ISINQUMO SENKANTOLO YOMTHETHOSISEKELO NGOKUTHENGA IZINTO EZINGATHELISWA

Tshwane, 6 kuMfumfu 2023 – Ukhomishana woPhiko Lwemalingeniso Eqoqwayo LwaseNingizimu Afrika (uSARS), uMnu Edward Kieswetter, usamukele isinqumo seNkantolo yoMthethosisekelo odabeni obeluphakathi kwe-Nu Africa Duty Free Shops (Pty) Ltd nabanye kanye noNgqongqoshe weziMali nabanye.

Udaba lwaqubuka lapho uKhomishana wakwaSARS ehlonze wabika ukungasetshenziswa ngendlela kohlelo lapho amanye amanxusa ayethenga ugwayi notshwala okungatheliswa eNingizimu Afrika bese bekuthengisa emakethe eseduze nabo. Lolu phenyo lulinganisele ukuthi umbuso ubulahlekelwa imali engano-R100 million ngenyanga.

UNgqongqoshe weziMali wabe esememezela ukubukezwa kwendlela eziphathwa ngayo izitolo ezingatheliswa, okuzobandakanya ukubukezwa kwamasheduli enziwe ngaphansi koMthetho Wokulawulwa Kwempahla Emngceleni kanye noMthetho Wentelantengiso okuyiyo elawula abathengisi bempahla engatheliswa.

USARS ube usukhulumisana nezitolo ezinempahla engatheliswa ukuze ubaqaphelise ngokungasetshenziswa ngendlela kwezimpahla ezingatheliswa okwenziwa yilabo abavika ngokuba ngamanxusa nabanamathuba angcono, nokuxoxisana ngokwethulwa kohlelo oluzolawula ukuthenga nokuthengisa utshwala nogwayi kuthengiswa ngamanxusa.

Ukuze kubhekwane nalokhu kuhlukunyezwa komthetho, kwashicilelwa izichibiyelo zamasheduli oMthetho Wentelantengo kanye noMthetho Wokulawulwa Kwempahla Emngceleni ukuze kuphawulwe ngakho phakathi kukaLwezi noZibandlela.

UNgqongqoshe wabe esephasisa lezo zichibiyelo kumasheduli eMithetho eyethule uhlelo lokwabelwa ingxenye, okwakuzoala ukusebenza mhla lu-1 kuNtulikazi 2021.

Esikhathini esiyinyanga ngaphambi kokuba izichibiyelo zisebenze, abathengisi baletha isicelo eNkantolo Ephakeme. Lezi zicelo zaziphonsela inselelo amandla kaNgqongqoshe ngokomthethosisekelo okwenza lokhu [1] okuchibiyela amasheduli, ukuze kulawulwe uhwebo, kanjalo nenqubo eyalandelwa uNgqongqoshe ekuchibiyeleni lawamasheduli. Abathengisi baphikisa ngelithi inqubo ayilandelanga umthetho, ayinasisekelo futhi azibanga nabulungiswa endleleni eziqhutshwe ngayo.

INkantolo Ephakeme ivune abathengisi yathola nokuthi inqubo yayingenabo ubulungiswa nokuthi okuhlinzekelwa umthetho-nqubo okwanikezwa uNgqongqoshe kwakungahambisani nomthethosisekelo.
Lokhu kokubili kwabe sekubhekwa iNkantolo yoMthethosisekelo, kwabe sekukhishwa isigwebo.

INkantolo yoMthethosisekelo ivumile ukuthi lokhu okushiwo uKhomishana kokuthi umthetho-nqubo wawungahambisani nomthethosisekelo, njengonegunyakuphatha udinga ukuba akwazi ukwenza izinto ngokushesha ukuze kungaqhubeki ukuhlukunyezwa, nokuthi umsebenzi wokuqapha wePhalamende awuzange ungafakwa: iNkantolo yoMthethosisekelo ithole lokhu:

> "Ngiyavumelana noKhomishana ukuthi lezi zichibiyelo kumasheduli ziyadingeka ukuze kube lula ukwenza umthetho ngezimali zombuso kanye nokuvumela isiphathimandla sikwazi ukwenza ngokushesha ekunqandeni inkohlakalo noma ukuhlukunyezwa. Ukubandakanyeka kwePhalamende ngaphansi kwesigaba-48(6) soMthetho Wokulawulwa Kwempahla Emngceleni kuyadingeka ukwenza izinyathelo zibe ezesikhathi eside noma zaphakade. Lilonke, igunya ngokomthetho lokuba uNgqongqoshe achibiyele amaSheduli akukhona ukuthi akuvumelekile ngokomthethosisekelo. [Indima 99]

[1] Abathengisi babefuna umyalelo odalula isigaba 75(15)(a)(i)(bb) soMthetho Wokulawulwa Kwempahla Emngceleni Nombolo 91 sowezi-1964 (uMthetho Wokulawulwa Kwempahla Emngceleni) kanye nesigaba 74(3)(a) soMthetho Wentelantengo Nombolo 89 sowezi-1991 (uMthetho weNtelantengo) ukuthi sasingahambisani noMthethosisekelo futhi asikho emthethweni. Lezi zigaba zihlomisa uNgqongqoshe ukuba akwazi ukuchibiyela amasheduli eMithetho.

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> Isiphathimandla sisendaweni engcono kunePhalamende ekwazini izidingo zansuku zonke zokusingathwa kwezindaba eziqukethwe kuMasheduli oMthetho Wokulawulwa Kwempahla Emngceleni noMthetho weNtelantengo. Ukujutshwa kwePhalamende kukhuthaza ukubusa ngokubambisana kuphinde kuthuthukise ukubusa ngempumelelo, kokubili okuyizidingo ngokomthethosisekelo. IPhalamende likhethe ukuthi izimo ebezikhona zikhombe ukuthi umsebenzi wokwenza umthetho ngendlela yokuchibiyela amaSheduli kumele kuyekelwe kongoti nakuSiphathimandla esiseduze. Ezimweni ezinjalo, akukho engikubonayo okungavunyelwe ngokomthethosisekelo. Lokhu kungenxa yokuthi iPhalamende yilo eliqapha ngempumelelo. [Indima 100]

INkantolo yoMthethosisekelo iphinde yaqinisekisa ukuthi isinqumo sokubeka uhlelo lokuthola ingxenye akukhona ukuthi akulandelanga umthetho, akunasisekelo futhi akubanga nabulungiswa endleleni okuqhutshwe ngayo. Inkantolo iphinde yathola ukuthi, ngenxa yokubhekana nokuhlukunyezwa okukhulu, bekulele kusiphathimandla ukunqanda ukuhlukunyezwa kanti nempokophelo yokwethula uhlelo lokuthola ingxenye kwakuyimpokophelo esemthethweni.
Mayelana nenqubo elandeliwe, iNkantolo yoMthethosisekelo ithole ukuthi isaziso esifanele sanikwa imboni okwayinika ithuba elanele lokuphendula. Esinqumweni seNkantolo esibhekiswe ophenyweni olwenziwe uKhomishana, izingxoxo phakathi kukaSARS ne-DIRCO, ukushicilelwa kwezichibiyelo eziphakanyisiwe kanye nokubukeza kukaNgqongqoshe okutholakele.

Ekugcineni iNkantolo yoMthethosisekelo ithole ukuthi igunya lesiphathimandla kumele libe negunya elifanele lokwazi ukuphendula

ngokushesha ukunqanda ukuhlukunyezwa futhi abe nelungelo lokuchibiyela lokhu okulawula imboni ngokuchibiyela amasheduli oMthetho Wokulawulwa Kwempahla Emngceleni kanye noMthetho. Inqubo eyalandelwa Isiphathimandla noSARS ngaphambi kokwethulwa kohlelo lokuthola ingxenye kwatholakala ukuthi yalandela inqubo ngobulungiswa.

Lesi sinqumo sikhombisa inhlososu kaSARS - uSARS uzothatha izinqumo nangokushesha ekunqandeni ukuhlukumeza nokuxhaphaza intela nohlelo loMthetho Wokulawulwa Kwempahla Emngceleni, kanti, ngokwenza kanjalo, uSARS uzobe usebenza ngaphansi komthetho futhi uzobe ubheke nemisebenzi ngokoMthethosisekelo okuyinto esiyikhuthazayo.

Ngolwazi olwengeziwe sicela uxhumane ne Sarsmedia@sars.gov.za