



**Title: Appeals**

**Approval:** Executive Director – Mr R.J. van der Westhuizen

**Purpose:** This procedure has been established in accordance with the requirements of ISO/IEC 17020:2012 to define and document the processes to receive, evaluate and make decisions on appeals. This documented process is also available to any interested party upon request. **Or** This documented process is also publicly available to any interested party on the SAMIC website.

**Introduction**

An appeal is defined in ISO/IEC 17021:2010 as a request by the provider of the item of inspection to the inspection body, for reconsideration by that body of a decision it has made relating to that item. Within the remit of the SAMIC operations, appeals could arise, *inter alia*, from abattoir management, classification service providers, farmers or retailers.

**Receiving of an appeal**

When an appeal is received by SAMIC:

- SAMIC confirms that the appeal relates to the activities for which it is responsible
- The appeal shall be recorded on the declaration of appeal form (form MCSCQA/029) (*this form should reference the name and place of business of any person raising the appeal, the subject matter of the appeal, a clear and concise description of the issues of fact surrounding the appeal, the mitigating circumstances in support of why the decision should be reconsidered and the expected outcome*).
- SAMIC acknowledges receipt of the Appeal in writing
- The appeal is forwarded to the Director General who will handle it in terms of section 10 of Act 119 of 1990

**Monitoring of the appeal**

- Once the appeal has been received it shall be entered into the SAMIC corrective action system to ensure tracking and recording.

**Appeals Committee**

10. Appeals.-(l) Any person whose interests are affected by any decision or direction of the executive officer or an assignee under this Act, may appeal against such decision or direction to the Director-General. [Sub-s.( l) substituted by s. 12 (a) of Act No.63 of 1998 ]  
(2) An appeal referred to in subsection ( 1) shall be lodged in the prescribed manner within the prescribed period, and the prescribed fee shall be payable in respect of such appeal.  
(3) (a) The Director-General shall-  
(i) refer the appeal for investigation and decision to an appeal board, the members of which shall be appointed for the appeal in question by the Director-General, and which shall consist of at least three persons who have adequate skills and who are otherwise suitable to decide on the appeal; and  
(ii) designate one of the members as chairperson of the appeal board concerned,  
(b) A person appointed under subparagraph (i) of paragraph (a) shall be disqualified as a member of the appeal board concerned if he or she has any direct or indirect personal interest in the outcome of the appeal, [Sub-s (3) substituted by s. 12 (b) of Act No.63 of 1998]  
( 4) (a) All the members of the appeal board in question shall constitute a quorum for a meeting of that appeal board.  
(b) The decision of the majority of the members of the appeal board shall be the decision of that appeal board.  
(c) The chairperson of the appeal board shall, in the case of an equality of votes, have a casting vote in addition to his or her deliberative vote. (Sub-s. (4) Substituted by s. 12 (c) of Act No.63 of 1998.)  
(5) There may be paid to a member of an appeal board who is not in the full-time employment of the State, from moneys appropriated by Parliament for this purpose, such remuneration or allowances as may be determined by the Minister, with the concurrence of the Minister of Finance, in general or in any particular case.

- (6) Any appeal board may-
- (a) confirm, set aside or amend the decision or direction concerned which is the subject of the appeal; or
  - (b) make any other order in connection therewith as the appeal board may deem fit.
- [Para (b) substituted by s. 12 (l) of Act No 63 of 1998.]
- (7) The executive officer or the assignee, as the case may be, shall be bound to a decision of an appeal board.
- (8) The decision of an appeal board together with the reasons therefore shall be in writing, and copies thereof shall be furnished to the Director-General, the appellant and the executive officer or the assignee, as the case may be.
- (9) If a decision or direction which is the subject of an appeal-
- (a) is set aside, the amount referred to in subsection (2) shall be refunded to the appellant concerned; and
  - (b) is amended, such portion of the amount referred to in subsection (2) as the appeal board concerned may determine, shall be refunded to the appellant concerned.

**Required corrective action**

SAMIC shall be responsible for any corrective action required as a result of the appeal. Corrective action shall be monitored in accordance with Q004 – corrective action

**Revision History**

Revision date	Rev no	Summary of changes
2017/07/24	Revision 1	The appeals process was replace with section 10 of Act 119 of 1990 that describes the appeals process which is not a SAMIC process