UMKHANDLU OZIMELE WOKUQINISEKISWA KWEMBEWU YAMAZAMBANE (INDEPENDENT CERTIFICATION COUNCIL FOR SEED POTATOES)

IBHUKWANA ELENZIWE NGOKWESIGABA 14 SOMTHETHO WOKUKHUTHAZA UKUFINYELELA OLWAZINI (2000), onguNo. 2 KA 2000

1. ISETHULO

1.1 Leli Bhukwana, kuhlanganisa nefomu elinqunyiwe kanye nezimali ezinqunyiwe okumayelana nesicelo sokuthola ulwazi, kulungiswe futhi kwashicilelwa uMkhandlu Ozimele Wokuqinisekiswa Kwembewu Yamazambane (nokuyinkampani kazwelonke ezimele embonini yamazambane kanti lapha kulo mbhalo ubizwa ngamafuphi nje ngokuthi "yi-ICCSP") ngokulandela izidingo Zesigaba 14 soMthetho Wokukhuthazwa Kokufinyelela Olwazini (2000), onguNo. 2 ka 2000 ("uMthetho"). Inhloso yalo ukwenza kube lula ukufinyelala kumarekhodi asezandleni ze-ICCSP ukuze kuhlangatshezwane nezinhloso zoMthetho. UMthetho ubalula izindaba ezithinta inqubo edingekayo mayelana nalesi sicelo.

Ukukhokhela lawa marekhodi kumele kwenziwe kubhekiswe kwi-ICCSP ngaphambi kokuba kwenziwe isicelo sokufinyelela kumarekhodi.

1.2 Ngaphezu kwamagama achazwe kwezinye izigatshana, lawa magama alandelayo ayoba nalezi zincazelo ezilandelayo kuleli Bhukwana: -

1.2.1 **"Isikhulu Esihlinzeka Ngolwazi"** kuyobe kusho isikhulu esiphezulu jikelele, noma isikhulu esisesikhundleni esifanayo, kwa-ICCSP noma umuntu olibamba kulesi sikhundla;

1.2.2 "**Isekela Lesikhulu Esihlinzeka Ngolwazi**" ikuyobe kusho lowo muntu/labo bantu abaqokwe ngokwemibandela Yesigaba 17 soMthetho;

1.2.3 **"Ibhukwana"** kuyobe kusho leli Bhukwana ngokuhlanganyela nazo zonke izinto ezinanyathislwe kulo elitholakala emahhovisi e-ICCSP ngezikhathi ezahlukene;

1.2.4 **"I-SAHRC"** kuyobe kusho ukuthi i-South African Human Rights Commission.

2. UKUMA KOHLAKA KANYE NEMISEBENZI YE-PCS (Isigaba 14(1) (a) soMthetho)

2.1 Ngomhla ziyi-15 kuNhlaba 1998 uNgqongqoshe Wezolimo, esebenza ngaphansi Kwesigaba 23 soMthetho Wokwenza Ngcono Izitshalo, onguNo. 53 ka 1976 ("uMthetho Wokwenza Ngcono Izitshalo"), wasungula isikimu esaziwa ngokuthi Isikimi SaseNingizimu Afrika Sokuqinisekiswa Kwamazambane (i-South African Seed Potato Certification Scheme) ("Isikimu") wabe eseqoka i-ICCSP ukuthi kube yiyona ezokwengamela ngamandla, yenze imisebenzi iphinde iqhube izimfanelo ethweswe zona, ezinikeziwe noma ezingaphansi kwe-ICCSP ngaphansi Kwesikimu.

2.2 I-ICCSP, ngokwemibandela Yesigaba 24(2)(a) soMthetho Wokwenza Ngcono Izitshalo, yaqoka i-Potato Certification Service NPC (inombolo yokubhaliswa: 1995/005404/08) ("PCS"), ukuthi yenze, igcine futhi iqhubeke namandla, nemisebenzi kanye nezimfanelo ze-ICCSP. Ngomhlaka 23 Okthoba 2012 i-ICCSP kanye ne-PCS benza Isivumelwano Sokuletha Intuthuko.

2.3 I-ICCSP iyilokhu esikubiza ngokuthi *"yinhlangno yomphakathi"* njengalokhu ichaziwe Kwisigaba 1 soMthetho, kwazise i-ICCSP inamandla omphakathi futhi yenza imisebenzi ngokulandela imigomo

Yomthetho Wokwenza Ngcono Izitshalo. I-PCS nayo iyinhlangano yomphakathi ngokwezinhloso zoMthetho njengalokhu i-PCS ingumhlinzeki ngezinsizakalo oqokiwe, futhi igcina amarekhodi eSikimu.

3. IMININININGWANE YOKUXHUMANA (Isigaba 14(1) (b) soMthetho)

Igama lenhlangano:	UMkhandlu Ozimele Wokuqinisekisa Imbewu Yamazambane (Independent Certification Council for Seed Potatoes)

Isikhulu Esihlinzeka Ngolwazi: Nks Sanette Thiart | sanette@potatocertification.co.za

Isekela Lesikhulu Esihlinzeka Ngolwazi: Mnu André Wessels | andre@potatocertification.co.za

Ikheli: Potato House, 6 De Havilland Crescent, Persequor Technopark, Pretoria
Ikheli leposi: Private Bag X 135, PRETORIA, 0001
Ucingo: +27 (12) 349 1910/ 1911
Iwebhusayithi: www.potatocertification.co.za

4. UMHLAHLANDLELA NGOKWEMIBANDELA YESIGABA 10 SOMTHETHO (Isigaba 14(1) (c) soMthetho)

4.1 Ngokwemibandela Yesigaba 10 soMthetho, umhlahlandlela uye wabhalwa, wenziwa yi-SAHRC kanti unolwazi okungenzeka ukuba ludingwa umuntu ozimisele ngokuthi afezekise noma ngabe yiliphi ilungelo elibalulwe eMthethweni.

4.2 Lo mhlahlandlela uyatholakala emahhovisini e-SAHRC kanye nakuwebhusayithi ye-SAHRC ukuze umphakathi ukwazi ukuzibonela wona ngokwawo. Eminye imibuzo eyengeziwe mayelana nalo mhlahlandlela noma olunye ulwazi olwengeziwe ukusiza ukwenza izicelo ngokwemibandela Yomthetho ingabhekiswa kwa-SAHRC ngokuthi kuxhunywane nabo lapha:

SAHRC
Promotion of Access to Information Unit
Private Bag 2700
Houghton
2041

Ucingo: +27 11 877 3600
Ifekisi: +27 11 484 1360
Iwebhusayithi: www.sahrc.org.za
I-imeyili: PAIA@sahrc.org.za

5. UKUFINYELELA KUMAREKHODI

5.1 Ukuzidalulela Ngokuzithandela (Isigaba 15(1) soMthetho)

Ulwazi lwe-ICCSP luqukethwe kuwebhusayithi ye-, www.potatocertification.co.za, kanti le webhusayithi ivuleleke kuwona wonke umuntu one-inthanethi eduzane. Iwebhusayithi phakathi kwezinye izinto inokuxhumana okukuholela kulezi zindawo ezilandelayo*:*

5.1.2.1 Ulwazi Oluvamile (*"Mayelana Nathi"*);

5.1.2.2 IBhodi kanye Namakomidi;

5.1.2.2.1 IBhodi Yabaqondisi;
5.1.2.2.2 UMkhandlu Ozimele Wokuqinisekisa Imbewu Yamazambane;
5.1.2.2.3 Ikhomishini Kazwelonke Yembewu Yamazambane;
5.1.2.2.4 Isigungu Sabatshali Bembewu Yamazambane;
5.1.2.2.5 I-NUMPRO;
5.1.2.2.6 I-SAMPRO;

5.1.2.3 Ukuqinisekisa;

5.1.2.4.1 Isikimu SaseNingizimu Afrika Sokuqinisekisa Imbewu Yamazambane;

5.1.2.4 Umkhiqizo;

Thiart

5.1.2.5 Izilokazane, Izifo kanye Nokuphambuka;

5.1.2.6 Imibiko kanye Namasekhula;

5.1.2.7 Umlimi Wembewu Yamazambane Wonyaka;

5.1.2.8 Abalimi Bembewu Yamazambane Ababhalisiwe;

5.1.2.9 Imibuzo Evame Ukubuzwa;

5.1.2.10 Imininingwane Yokuxhumana.

5.2 Ulwazi kumele lucelwe ngokusemthethweni (ISIGABA 14(1)(d) soMthetho)

I-PCS, ngamandla okusunguleka kwayo okukhulunywe ngakho kupharagrafu 2.2 ngenhla, igcina amadokhumenti kanye nolwazi olubalulwe Kwisheduli engezansi, nangatholakali ngaphansi kukapharagrafu 5.1 kanti phela lawo madokhumenti kanye nolwazi lolo kusuke kufanele ukuthi kucelwe ngokusemthethweni kwa-PCS ngokulandela izimiso zoMthetho. Ukukleliswa kwesihloko esithile noma komkhakha wamarekhodi athile akumele ukuthi kuhunyushwe njengokuthi amarekhodi angaphansi kwalezo zihloko noma/kanye kwaleyo mikhakha kuyokwenza ukuthi kutholakale ngaphansi koMthetho. Ikakhulukazi, kusengenzeka ukuthi kube nezizathu ezithile zokwenqaba ukudedela lawo marekhodi athile njengalokhu zibaluliwe eMthethweni noma kumthetho Wokwenza Ngcono Izitshalo.

I-PCS inamarekhodi kulezi zihloko noma le mikhakha elandelayo:

AMAREKHODI	ISIHLOKO / UMKHAKHA
Awezokusebenza Kwenkampani kanye Nakwandaba Zabantu	- Amarekhodi omphakathi (kuhlanganisa nalawa alandelayo kodwa futhi kungesiwona kuphela: uMthethosisekelo WoMkhandlu Ozimele Wokuqinisekisa Imbewu Yamazambane, i-Memorandum of Incorporation ye-PCS, amadokhumenti abhaliswe kwi-Companies and Intellectual Property Commission maqondana ne-PCS, imininingwane emaqondana nabaqondisi bakwa-PCS kanye namanye amadokhumenti i-PCS okudingeka ukuthi ibe nawo ngaphansi komthetho i-Companies Act, enguNo. 71 ka 2008). - Amarekhodi abasebenzi be-PCS - Izivumelwano Zokusebenza zabasebenzi bakwa-PCS
Awezubuchule kanye Nokuthengisa	- Amadokhumenti avamile ezinkonteleka nezivumelwano - Amapholisi omshuwalense
Awezezimali kanye Nokubusa	- Izitatimende zezimali ze-PCS ezicwaningiwe - Amarekhodi ezentela e-PCS - Ama-akhawunti abaphathi e-PCS - Umqulu walapho kubhalwe khona izinto zakwa-PCS
Awezokuphatha	- Iphrothokholi - Izicelo zokubhaliswa kwendawo ewumhlaba noma ikhonteyna noma amakhonteyna kwindlu eluhlaza okotshani njengeyunithi

6. INQUBO YOKWENZA ISICELO

6.1 Sebenzisa ifomu elinqunyiwe lakwaPCS okunguFomu A Lokucela Ukufinyelela Kumarekhodi Esikhungo Somphakathi ashicilelwa mhlaka 15 Febhuwari 2002 Kwigazethi Kahulumeni ngokwemibandela Yesigaba 18(1) soMthetho njengalokho OKunanyathiselwe B Kwisaziso R187. IFomu A linanyathiselwe khona lapha laba uSheduli 1.

6.2 Umfakisicelo kufanele ukuthi futhi akhombise ukuthi ngab isicelo leso singesekhophi yerekhodi noma ngabe umfakisicelo ufuna ukulibona nje irekhodi leli emahhovisini e-PCS ngokwendlela eshiwo Kwisigaba 29(2) soMthetho.

6.3 Umfakisicelo uyobe esenikwa ilungelo lokufinyelela kwirekhodi lelo ngendlela leyo ayobe yena ecele ukufinyelela ngayo, kodwa lokho kuhambisane nemibandela Yesigaba 29(3) kanye no (4) koMthetho. Uma indlela okucelwe ukuthi kufinyelelwe ngayo kwirekhodi iyophazamisana ngokungaphusile nokusebenza okufanele kwe-ICCSP noma kwe-PCS, kulimaze ukongiwa kwerekhodi noma kubonakale sengathi kuphambene nomthetho amalungelo obunikazi obungesibo obe-ICCSP kanye/noma be-PCS, ukufinyelela kulelo rekhodi kunganikezelwa ngenye indlela. Imali eyobizwa ngalokho angake ibe ngaphezu kwemali umfakisicelo abeyobizwa yona ukuba ubenikwe irekhodi ngendlela abecele ngayo.

6.4 Uma umfakisicelo efisa ukwaziswa ngokwemibandela Yesigaba 18(2)(e) soMthetho ngesinqumo ngesicelo ebesenziwe ngaphezu kwempendulo ebhalwe phansi, ngenye futhi indlela, leyo ndlela-ke kanye nemininingwane yakhona efanele kuyomele ukuthi kushiwo.

6.5 Uma isicelo senziwa egameni lomuntu, ubufakazi bokuthi lowo owenza leso sicelo usenzela omunye kufanele ukuthi bulethwe ngokwemibandela Yesigaba 18(2)(f) soMthetho ngendlela ezokwenelisa Isikhulu Esihlinzeka Ngolwazi ngokuphusile.

6.6 Isigaba 18(3) soMthetho sihlinzeka ngokuthi isicelo esenziwe ngumuntu phaqa egameni lakhe okuthi ngenxa yokungakwazi ukufunda nokubhala noma ngenxa yokukhubazeka angakwazi ukufaka isicelo, ukuthi lowo muntu isicelo sakhe asenze ngomlomo. Isikhulu Esihlinzeka Ngolwazi kuyoba yisiona esiyobe sesikuthatha konke lokho okuyisicelo esenziwe ngomlomo sikubhale phansi kwifomu lakhona elifanele bese sihlinzeka umfakisicelo ngekhophi yalelo fomu.

6.7 Izimali zokukhokhela izicelo zokufinyelela kumarekhodi ziyobizwa ngokulandela Isigaba 22 soMthetho. Uhlelo lokuma kwezimali eziyobizwa luhambisana nalokhu Luwusheduli 2.

6.8 I-PCS iyaligodla ilungelo layo lokubiza enye imali eyengeziwe ngolwazi lwayo olungekho kwinqolobane yolwazi lwayo.

7. ISAZISO (IZAZISO) NGOKWEMIBANDELA YESIGABA 15(2) SOMTHETHO (Isigaba 14(1) (e) soMthetho)

Isaziso ngokwemibandela Yesigaba 14(1)(e) soMthetho besingakashicilelwa.

8. IZINSIZAKALO EZITHOLAKALA KUMALUNGU OMPHAKATHI KANYE NENDLELA YOKUFINYELELA KULEZO ZINSIZAKALO (Isigaba 51(1) (f) soMthetho)

8.1 Bheka kupharagrafu 2 ngenhla.

8.2 I-PCS yengamela ngamandla, yenze imisebenzi iphinde iqhube izimfanelo eyethweswe zona, imisebenzana enikezwe yona yi-ICCSP engaphansi Kwesikimu.

9. UKUCHAZWA KWANOMA YIKUPHI UKUHLELEKA NOMA UKUHLINZEKA KOMUNTU (OKUNGESIYONA INHLANGANO YOMPHAKATHI OKUKHULUNYWE NGAYO KUPHARAGRAFU (a) NOMA (b)(i) NGOKWENCAZELO 'YENHLANGANO YOMPHAKATHI' KUMTHETHO) NGOKUXOXISANA, NGOKWENZA IZETHULO NOMA NGENYE INDLELA, UKUBAMBA IQHAZA NOMA UKUBA NAMANDLA OKUJIKA UMQONDO-

(i) UKUBUNJWA KWENQUBOMGOMO; NOMA

(ii) UKWENGAMELA NGAMANDLA, UKWENZIWA KWEMISEBENZI YINKAMPANI (Isigaba 14(1) (g) soMthetho)

9.1 Bheka kupharagrafu 2 ngenhla.

9.2 UNgqongqoshe Wezolimo, enza umsebenzi wakhe ngaphansi Kwesigaba 23 soMthetho Wokwenza Ngcono Izitshalo, wasungula Isikimu wabe eseqoka i-ICCSP ukuthi kube yiyona ezokwengamela ngamandla, yenze imisebenzi iphinde iqhube izimfanelo eyethweswe zona, imisebenzana enikezwe yona noma engaphansi kwe-ICCSP ngaphansi Kwesikimu. Ngaphansi kwalezi zimo-ke, i-ICCSP alukho uhlelo enalo noma isibonelelo enaso sokuthi umuntu kube khona izethulo azenzayo noma ngenye indlela, abambe iqhaza noma abe namandla okujika umqondo, ukubunjwa kwenqubomgomo, ukwenziwa kwemisebenzi yinkampani noma ukusetshenziswa kwezimfanelo.

10. IZINDLELA ZOKUSIZAKALA MAYELANA NESENZO ESITHILE NOMA NOKUHLULEKA UKWENZA OKUTHILE KWESIKHUNGO (Isigaba 14(1) (h) sof the Act)

10.1 Ukusizakala Kwangaphakathi

I-ICCSP ayinayo inqubo yokwedluliswa kwesicelo eyilandelayo ngaphandle. Isinqumo esithathwe Yisikhulu Esihlinzeka Ngolwazi singujuqu, kanti lokho kuyosho ukuthi umfakisicelo kuyofanele ukuthi afune ukusizakala ngaphandle njengalokhu kushiwo kupharagrafu 10.2 lapha ngezansi uma isicelo sokufinyelela olwazini senqatshiwe futhi/noma uma umfakisicelo engenelisekile ngempendulo ayinikwe Yisikhulu Esihlinzeka Ngolwazi.

10.2 Ukusizakala Kwangaphandle

Isigaba 78(2)(c) soMthetho sithi umfakisicelo ongeneme neze ngesinqumo mayelana nesicelo sokufinyelela olwazini, kuyomele ukuthi zithi zingakapheli izinsuku eziyi-180 lokho kwenzekile, adlulisele leso sinqumo Kwinkantolo Yomthetho enamandla okulalela lolu daba ukuze athole lokho kusizakala angabe ekufuna yena ngokwemibandela Yesigaba 82 soMthetho. Inqubo eyolandelwa ibekwe yacaca Kumithetho Yokukhuthaza Ukufinyelela Olwazini eyashicilelwa ngomhlaka 9 Okthob 2009 Kwigazethi Kahulumeni ngokwemibandela Yomthetho 79 woMthetho njengeSaziso R967.

11. UKUBUYEKEZWA KWALO MBHALO

Le dokhumenti iyobuyekezwa kanye njalo ngonyaka.