



Umthetho olawula izikweletu kazwelonke owaziwa nge-National Credit Act

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Umthetho owaziwa nge-NCA 34 ka-2005

Inhloso mgomo walomthetho ukukhuthaza nokuthukisa umnotho nenhlalakahle kubantu baseNingizimu Afrika, ukhuthaza ubulungiswa, ukuba sobala kwezimboni ezinzile, kanye nemincintiswano kwezimakethe ezisebenzayo ezinesibopho sokuphumelelisa nokufinyeleleka kwemboni yabathenga ngezikweletu iphinde ibavikele labobathengi.

Uphakamiswe ngokusemthethweni ngu Mongameli wezwe ngoMhlaka 10 kuNdasa(March) 2006

Uqale ukusebenza ngoMhlaka 01 kuNhlanguvana(June) 2006

Umthetho i-NCA usungula umlawuli wezikweletu kazwelonke i-(National Credit Regulator)ukuba ifundise, iphinde ibhalise labo ababamba iqhaza kulemboni yezikweletu, badlulisele amacala afakwa abathenga ngezikweletu esigungwini samacala kazwelonke i-(National Consumer Tribunal) ukuze bathole izigwebo ezibafanele, umthetho ukhuthaza ukusonjululwa kwamacala ngendlela engahleliwe, uphenya ngezikalazo uphinde uqinisekise ukusebenza komthetho.

Izinhlolo ngomthetho wokulawulwa kwezikweletu kazwelonke eyaziwa nge-National Credit Act

- Ukukhuthaza izimboni zezimakethe ezinobulungiswa ezingabandlululi nezingachemile,ukuhlizeka ngokujwayelekile umgomo olawula abathenga ngezikweletu, uphinde unikezele ngemigomo engcono nolwazi kubathengi; Ukukhuthaza abamnyama ukuba babambe iqhaza kwezomnotho baziphathele ngokwabo izimboni yezikweletu
- Ukuvimbela ukunikezelwa ngesikweletu obungenabulungiswa kanye neminye imibandela ehambisana nokuthengiswa kwesikweletu;
- Ukukhuthaza ukunikezelwa nokusetshenziswa kwesikweletu ngendlela eyiyo, kuthi futhi ngaleyo nhloso kuvinjwe ukunikeza ngesikweletu ngendlela enobudedengu;
- Ukuhlizeka uhlelo lokuhlaziya kabusha kwesikweletu uma kutholakala kunengcindezi yezikweletu;
- Ukulawula indlela uphiko olugcina ulwazi ngezikweletu oluphatha ngayo iminingwane;
- Ukuhlizeka ukubhaliswa kophiko olugcina ulwazi ngezikweletu, abahlizeka ngezikweletu kanye nabosizo lokweluleka ngezikweletu;
- Ukusungula imikhuba nemigomo kazwelonke mayelana nesikweletu somthengi;
- Ukukhuthaza ukusebenza ngendlela efanayo kohlala lokusebenza mayelana nesikweletu sekhasimende.
- Ukusungula umlawuli wezikweletu kazwelonke eyaziwa nge-National Credit Regulator kanye nesigungu samacala sabathengi kazwelonke esaziwa nge-National Consumer Tribunal;

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- Ukuchitha umthetho wenzalo ka-1968, kanye nomthetho wezivumelwano zezikweletu ka-1980; kanye nokuhlizeka izimo ezihambisana nalezi.

Izinkomba ezibalulekile zomthetho wezikweletu kazwelonke eyaziwa nge-National Credit Act

- Ulwimi olusetshenzisiwe esivumelwaneni sezikweletu kumele luqondakale kalula ngaphandle kokungabaza;
- Kumele izilinganiso zenziwe kuzo zonke izivumelwano zezikweletu, futhi zikubophezela izinsuku ezinhlanu (5) zokusebenza;
- Ukukhangisa kanye nokudayisa kumele kuqakathe lonke ulwazi olubekiwe ngezindleko zezikweletu;
- Ukwenyuka kwezimali ezibekiwe zezikweletu kulawulwa umthetho;
- Ukudayisa ngesikweletu ekhaya noma emsebenzini womuntu kumele kube kunciphe kakhulu;
- Uma kwenzeka isicelo sakho sesikweletu singamukelwa kumele unikwe izizathu;
- Ukwenyuka kwezimali zezikweletu kuyalawulwa;
- Akuvumelekile ukunikezela ngesikweletu budedengu;
- Inzalo kanye nezimali ezikhokhwayo ziyalawulwa kuzo zonke izivumelwano; kubandakanya nezimalimboleko ezincane;
- Uphiko olugcina ulwazi ngezikweletu luyalawulwa kanti futhi abathengi banelungelo lokuthola umbiko ngesimo zezikweletu zabo kanye ngonyaka;
- Uhlelo lokulelekela abathengi abanengcindezi yezikweletu luyatholakala.

Iyiphi indima edlalwa ngumlawuli wezikweletu kazwelonke eyaziwa nge-National Credit Regulator-na?

Umlawuli wezikweletu kazwelonke kumele:

- acwaninge izimakethe zezikweletu baphinde baqaphe indlela okutholakala ngayo izikweletu kanye nenani lesikweletu ukuze bathole izimo ezingenza ukuthi kungabi lula ukuthola isikweletu, amazanga okuncintisana kanye nokuvikeleka kwabathengi;
- ukwamukela izikalazo zabathengi ziphenywe futhi, bese eqinisekisa ukuthi amalungelo abathengi avikelekile, aphinde
- Aqinisekise ukusebenza komthetho oshicilelwe bese efaka imigomo yeziqondiso kulezo zikhungo ezingalandeli futhi zithobe umthetho obekiwe.

Siyini isigungu sikazwelonke esibekelwe amacala abathengi esaziwa nge-National Consumer Tribunal-na?

Lesisigungu samacala kazwelonke siyisikhungo esiseceleni esizimele esingahlangene nomlawuli wezikweletu kazwelonke. Isigungu lesi siba nosihlalo kanye namanye amalungu ayishumi-10 okungenani.

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Isigungu lesi silalela amacala amayelana nokungathobeli umthetho kanti futhi lingakhipha lezi zigwebo ezilandelayo sekulu nanhlano - 150 kungaba ukumisa noma ukunqamula ukubhaliswa ngokomthetho obhalisiwe, singafuna kukhokhelwe umthengi imali uma kukhona akhokhiswe yona ngaphezulu kwelindelekile, sikhapha inani lokuhlulwa siphinde sihlizeke ngosizo lokulungisa izinto namakhasimende njalonzalo.

Isabiwomali sasendlini sanyanga zonke

Imali engenayo			
	Elindelekile	Okuyiyona	Umehluko
Umholo			
Umholo womlingani			
Ibhonasi			
Inzalo			
Imali etshalwayo			
Isamba			
Izindleko			
Intela / imalimboleko yendlu			
Umshwalense			
Uphethilomu / ukulungiswa kwemoto			
Izinhlawulo zasebhangwe			
Izinto ezithengiwe zasendlini			
Izingubo zokugqoka			
Ukunakekelwa kwezingane			
Ugesi			
Ubumnandi			
Izimalimboleko			
Imali eyongiwayo			
Imithi / odokotela bamazinyo			
Ucingo			
Isamba			

Uxhumana kanjani nomlawuli wezikweletu kazwelonke i-National Credit Regulator?

- **Inombolo yakwa-Toll share:** 0860 627 627 noma 0860 NCR NCR
- **Izinkinga zokubhalisa:** (011) 554 2600
- **Ikheli le-ncwadi-mbani (email) uma unemibuzo** info@ncr.org.za or
- **Ikheli le-ncwadi-mbani (email) uma unezikalazo ezijwayelekile** complaints@ncr.org.za or

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Ikheli le-ncwadi-mbani (email) uma unezikhalazo ngokwalulekwa ngesikweletu dccomplaints@ncr.org.za noma **ikheli le-ncwadi-mbani (email) uma ucela umhlangano wokucobelelana ngolwazi** workshops@ncr.org.za
Isizindalwazi: www.ncr.org.za

Abathengi baluthola kanjani usizo?

Abathengi bangaxhumana nomlawuli wezikweletu kazwelonke uma edinga imiyalelo noma usizo mayelana nokuthengiselana ngesikweletu ngaphansi komthetho wezikweletu kazwelonke. Umlawuli wezikweletu kazwelonke angaphinde alekelele abathengi ngeminingwane eqondene nophiko olugcina ulwazi ngezikweletu noma izimo ngezikweletu kanye nohlelo lokwelulekwa ngezikweletu.

Abathengi bangaphinde baxhumane nalezi zikhungo ezilandelayo okuyizona ezibhekene ngqo nezinhlobo ezithile zezikhalazo:

- **The Ombudsman for Banking Services (0860 800 900)** ibhekene nezikhalazo eziphatelene namabhange;
- **The Credit Information Ombudsman (0861 662 837)** ibhekene nezikhalazo ezimayelana neminingwane nophiko olugcina ulwazi ngezikweletu noma neminingwane ngezikweletu;
- **Igatsha lesiFundazwe leziNdaba zabathengi** eyaziwa nge - **Provincial Consumer Affairs Directorates** ibhekene nezikhalazo zabathengi eziwayelekile.

u-NCR usebenzisana ne Consumer Affairs Directorates (iGatsha lesiFundazwe leziNdaba zama zabathengi), Banking Ombudsman kanye ne-Credit Information Ombudsman ukuqinisekisa ukuthi abathengi bahlinzekwa ngosizo lwangempela nolufanelekile kubo.

Yiziphi izimo sezimali ezidla iphakethe lomthengi ngaphansi komthetho owaziwa nge- National Credit Act?

- Izimalimboleko kanye nezinye izikweletu zasemabhange, okubandakanya kuzo izikweletu zezindlu, ukusebenzisa weqise ngemvume yebhange ama-(overdraft), amakhadi ezikweletu, isikweletu semoto kanye nezinye izikweletu eziqondene nawe;
- Isikweletu sezimpahla zasendlini, izikweletu zezi zimpahla zokugqoka ezitolo nanoma uluphi nje uhlobo lwesikweletu sasesitolo;
- Izimalimboleko ezincane kanye nezinye ezidla iphakethe lomthengi zokubambisa okwesikhashana;
- Noma hlobo luni lwesikweletu noma imalimboleko enikezwe ikhasimende.

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Kusho ukuthini ukuchibiyelwa komthetho wezikweletu kazwelonke?

Umthetho wokuchibiyela wezikweletu kazwelonke (Act No.19 of 2014) kanye nenqubo-mthetho ikhuluma ngez'indaba eziningi, ezibandakanya:

Ukuqhutshekezwa kokususwa kweminingwane engemihle kubathengi abosohlweni lwezikweletu ezivela kabi

- Uma ususikhokhe wasiqeda isikweletu sakho, ngemuva kwezinsuku eziyisikhombisa- nje ukhokhile, umhlinzeki wesikweletu kumele yonke lemininingwane ngesimo sesikweletu sakho ayidlulise azise ngayo uphiko olugcina ulwazi ngezikweletu olubhaliswe ngokusemthethweni.
- Abophiko olugcina ulwazi ngezikweletu kumele basuse yonke iminingwane emibi ezinsukwini eziyisikhombisa (7) emva kokuthola iminingwane kumhlinzeki wesikweletu yokuthi ususikhokhe wasiqeda isikweletu sakho.
- Uma umhlinzeki wesikweletu engakwazi ukulungisa iminingwane mayelana nokuqeda kwekhasimende ukukhokha, lapho-ke ikhasimende lingafaka isikhalazo kumlawuli wezikweletu kazwelonke eyaziwa nge-National Credit Regulator

Indlela entsha esetshenziswayo ukuhlola ukuthi uzokwazi yini ukuyikhokhela

Kuyini ukuhlola ukuthi uzokwazi yini ukukhokhela isikweletu sakho?

Lokhu ukuhlolwa noma ukuvivinywa okusetshenziswa abahlinzeki bezikweletu ukuze bathole ukuthi umthengi uzokwazi yini ukuthatha nokukhokhela isikweletu ngaphandle kokuphila ngaphansi kwengcindezi yezikweletu.

- Indlela yokuhlola ukuthi uzokwazi yini ukuyikhokhela isebenza kubo bonke abahlinzeki bezikweletu.
- Abahlinzeki bezikweletu banesibopho sokuthi bahlale kahle ukuthi uzokwazi yini ukusikhokhela isikweletu ngaphambi kokuthi bakunike isikweletu.
- umthengi unesibopho sokuhlazeka umhlinzeki wesikweletu ngobufakazi obufanele liphinde litshela umhlinzeki wesikweletu konke ukuze umhlinzeki wesikweletu ezokwazi ukuhlola kahle ukuthi uzokwazi yini ukusikhokhela.
- Abahlinzeki bezikweletu kumele bathathe izinyathelo zokuqinisekisa ukuthi umthengi uyawaqonda amalungelo anawo, izibophezelo azifaka kuzo, ubungozi kanye nezindleko ezihambisana nesivumelwano zesikweletu.

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Ukuze kuhlolwe kahle isimo sezimali zomthengi, umhlinzeki wesikweletu kumele:

- Abheke imali yekhasimende engenayo ngaphambi kokuthi kubanjwe izimali ezithile, izimali ezibanjwayo, izindleko zempilo kanye nezinye izibopho anazo zezikweletu.
- Acele isitatimende sasebhange sezinyanga ezintathu ezedule noma ubufakazi bomholo (kuba nemiboniso obufakazi bangempela noma afakwe isigxivizo sokuqinisekisa).
- Abheke indlela umthengi akhokha ngayo ezinye izikweletu ezedule.
- Akwenze lokhu ezinsukwini eziyisikhombisa (7) zokusebenza ngaphambi kokuvuma anikezele ngesikweletu noma ukwenyusa lesi sikweletu esikhona, noma ezinsukwini eziyishumi nane (14) kulabo abafuna izikweletu zendlu.

Uma umthengi engagcisekile ngemiphumela yokuhlolwa, angafaka isikhalazo kumhlinzeki wesikweletu emva kwalokho umthengi angakwazi futhi ukudlulisela ku-National Credit Regular (NCR) lesi sikhalazo uma engagcisekile ngemiphumela nenqubo yomhlinzeki wesikweletu.

Ukuvimbela ukudayiswa nokulandwa kwesikweletu esesiphelelwe yisikhathi noma "esidala ngokweqile".

Isikweletu esesiphelelwe yisikhathi noma "esidala ngokweqile" kulapho:

- Eminyakeni emithathu-3 eyedule elandelayo umhlinzeki wesikweletu akaze akufakele amasamanisi ngalesi sikweletu;
- Eminyakeni emithathu-3 eyedule elandelayo awukaze usivume isikweletu ngomlomo noma ngokubabhalela; futhi/noma
- awukaze ukhokhe noma wenze isethembiso sokukhokha isikweletu sakho esisele.

Qaphela ukuthi: Uma lemibandela engenhla uhlangabezane nayo lokho kusho ukuthi isikweletu sesiphelelwe yisikhathi. Awunaso isibopho ngokomthetho sokuthi usikhokhe lesi sikweletu kanti futhi lesi sikweletu angeke sisavuselelwa.

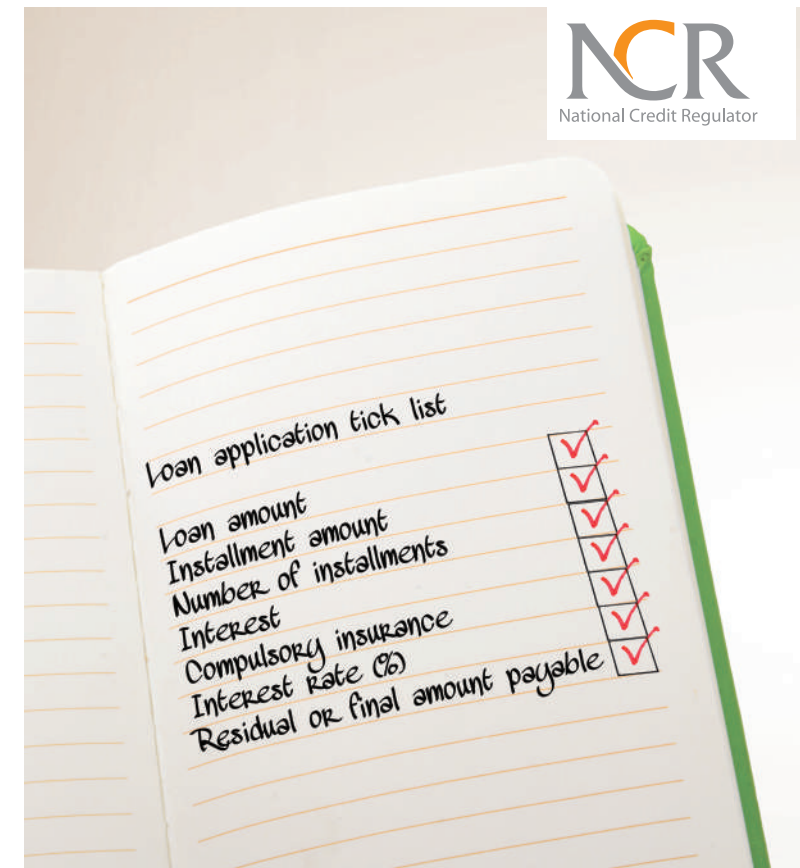
Yimaphi amalungelo onawo?

- Unelungelo lokucela, nokuthola ubufakazi, bokuthi wagcina nini ukukhokhela isikweletu.
- Unelungelo lokucela, nokuthola ubufakazi, bokuthi ake akhishwa yini amasamanisi aqondene nalesi sikweletu sakho.
- Unelungelo lokwazisa oqoqa izikweletu ukuthi awunasibopho ngokomthetho sokukhokhela isikweletu esesiphelelwe yisikhathi.
- Uma usumazisile oqoqa izikweletu ukuthi isikweletu sesiphelelwe yisikhathi futhi awusenabopho ngokomthetho sokusikhokhela, oqoqa izikweletu kumele ayeke ukuxhumana nawe.

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Uma kwenzeka uzithola uhlukezwama umqoqi wezikweletu ngokuthi elokhu eqhubeka nokuxhumana nawe ngesikweletu esesiphelelwe isikhathi noma ekuhlukumeza ngisho usubatshelele ukuthi isikweletu lesi sesiphelelwe yisikhathi, ungabe usufaka isikhalazo kwabakwa-National Credit Regulator (NCR).

Always make sure your credit providers disclose all credit application costs.



NCR
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For more information call 0860 627 627 | www.ncr.org.za