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M A N U A L

IN ACCORDANCE WITH

THE PROMOTION OF ACCESS TO INFORMATION ACT (NO. 2 OF 2000)

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SUGAR INDUSTRY APPEALS TRIBUNAL**MANUAL IN TERMS OF SECTIONS 14 (1) AND 51 (1) OF THE PROMOTION OF ACCESS TO INFORMATION ACT NO. 2 OF 2000****1. STRUCTURE AND FUNCTIONS (Section 14(1)(a))****1.1 The Structure of the Sugar Industry Appeals Tribunal**

1.1.1 The Sugar Industry Appeals Tribunal ("the Appeals Tribunal") is established in terms of the Sugar Industry Agreement, 2000 and consists of:-

- (i) Three persons appointed by the South African Sugar Association ("SASA");
- (ii) One person appointed by the South African Sugar Millers Association ("the Millers Association");
- (iii) One person appointed by the South African Cane Growers Association ("the Growers Association").

1.1.2 The Millers Association and the Growers Association, respectively, may appoint one or more alternate members to act in the place of their respective appointed members in the absence or inability of the appointees to act.

1.1.3 The members of the Appeals Tribunal appointed by SASA shall be persons having no direct material interests in the Sugar Industry and shall not be a member of the Sugar Industry Administration Board. On 31 July of each year, the SASA appointed member who has been longest in office shall retire and be replaced by a new appointee. Each member appointed by the Millers Association and the Growers Association, respectively, shall retire from office on 31 July in each year and be replaced by a new appointee.

1.1.4 One of the SASA appointed members is designated by SASA to be the chairperson of the Appeals Tribunal and one of the other such members as the vice chairperson.

1.2 **The Functions of the Sugar Industry Appeals Tribunal**

1.2.1 Any person having a direct interest in a decision, order, ruling or determination of the Sugar Industry Administration Board ("the Administration Board") shall have the right to appeal to the Appeals Tribunal against the decision, order, ruling or determination. Unless otherwise stipulated by the Sugar Industry Agreement, 2000, such person shall, within twenty one (21) days of the date on which the decision, order, ruling or determination of the Administration Board is notified to him or her, lodge with the Administration Board a written notice of appeal, failing which the right to appeal shall lapse and the decision, order, ruling, or determination of the Administration Board shall be final and binding. The Administration Board shall, upon receipt of a notice of appeal, send copies of the notice of appeal to each other party directly affected by the decision, order, ruling or determination against which the appeal has been lodged and to the Appeals Tribunal.

1.2.2 The Appeals Tribunal performs the following functions:

- (i) hear and decide any appeal where a right of appeal to the Appeals Tribunal is provided for in the Sugar Industry Agreement, 2000;
- (ii) hear and decide any issue or issue any directive in regard to any matter referred to it for a decision or directive by the Administration Board or SASA;
- (iii) hear and decide any dispute which may arise between a sugar mill and a sugar cane grower arising from a cane supply agreement or any agreement between those parties relating to the supply or delivery of cane;
- (iv) undertake and resolve any matter which, in terms of the Sugar Industry Agreement, 2000, falls to be undertaken by the Administration Board if the Administration Board is unable to or fails to duly resolve the matter owing to a deadlock or for any other reason;
- (v) hear and decide any matter which, in terms of the Sugar Industry Agreement, 2000, is to be determined by the Appeals Tribunal.

2. CONTACT DETAILS (Sections 14(1)(b) and 51(1)(a))

Head of Body:

Adv O A Moosa SC
Chairperson
Sugar Industry Appeals Tribunal

Email address: oamoosa@law.co.za

Physical address: Kwa-Shukela
170 Flanders Drive
Mount Edgecombe

Postal address: P O Box 700
Mount Edgecombe
KwaZulu-Natal
4300

Telephone: 031 508 7103

Telefax: 031 508 7192

Information Officer:

Jennashree Govender
Legal and Compliance Officer
South African Sugar Association

Email address: Jennashree.Govender@sasa.org.za

Physical address: Kwa-Shukela
170 Flanders Drive
Mount Edgecombe

Postal address: P O Box 700
Mount Edgecombe
KwaZulu-Natal
4300

Telephone: 031 508 7103

Telefax: 031 508 7192

3. HUMAN RIGHTS COMMISSION GUIDE (Sections 14(1)(c) and 51(1)(b))

In terms of section 10 of the Promotion of Access to Information Act ("the Act"), the Human Rights Commission is required to compile a guide to assist persons who wish to exercise any rights under the Act. This guide is available from the Human Rights Commission which may be contacted at:

Address: Forum 3, Braampark Office Park
33 Hoofd Street
Braamfontein

Telephone: 011 877 3600

Telefax: 011 403 0668

Website: www.sahrc.org.za

Email: info@sahrc.org.za

4. CATEGORIES OF RECORDS AND REQUEST PROCEDURE (Sections 14(1)(d) and 51(1)(e))

4.1 Categories of Records of the Sugar Industry Appeals Tribunal

- 4.1.1 Minutes of Meetings of the Appeals Tribunal;
- 4.1.2 Copies of Rulings, Awards and Judgments of the Appeals Tribunal;
- 4.1.3 Recordings and/or transcripts of hearings before the Appeals Tribunal;
- 4.1.4 Correspondence with the Appeals Tribunal;
- 4.1.5 Letters of appointment of members of the Appeals Tribunal;
- 4.1.6 Rules for hearings before the Appeals Tribunal;
- 4.1.7 Opinions from professional advisors.

4.2 Request Procedure (Sections 18 and 53)

- 4.2.1 The request for information must be made:
 - (i) to the Information Officer (where the request is made in terms of section 18) or to the Head of the Body (where the request is made in terms of section 53) using the aforementioned contact details;
 - (ii) completed on the prescribed form in terms of the Act and the Regulations thereto;
 - (iii) provide sufficient detail on the request form to enable the Information Officer or the Head of the Body (as the case may be) to identify the record and the requester;
 - (iv) identify the form of access required;

- (v) where a request is made on behalf of a third party, the requester must provide proof of authority to represent such third party to the satisfaction of the Information Officer or the Head of the Body (as the case may be);
- (vi) if the request is made in terms of section 53, the requester must identify the right that he or she is seeking to exercise or protect and provide an explanation of why the requested record is required for the exercise or protection of that right.

4.2.2 The Information Officer or the Head of the Body, as the case may be, shall notify the requester to pay the prescribed fee (if any) before further processing the request.

4.2.3 The Information Officer or the Head of the Body, as the case may be, will then make a decision whether to grant the request or not and shall notify the requester in the required form.

4.2.4 If the request is granted, then a further access fee must be paid for the search, reproduction and preparation, and for any time that has exceeded the prescribed hours to search and prepare the record for disclosure.

NB : Please note the following:

4.2.5 In terms of the Sugar Industry Agreement, 2000, hearings of the Appeals Tribunal shall not be open to any party not directly affected by the matter before it; provided that the chairperson, or in his or her absence, the vice-chairperson may permit anyone having a sufficient interest in the matter but not directly affected thereby to be present.

4.2.6 This Manual is prepared both in terms of section 14 of the Act and in terms of section 51 of the Act, as the Appeals Tribunal may in one instance be a public body and in another instance be a private body, depending on whether the record in question relates to the exercise of a power or performance of a function as a public body or as a private body. Where it is a public body, the request for access to a record held by the Appeals Tribunal must be made in terms of and in compliance with section 11 of the Act. However, where the request for access to a record is in circumstances where

the Appeals Tribunal is a private body, such request must be made in terms of and in compliance with the requirements of section 50 of the Act.

- 4.2.7 Any request for access to a record of the Appeals Tribunal may be refused in terms of any ground for refusal contemplated in chapter 4 of the Act.

5. SERVICES AVAILABLE (Section 14(1)(f))

The services available to members of the public from the Appeals Tribunal are set out in paragraph 1.2 of this Manual.

6. REMEDIES AVAILABLE IN RESPECT OF AN ACT OR FAILURE TO ACT BY THE APPEALS TRIBUNAL (Section 14 (1)(h))

- 6.1 In terms of the Sugar Industry Agreement, 2000, a party to a dispute decided by the Appeals Tribunal may within twenty one (21) days of the date of the Appeals Tribunal's decision appeal to any provincial or local division of the High Court of South Africa having jurisdiction over the Appeals Tribunal's finding by lodging with the Registrar of the Court concerned a notice of appeal setting out in full the grounds of appeal and delivering to the secretary of the Appeals Tribunal, on the same day or before notice of appeal is so lodged, a copy of the notice of appeal. Such appeal may thereafter be prosecuted inter alia in terms of the further provisions of the Sugar Industry Agreement, 2000.
- 6.2 The Appeals Tribunal does not have internal appeal procedures in respect of any alleged failure on the part of the Appeals Tribunal, its Information Officer or the Head of the Tribunal, as the case may be, to comply with the provisions of the Promotion of Access to Information Act. In such circumstances the requester shall be required to have recourse to any court of competent jurisdiction. This would apply to any situation in which the requester wishes to appeal or review a decision made by the Information Officer or the Head of the Tribunal, as the case may be.

7. AVAILABILITY OF ACCESS TO INFORMATION MANUAL (Sections 14(3) and 51(3))

- 7.1 This Manual shall be available for inspection free of charge at the address of the Appeals Tribunal (see 2 above).
- 7.2 A copy of the Manual is also available from the Human Rights Commission (see contact details in 3 above).
- 7.3 The Manual will be published in the Government Gazette and on the Appeals Tribunal website at www.sugartribunal.org.za

SUIKERINDUSTRIE APPÈLTRIBUNAAL

HANDLEIDING IN TERME VAN ARTIKELS 14 (1) en 51 (1) VAN DIE WET OP BEVORDERING VAN TOEGANG TOT INLIGTING WET NO. 2 VAN 2000

1. STRUKTUUR EN FUNKSIES (Artikel 14 (1) (a))

1.1 Die struktuur van die Suikerindustrie Appèltribunaal

1.1.1 Die Suikerindustrie Appèltribunaal ("die appèltribunaal") is in terme van die suikernywerheidsooreenkoms in 2000 gestig en bestaan uit : -

- (i) Drie persone aangewys deur die Suid-Afrikaanse Suikervereniging ("SASV");
- (ii) Een persoon aangestel deur die Suid-Afrikaanse Suiker Meulenaarsvereniging ("die Meulenaarsvereniging") ;
- (iii) Een persoon aangestel deur die Suid-Afrikaanse Rietkwekersvereniging ("die Rietkwekersvereniging").

1.1.2 Die Meulenaarsvereniging en die Rietkwekersvereniging, onderskeidelik, kan een of meer alternatiewe lede aanstel om op te tree in die plek van hulle eie aangestelde lede om in die afwesigheid of onvermoë van die aangesteldes op te tree.

1.1.3 Die lede van die Appèltribunaal, aangestel deur die SASV moet persone wees met geen direkte wesenlike belange in die suikerindustrie nie en sal nie 'n lid van die Suikerindustrie Administrasie Raad wees nie. Op 31 Julie van elke jaar, sal die aangestelde lid wat deur SASV benoem is en wat die langste in die amp is uittree en vervang word deur 'n nuwe benoemde. Elke lid aangestel deur die Meulenaarsvereniging en die Rietkwekersvereniging, onderskeidelik, sal jaarliks op 31 Julie uittree uit die amp en vervang word deur 'n nuwe benoemde.

1.1.4 Een van die aangestelde lede van die SASV word aangewys deur die SASV as die voorsitter van die Appèltribunaal en een van die ander lede as die ondervoorsitter.

1.2 Die funksies van die Suikerindustrie Appèltribunaal

1.2.1 Enige persoon wat 'n direkte belang het in 'n besluit, bevel, beslissing of uitspraak van die Suikerindustrie Administrasie Raad ("die Administrasie Raad") het die reg om te appelleer teen die besluit, bevel, beslissing of uitspraak, na die Appèltribunaal. Tensy anders bepaal deur die Suikernywerheidsooreenkoms,

2000, kan sodanige persoon, binne een en twintig (21) dae vanaf die datum waarin hy of sy in kennis gestel is van die besluit, bevel beslissing of uitspraak van die Administrasie Raad, 'n skriftelike appèl aanhangig maak by Administrasie Raad, by gebreke waarvan die reg tot appèl sal verval en die besluit, bevel, beslissing of uitspraak van die Administrasie Raad sal finaal en bindend wees. Die Administrasie Raad sal, by ontvangs van 'n kennisgewing van appèl, afskrifte van die kennisgewing van appèl aan elke ander party wat direk geraak word deur die besluit, bevel, beslissing of uitspraak, waarteen die appèl ingedien asook aan Appèltribunaal versend.

1.2.2 Funksies van die Appèltribunaal is soos volg:

- (i) aanhoor en beslis van enige appèl waar 'n reg tot appèl na die Appèltribunaal voor voorsiening gemaak is in die Suikernywerheidsooreenkoms, 2000 ;
- (ii) aanhoor van en beslis oor enige saak of kwessie ten opsigte van enige aangeleentheid wat na hom verwys is vir 'n besluit of opdrag deur die Administrasie Raad of die SASV ;
- (iii) aanhoor van en beslis enige dispuut wat mag ontstaan tussen 'n suikermeule en 'n suikerriet produsent voortspruitend uit 'n riet voorsienings ooreenkoms of enige ooreenkoms tussen die partye met betrekking tot die voorsiening of lewering van suikerriet;
- (iv) onderneem en oplos van enige aangeleentheid wat, ingevolge die voorwaardes van die Suikernywerheidsooreenkoms, 2000 resorteer, wat deur die Administrasie Raad onderneem moet word indien die Raad nie in staat is of in gebreke bly om dit dienooreenkomstig op te los as gevolg van 'n dooiepunt wat bereik is of vir enige ander rede;
- (v) die aanhoor en beslis oor enige saak wat, ingevolge die Suikernywerheidsooreenkoms, 2000, sal deur die Appèltribunaal bepaal word.

2. **KONTAKBESONDERHEDE (Artikel 14 (1) (b) en 51 (1) (a))**

Hoof van die liggaam:

Adv. O A Moosa SA

Voorsitter

Suikerindustrie Appèltribunaal

E-pos adres: oamoosa@law.co.za

Fisiese adres: Kwa-Shukela

170 Flanders Rylaan

Mount Edgecombe
Posadres: Posbus 700
Mount Edgecombe
KwaZulu-Natal
4300
Telefoon: 031 508 7103
Telefaks: 031 508 7192

Inligtingsbeampte:

Jennashree Govender

Regs-en Nakomingsbeampte

Suid-Afrikaanse Suiker Vereniging

E-pos adres: Jennashree.Govender@sasa.org.za

Fisiese adres: Kwa-Shukela

170 Flanders Rylaan
Mount Edgecombe
Posadres: Posbus 700
Mount Edgecombe
KwaZulu-Natal
4300
Telefoon: 031 508 7103
Telefaks: 031 508 7192

3. **MENSEREGTEKOMMISSIE GIDS (Artikels 14 (1) (c) en 51 (1) (b))**

Ingevolge artikel 10 van die Wet op Bevordering van Toegang tot Inligting ("die Wet"), word van die Menseregtekommissie vereis om 'n gids op te stel, om persone van hulp te wees, wat hul regte in gevolge die Wet uit te oefen. Hierdie gids is beskikbaar vanaf die Menseregtekommissie by:

Adres: Forum 3, Braampark Office Park
Hoofd Straat 33
Braamfontein

Telefoon: 011 877 3600

Telefaks: 011 403 0668

Webwerf: www.sahrc.org.za

E- pos : info@sahrc.org.za

4. **KATEGORIEË VAN REKORDS EN VERSOEKE PROSEDURE (Artikel 14 (1) (d) en 51 (1) (e))**

4.1 **Kategorieë van rekords van die Suikerindustrie Appèltribunaal**

- 4.1.1 Notules van vergaderings van die Appèltribunaal;
- 4.1.2 Afskrifte van beslissings, toekennings en uitsprake van die Appèltribunaal;
- 4.1.3 Opnames en / of oorkondes van verhore voor die Appèltribunaal;
- 4.1.4 Korrespondensie met die Appèltribunaal;
- 4.1.5 Briewe van aanstelling van lede van die Appèltribunaal;
- 4.1.6 Reëls vir verhore voor die Appèltribunaal;
- 4.1.7 Menings van professionele adviseurs.

4.2 **Versoeke Prosedure (Artikels 18 en 53)**

- 4.2.1 Versoek vir inligting moet gerig word:
 - (i) aan die Inligtingsbeampte (waar die versoek gemaak word ingevolge artikel 18) of by die Hoof van die liggaam (waar die versoek gemaak word in gevolge artikel 53) deur gebruik te maak van bogenoemde kontak besonderhede;

- (ii) voltooi op die voorgeskrewe vorm ingevolge die Wet en die Regulasies daartoe;
 - (iii) verskaf voldoende besonderhede op die versoekvorm om die Inligtingsbeampte of Hoof van die liggaam, (soos die geval mag wees) in staat te stel om die rekord en die versoeker te identifiseer;
 - (iv) identifiseer die klas van toegang wat verlang word;
 - (v) waar 'n versoek namens 'n derde party gemaak word, moet die aansoeker bewys van magtiging verskaf, om so 'n derde party te verteenwoordig, tot die bevrediging van die Inligtingsbeampte of die Hoof van die liggaam (soos die geval mag wees);
 - (vi) indien die versoek ingevolge artikel 53 gedoen word, moet die aansoeker die reg identifiseer wat hy of sy soek om uit te oefen of te beskerm en 'n verduideliking verskaf van waarom die aangevraagde rekord benodig word vir die uitoefening of beskerming van daardie reg.
- 4.2.2 Die Inligtingsbeampte of die Hoof van die liggaam, soos die geval mag wees, sal die versoeker in kennis stel om die voorgeskrewe fooi (indien enige) te betaal voordat die versoek verder verwerk sal word.
- 4.2.3 Die Inligtingsbeampte of die Hoof van die liggaam, soos die geval mag wees, sal dan 'n besluit neem om die versoek toe te staan of nie en sal die versoeker in kennis stel on die voorgeskrewe vorm.
- 4.2.4 Indien die versoek toegestaan word, dan moet 'n verdere toegangsfooie betaal word vir die nasporing, reproduksie en voorbereiding, en vir enige tyd wat die voorgeskrewe ure oorskry het vir nasporing en voorbereiding van die rekord vir openbaarmaking.

NB: Let op die volgende:

4.2.5 Ingevolge die ooreenkoms van die Suikerindustrie, 2000, sal die verhore van die Appèltribunaal nie oop wees vir enige party wat nie direk geraak word deur die saak voor hom word; met dien verstande dat die voorsitter, of in sy of haar afwesigheid, die ondervoorsitter enigiemand mag toelaat met 'n voldoende belang in die saak, maar nie direk geraak word daardeur om teenwoordig te wees .

4.2.6 Hierdie Handleiding is voorberei ingevolge beide artikels 14 en 15 van die Wet, aangesien die Appèltribunaal in een geval 'n openbare liggaam mag wees en in 'n ander geval 'n privaatliggaam, na gelang van of die rekord ter sprake betrekking het op die uitoefening van 'n bevoegdheid of verrigting van 'n funksie as 'n openbare liggaam of as 'n private liggaam. Waar dit 'n openbare liggaam is, moet die versoek om

toegang tot 'n rekord wat deur die Appèltribunaal gehou is ingevolge en in nakoming van artikel 11 van die Wet gemaak word. Maar waar die versoek om toegang tot 'n rekord in omstandighede is waar die Appèltribunaal 'n privaat liggaam is, moet so 'n versoek gemaak word ingevolge en in ooreenstemming met die bepalings van artikel 50 van die Wet .

4.2.7 Enige versoek om toegang tot 'n rekord van die Appèltribunaal mag geweier word op sterkte van enige rede vir weiering soos bepaal in Hoofstuk 4 van die Wet.

5. BESKIKBARE DIENSTE (Artikel 14 (1) (f))

Die dienste beskikbaar aan die lede van die publiek van die Appèltribunaal word uiteengesit in paragraaf 1.2 van hierdie Handleiding.

6. HULPMIDDELS BESKIKBAAR TEN OPSIGTE VAN 'N HANDELING OF VERSUIM OM OP TE TREE DEUR DIE APPÈLTRIBUNAAL (Artikel 14 (1) (h))

6.1 In terme van die Suikernywerheidsooreenkoms, 2000, mag 'n party tot 'n geskil, soos besluit deur die Appèltribunaal, binne een en twintig (21) dae vanaf die datum van die Appèltribunaal se besluit appèleer by 'n provinsiale- of plaaslike afdeling van die Hooggeregshof van Suid-Afrika, wat jurisdiksie het oor die Appèltribunaal se bevinding deur die indiening by die Registrateur van die Hof ter sprake 'n kennisgewing tot appèl wat al die redes tot appèl uiteensit en dit op dieselfde dag of voordat so 'n appèl ingedien word aan die Sekretaris van die Appèltribunaal lewer. Sodanige appèl kan daarna verder gevoer word, onder andere ingevolge verdere bepalings van die ooreenkoms vir die Suikerindustrie, 2000.

6.2 Die appèltribunaal het geen interne appèl prosedures ten opsigte van enige beweerde versuim aan die kant van die appèltribunaal, die Inligtingsbeampte of die Hoof van die Tribunaal nie, wat ookal die geval mag wees, om te voldoen aan die bepalings van die Wet op Bevordering van Toegang tot Inligting. In sulke omstandighede sal van die versoeker vereis word om hom te beroep tot enige hof wat bevoegde jurisdiksie het. Dit sal geld vir enige situasie waarin die versoeker die versoek tot appèl wil aanteken of 'n besluit geneem deur die Inligtingsbeampte of die Hoof van die Tribunaal, na gelang van die geval mag wees.

7. BESKIKBAARHEID VAN TOEGANG TOT INLIGTING VAN DIE HANDLEIDING (Artikels 14 (3) en 51 (3))

7.1 Hierdie Handleiding sal beskikbaar wees vir kostelose inspeksie by die adres van die Appèltribunaal (sien 2 hierbo).

7.2 'n Afskrif van die handleiding is ook beskikbaar by die Menseregtekommissie (sien kontakbesonderhede in 3 hierbo).

7.3 Die handleiding sal gepubliseer word in die Staatskoerant en op die Appèltribunaal webwerf by www.sugartribunal.org.za

SIGUNGU SEMTSETFO LESIMASEKO MATSATFU SEKWENGCSISA EMACALA**UMCULU WEMIGOMO NGEKWETIGABA 14(1) KANYE NA 51(1) YEKUKHUTSATA KUFINYELEL ELWATINI UMTSETFO NOMBOLO 2 WANGA 2000****1. LUHLAKA NEKUSEBENTA (SIGABA 14(1)(a))****1.1 Luhlaka lwesigungu semtsetfo lesimaseko matsatfu sekwengcisa emacala lwembor yashukela**

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

- (i) Bantfu labatsatfu labakhetfwe yinhlango ye South African Association ("SASA");
- (ii) Umuntfu abe munye lokhetfwe yinhlango ye South African Millers Associatio ("Inhlango yebagayi bemoba");
- (iii) Umuntfu abe munye lokhetfwe yinhlango ye South African Cane Growers Associatio ("Inhlango yebalimi bemoba")

1.1.2 Inhlango 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 sekwengcisa emacala lakhetfwe ngu SASA kutakuba bantfu labangatsintseki matfupha futsi labete sabelo embonini yashukela kantsi futsi akufuneki kutsi babe ngemalunga eBhodi yekusebenta yinhlango yashukela. Ngayoyonkhe iminyaka mhla tingu 31 Julayi lilunga lelikhetsiwe le SASA lese linesikhatsi lesidze lililunga kunalamanye litawutsatsa umhlalaphasi bese kungena lilunga lelisha lelitawukhetfwa. Ngulelo nalelo lilunga lelikhetfwe yinhlango yebagayi nebalimi bemoba litawutsatsa umhlalaphasi yonkhe iminyaka mhlatingu 31 Julayi bese kungena lilunga lelisha lelitawukhetfwa esikhundleni salo.

1.1.4 Lilunga linye lelakhetfwa laka SASA litawukhonjwa ngu SASA kutsi libe ngumgcini sihlalo we sigungu semtsetfo lesimaseko matsatfu sekwengcisa emacala kuphindze kukhonjwe 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 lekipha sibopho. Kutakutsi uma ibhodi yekusebenta Itfola 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 lekwengcisa 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 sekwegcisa emacala.

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

Inhloko yeLibandla

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Mgcini Sihlalo

Sugar Industry Appeals Tribunal

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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) Sigwaliswe 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 lelijutjwe (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 umsebenzi njengelibandla lemphakatsi nobe langasese. Nangabe lilibandla lemphakatsi sicelo sekufuna kufinyelela erekhodini lesiphethwe 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 ngekwano nge 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, ngalelola ngalokufakwe ngalo sicelo sekubuyeketa sincumo nobe singakengciswa sicelo, likhophi lesicelo sekubuyeketa sincumo. Sicelo lesifute lesi kungenteka sishushiswe kulokunye ngekulungiselelwa kwesivumelwano sembani 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 Inhloko yesigungu semtsetfo lesimaseko matsatfu sekwegcisa emacala, ngekuya kwalesosimo, kuhambisana nalokuniketwe 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.

ISIGCAWU ESINXANTATHU SOKUDLULISA AMACALA EMBONI KASHUKELA**UMQULU WEMIGOMO NGOKWESIGABA 14 (1) KANYE NO 51 (1) YOKUKHUTHAZA UKUFINYELELA OLWAZINI UMTHETHO NAMBA 2 KA 2000****1. UHLAKA NOKUSEBENZA (ISIGABA 14(1)(a))****1.1 Uhlaka lwesigcawu esinxantathu sokudlulisa amacala lwemboni kashukela**

1.1.1 Isigcawu esinxantathu sokudlulisa amacala nemboni kashukela ("Isigcawu esinxantathu sokudlulisa amacala") sibunjwe ngokwesivumelwano nemboni kashukela, 2000 futhi sibandakanya :-

(i) Abantu abathathu abajutshwe yinhlango ka South African Sugar Association ("SASA");

(ii) Umuntu oyedwa ojutshwe yinhlango ye South African Millers Association ("Inhlango yabagayi");

(iii) Umuntu oyedwa ojutshwe yinhlango yabe South African Cane Growers Association ("Inhlango yabalimi bomoba").

1.1.2 Inhlango yabagayi kanye neyabalimi, ngokulandelana, ingajuba oyedwa noma kube ngabevile koyedwa abangamalungu azoshintshana ngokusebenza ezikhundleni zalawo malungu abo ajutshiwe, uma bengekhona noma uma labo abajutshiwe bengekhona noma bengakwazi ukukwenza lokho.

1.1.3 Amalungu esigcawu esinxantathu sokudlulisa amacala ajutshwe u SASA kuzoba abantu abangathintekile ngqo bengenasabelo embonini kashukela kanti futhi abayikuba amalungu eBhodi lokusebenza enhlango kashukela. Ngomhlaka 31 Julayi unyaka nonyaka, ilungu elijutshiwe lika SASA eselahlale isikhathi eside liyilungu kunamanye lizothatha umhlalaphansi bese kungena ilungu elisha elizojutshwa. Yilelo nalelo lungu elijutshwe yinhlango yabagayi kanye nenhlango yabalimi, ngokulandelana, liyothatha umhlalaphansi njengalungu ngo 31 Julayi unyaka nonyaka kungene amalungu amasha azojutshwa.

1.1.4 Ilungu elilodwa elijutshiwe lakwa SASA lizoqokwa ngu SASA ukuba libe usihlalo wesigcawu esinxantathu sokudlulisa amacala futhi nomunye kwamanye amalungu alenhlango ajutshwe njengo sekela sihlalo.

1.2 Imisebenzi yesigcawu esinxantathu sokudlulisa amacala emboni kashukela

1.2.1 Yinoma ubani ongaba nokuthinteka ngqo esinqumweni, kumyalo, yisahlulelo noma inqubo ye Bhodi lokusebenza lenhlango ka shukela ("iBhodi lokusebenza") unelungelo

lokufaka isicelo esigcawini esinxantathu sokudlulisa amacala maqondana nesinqumo, umyalo, isahlulelo noma inqubo. Ngaphandle kokuthi kubekwe ngenye indlela yisivumelwano nemboni kashukela, 2000, lowo muntu uzothi, kungakapheli izinsuku ezingamashumi amabili nanye (21) kusuka osukwini okuthathwe ngalo isinqumo, umyalo, isahlulelo noma inqubo yeBhodi lokusebenza, uyaziswa, afake kuBhodi lokusebenza isaziso sokudlulisa, ukuhluleka ukukwenza lokhu koyokwenza ilungelo lokufaka isicelo sokudlulisa lifekele nesinqumo, umyalo, isahlulelo noma inqubo ye Bhodi lokusebenza kube ngeyokugcina futhi ebophayo. IBhodi lokusebenza lizothi, uma lithola isaziso sokufaka isicelo sokudlulisa, lithumele amakhophi alesosaziso kulaba abathinteka ngqo yilesisinqumo, umyalo, isahlulelo noma inqubo okufakwe isicelo sokudlulisa maqondana nayo esigcawini esinxantathu sokudlulisa amacala.

1.2.2 Isigcawu esinxantathu sokudlulisa amacala senza lemisebenzi elandelayo:

(i) ukulalela nokunquma noma ngayisiphi isicelo sokudlulisa lapho igunya lokudlulisa isicelo esigcawini esinxantathu sokudlulisa amacala lihlinzekiwe esivumelwaneni nemboni yoshukela, 2000;

(ii) ukulalela nokunquma noma ngabe yini okuphikiswana ngakho noma sikiphe noma imuphi umyalelo kunoma ngabe yiluphi udaba oludluliselwe ukuba kuthathwe isinqumo noma umyalo ngalo ebhodini lokusebenza noma I SASA;

(iii) ukulalela nokunquma noma ngabe yikuphi ukungaboni ngaso linye okungaqubuka phakathi kwesigayo sikashukela kanye nokulinywa komoba maqondana nesivumelwano sokunikeza ngomoba noma ngabe yisiphi isivumelwano phakathi kwalawo maqembu okuhlobene nokunikezwa noma ukufikiswa kukamoba;

(iv) ukuthembisa nokuxazulula noma ngabe yiluphi udaba okungathi, ngokwesivumelwano nemboni kashukela, 2000, kungaphansi kwesethembiso seBhodi lokusebenza uma iBhodi lokusebenza lingakwazi ukukufeza lokho noma lehluleka ukuxazulula udaba ngokufaneleyo olubangelwe unqinane noma ngabe yisiphi esinye isizathu;

(v) ukulalela nokunquma noma yiluphi udaba oluzothi, ngokwesivumelwano nemboni kashukela, 2000, lufanelwe lunqunywe yisigcawu esinxantathu sokudlulisa amacala.

2. IMININGWANO YOKUXHUMANA (ISGABA14(1)(b) NO 51(1)(a))

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Usihlalo

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3. ISELULEKO SEKHOMISHANA YAMALUNGELO ABANTU (ISIGABA 14(1)(c) no 51 (1)(b))

Ngokwesigaba 10 soMthemtho wokuthuthukisa ulwazi ("Umthetho"), iKhomishana lamalungelo abantu lifanele ukuhlanganisa iseluleko ukusiza abantu abafisa ukusebenzisa noma ngabe yimaphi amalungelo ngaphansi koMthetho. Lesiseluleko siyatholakala ku Khomishana yamalungelo abantu elitholakala ku:

Ikheli: Forum 3, Braampak Office Park

33 Hoofd Strret

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Ucingo: 011 877 3600

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4. IZINHLOBO ZAMAREKHODI KANYE NENDLELA YENQUBO YEZICELO (Isigaba 14(1)(d) NO 51(1)(e))

4.1.1 Izinhlolo zamarekhodi esigcawu esinxantathu sokudlulisa amacala emboni kashukela

4.1.1 Amaminithi emihlangano esigcawu esinxantathu sokudlulisa amacala;

4.1.2 Amakhophi ezehlulelo, izabelo nezigwebo zesigcawu esinxantathu sokudlulisa amacala;

4.1.3 Ukuqopha kanye/noma okulotshiwe kuthathelwa ekuqopheni kwerekhodi ngaphambi kokuya esigcawini esinxantathu sokudlulisa amacala;

4.1.4 Ukubhalelana nesigcawu esinxantathu sokudlulisa amacala;

4.1.5 Izincwadi zokubekwa kwamalungu esigcawu esinxantathu sokudlulisa amacala;

4.1.6 Imithetho yokuqula amacala ngaphambi kwesigcawu esinxantathu sokudlulisa amacala;

4.1.7 Imibono evela kongcweti babaluleki.

4.2 Indlela yenqubo yokufaka izicelo (Isigaba 18 no 53)

4.2.1 Isicelo solwazikufanele senziwe:

- (i) Usolwazi (lapho isicelo sobe senziwe ngokwesigaba 18) noma kwinhloko yomgwamanda (lapho isicelo sobe senziwe ngokwesigaba 53) kusethenziswa imininingwane yokuxhumana enikezwe ngaphezulu;
 - (ii) sigcwaliswe efomini okunqunywe ukuba lisetshenziswe ngoko Mthetho kanye nokulungiswa kwako;
 - (iii) kuhlinzekwe imininingwane eyanele efomini yesicelo ukunika amandla Usolwazi noma inhloko yomgwamanda (ngokuya kwalesosimo) ukunombola irekhodi kanye nomfakisicelo;
 - (iv) kunombolwe indlela yentuba edingekayo;
 - (v) lapho isicelo senziwe egameni lomunye umuntu, lowo ofaka isicelo ufanele ukuveza ubufakazi bokuthi unikeziwe igunya lokuba amele lowo omunye, umuntu loko ukwenza ukuze kwaneliseke lowo Usolwazi noma inhloko yomgwamanda (ngokuya kwalesosimo);
 - (vi) uma isicelo senziwe ngokwesigaba 53, ofake isicelo kufanele anombole ilungelo leli alifunayo noma alivikelayo futhi ahlinzeke incazelo yokuthi kungani isicelo salelo rekhodi asifakile sokufuna noma ukuvikela lelo lungelo esifakile.
- 4.2.2 Usolwazi noma inhloko yomgwamanda, ngokuya kwalesosimo, uyokwazisa ofake isicelo ukuba akhokhe inani lemali elinqunyiwe (uma likhona) ngaphambi kokuba aqhubeke nesicelo.
- 4.2.3 Usolwazi noma inhloko yomgwamanda, ngokuya kwalesosimo, uyobe esethatha isinqumo sokuthi uyasivumela isicelo noma cha futhi uyokwazisa ofake isicelo ngefomu elidingakalayo.
- 4.2.4 Uma isicelo samukeliwe, kuyothi-ke kudingeke enye imali okumelwe ikhokhwe ukwenzela ukucinga amafayela, ukwenza imifanekiso nokuzilungiselela, nanoma yisiphi isikhathi esingaphezu kwamahora anqunyelwe ukucinga nokulungisa irekhodi ukuba lidalulwe.
- QAPHELA : qaphela loku okulandelayo:**
- 4.2.5 Ngokwesivumelwano nemboni kashukela, 2000, ukuhlala kwesigcawu esinxantathu sokudlulisa amacala emboni kashukela akuzukuvuleleka kunoma ubani ongathintekile nqgo yilolo daba oluyobe lthanyelwe; ngaphandle kokuthi usihlalo, uma engekho, noma usekela sihlalo agunyaze noma ubani onesidingo solwazi kulolodaba kodwa engathintekile nqgo ukuthi abekhona.
- 4.2.6 Lencwadi yemigomo ilungiselelwe ngokwesigaba 14 so Mthetho kanye ngokwesigaba 51 so Mthetho, njengesigcawu esinxantathu sokudlulisa amacala, kungenzeka ukuthi ngakwelinye uhlangothi sibe umgwamanda womphakathi ngakolunye sibe umgwamanda

wangasese, kuncike ekutheni irekhodi lelo eliceliwe likhuluma ngokusebenzisa amandla noma ukwenza umsebenzi njengomgwamanda wangasese. Uma kungumgwamanda womphakathi, isicelo sokuthola amarekhodi aphethwe yisigcawu esinxantathu sokudlulisa amacala kufanele senziwe ngokuhambisana nesigaba 11 so Mthetho. Kodwa, lapho isicelo sokuthola intuba yerekhodisisezimweni lapho isigcawu esinxantathu sokudlulisa amacala siwumgwamanda wangasese, isicelo lesa kufanele senziwe ngokuhambisana kanye nokufunwayo ngokwesigaba 50 so Mthetho.

- 4.2.7 Noma yisiphi isicelo sokuthola amarekhodi esigcawu esinxantathu sokudlulisa amacala singachithwa ngokwanoma yisiphi isizathu ezizathwini ezibonelelwe kusahluko 4 so Mthetho.

5. USIZO OLUTHOLAKALAYO (ISIGABA 14(1)(f))

Usizo olunikezwa amalungu omphakathi luvela kwisigcawu esinxantathu sokudlulisa amacala lucaciswe esigabeni 1.2 salomqulu wemigomo.

6. IZELULEKO EZITHOLAKALAYO NGOKWENZA NOMA UKUHLULEKA UKWENZA KWESIGCAWU ESINXANTATHU SOKUDLULISA AMACALA (ISIGABA 14 (1)(h))

- 6.1 Ngokwesivumelwano nemboni yakwashukela. 2000, iqembu elibandakanya empikiswaneni, eliqokwe yisigcawu esinxantathu sokudlulisa amacala, lingathi kungakapheli izinsuku ezingamashumi amabili nanye (21) isigcawu esinxantathu sokudlulisa amacala sithathe isinqumo, lidlulise isicelo sokubuyekeza isinqumo sesifunda sendawo noma isigaba sendawo seNkantolo Ephakeme yase Ningizimu Afrika enamandla esikhundla ngaphezu kwesinqumo sesigcawu esinxantathu sokudlulisa amacala ngokubeka isikhalo ku Somqulu waleyo Nkantolo sesicelo sokubuyekeza isinqumo, lichaze izizathu ngokuphelele zesicelo futhi lilethe kunobhala wesigcawu esingunxantathu sokudlulisa amacala, ngalolosuku okufakwe ngaso isicelo sokubuyekeza isinqumo noma ngaphambi kokuthi isicelo sidluliswe, ikhophi yesicelo sokubuyekeza isinqumo. Isicelo esinjengalesi kungenzeka sishushiswe kokunye (inter alia) ngokuhlinzekwa kwisivumelwano nemboni kashukela, 2000.
- 6.2 Isigcawu esinxantathu sokudlulisa amacala asinayo indlela yenqubo yangaphakathi maqondana nokungaphumeleli, ukwehluleka ngasohlangothini lwesigcawu esinxantathu sokudlulisa amacala, Usolwazi noma Inhloko yesigcawu esingunxantathu sokudlulisa amacala, ngokuya kwalesosimo, ukuhambisana nokuhlinzekiwe eMthethweni wokukhuthaza ulwazi. Ezimweni ezinjengalezi, ofake isicelo ubhekeke ukuthi athole ukubalekela kwinqanaba yiyiphi inkantolo enekhono namandla anesikhundla. Lokhu kuyokwenzeka nakusiphi isimo lapho ofake isicelo efisa ukubuyekeza khona isinqumo esenziwe usolwazi noma inhloko yesigcawu esinxantathu, ngokuya kwalesosimo.

7. UKUTHOLAKALA KOKUFINYELELA KUMQULU WOLWAZI (Izigaba 14(3) NO 51(3))

- 7.1 Lencwadi yemigomo iyatholakala ukuthi ihlolwe mahhala ngaphandle kokukhokha ekhelini lesigcawu esinxantathu sokudlulisa amacala (bona ku 2 ngenhla).
 - 7.2 Ikhophi yalencwadi yemigomo iyatholakala futhi ku Khomishana Wamalungelo aBantu (bona imininingwane yokuxhumana ku 3 ngenhla).
 - 7.3 Incwadi yemigomo izokwaziswa abantu bonke ku Gazethi ka Hulumeni kanye naku website yesigcawu esinxantathu sokudlulisa amacala ethi www.sugartribunal.org.za.
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