPENDENT CERTIFICATION COUNCIL FOR SEED POTATOES

1. NAME

The name of the body is the **Independent Certification Council for Seed Potatoes** (hereinafter referred to as the **Council**)

2. STATUS

2.1 The **Council** is a representative autonomous national body in the potato industry designated by the Minister of Agriculture as the authority to implement the provisions of the South African Seed Potato Certification Scheme (hereinafter referred to as the **Scheme**), subject to the directions of the Registrar of Plant Improvement.

2.2 The **Council** has been established for the purposes and with the competencies and powers set out herein. The **Council** is a legal entity under common law, existing independently of its members and shall be the independent bearer of rights and obligations. The **Council** is able to carry out any juristic act and can in its own name institute, conduct and contest in a court any juristic act and shall in the case of such legal act or lawsuit be represented by its members or by any person or persons duly authorised by the **Council** to do so.

3. OBJECTIVES

The objectives of the **Council** shall be:

3.1 to formulate and establish policy guidelines in terms of which the **Scheme** should function;

3.2 to ensure that the **Scheme** is applied efficiently and attainably in the interests of the total potato industry;

3.3 to continuously evaluate the **Scheme** to introduce amendments in the interests of the potato industry; and

3.4 om toe te sien dat die **Skema** toegepas word soos omskryf in die regulasies deur die Minister van Landbou goedgekeur.

4. SAMESTELLING VAN DIE RAAD

Die **Raad** word elke tweede jaar tydens die vergadering van die Moerkwekersforum as volg saamgestel:

4.1 Lede verteenwoordigend van die bedryf

4.1.1 Die **moerkwekerlede** van die **Raad** bestaan uit die **Voorsitter en Onder-Voorsitter van die Nasionale Moerekomitee**, verkies uit die voorsitters van die vier streke, naamlik: Noordelike, Suidelike, Oostelike en Westelike streke, soos vervat in die Reglement van die Moerkwekersforum, Nasionale Moerekomitee en Moerproduksiestreke, wat ingevolge die voorskrifte van die Moerkwekersforum daarvoor kwalifiseer, wat 'n "geregistreerde moerkweker" moet wees of hulle verkose verteenwoordigers met dié voorbehoud dat die verteenwoordigers direk betrokke moet wees by die verbouing van geregistreerde aartappelmoere. Die **Noordelike streek** is 'n gebied bestaande uit die produksiegebiede van Limpopo, Mpumalanga, Gauteng en Loskopvallei, die **Oostelike streek** is 'n gebied bestaande uit die produksiegebiede van KwaZulu-Natal, Oos-Vrystaat en Noordoos-Kaap, die **Westelike streek** is 'n gebied bestaande uit die produksiegebiede van Noordwes, Noord-Kaap, Wes-Vrystaat en Suidwes-Vrystaat en die **Suidelike streek** is 'n gebied bestaande uit die produksiegebiede van die Sandveld, Oos-Kaap, Ceres, Suid-Kaap en Suidwes-Kaap.

4.1.2 **Een lid**, verkies uit die **ander Nasionale Moerekomitee-lede**, bestaande uit die volgende verteenwoordigers: die verteenwoordiger van die Forum vir Kernmateriaalprodusente (NUMPRO), die prosesseerders (een verteenwoordigend van die droë skyfie-bedryf en een verteenwoordigend van die slapskyfiebedryf), die verteenwoordiger van die moerhandelaars en die twee tafelkwekers, wat as lid van die **Raad** gaan dien, word elke twee jaar tydens die Moerkwekersforum aangewys.

By bedanking van 'n raadslid, moet die Nasionale Moerekomitee onverwyld 'n geskikte plaasvervanger tot die Raad verkies.

4.1.3 Die **Voorsitter van Aartappels Suid-Afrika** is *ex officio* 'n lid van die **Raad**.

3.4 to ensure that the **Scheme** is enforced as set out in the regulations approved by the Minister of Agriculture.

4. COMPOSITION OF THE COUNCIL

The **Council** shall be constituted as follows every second year at the meeting of the Seed Potato Growers' Forum:

4.1 Members representative from the industry

4.1.1 The **seed grower members** of the **Council** consist of the **Chair and Vice-Chair of the National Seed Potato Committee**, elected from the chairpersons of the four regions, namely: Northern, Southern, Eastern and Western regions as stipulated in the Regulations of the Seed Potato Growers' Forum, National Seed Potato Committee and Seed Potato Production Regions, which qualifies in respect of the prescriptions of the Seed Potato Growers' Forum, who has to be a "registered seed potato grower" or their representative, provided that the representative must be directly involved with the cultivation of registered seed potatoes. The **Northern region** comprises of the production areas of Limpopo, Mpumalanga, Gauteng and Loskop Valley, the **Eastern region** comprises of the production areas of KwaZulu-Natal, Eastern Free State and North-Eastern Cape, the **Western region** comprises of the production areas of North West, Northern Cape, Western Free State and South-Western Free State and the **Southern region** comprises of the production areas of the Sandveld, Eastern Cape, Ceres, Southern Cape and South-Western Cape.

4.1.2 **One member**, elected from the **other National Seed Potato Committee members**, i.e. the following representatives: the representative of the Forum for Nuclear Material Producers (NUMPRO), the processors (one representative of the crisping industry and one representative of the French fry industry), the representative of the seed potato traders and the two representative table growers, which will serve as a member of the **Council**, is elected every second year at the Seed Potato Growers' Forum.

Upon the resignation of a council member, the National Seed Potato Committee must immediately elect a suitable replacement.

4.1.3 The **Chairperson of Potatoes South Africa** shall *ex officio,* be a member of the **Council.**

4.2 Bedryfsverwante tegniese kundiges

4.2.1 Navorsings- en Ontwikkelingsbestuurder van Aartappels Suid-Afrika.

4.2.2 Verteenwoordiger van Aartappellaboratoriumdienste

4.2.3 Hoofuitvoerende Beampte: Aartappelsertifiseringsdiens (*ex officio*)

4.3 Departement Landbou, Bosbou en Visserye

4.3.1 Drie verteenwoordigers van die Departement: Landbou, Bosbou en Visserye – een verteenwoordiger vir die Plantverbeteringswet aangewys deur die Direktoraat: Plantproduksie en twee verteenwoordigers vir die Landbouplaewet – een verteenwoordiger aangewys deur die Direktoraat: Landbou Produkte Inspeksiedienste en een verteenwoordiger aangewys deur die Direktoraat: Plantgesondheid.

4.3.2 Hierdie lede is aangestel in 'n adviserende hoedanigheid en beskik nie oor stemreg nie.

4.4 Uitvoerende Voorsitter (*ex officio*)

4.4.1 Aanwysing van die Voorsitter

4.4.1.1 Die Voorsitter word op 'n termynkontrakbasis van twee jaar op 'n slag deur die bedryfslede aangestel.

4.4.1.2 Die Voorsitter verteenwoordig nie 'n bedryfsektor nie en is onverbonde en onafhanklik.

4.5 Samestelling van Dagbestuur

Die **Raad** kan uit sy geledere 'n Dagbestuur aanwys, bestaande uit soveel lede as funksioneel geag; met dien verstande dat die Voorsitter en die Hoofuitvoerende Beampte van die maatskappy Aartappelsertifiseringsdiens (hierna **ASD** genoem) lede is.

4.2 Industry related technical experts

4.2.1 Research and Development Manager of Potatoes South Africa

4.2.2 Representative of Potato Laboratory Services

4.2.3 Chief Executive Officer: Potato Certification Service (*ex officio*)

4.3 Department of Agriculture Forestry and Fisheries

4.3.1 Three representatives for the Department: Agriculture, Forestry and Fisheries – one representative for the Plant Improvement Act designated by the Directorate of Plant Production and two representatives for the Agricultural Pests Act – one representative designated by the Directorate, Agricultural Product Inspection Services and one representative designated by the Directorate: Plant Health.

4.3.2 These members are appointed in an advisory capacity and do not have voting rights.

4.4 Executive Chairperson (*ex officio*)

4.4.1 Appointment of the Chairperson

4.4.1.1 The Chairperson shall be appointed on a contract basis for two years at a time by the industry members of the **Council**.

4.4.1.2 The Chairperson shall not represent an industry sector and should be unattached and independent.

4.5 Composition of the Executive Committee

The **Council** may from its own ranks designate an Executive Committee consisting of as many members as regarded as functional; provided that the Chairperson and the Chief Executive Officer of the company Potato Certification Service (hereinafter referred to as **PCS**) shall be members.

Die Dagbestuur sal tussen vergaderings van die **Raad** oor die magte van die **Raad** beskik en sal geregtig wees om verdere lede na behoefte te koöpteer; met dien verstande dat alle besluite deur die Dagbestuur aan die volgende vergadering van die **Raad** vir bekragtiging voorgelê moet word.

4.6 Samestelling van *ad hoc*-komitees

Die **Raad** mag *ad hoc*-komitees vir spesifieke aangeleenthede aanstel; met dien verstande dat aanbevelings van sodanige komitees onderhewig is aan goedkeuring deur die **Raad** voordat dit uitgevoer of verder gevoer mag word, tensy die **Raad** uitdruklik vooraf volmag daartoe verleen het.

4.7 Aanwys van adviseurs

Die **Raad** kan adviseurs sonder stemreg tot die **Raad** koöpteer.

5. MAGTE, FUNKSIES EN PLIGTE VAN DIE RAAD

Die **Raad** se magte, funksies en pligte, sluit in, sonder beperking –

5.1 om toe te sien dat die **Skema** doeltreffend en haalbaar toegepas word;

5.2 om 'n geskikte, kundige liggaam of instelling te kontrakteer om die **Skema** toe te pas en uit te voer, insluitende administratiewe en ondersteuningsdienste vir die Raad;

5.3 om beleidsriglyne ten opsigte van die **Skema** te formuleer;

5.4 om die **Skema** te evalueer en die nodige wysigings aan te bring;

5.5 om appèlle voortvloeiend uit die toepassing van die **Skema** aan te hoor en te beslis of te laat aanhoor en beslis;

5.6 om regsgedinge in te stel en te verweer en enige geskil aan arbitrasie te onderwerp en om, in verband met sodanige regsgedinge of arbitrasie en enige kommissie van ondersoek, die nodige regspraktisyns aan te stel en te vergoed;

5.7 om lede skadeloos te stel ten opsigte van enige leed of skade deur hulle in die loop van hulle diens opgedoen; en

The Executive Committee shall have the powers of the **Council** between meetings of the **Council** and shall have the right to co-opt further members as the need may arise, and that all resolutions of the Executive Committee shall be submitted for confirmation to the following meeting of the **Council**.

4.6 Composition of *ad hoc* committees

The **Council** may appoint *ad hoc* committees to deal with specific matters; provided that recommendations of such committees shall be subject to the approval of the **Council** before being implemented, unless the **Council** has expressly authorised such implementation in advance.

4.7 Designation of advisors

The **Council** may co-opt advisors without the right to vote.

5. POWERS, FUNCTIONS AND DUTIES OF THE COUNCIL

The powers, functions and duties of the **Council**, include, without limitation –

5.1 to ensure that the **Scheme** is applied efficiently and attainably;

5.2 to contract a suitable body or institution with the necessary expertise to apply and implement the **Scheme,** including administrative and support services for the Council;

5.3. to formulate policy guidelines in respect of the **Scheme**;

5.4 to evaluate and to effect amendments to the **Scheme**;

5.5 to hear and decide on appeals flowing from the application of the **Scheme** or cause such appeals to be heard and decided on;

5.6 to institute and to defend lawsuits and to subject any disputes to arbitration and to appoint and to remunerate the necessary legal practitioners with regard to such lawsuits or arbitration and any commission of enquiry;

5.7 to indemnify members in respect of any harm or damage suffered by them during the course of their service; and

5.8 om jaarlikse sertifiseringstariewe wat deur die aangestelde kontrakteur voorgestel word vir sertifisering-verwante dienste, insluitend die Raad se fooie en koste, te oorweeg en goed toe keur.

6. VRYWARING EN AANSPREEKLIKHEID

Geen lid van die **Raad** is aanspreeklik vir die handeling, nalate of versuim van enige ander lid van die **Raad** wat uit besluite deur die **Raad** mag voortspruit en wat tot enige verlies of skade of deliktuele optrede van enige aard teen die **Raad** kan lei nie.

7. ALGEMENE REËLS

7.1 Vergaderings van die **Raad** word in opdrag van die Voorsitter belê; met dien verstande dat 'n spesiale of buitengewone vergadering belê moet word indien drie of meer lede van die **Raad** skriftelik so versoek.

7.2 Kennis van **Raads**vergaderings moet minstens 21 dae vóór sodanige vergadering gegee word.

7.3 Die Voorsitter beskik oor 'n beslissende stem by staking van stemme.

7.4 Die voorsitter van **ASD** tree *ex officio* as Vise-Voorsitter van die **Raad** op.

7.5 Besprekingspunte vir vergaderings van die **Raad** moet minstens 4 weke voor die datum van die vergadering by die Voorsitter ingedien word.

7.6 Vyftig persent plus een van die lede van die **Raad** sal 'n kworum vorm. Indien 'n kworum nie op die vasgestelde tyd op 'n behoorlik gekonstitueerde vergadering teenwoordig is nie, sal die vergadering vir 30 minute verdaag en indien daar nog nie 'n kworum teenwoordig is nie, sal die aanwesige lede 'n kworum vorm.

7.7 Alle sake wat aan die **Raad** voorgelê word, sal by wyse van 'n meerderheid van stemme teenwoordig by 'n vergadering, hetsy met opsteek van hande, hetsy met stembriefies, bepaal word. By ‘n mosie waaroor stemme staak, het die Voorsitter ‘n beslissende stem.

5.8 to consider and approve annual certification tariffs proposed by the appointed contractor for certification related services, which shall include the Council’s fees and costs.

6. DISCLAIMER AND LIABILITY

No member of the **Council** shall be liable for the action, negligence or omissions of any member of the **Council** or an action, negligence or omission which may arise from resolutions of the **Council** and which could lead to any loss or damage or delictual action of any nature against the **Council**.

7. GENERAL RULES

7.1 Meetings of the **Council** shall be convened upon the instruction of the Chairperson; and a special and extraordinary meeting shall be convened if three or more members of the **Council** so request in writing.

7.2 Notification of **Council** meetings shall be given at least 21 days prior to such meetings.

7.3 The Chairperson shall have a deciding vote in the event of a tie.

7.4 The chairperson of **PCS** shall (*ex officio*) act as Vice-Chairperson of the **Council**.

7.5 Points for discussion at meetings of the **Council** shall be submitted to the Chairperson at least four weeks prior to the date of the meeting.

7.6 Fifty percent plus one of the **Council** members shall constitute a quorum. If a quorum is not present at a properly constituted meeting at the established time, the meeting shall be adjourned for 30 minutes, and if a quorum is still not present, the members present shall constitute a quorum.

7.7 All matters submitted to the **Council** shall be decided by means of a majority of votes present at the meeting, either by voting by a show of hands or by ballot. The Chairperson will have a deciding vote in motions in respect of which there is a tie of votes.

7.8 Notules van alle vergaderings van die **Raad** moet behoorlik gehou, goedgekeur, geteken en veilig bewaar word.

7.9 Die bepaling van die lede van die **Raad** se reis- en verblyfkostes sal geskied volgens die tariewe soos van tyd tot tyd deur die Direksie van **ASD** bepaal en goedgekeur deur die **Raad**.

7.10 Aangeleenthede van strategiese belang wat nie noodwendig met die **Skema** verband hou nie, sal vir uitsluitsel na die bedryf verwys word.

7.11 Bylaag 1 hierby aangeheg, verwys na die kommunikasiekanale en is hierby ingesluit as verwysing.

7.8 Proper minutes of all **Council** meetings shall be drawn up, approved, signed and kept safely.

7.9 Determination of the **Council** members' travelling and subsistence costs shall be determined in accordance with tariffs determined by the Board of Directors of **PCS** from time to time and approved by the **Council**.

7.10 Matters of strategic importance but not necessarily related to the **Scheme,** shall be referred to the industry.

7.11 Annexure 1 attached hereto relates to communication channels and is incorporated herein by way of reference.

AANHANGSEL 1 TOT KONSTITUSIE VAN DIE ONAFHANKLIKE SERTIFISERINGSRAAD VIR AARTAPPELMOERE (RAAD)

KOMMUNIKASIEKANALE VAN DIE RAAD

A PLASING VAN BESPREKINGSPUNTE OP SAKELYS VAN DIE RAAD

Vergaderings van die Moerkwekers in die produksiestreke en ander rolspelers behoort sodanig gereël te word dat voldoende tyd beskikbaar is om sertifiseringsknelpunte na die Nasionale Moerekomitee te verwys en te bespreek ten einde voorleggings aan die **Raad** te kan doen.

Voorleggings aan die **Raad** moet die **Voorsitter/ASD**-Administrasie minstens vier weke voor die Raadsvergadering bereik ten einde die **ASD**-Administrasie in staat te stel om die voorleggings voor te berei en saam met die sakelysdokumentasie aan die lede van die **Raad** te kan versend.

Bogenoemde werkswyse sal die **Raadslede** verteenwoordigend van die Nasionale Moerekomitee in staat stel om 'n besluit aan die **Raad** voor te lê.

Agendapunte, anders as hierbo na verwys, sal slegs by uitsondering deur die **Raad** hanteer word.

B TERUGVOERING VAN RAADSBESLUITE

Terugvoering van **Raad**svergaderings word skriftelik aan die moerkwekers en streekskantore van **ASD** gekommunikeer.

Moerkwekers is welkom om **Raad**sbesluite op hul opvolgende vergadering te bespreek.

C ALGEMEEN

1. Moerkwekers
   - Kommunikeer tydens vergaderings van moerproduksiestreke
   - Moerkwekersforum

ANNEXURE 1 TO THE CONSTITUTION OF THE INDEPENDENT CERTIFICATION COUNCIL FOR SEED POTATOES (COUNCIL)

COMMUNICATION CHANNELS OF THE COUNCIL

A PLACING OF ITEMS ON THE AGENDAS OF COUNCIL MEETINGS

Meetings of the Seed Potato Growers in the production regions and other role players should be arranged as such that adequate time is available to refer certification issues to the National Seed Potato Committee for discussion in order to be able to submit issues to the **Council**.

Submissions to the **Council** shall reach the **Chairperson/PCS** Administration at least four weeks before the **Council** meeting in order for the Administration of **PCS** to be able to prepare the submissions and send the submissions to the members of the **Council** with the agenda documentation.

The above-mentioned procedure will enable the **Council** members representative of the National Seed Potato Committee to submit a regional decision to the **Council**.

The **Council** shall only deal with items, other than those referred to above, in exceptional circumstances.

B FEEDBACK OF COUNCIL RESOLUTIONS

Feedback regarding **Council** meetings shall be communicated to the seed potato growers and regional offices of **PCS** in writing.

The Seed Potato Growers shall be welcome to discuss **Council** resolutions at their next meetings.

C GENERAL

1. Seed Potato Growers
   - Communicate during meeting of Seed Potato Production Regions
   - Seed Potato Growers' Forum

2. Lede van die **Raad**
- Insette op vergaderings van die **Raad**
- **Voorsitter** woon Moerkwekersforum vergaderings by

3. **Raad**
Kommunikeer met Departement van Landbou, Bosbou en Visserye, insake
- Toleransie-wysigings
- Dispensasies

4. Departement van Landbou, Bosbou en Visserye
Kommunikeer met Registrateur van die Plantverbeteringswet insake
- **Skema**-wysigings
- Publikasie van **Skema** en wysigings

5. **ASD** Bestuur
Personeel, infrastruktuur en tariewe

D NOTULES

1. Notules van Raadsvergaderings word aan die volgende persone en/of instansies versend:

    1. Voorsitter van **Raad**
    2. Alle lede van die **Raad**
    3. **ASD**-Streekskantore

2. Dagbestuur-notules

    1. Alle lede van die **Raad**

E VRYSTELLINGS AAN DIE MEDIA

Verklarings van die Voorsitter van die **Raad** aan die media is aan die vooraf goedkeuring van die **Raad** of Dagbestuur onderworpe.

2. **Council** members
- Inputs at meetings of the **Council**
- **Chairperson** attends Seed Potato Growers' Forum meetings

3. **Council**
Communicates with Department of Agriculture, Forestry and Fisheries in connection with
- Tolerance amendments
- Dispensations

4. Department of Agriculture, Forestry and Fisheries
Communicates with the Registrar of the Plant Improvement Act in connection with
- Amendments to the **Scheme**
- Publication of **Scheme** and amendments

5. **PCS** Management
Personnel, infrastructure and tariffs

D MINUTES

1. The minutes of **Council** meetings shall be sent to the following persons and/or bodies:

    1. Chairman of the **Council**
    2. All **Council** members
    3. Regional offices of **PCS**

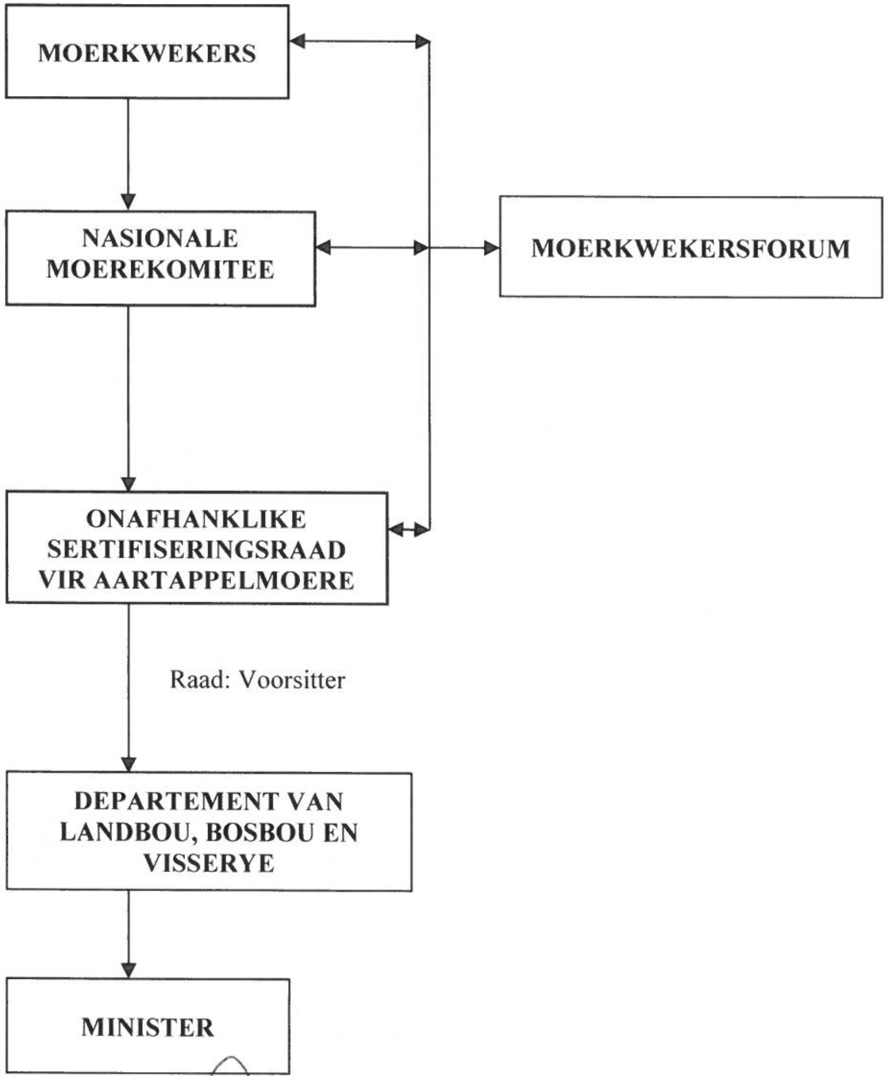
2. Minutes of the Executive Committee

    1. All **Council** members

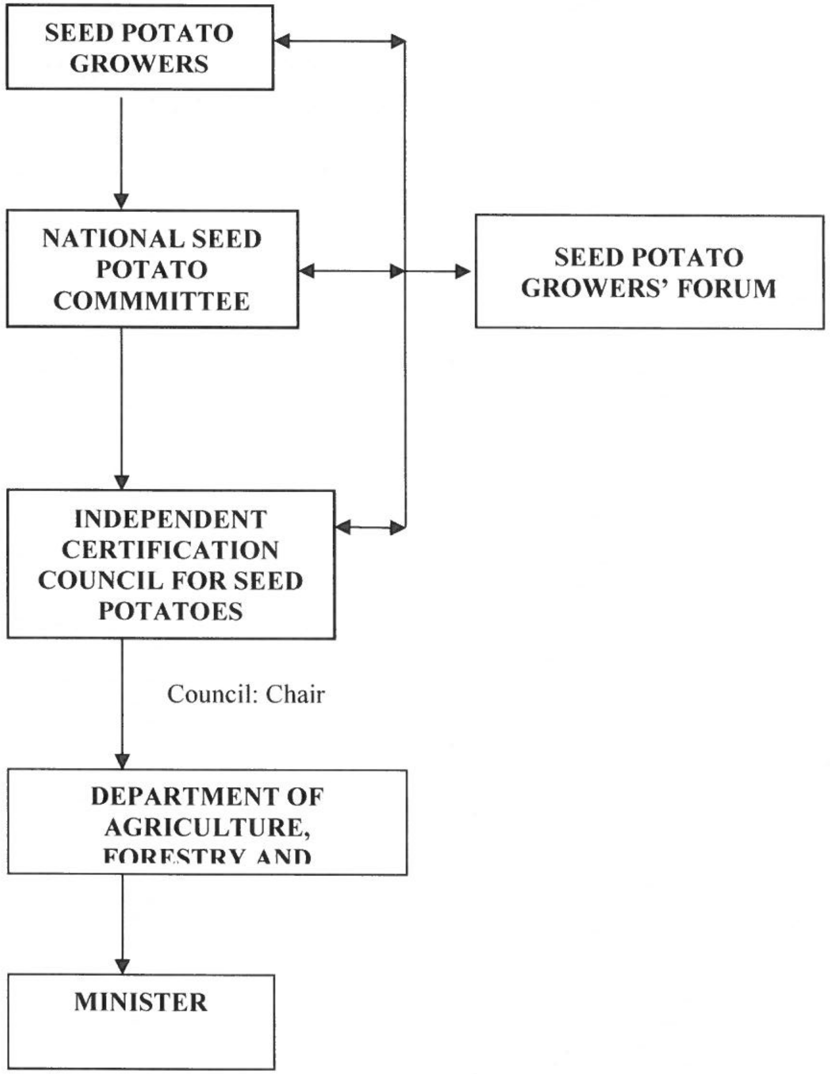
E MEDIA RELEASES

Media releases of the Chair of the **Council** shall be subject to the prior approval of the **Council** or the Executive Committee.

KOMMUNIKASIEKANALE WORD AS VOLG OPGESOM:



COMMUNICATION CHANNELS ARE SUMMARIZED AS FOLLOWS:



CHAIRMAN

27/9/2017

DATE