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B-BBEE COMMISSION
a member of the dti group

UKUHLONYISWA OKUBANZI KWEZOMNOTHO KWABANTU ABAMNYAMA

ISAZISO ESICHAZAYO SESI-02 SONYAKA WE-2024

INQUBO YOKUCELA IMIBONO ENGABOPHEZELI KUKHOMISHANI YOKUHLONYISWA OKUBANZI KWEZOMNOTHO KWABANTU ABAMNYAMA

A. Isingeniso

1. Ngokwesahluko se-13F(3) soMthetho Wokuhlonyiswa Okubanzi Kwezomnotho Kwabantu Abamnyama wonyaka we-2003 njengoba uchitshiyelwe uMthetho wama-46 wonyaka we-2013 (“uMthetho”) iKhomishana Yokuhlonyiswa Okubanzi Kwezomnotho Kwabantu Abamnyama(iKhomishana) ifanele yandise ulwazi lohlobo nokuhlukahluka futhi ikhuthaze ukuqwashiswa komphakathi ngemidanti ephathelene nokuhlonyiswa okubanzi kwezomnotho kwabantu abamnyama (i-B-BBEE).

2. Enye yezindlela iKhomishana ye-B-BBEE eyethula ngayo lokhu kugunyazwa okushiwo ngenhla ngukuhlinzeka ngesiqondiso emphakathini ngokukhipha imibono engabophezeli ngokuhunyushwa kwanoma yimuphi umbandela woMthetho njengoba kuyalelwe yimibandela yesahluko se-13F(3)(b)(ii) soMthetho ofanayo.

3. Lesi Saziso Esichazayo sithatha indawo yeSaziso Esichazayo soku-01 sonyaka we-2016 esiqala ukusebenza kusukela ngosuku esikhishwe ngalo.

B. UMbono umayelana nani

4. Umbono ungumbono obhalwe phani ngesikhundla seKhomishani maqondana neqoqo lamaqiniso athunyelwe yinoma yiliphi ilungu lomphakathi. Inhloso yoMbono ukusiza ekuchazeni imibandela yoMthetho kanye nokuhlinzeka umphakathi ngesiqondiso mayelana nesimo iKhomishana okungenzeka isithathe mayelana nokuthengiselana okuthile, izivumelwano noma izinqubo ezisetshenziswa maqondana nokukhuthazwa

kokubambelela kuMthetho we-B-BBEE, okubandakanya iMithetho Yokuziphatha Kahle kanye neZimiso ze-B-BBEE.

5. UMbono ngokoMthetho awubophezeli iKhomishana ngesizathu sokuthi iKhomishana noma ngasiphi isikhathi ingabuyekeza isimo sayo ngokubheka amaphuzu athuliwe. Ngaphezu kwalokho, iKhomishana izokwakha umbono kuphela ngezizathu zeqoqo lamaqiniso adaluliwe ahambisana nemibhalo efanele, ukuze iKhomishana ye-B-BBEE iqonde udaba ngokuphelele. Uma amaqiniso eshintsha nganoma iyiphi indlela, iKhomishana ingabuyekeza isimo sayo.

6. Inhloso enkulu yoMbono yeKhomishana ukuthuthukisa izinga lokuqonda uMthetho, kanye nokuqinisekisa ukuthi usetshenziswa ngokungaguquki yiwo wonke amalungu omphakathi ukuze kufezwe izinhloso ze-B-BBEE njengoba zivezwe esahlukweni sesi-2 soMthetho. Ngokusekelwe ezikhathini eziningi, uhlobo noma ukubaluleka kodaba oluphakanyiswe ezicelweni zoMbono, iKhomishana ingase ikhiphe uMhlahlandlela Wenqubo ngodaba oluthile, oluzomenyezelwa kuwebusayithi yayo ukuze inikeze isiqondiso kubo bonke abanye ababambiqhaza.

C. Inqubo yokucela uMbono

7. Ukuthola uMbono, umfakisicelo ufanele abhale incwadi esemthethweni yesicelo soMbono eya kuKhomishana echaza amaqiniso ngodaba okukhulunywa ngalo. Umfakisicelo ufanele aqinisekise ukuthi udaba lwethulwa ngendlela ecacile neqondakalayo, ezosiza ngempumelelo futhi yenze iKhomishana ikwazi ukunikeza uMbono ngokushesha okunokwenzeka.

8. Ngokuhambisana nesimiswana sesi-8(4) seZimiso ze-B-BBEE zonyaka we-2016, umfakisicelo ufanele aqinisekise ukuthi incwadi ifaka igama elisemthethweni lomfakisicelo, ikheli lensizakalo, inombolo yocingo, ikheli le-imeyili, inombolo yefeksi, futhi uma umuntu engeyena umuntu oyedwa, igama lomuntu ogunyazwe ukubhekana neKhomishini ye-B-BBEE ngalolu daba.

9. Umfakisicelo kudingeka ukuthi alethe imibhalo efanele ephathelene nalolu daba, njengezivumelwano zabanikazi bamasheya, imiballo yamathrasti, amamemorandamu okufakwa, iziphakamiso, uxhaso lwezimali noma imodeli yezimali, ama-oganogramu noma izinhlaka zenhlangano, ukuze iKhomishana ye-B-BBEE isiqonde ngokuphelele

isicelo. Le mibhalo ingase ibe imibhalo eyizinguqulo noma yokugcina. Awukho uMbono ozokhishwa uma ingekho imibhalo eyesekelayo.

10. Umfakisicelo angakhetha ukudalula amagama ezinhlangothi ezithintekayo odabeni, kodwa lapho izinhlangothi zethulwe njengezingaziwa, kudingeka incazelo efanele kanye nokulebulwa kweqembu ngalinye ukuze iKhomishana ye-B-BBEE iqonde indima yeqembu ngalinye odabeni.

11. UMbono uzokhishwa ngokuqondiswa kumuntu owucelile, futhi ngeke unikwe nanoma yimuphi omunye umuntu. IKhomishani izophatha uMbono ngamunye ngokuhambisana nemibandela yobumfihlo esesahlukweni sse-13L soMthetho, esifundwa nesimiso se-13 seZimisoo ze-B-BBEE zonyaka we-2016.

12. Umfakisicelo ufanele athumele incwadi ecela uMbono kwiKhomishana ye-B-BBEE:

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D. Izikhathi ezimisiwe zokucutshungulwa kanye nokukhishwa koMbono

13. Uma isicelo soMbono sesitholiwe, iKhomishana izovuma isicelo kungakapheli izinsuku ezinhlanu (5) bese ikhipha inombolo yefayela iyise kumuntu ofake isicelo sombono ngokuhambelana nesimiso sesi-8 seZimiso ze-B-BBEE zonyaka we-2016, futhi zonke izincwadi ezilandelayo mayelana nalolu daba zifanele ziphawulwe ngenombolo yefayela enikeziwe.

14. IKhomishana ye-B-BBEE izozama ukukhipha uMbono kungakapheli izinsuku ezingamashumi amathathu (30) zokukhishwa kwenombolo yefayela, futhi esimweni lapho udaba lunzima kakhulu, isikhathi singanwetshwa, ngemuva kokwazisa ngokubhalwe uhlangothi olucelayo.

15. Uhlangothi lungaphendula eMbonweni okhishwe yiKhomishana, futhi iKhomishana izobheka impendulo kanye nanoma yiziphi izincwadi ezilandelayo kungakapheli izinsuku ezingama-30.

16. IKhomishana ye-B-BBEE ingahle kungakapheli izinsuku ezingama-30 zocutshungulwa kwesicelo soMbono ikhethe ukubamba umhlangano ohlelekile nomfakisicelo njengengxenye yokuhlolwa kweqoqo lamaqiniso athuliwe kanye nemibhalo ethunyelwe kwiKhomishana ye-B-BBEE ephathelene nalolu daba.

E. Ukukhokhiswa Kwezimali

17. Ngokwesimiswana sesi-9(2) seZimiso ze-B-BBEE zonyaka we-2016, iKhomishana ye-B-BBEE ingahle ikhokhise izimali ezifanele ngemisebenzi eyenziwa yihhovisi layo ngokuhambisana noMthetho kanye nalezo Zimiso, kubandakanya izimali zokuhlinzeka ngeMibono.

18. IKhomishani ifanele ishicilele isheduli yezimali ezikhokhwayo ngesaziso kwiGazethi, ngemuva kokubonisana noNgqongqoshe Wezohwebo, Izimboni Nokuncintisana.

19. Ikhomishana ye-B-BBEE ayikashicileli isheduli yezimali ezikhokhwayo yalolu sizo, futhi okwamanje iluhlinzeka mahhala. Isheduli enjengalena yezimali ezikhokhwayo, uma isinqunyiwe ngokuhambelana neZimiso, izoshicilelwa njengoba kudingeka, kubandakanya nakwiwebhusayithi.

E. Isiphetho

20. Ikhomishana ye-B-BBEE izibophezele ekuhlangabezaneni nezikhathi ezibekiwe zokuhlinzeka ngoMbono. Nokho-ke, lokhu kulele ekutheni umfakisicelo anikeze imininingwane ephelele, ngendlela ecacile neqondakalayo, futhi lapho kunesidingo afake imibhalo efanele. Isibonelo, mayelana nobunikazi bezakhiwo, umdwebo wohlelo uyanconywa ukwenza ukugeleza kube lula.

21. IKhomishana ye-B-BBEE izibophezele ekuqinisekiseni ukuthi uMthetho usetshenziswa ngendlela engaguquki ukuze kufezwe izinhloso ze-B-BBEE okufanele zilethe umnotho obandakanya wonke umuntu futhi okhulela wonke umuntu.

22. Amandla nemibono yeKhomishana ye-B-BBEE ngokoMthetho, okubandakanya namandla ayo okuphenya izikhalazo, awathintwa inqubo yokukhishwa koMbono nganoma yiluphi udaba oluthile. Ngakho-ke, inqubo yoMbono ayifanele isetshenziselwe ukunquma ukufaneleka kwanoma yisiphi isikhalazo esifakiwe noma esifakwe kwiKhomishani.

23. Izinhlangothi ezicabangela ukuphothula umsebenzi omkhulu we-B-BBEE ziyakhuthazwa njengoba ziqondiswa isimiswana se-18(6) seZimiso ze-B-BBEE zonyaka we2016 ukuze zithole uMbono ngaphambi kokuphothula umsebenzi.

24. IKhomishana ye-B-BBEE izoqinisekisa ukuthi iyazisa nganoma yiziphi izinguquko zenqubo echazwe kulesi Saziso Esichazayo.

Ukhishwe iKhomishana we-B-BBEE?

Sephtemba 2024