



**THE NATIONAL CREDIT ACT, 2005  
(UMTHETHO WESITJHABA WEENKOLODO)**

**'Koke okufanele ukwazi ngomThetho  
wesiTjhaba weenKolodo njengomthengi'**

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## ISENDLALELO

Incwajana le isebenza njengomhlahlandlela womThetho wesiTjhaba weenKolodo 34/2005 (okuyi-NCA) godu obizwa 'ngomThetho'. Wenzelwe abantu abathatha iinkolodo ngokubolela iimali, ukuqatjhiswa, amaseyila weentolmende, ikarada lokuthenga ngesikolodo namkha ukufumana ipahla namkha imisebenzi ngesikolodo, njll, kubanikeli beenkolodo. Godu ingasetjenziswa babantu namkha ziinhlango ezisebenza njengabangeneleli bezenkolodo abafana namasentha wokuyelelisa, iimpthiswa zamayunoyoni kanye nabanqophisi bezabathengi bamaphrovinsi. Imzamo wokwenza lula iinjamo zomThetho njengombana ziphathelene nabathengi. Lencwajana ayisi sibopho sangokomthetho. Nakungenzeka kube nokungabaza ngehlathululo namkha ukusetjenziswa kwesinye nesinye isijamo somThetho, iingaba ezifaneleko zomthetho kanye nemithetjhwana kufanele zifundwe.

Lokha nawusebenzisa incwajana le, sibawa utjheje bona ekupheleni kwesinye nesinye isahluko kunerhemo lamagama wehlathululo elenza lula amagama ukurhelelwa umthengi onelwazi elincani lamagama weenkolodo. Lapho kukghonekako, iingaba ezifaneleko zomThetho nazo zitjengisiwe nakungenzeka umfundi afune ihlathululo enabileko ngesihloko.

# OKUNGAPHAKATHI

1	Isandlalelo somThetho wasiTjhaba weenKolodo	3
2	Amalungelo wesikolodo womthengi	9
3	limvumelwano zeenkolodo	16
4	Imikghwa yokumaketha	26
5	lindleko	30
6	Ukupheliswa, ukuliswa nokubhadelwa msinyana kweemvumelwano zeenkolodo	38
7	Ukweqisa ukubhadela nokugandelelwa kokusebenza kwesikolodo	44
8	Ukuyeleliswa ngesikolodo	49
9	I- <i>credit bureaux</i> kanye nelwazi leenkolodo	56
10	Imibango neenghonyayo	66
11	Ukugandelelwa kokusebenza komThetho wesiTjhaba weenKolodo	72
12	Okhunye ukuthintana okulirhelebho	76



## Isahluko 1

### ISENDLALELO SOMTHETHO WESITJHABA WEENKOLODO

**Ihloso yesahluko lesi kunikela umthengi ngesirhunyezo ngomThetho ngokuphendula imibuzo elandelako ngomThetho:-**

- Kungani kwasiswe lomThetho?
- Khuyini umngqopho womThetho?
- Ngibaphi abanikeli beenkolodo abalawulwa mThetho?
- Ngiziphi iimvumelwano zeenkolodo ezilawulwa mThetho?

**UmThetho wesiTjhaba weenkolodo waziswa bona:**

- Uthuthukise ihlalakuhle yezomnotho neyezokuhlalisana yawo woke amaSewula Afrika
- Uthuthukise imakethe yeenkolodo elungileko neyenzela izinto emkhanyweni
- Uvikele abathengi kanye namalungelo wabo emakethe yeenkolodo
- Ulawule boke **abanikeli beenkolodo**, aba**Yelelisa ngeenkolodo ne-credit bureaux**
- Ubeke iqintelo leendleko zeenkolodo

- Ulinganise ubujamo phakathi kwabanikeli beenkolodo nokubeka ebujameni obuvunyelweko indlela okunikelwa ngayo iinkolodo banikeli beenkolodo khona abathengi bangamadanisa lokho abanikelwa khona.

#### Umqopho womThetho wesiTjhaba weenKolodo ku:

- **kwenza lula nokubeka ebujameni obuvunyelweko kwendlela ekuvezwa ngayo ilwazi eemvumelwaneni zokuthenga ngesikolodo.** UmThetho ubeka kuhle indlela abanikeli beenkolodo okufanele banikele ngayo ilwazi eemvumelwaneni zokuthenga ngeenkolodo. UmThetho godu ufuna bona abanikeli beenkolodo banikele ilwazi leli ngelimi elilula umthengi angalizwisisa. Ibanga lalokhu kukobana abathengi kufanele bakghone ukufunda bebazwisise ilwazi khona bazakumadanisa ilwazi eemvumelwaneni zokuthenga ngesikolodo ezibuya kubanikeli beenkolodo abahlukeneko khona bazakukhetha kuhle.
- **lawula i-credit burueax kanye nelwazi eligcinako ngabathengi.** UmThetho ubeka umhlobo welwazi i-credit burueax engaligcina ngabathengi, bona lingafunyanwa njani ilwazi, lisetjenziswe njani nokobana lingagcinwa isikhathi esingangani emarekhodini wayo. Okuqakatheke khulu, umThetho uhlose ukuqinisekisa bona i-credit bureaux igcina amarekhodi anembako ngabathengi.
- **qinisekisa bona yoke imikhiqizo yeenkolodo iphathwa ngendlela efanako banikeli beenkolodo abahlukeneko.**

Umkhqiqizo wesikolodo utjho indlela umnikeli wesikolodo anikela ngayo isikolodo kumthengi. Isibonelo semikhqiqizo yeenkolodo ifaka, ama-ovadrafti, ukubolekwa imali, amakarada wokuthenga ngesikolodo, ama-akhawunti wezembatho nefenitjhara. Ihloso kuqinisekisa bona umthengi uyazi bona boke abanikeli beenkolodo bazakuphatha imikhqiqizo ngendlela efanako.

- **rhelebha abathengi abangene khulu eenkolodweni ukuhlela butjha iinkolodo zabo.** UmThetho uqalelela abathengi abangakghoniko ukubhadela iinkolodo zabo njalo ngenyanga, bona barhelejwe baYelesi ngeenKolodo ukuhlela butjha ukubhadela kwenyanga nabanikeli beenkolodo. UmThetho godu uhlose ukukhandela ukungena khulu eenkolodweni kwabathengi nokukhuthaza ukuboleka okuhle banikeli beenkolodo.
- **kuba nomlawuli munye ukulawula yoke imakethe yeenkolodo umLawuli wesiTjhaba weenKolodo [i-*National Credit Regulator* (NCR)].** UmThetho uhloma i- NCR, ezakusebenza ukuqinisekisa ukukhambisana nomThetho. Abanikeli beenkolodo kufuneka bazitlolise nehlangano le khona bazakusebenza ngokomthetho. Abathengi bangenza iinghonyayo mayelana nabanikeli beenkolodo ne-*credit bureaux* kwa-NCR nayikuthi abakghoni ukurarulula imibango yabo bunqopho nomnikeli wesikolodo namkha i-*credit bureaux*.
- **hloma isiQhema sesiTjhaba sabaThengi (National Consumer Tribunal) ukulalela iindaba ezikhambelana nalomThetho.** UmThetho godu wenza isiQhema sesiTjhaba sabaThengi esiyikhotho yezabathengi ezijameleko enikelwe umsebenzi

wokulalela nokukhupha imilayo mayelana neenghonyayo zabathengi kanye nemibango abanayo ngabanikeli beenkolodo, ukwepulwa komThetho kanye neenqunto zomLawuli.

### **UmThetho wesiTjhaba weenKolodo ulawula abanikeli beenkolodo abalandelako:**

- Amabhanka
- Ababolekisi beemali abancani (*ama-micro lenders*)
- Abathengisi abafana neentolo zezembatho nezefenitjhara
- Woke amabhizinisi, amakampani, ama-*close corporation* nabantu abenza ibhizinisi ngesikolodo, ababolekisa ngemali, namkha ababhadelisa inzalo ema-akhawuntini asele adlulelwe sikhathi.

Ukungezelela, ulawula i-*credit bureaux* nabaYelisi ngeenKolodo.

### **UmThetho ulawula iimvumelwano zeenkolodo ezilandelako:**

- Amabhondi we-*mortgage*
- Iinkhonalisi zeenkolodo ezifana namakarada weentolo, ama-ovadrafti wamabhanka, amakarada wokuthenga ngesikolodo, amakarada wegariji, ukubolekwa imali, ukuthengisa ngeentolmende, ukuqatjhisa, ukuthenga ngokuboleka ngesibambiso nangesaphulelo.
- **Isikolodo semikhiqizo emitjha**
- **Isikolodo eisphekelelako**
- Iinqinisekiso zeenkolodo.





## IHLATHULULOMAGAMA

- **Umnikeli wesikolodo** ngiloyo obelekisa ngemali namkha onikela ngesikolodo komunye ngaphasi kwesivumelwano sokuthenga ngesikolodo.
- **Abayelelisi ngeenkolodo** babantu abatloliswe ne-NCR, abarhelebha abathengi abangene eenkolodweni ukuhlela butjha iinkolodo zabo, ngokukhulumisana nomnikeli wesikolodo, kufaka ukufumanela abathengi umlayo wekhotho.
- **I-credit bureaux - yikampani:**
  - ↳ egcina neveza ukubhadela, ilwazi ngomuntu (leenkolodo) nefumana imibiko namkha ephenya ngeembawo zeenkolodo, iimvumelwano zeenkolodo, umlando wokubhadela namkha iindlela;
  - ↳ ebuthelela negcina idatha ebuya emibikweni etholakala kokungehla;
  - ↳ ekhupha imibiko esekelwe edatheni okukhulunye ngayo ngehla.

**Isivumelwano seenkolodo**– sivumelwano ngokuya kwaso umnikeli wesikolodo athengisa ipahla namkha abolekisa imali kumthengi. Umthengi ulindelwe bona avumelane nemibandela begodu atlikitle isivumelwano. Isivumelwano sizakuba nelwazi ngomkhiqizo wesikolodo bona umthengi ufake isibawo begodu wanikelwa. Ilwazi leli kufanele lifake imibuzo efana nesikhathi sokubhadelwa, itjhorensi, inzalo kanye nezinye iimali ezibhadeliswako nokobana kuzakwenzeka ini nayikuthi umthengi ubhalelwa kubhadela iintolmende.

# IHLATHULULOMAGAMA

**Isikolodo somkhiqizo omutjha** mhlobo okhethekileko wesikolodo esenziwe besahlathululwa emThethweni wesiTjhaba weenKolodo. Ngokuya komThetho, kunemihlobo emithathu yeenkolodo zomkhiqizo, sitjho, ukubolekiswa imali ngeminqopho yezefundo, ukwandisa namkha ukwenza ngcono ihlelo lezindlu ezingabizi khulu kanye nokubolekiswa kweemali ukwenza amabhizinisi amancani nalingeneko.

**Isikolodo esiphekelelako** Lokha nakwenziwa isivumelwano sokuthoma somnqopho wokuthengisa ipahla nemisebenzi okuvunyenwe ngayo phakathi komunye nomunye umnikeli nomthengi begodu ihloso akusi kungezelela isikolodo somthengi. Ngamanye amagama akusi sivumelwano sesikolodo kodwana ngebanga lokubhalelwa komthengi kubhadela ipahla namkha imisebenzi ngomhlaka namkha ngaphambi kwelanga elibekiweko, imali ebhadelwako namkha inzalo ifakwa phezu kwemali okufanele ibhadelwe. Isivumelwano manje sibizwa ngesivumelwano esphekelelako. Isibonelo sesivumelwano esiphekelelako kungaba yi-akhawunti kamasipala ephelwe sikhathi namkha i-akhawunti kadorhoda engakabhadelwa.

(Iingaba 5, 8, 10, 12, no -26)

## EZINYE IINHLOKO EZIKHAMBELANAKO:

- Amalungelo womthengi (Isahluko 2)
- Ilvumelwano zeenkolodo (Isahluko 3)
- I-credit burueax (Isahluko 9)
- Imibango neenghonyilo (Isahluko 10)
- Ukugandelelwa kokusebenza kwemThetho (Isahluko 11)



## Isahluko 2

### AMALUNGELO WESIKOLODO WOMTHENGI

**UmThetho wesiTjhaba weenKolodo uqinisekisa abathengi amalungelo alandelako, okuzakukhulunywa ngawo kilesi sahluko:**

- Ilungelo lokwenza isibawo sesikolodo
- Ilungelo lokungabandlululwa lokha nawenza isibawo sesikolodo
- Ilungelo lokunikelwa amabanga wokwalelwa nesikolodo
- Ilungelo lokunikelwa imitlolo ngelimi langokomthetho umthengi alizwisisako
- Ilungelo lokunikelwa imitlolo ngelimi elizwakalako
- Ilungelo lokunikelwa imitlolo etloliweko ekhambelana nokuthengiselwa ngesikolodo
- Ilungelo lefihlo mayelana nelwazi elingawe
- Ilungelo lokufikelela nokuphikisa ilwazi eliphethwe yi-*credit bureau*
- Ilungelo lokufumana iintatimende zesikhathi esithileko.

### **Ilungelo lokwenza isibawo sesikolodo**

UmThetho wesiTjhaba weenKolodo ubeka bona woke umuntu, kungaqalwa bona mumuntu, siqhema sabantu namkhay ikampani, unelungelo lokwenza isibawo sesikolodo komunye nomunye umnikeli wesikolodo. Ilungelweli, kodwana, alikhandeli umnikeli wesikolodo ekwaleni ukunikela isikolodo ngamabanga wezebhizinisi akhambisana **neenkambiso ezijayelekileko zokulinganiswa kobungozi besikolodo.**

**(Isigaba 60)**

### **Ilungelo lokungabandlululwa lokha nawenza isibawo sesikolodo**

Abathengi abenza iimbawo zeenkolodo godu bavikelekile ekubandlululweni ngokungasimthetho mnikeli wesikolodo. UmThetho ukhandela abanikeli beenkolodo ekubandlululeni abathengi ngebanga lombala wabo, ubutjhaba, ubudala, ukuthatha ihlangothi kwezombanganarha, ukwenyula ngakwezomseme, ikolelo yezekolo namkha ukuzibandakanya neyuniyoni yezabasebenzi ethileko. Umthengi onombono wokobana uyabandlululwa ngamabanga angehla angathathela umnikeli wesikolodo igadango ngokuya eKhotho yezokuLingana namkha anganghonyoyila kumLawuli wesiTjhaba weenKolodo ozakudlulisela indaba eKhotho yezokuLingana.

**(Isigaba 61)**

### **Ilungelo lokunikelwa amabanga wokwalelwa nesikolodo**

UmThetho wesiTjhaba weenKolodo unikela umthengi, isibawo sakhe sesikolodo esaliwe mnikeli wesikolodo, ilungelo lokubawa amabanga atloliweko ahlathulula bona kungani isibawo sakhe saliwe. Nayikuthi

isiqunto sokwala isibawo somthengi sisuselwe embikweni ongasi muhle ofunyenwe ku-*credit bureau*, umThetho ubeka bona umnikeli wesikolodo kufanele anikele umthengi ngomtlolo igama, i-adresi kanye neminye imininingwana yokuthintana ye-*credit bureau* umnikeli wesikolodo afumene kiyo ilwazi.

**(Isigaba 62)**

### **Ilungelo lokunikelwa imitlolo ngelimi langokomthetho umthengi alizwisisako**

Umthengi unelungelo lokufumana imitlolo kumnikeli wesikolodo ngelimi langokomthetho alizwisisako. Imitlolo okufanele umnikazi wesikolodo ayinikele umthengi ifaka, isivumelwano sesikolodo, amakhotheyitjhini neentatimende. Ifuneko le kodwana izakuya ngokuzwakala kanye nezinto ezifana nokusetjenziswa, ukukghonakala, iindleko, isifunda kanye neendingo zabathengi eziqalelelwe mnikeli wesikolodo. Umnikeli wesikolodo kufanele enze isihlongozo ku-NCR ngamalimi ahlose ngawo ukuletha imitlolo begodu NCR izakuvuma iihlongozo lezi.

**(Isigaba 63)**

### **Ilungelo lokunikelwa imitlolo ngelimi elizwakalako**

Umthengi unelungelo lokufumana ilwazi nemitlolo ngelimi elizwakalako. Lokhu kutjho bona okungaphakathi, ihlathululo nemitlolo ingelimi elizwakalako. Kilokhu umLawuli wesiTjhaba weenKolodo angakhupha imihlahlandlela ukutjengisa bona ngiliphi ilimi elingathathwa “njengelimi elizwakalako”.

**(Isigaba 64)**

### **Ilungelo lokunikelwa imitlolo ekhambelana nokuthengiselwa ngesikolodo**

UmThetho unikela umthengi ilungelo lokufumana imitlolo ekhambelana nesivumelwano sesikolodo ngendlela ekhethwa mthengi. Umthengi angakhetha ukufumana imitlolo ngokwakhe endaweni yebhizinisi yomnikeli wesikolodo, namkha ngefeksi, i-imeyili, namkha ngekhasi lewebhsayithi eligadangisekako. Umthengi unelungelo lokufumana yinye ikhophi yokujamiselela yemitlolo kumnikeli wesikolodo, kungabhadelwa litho, kodwana kuphela nayikuthi umthengi ubawa ikhophi yokujamiselela kungakapheli unyaka wokulethwa kwemitlolo yokuthoma. Komunye nomunye umtlole wokujamiselela, umthengi uzakulindelwa ukubhadela umnikeli wesikolodo.

**(Isigaba 65)**

### **Ilungelo lefihlo mayelana nelwazi elingawe**

Umthengi unelungelo **lefihlo** elivikelwe sijamiso sokobana omunye nomunye umuntu namkha ihlangano efumana namkha ebuthelela ilwazi eliyifihlo ngomthengi kufanele isebenzise ilwazi ngomnqopho omkhulu umthengi alinikele ngemvumo yakhe, ngaphandle kwalokha ukusetjenziswa namkha ukukhutjwa kwalo kuyifuneko ngokuya komThetho. UmThetho godu ubeka bona umuntu namkha ihlangano ephethe ilwazi eliyifihlo ngomthengi angalikhupha kuphela njengokulaywa mthengi namkha yikhotho yomthetho.

**(Isigaba 68)**

## **Ilungelo lokufikelela nokuphikisa ilwazi eliphethwe yi-*credit bureau***

UmThetho unikela umthengi ilungelo:

- lokufikelela ilwazi i-*credit bureau* enalo ngaye. Ilwazi kufanele linikelwe umthengi simahla kwezinye nezinye iinyanga ezilitjhumi nambili namkha ngemali ethileko nayikuthi umthengi ubawa ilwazi esikhathini esidlula sinye eenyangeni ezilitjhumi nambili. Imali ebhadelwako enjalo angeze yadlula i-R20.00.
- lokuphikisa nokubawa ubufakazi bokunemba kwelwazi eliphethwe yi-*credit bureau*. Nakungenzeka i-*credit bureau* ibhalelwe kunikela umthengi ubufakazi bokunemba kwelwazi umthengi aliphilisako, ikatelelekile ukususa ilwazi okuphikiswana ngalo emarekhodini wayo.
- lokuyeleliswa mnikeli wesikolodo ngaphambi kobana ilwazi elimbi ngomthengi lidluliselwe kwa-*credit bureau*. Umthengi godu ufanele kufumana ikhophi yelwazi elibawiwako.

**(Isigaba 72)**

## **Ilungelo lokufumana iintatimende zesikhathi esithileko**

UmThetho ubeka bona umnikeli wesikolodo kufanele anikele umthengi ngestatimende kanye ngenyanga namkha kanye eenyangeni ezimbili nayikuthi isivumelwano **sivumelwano sokuthenga ngestolmente, sokuqatjhiswa** namkha sibolekiso semali esiqinisekisiweko. Isikhathi sokuphumula eside singavunyelwa ngemvumo yomthengi. Isikhathi lesi kodwana angeze sadlula iinyanga ezintathu.

Mayelana nesivumelwano se-*mortgage* umthengi ufanele kufumana istatimende njalo ngeenyanga ezisithandathu. **(Isigaba 108)**



## IHLATHULULOMAGAMA

- **Iinkambiso zokulinganiswa kobungozi besikolodo** - kulinganiswa okwenziwa mnikeli wesikolodo ukuqunta bona umthengi uzakunikelwa namkha anganikelwa isikolodo, ngiliphi izinga lesikolodo esimbi elingalindelwa nokobana ngiliphi izinga eliyingozi elizakwamukelwa ukuvumela inzuzo eyenziweko.
- **Ifihlo** - kuqinisekisa bona ilwazi eliphethwa mumuntu alikhutjha ngaphandle kwemvumo yomthengi namkha njengombana kufunwa mthetho.
- **Isivumelwano sokuthengisa ngestolmende** - kuthengiswa kwepahla engatjhidiko lapho ukubhadela kwenziwa ngokubhadela ngesikhathi esithileko, inzalo, imali ebhadelwako namkha amatjhaji abhadelwa umnikeli wesikolodo mthengi onepahla namkha oyisebenzisako. Ubunikazi bepahla budlulela komunye umthengi ekupheleni kwesivumelwano sokuthenga ngesikolodo.
- **Ukuqatjhiswa** - kukuba mnikazi wepahla etjhidako begodu ukubhadela kwenziwa ngebanga lokusetjenziswa. Inzalo, iimali ezibhadelwako namatjhaji ziyabhadelwa begodu umthengi angaba mnikazi wayo ngokudluliselwa ekupheleni kwesivumelwano.



# IHLATHULULOMAGAMA

- **Isivumelwano se-mortgage** - sivumelwano ngokuya kwaso isikolodo sitholakala ngendlela yesiqinisekiso ngomhlobo wokubambisa ngepahla engatjhidiko, efana nokubolekwa imali yokuthenga indlu nge-bond epahleni.

## EZINYE IINHLOKO EZIKHAMBELANAKO:

- Iivumelwano zesikolodo (Isahluko 3)
- Ukubhalelwa kubhadela nokugandelela ukukhambisana nesikolodo (Isahluko 7)
- I-credit bureaux nelwazi lesikolodo (Isahluko 9)
- Imibango neenghonyayo (Isahluko 10)



## Isahluko 3

### IIMVUMELWANO ZEENKOLODO

**Esahlukweni lesi iinhloko ezilandelako zizakutjhejwa:**

- Khuyini isivumelwano sesikolodo?
- Iimvumelwano ezingaweli ngaphasi kwalomThetho
- Iintatimende zeemvumelwano zangaphambili neendzubbhulo
- Iimvumelwano ezingasi semthethweni
- Imiphumela yeemvumelwano ezingasi semthethweni
- Iinjamo ezingasi semthethweni eemvumelwaneni zeenkolodo
- Imiphumela yeenjamo ezingasi semthethweni
- Amatjhuguluko eemvumelwaneni zeenkolodo kanye nokwanda / ukwehla emaqintelweni wesikghonakalisi seenkolodo.

## Khuyini isivumelwano sesikolodo?

Isivumelwano seenkolodo singahlathululwa njengesivumelwano esiphakathi komnikeli wesikolodo nomthengi lapho:

- Umnikeli wesikolodo unikela ngepahla namkha ngemisebenzi namkha uboleka umtheng imali.
  - ↳ Umthengi ubhadela ipahla namkha imisebenzi namkha ubhadela imali ebolekiweko ngeenkolodo ngesikhathi esithileko; namkha
  - ↳ Lapho umthengi kufanele abhadele kanye, ukubhadela lokhu kwenziwa ngelanga langomuso okuvunyelwene ngalo phakathi komthengi nomnikeli wesikolodo; begodu
  - ↳ Umthengi kufanele abhadele inzalo, iimali ezibhadelwako namkha amatjhaji emalini esaleleko ayibolekileko namkha enanini lepahla nemisebenzi enikelwe mnikeli wesikolodo.
- Umthengi nomnikeli wesikolodo benza **ukuboleka ngokubambisa** esivumelwaneni sokuthengiselana ngesaphulelo sesitolmende, isivumelwano *se-mortgage* namkha isivumelwano sokuqatjhisa.
- Umnikeli wesikolodo wenza isiqinisekiso sesivumelwano nomuntu munye lapho lomuntu athembisa ukubhadela isikolodo esenziwe ngomunye umthengi ngemva kokutjho komnikeli wesikolodo.

(Isigaba 8)

## **limvumelwano ezingaweli ngaphasi kwalomThetho**

- limvumelwano lapho umnikeli wesikolodo nomthengi bahlobene, isibonelo, lapho umyeni aboleka umkakhe imali;
- limvumelwano lapho ilunga le-*stokvel*/liboleka imali e-*stokveleni*;
- limvumelwano lapho umnqophisi wekampani aboleka ikampani imali;
- limvumelwano lapho isikhungo sombuso sibolekisa namkha siboleka imali komunye umthombo. Isibonelo, nayikuthi ibhanka iboleka imali kwa-*South African Reserve Bank*, lokhu kubolekana akuweli ngaphasi kwalomThetho.

## **lintatimende zeemvumelwano zangaphambili neendzubhulo**

UmThetho ufuna bona umthengi kufanele anikelwe **istatimende sokuthoma sesivumelwano** nekhotheyitjhini ngaphambi kokwenza isivumelwano sesikolodo nomnikeli wesikolodo. Istatimende sokuthoma sesivumelwano, mtlobo obeka ngokuzeleko ubujamo nemibandela yesivumelwano sesikolodo umnikeli wesikolodo ahlose ukusenza nomthengi. Ukungezelela, umthengi kufanele anikelwe ikhotheyitjhini eveza iindleko zesikolodo esifunekako ikhotheyitjhini le kufanele ifake imali esisiweko namkha ebolekisiweko, izinga lenzalo, inani loke elibhadelwa ngaphasi kwesivumelwano, iintolmende nazo zoke iimali ezibhadelwako, amatjhaji nenzalo. Istatimende sesivumelwano sangaphambili nekhotheyitjhini singatlolwa emtolweni munye namkha emitlolweni ehlukeneko. Ikhotheyitjhini umthengi ayifumanako isebenza amalanga wokusebenza amahlanu. Nayikuthi umnikeli wesikolodo wenza isivumelwano sesikolodo nomthengi kungakapheli amalanga amahlanu, ukatelekile ukwenza njalo ngezanga elifanako namkha ngeendleko njengombana kutjho ikhotheyitjhini.

**(lingaba 92 no-93)**

**(ImiThetjhwana 28 - 31)**

## limvumelwano ezingasi semthethweni

UmThetho uveza iimvumelwano zeenkolodo ezilandelako njengezingasi semthethweni:-

- limvumelwano lapho umthengi **amntwana** begodu arhelejwa mumondli ngesikhathi isivumelwano sitlikitlwa mthengi. Nayikuthi umthengi utjela umnikeli wesikolodo amala bona akholwe bonyana akasesemntwana isivumelwano sizakugandelelwa sisebenze;
- limvumelwano ezenziwe nomthengi othathwa njengongakaphili kuhle ngokwengqondo;
- limvumelwano ezenziwe nomthengi osaphenywa ngokuya **komlayo wezokuphatha kuMarhastrada** lapho umphathi angakavumelani nokwenziwa kwesivumelwano;
- limvumelwano ezimpumela **wokumaketha okungasi kuhle**. “Ukumaketha okungasi kuhle” utjho ubujamo lapho umnikeli wesikolodo anikela umthengi isikolodo khonokho esiba sivumelwano sesikolodo ngaphandle kwalokha umthengi akwala lokhu;
- limvumelwano lapho umnikeli wesikolodo angakatloliswa ne-NCR, ngaphandle kokufuneka bona enze njalo mthetho. Umnikeli wesikolodo otlolisiweko kufuneka atjengise isitifikhethi sokutloliswa kanye netshwayo elidluliselwa erhalasini elikhutjhwe yi-NCR.

**TJHEJA: Abanikeli beenkolodo abathileko akukafaneli batlolise ne-NCR kodwana iimvumelwano zabo zisawela ngaphasi kweenjamiso zomThetho.**

(Isigaba 89) (UmThetjhwana 32)

### **Imiphumela yeemvumelwano ezingasi semthethweni**

Nayikuthi isivumelwano sesikolodo sithathwa njengesingasi semthethweni yikhotho, umnikeli wesikolodo angeze adosela umthengi ekhotho ngebanga lemali ekolodwa ngaphasi kwesivumelwano. UmThetho ubeka bona umnikeli wesikolodo kufanele abuyisele imali kumthengi yoke imali ebhadelweko, kanye nenzalo ngezinga elitjhiwo esivumelwaneni. Lapho kutholakala bona umthengi uzakunothiswa ngokungasi mthetho nayikuthi zoke iimali ezibhadelwe umnikeli wesikolodo zibuyiselwa kuye, iimali ezinjalo zizakuthathwa nguRhulumende.

**(Isigaba 89)**

### **Iinjamiliso ezingasi semthethweni eemvumelwaneni zeenkolodo**

UmThetho awuvumeli iinjamiliso ezithileko/imitjhwana bona zifakwe eemvumelwaneni zeenkolodo. Ukukhandelwa kwalobu bujamo nemibandela kwenzelwe ukuvikela abathengi kweminye imikghwa eyenziwa banikeli beenkolodo. Hlangana neenjamiliso/imitjhwana nginasi:-

- Iinjamiliso/imitjhwana ezikhohlisa umthengi namkha ezimdosela ekukhwabaniseni;
- Iinjamiliso/imitjhwana eziqunta bona umthengi akasebenzisi amanye wamalungelo wakhe angasebenza eemvumelwaneni zeenkolodo. Amalungelo angeze asetjenziswa afaka ilungelo lomthengi lokuhlelwa butjha kwesikolodo sakhe, ilungelo lokobana **ipahla ethethwe ngokomthetho** ithengiswe ngentengo elungileko, ekhambelana nemakethe begodu ilungelo lokuphikisa okhunye nokhunye ukudoswa kwemali e-akhawuntini yomthengi;

- linjamiso/imitjhwana ezifuna umthengi avume bona ufumene ipahla namkha elinye ilwazi kumnikeli wesikolodo, ngaphambi kobana ipahla namkha ilwazi lelo lifunyanwe mthengi;
- linjamiso/imitjhwana ezifuna umthengi avume ukulahla iimali ezibhadelwe umnikeli wesikolodo lapho umthengi aphelisa isivumelwano;
- linjamiso/imitjhwana ezifuna umthengi atjiye izinto ezifana nencwajana yokuzazisa, amakarada webhanka namkha iinomboro zama-PIN zamakarada we bhanka nomnikeli wesikolodo;
- linjamiso/imitjhwana ezigunyaza umnikeli wesikolodo ukubhadela ngokubhalansisa isikolodo ngepahla namkha nge-akhawunti yomthengi ephethwe mnikeli wesikolodo, ngaphandle kwalokha umthengi nakanikele umnikeli wesikolodo imilayo ethileko etjho bona ngiyiphi ipahla engabhalansiswa ngesikolodo kusiphi isivumelwano sesikolodo.

Amalungelo womthetho ongakatlolwa alandelako namkha iintatha ezitholakala kubathengi angeze alahlwa esivumelwaneni sesikolodo.

- ***Exceptio errore calculi*** utjho umlandu osekelwe ephosweni yesibalo
- ***Exceptio non numerate pecuniae*** utjho umlandu wothintekao owadoselwa ekhotho ngesithembiso sokobana abhadele imali engakhenge ifunyanwe.
- ***Exceptio non causa debiti*** utjho umlandu wokobana isikolodo esifunwako asina sisekelo namkha ibanga.

Ukubekelwa ngeqadi kokungehla kunomphumela wokobana umnikeli wesikolodo okufuneki bona afakazele ukubakhona kokubekelwa ngeqadi okukhona ngokuzeleko lokha isivumelwano sesikolodo nasigandelelwako bona sisebenze. **Ungatlikitli umtlolo onganalitho.**

**Umnikeli wesikolodo angafaka eminye imibandela yokungezelela ngemva kobana utlikitle isivumelwano, ongakayivumeli.**

**(Isigaba 90 & 121) (ImiThetjhwana 32)**

### **Imiphumela yeenjamiso ezingasi semthethweni**

Umthengi angeze adoselwa ekhotho namkha agandelelwe bona akhambisane nesijamiso esivumelwaneni sesikolodo esingasi semthethweni. Iinjamo ezingasi semthethweni zithinta isivumelwano sesikolodo ngeendlela ezimbili:

1. Isijamiso esingasi semthethweni singabanga bona soke isivumelwano sesikolodo singabi ngesisemthethweni begodu umthengi angeze akatelelwa ukubhadela umnikeli wesikolodo ngaphasi kwesivumelwano lesa, namkha
2. Isijamiso esingasi semthethweni singatjhugululwa yikhotho namkha sisulwe ukuqinisekisa bona isivumelwano sihlala sisemthethweni okuzakuthi khonapho umthengi uzabe asabotjhwe sivumelwano sesikolodo kanye nesijamiso esitjhugululiweko.

**(Isigaba 90)**



**Amatjhuguluko eemvumelwaneni zeenkolodo kanye nokwanda / ukwehla emaqintelweni wesikghonakalisi seenkolodo.**

UmThetho ubeka bona elinye nelinye itjhuguluko elenziwa esivumelwaneni sesikolodo esele sitlikitlwe mthengi angeze saba nomphumela, ngaphandle kwalokha

- itjhuguluko nalehlisa isikolodo somthengi ngaphasi kwesivumelwano; namkha
- umthengi atlikitla ama-initjhiyali wakhe emphethweni hlanu kwetjhuguluko elenziweko; namkha
- itjhuguluko lirekhodwa ngomtlole begodu litlikitlwa mthengi nomnikeli wesikolodo; namkha
- nayikuthi itjhuguluko kuvunyelwana ngalo ngomlomo kufanele lirekhodwe kuthi ngemva kwalapho litlolve.

Ngokuya komThetho, umthengi ufanele bona angalaya umnikeli wesikolodo ngomtlole ukwehlisa iqintelo lesikolodo sakhe ngaphasi kwesikghonakalisi sesikolodo. Umnikeli wesikolodo kufanele aqinisekise nomthengi bona iqintelo lehliswa ngokuya kwesibawo somthengi begodu kufanele aveze ilanga iqintelo elithoma ukusebenza ngalo.

Umthengi uvunyelwe ukubawa umnikeli wesikolodo ukungezelela iqintelo lesikolodo sakhe ngaphasi kwesikghonakalisi sesikolodo kube ngokwesikhatjhana namkha unomphela. Umthengi kufanele avumele ngomtlole, ukungezelelwa kweqintelo lesikolodo ngokuzenzakalelako kodwana nanyana umnikeli wesikolodo afumana isivumelwano esinjalo kumthengi, iqintelo linganda kuphela kanye ngonyaka. Kodwana umthengi ngesinye nesinye isikhathi angangezelela iqintelo lesikolodo.

**(lingaba 116 –119)**



## IHLATHULULOMAGAMA

- **Ukuboleka ngesibambiso** – isivumelwano ngokuya kwaso umthengi anikelwa isikolodo, kuthi yena abambise ngaphala etjhidako njengesiqinisekiso sesikolodo esingezelelweko;
- **Umntwana** – mumuntu ongaphasi kweminyaka eli-18 ongakathathwa yikhotho njengonobujamo bomuntu omdala;
- **Umlayo wezokuphatha** – mlayo okhutjwe yiKhotho kaMarhastrada ngokuya kwawo isikolodo somthengi, esingadluli i-R50 000, sihlelwa butjha begodu siphethwe mphathi okhethwe yikhotho;
- **Ukuthathwa ngokomthetho kwepahla** – lapho umthengi abhalelwe kubhadela ngaphasi kwesivumelwano sokuthengiselana ngestolmende begodu umnikeli wesikolodo afumene umlayo wekhotho, umnikeli wesikolodo angathatha ngokomthetho ipahla ethengiswe ngaphasi kwesivumelwano sokuthengiselana sestolmende;
- **Istatimende sesivumelwano sangaphambili** - istatimende umnikeli wesikolodo asinikela umthengi ngaphambi kokwenza isivumelwano nomthengi. Istatimende sinemibandela nobujamo besivumelwano esihlosiweko;

# IHLATHULULOMAGAMA

- **Ukumaketha okungasi kuhle** – kulapho umnikeli wesikolodo anikela umthengi ukuthenga ngesikolodo angakakubawi. Umthengi kufanele ngokwakhe ale anikelwa khona khonokho nakungasinjalo lokhu kuzakuba sivumelwano sesikolodo (qala isahluko sesine nawufuna ilwazi elinabileko).

## EZINYE IINHLOKO EZIKHAMBELANAKO:

- Amalungelo womthengi (Isahluko 2)
- Imikghwa yezokumaketha (Isahluko 4)
- Iindleko (Isahluko 5)
- Ukupheliswa, ukuliswa nokubhadelwa msinyana (Isahluko 6)



## Isahluko 4

### IMIKGHWA YOKUMAKETHA

**Isahluko lesi sitjheja imikghwa yokumaketha nokuthengisa abanikeli beenkolodo abavunyelwe ukuyenza. Godu sitjheja imikghwa engakavunyelwa ngaphasi kwe-NCA. Iinhloko ezilandelako zizakutjhejwa:**

- Ukumaketha okungasi kuhle
- Ukukhandelwa kokumaketha kanye nokuthengiswa kweenkolodo ekhaya nendaweni yokusebenzela yomthengi
- Ubujamo lapho kuvunyelwe khona ukumaketha nokuthengiswa kwesikolodo ekhaya lomthengi nendaweni yokusebenzela .

### **Ukumaketha okungasi kuhle**

Ukumaketha okungasi kuhle kwenzeka lokha umnikeli wesikolodo nakafuna ukunikela umthengi isikolodo umthengi angakhenge asibawe begodu ukunikelwa kubeka bona isivumelwano sizakuba khona khonokho ngaphandle kwalokha umthengi nakalako. UmThetho ukhandela lomhlobo wokumaketha. Esinye nesinye isivumelwano sesikolodo umthengi asenza ngebanga lalokhu asisemthethweni begodu sizakutjhejwa njengombana kutjhiwo eSahlukweni 3.

UmThetho godu ufuna bona ngesikhathi sokutlikitla isivumelwano sesikolodo umthengi kufanele anikelwe ithuba lokuqunta ngokuladelako:

- ukobana iqintelo lesikolodo somthengi ngaphasi kwesikghonakalisi sesikolodo bona sande ngokuzenzakalela njalo eenyangeni ezilitjhumi nambili;
- ukufumana okhunye nokhunye ukuthintana kokumaketha namkha kufakwe kwelinye nelinye irhemo lomthengi namkha lokumaketha lomnikeli wesikolodo elizakuthengiswa namkha lisatjaliswe.

**(Isagaba 74)**

### **Ukukhandelwa kokumaketha kanye nokuthengiswa kweenkolodo ekhaya nendaweni yokusebenzela yomthengi**

UmThetho ubeka bona umnikeli wesikolodo angeze ahlukumeza ongaba mthengi ngehloso yokwenza isivumelwano sesikolodo nomthengi. Ukuqinisekisa bona abathengi abatshwenywa ekwenzeni iivumelwano

zeenkolodo umThetho ukhandela ukumakethwa nokuthengiswa kwesikolodo ekhaya lomthengi namkha endaweni yokusebenzela. Kodwana kunobujamo lapho isikolodo singamakethwa namkha sithengiswe ekhaya namkha endaweni yokusebenzela yomthengi. Lokhu kukhulunywa ngakho ngenzasi.

**(Isagaba 75)**

**Ubujamo lapho kuvunyelwe khona ukumaketha nokuthengisa isikolodo ekhaya lomthengi.**

I-NCA ivumela bona isikolodo Simakethwe namkha sithengiselwe umthengi ekhaya lakhe ngaphasi kobujamo obulandelako:

- Nayikuthi umnikeli wesikolodo umenywa mthengi ukumaketha namkha ukuthengisa isikolodo ekhaya lomthengi;
- Nayikuthi umnikeli wesikolodo uvakatjhela umthengi ukuzokuthengisa ipahla namkha imisebenzi begodu khonapho ngengozi afune ukunikela namkha ukuhlela isikolodo khona azakubhadela ipahla namkha imisebenzi umnikeli wesikolodo ayithengisako;
- Nayikuthi umnikeli wesikolodo uthengisa isikolodo sezokuthuthukisa angenza njalo ekhaya lomthengi namkha endaweni yokusebenzela ngaphandle kokumenywa mthengi.

**UmThetho uvumela bona isikolodo simakethwe namkha sithengiswe endaweni yokusebenzela yomthengi ngaphasi kobujamo obulandelako:**

- Nayikuthi ongaba mthengi mqatjhi;
- Nayikuthi umthengi uhlele nomnikeli wesikolodo ukuvakatjhelwa endaweni yokusebenzela ngomnqopho wokumaketha namkha ukuthengisa isikolodo;
- Nayikuthi umnikeli wesikolodo uhlela nomqatjhi kanye nomjameli weyuniyoni yabasebenzi kanye/namkha nomsebenzi bona umnikeli wesikolodo azokumaketha namkha athengise isikolodo emsebenzini;
- Nayikuthi umnikeli wesikolodo uthengisa isikolodo sezokuthuthukisa.

**(Isigaba 75)**

**EZINYE IINHLOKO EZIKHAMBELANAKO:**

- AmaLungelo womThengi (Isahluko 2)
- Iimvumelwano zeenkolodo (Isahluko 3)



## Isahluko 5

### Costs

**Isahluko lesi sitjheja iimali ezibhadelwako abanikeli besikolodo abavunyelwe ukuzibhadelisa abathengi lokha nabenza iimvumelwano zeenkolodo nabo. Sitjheja iinhloko ezilandelako:**

- Amazinga wenzalo neemali zokuthoma
- Iimali ezibhadelwako zomsebenzi
- Itjhorensi yesikolodo
- Ezinye iindleko.



### **Amazinga wenzalo neemali zokuthoma**

Inzalo yimali umnikeli wesikolodo ayibhadelisa umthengi emalini esaleleko yesivumelwano sesikolodo. Lemali ibalwa mnikeli wesikolodo ngokusebenzisa iphesente, elibizwa ngezinga lenzalo. Izinga lenzalo leli kufanele livezwe esivumelwaneni sesikolodo umthengi asitlikitla ngesikhahi enza isivumelwano sesikolodo. UmThetho ulawula amazinga wenzalo ngokubeka ubukhulu bamazinga wenzalo abanikeli beenkolodo abangawabhadelisa abathengi eemvumelwaneni zeenkolodo ezihlukeneko.

Imali yokuthoma yimali umnikeli wesikolodo ayibhadelisa umthengi ngokwenza isivumelwano sesikolodo nomthengi lowo. Umthengi ubhadela kuphela lemali nayikuthi wenza isivumelwano sesikolodo. Umnikeli wesikolodo kufanele anikele umthengi ukukhetha kokubhadelela phambili lemali ngokwehlukana begodu ngokwenza njalo akunanzalo ebhadeliswa kilemali. UmThetho godu ulawula iimali zokuthoma ngokubeka ubukhulu bemali yokuthoma abathengi abangayibhadeliswa. Qala ithebula engenzasi nawufuna ilwazi elinabileko. Imali yokuthoma angeze yadlula i-15% yemali ebolekiweko umthengi ayibawileko.

**(Isigaba 101)**

**(ImiThetjhwana 36, 39, 40, 41, 42, 45)**

<b>Umhlobo wesivumelwano sesikolodo</b>	<b>Ubukhulu bezinga lenzalo</b>	<b>Ubukhulu bemali yokuthoma</b>
limvumelwano zama- <i>mortgages/bond</i>	<b>(Izinga lenzalo le-REPO x 2.2) + 5%</b>	I-R1 000 + 10% kwelinye nelinye inani elidlula i-R10 000 (Ubukhulu bemali ebhadelwako yi-R5 000)
linKghonakalisi zeenKolodo (isibonelo, amakarada wesikolodo, amakarada weentolo, njll)	<b>(Izinga lenzalo le-REPO x 2.2) + 10%</b>	I-R150 + 10% yelinye nelinye inani elidlula i-R1 000 (Ubukhulu bemali ebhadelwako yi-R1 000)
linKghonakalisi zesiKolodo ezingakaQinisekiswa (isibonelo, ukubolekwa imali komuntu)	<b>(Izinga lenzalo le-REPO x 2.2) + 20%</b>	R150 + 10% kwelinye nelinye inani elidlula i-R1 000 (Ubukhulu bemali ebhadelwako yi-R1 000)
limvumelwano zeenkolodo eziphekelelako (iinkolodo ezisaleleko zabodorhodera, i-Eskom, aboMasipala, njll)	I-2% ngenyanga	Ayikho
limVumelwano zeenKolodo zemiKhiqizo emiTjha:		
• UkuBolekiswa imali kwamaBhizinisi amaNcane naLingeneko	<b>(Izinga lenzalo le-REPO x 2.2) + 20%</b>	R250 + 10% kwelinye nelinye inani elidlula i-R10 00 (Ubukhulu bemali ebhadelwako yi-R2 500)
• Izindlu ezingabizi imali enengi	<b>(Izinga lenzalo le-REPO x 2.2) + 20%</b>	R500 + 10% kwelinye nelinye inani elidlula i-R1 000 (Ubukhulu bemali ebhadelwako yi-R2 500)
UkuBolekiswa imali esiKhatini esiNcane (isibonelo, ukubolekiswa imali okufika eenyangeni ezi-6 okungadluli i-R8 000)	I-5% ngenyanga	R150 + 10% kwelinye nelinye inani elidlula i-R1 000 (Ubukhulu bemali ebhadelwako yi-R1 000)
Omnye nomnye umhlobo wokubolekiswa imali okungakakhuluunywa ngawo ngehla	<b>(izinga lenzalo le-REPO x 2.2) + 10%</b>	R150 + 10% kwelinye nelinye inani elidlula i-R1 000 (Ubukhulu bemali ebhadelwako yi-R1 000)

### **Iimali ezibhadelwako zomsebenzi**

Imali yomsebenzi yimali umnikeli wesikolodo ayibhadelisa umthengi ngokusebenza isivumelwano sesikolodo esiphakathi kwabo. Imali ebhadelwako le ngeyokuphatha namkha ukugcina isivumelwano sesikolodo. Umnikeli wesikolodo angabhadelisa lemali ngenyanga namkha ngonyaka. Godu ingabhadeliswa ngokuya kokuthengiselana okhunye nokhunye. UmThetho ulawula iimali ezibhadeliswa ngomsebenzi ngeendlela ezimbalwa kufaka ukubeka ubukhulu beemali abanikeli beenkolodo abavunyelwe ukuzibhadelisa nokobana zingafunwa nini. Ubukhulu bemali yomsebenzi umnikeli wesikolodo angayibhadelisa yi-R50.00 ngenyanga. Nayikuthi umthengi ubhadela imali yomsebenzi yonyaka, ubukhulu bemali umthengi angayibhadeliswa yi-R600.00 ngonyaka. Nayikuthi isivumelwano sesikolodo sibhadelwa siphela msinyana kunalokho ebekuvunywe mthengi begodu kungakapheli unyaka imali yomsebenzi yonyaka ekhambelana nawo, umnikeli wesikolodo kufanele abuyisele umthengi isiquntu semali yomsebenzi engakasebenzi.

**(Isigaba 101)**

**(UmThetjhwana 44)**

### **Itjhorensi yesikolodo**

UmThetho godu ulawula itjhorensi yesikolodo. Le yitjhorensi efunwa mnikeli wesikolodo lokha nakathatha umkhiqizo othileko ofana nokubolekisa ngemali yokuthenga indlu namkha ikarada lokuthenga ngesikolodo. Itjhorensi manje izakubhadela isikolodo esiya kumnikeli wesikolodo ebujaameni obuthileko obufana nokuhlongakala komthengi.

UmThetho ubeka bona itjhorensi ethethwe mthengi angeze yadlula isibopho esisaleleko kumnikeli wesikolodo begodu itjhorensi kufanele yehlise ibhalansi eseleko umnikeli wesikolodo ayehlisako. Ebujameni bokubolekwa imali yokuthenga indlu, itjhorensi angeze yadlula inani lepahla.

Ebujameni obuthileko umthengi anganikelwa itjhorensi yokuzi 'khethela' nezamzuzisa. Isibonelo, ebujameni bokubhadelwa kwekoloyi, kungaba sekarekweni ehle yomthengi ukuqinisekisa inani lemakethe elizeleko lekoloyi begodu ingasi kuphela ibhalansi okufanele ibhadelwe umnikeli wesikolodo, nakungabhala lokhu nasiya ekoloyini engasalungisekiko, yibhalansi kuphela eseleko okufanele ibhadelwe umnikeli wesikolodo ezakufunwa begodu umthengi akunanto azayifumana ngenani lekoloyi.

### **Itjhorensi yesikolodo**

UmThetho ubeka bona umthengi angeze akatelelwa ukuthatha itjhorensi enikelwa mnikeli wesikolodo begodu angakhetha ukujamiselela itjhorensi enikelwa mnikeli wesikolodo ngepholisi ekhethwa nguye. Lokha umthengi nakakhetha ukusebenzisa itjhorensi yakhe, umnikeli wesikolodo angabawa bona imali ebhadelwa ngenyanga ibhadelwe mnikeli wesikolodo ekampanini yetjhorensi begodu umthengi anikelwe umtlole wesikolodo ngenyanga.

Zoke imali zetjhorensi ezibhadelwa ngenyanga kumnikeli wesikolodo kufanele zenziwe ngenyanga ngaphandle kwesivumelwano esikhulu lapho inani lemali ebhadelwa ngonyaka ingabuyiswa. Imali ebhadelwa

ngonyaka kufanele ibuyiswe ekuthomeni kwesikhathi seenyanga ezilitjhumu nambili okuzakuthoma ngaso ukusebenza kwesivumelwano. Ebujameni lapho isivumelwano esikhulu sibhadelwa siphela msinyana, umthengi kufanele abuyiselwe imali ayibhadele ngenyanga elingana nesibalo seenyanga eziseleko.

**Sibawa ufunde umtlolo womyelesisi wezeemali onemvumo ngaphambi kokuzibophelela etjhorensini yomkhiqizo.**

**(lingaba 101 & 106)**

### **Ezinye iindleko**

UmThetho, ukungezelela kwezinye iimali ezibhadelwako okukhulunywe ngawo kilesisahluko, uvumela abanikeli beenkolodo ukubhadelisa abathengi okulandelako:

- **Iimali zokuphatha zokweqisa ukubhadela.** Le yimali umnikeli wesikolodo ayibhadelisa umthengi osalele emva ngokubhadela esivumelwaneni sakhe sesikolodo. Iimali lezi zikhambelana neendleko umnikeli wesikolodo azifumene ngokulinga ukuyelelisa umthengi osalele emva ngesikolodo nge-akhawunti yakhe. Iindleko lezi ziphelela encwadini ethunyelwa mnikeli wesikolodo kumthengi, emazisa bona ubhalelwe kubhadela ngokuya kwesivumelwano. Leziimali zokuphatha zokweqisa ukubhadela azifaki ukudosa umtato okwenzelwe umthengi. UmThetho ubeka kuhle bona umnikeli wesikolodo angeze abhadelisa umthengi ukudlula iindleko okufanele zibhadelwe

nguye. UmThetho ubeka kuhle bona imali ebhadelwako yencwadi kufanele ilingane nemali evunyelwe yikhotho, kanye neendleko ezifunyenwe ngokuthumela incwadi etlolisiweko.

- **Iindleko zokubuthelela.** Iindleko zokubuthelela ziindleko umnikeli wesikolodo azifumana ngokubuthelela isikolodo esisaleleko kumthengi. UmThetho ubeka kuhle bona umnikeli wesikolodo akakavunyelwa ukubhadelisa umthengi iindleko zokubuthelela, ezidlula ezivunye yikhotho.

**Umthetho we-*in duplum*** ubeka bona nasele umthengi abhalelwe kubhadela isikolodo njengokutjho kwesivumelwano, inzalo yeemali ezisaleleko angeze yadlula imali esaleleko ebeyikolodwa ngesikhathi sokubhalelwa kubhadela.

**(Isigaba 101)**

**(ImiThetjhwana 46 – 48)**



## IHLATHULULOMAGAMA

**RR= REPO Rate** – yinzalo yangokomthetho amabhanka aboleka ngayo imali kwa-South African Reserve Bank (Ayifani nezinga le-prime (i-prime rate). Izinga le-REPO godu lingatholakala esigabeni sezeemali samaphephandaba namkha ungathintana nebhanka eseduze nawe.

### EZINYE IINHLOKO EZIKHAMBELANAKO:

- AmaLungelo womThengi (Isahluko 2)
- Iimvumelwano zeenkolodo (Isahluko 3)
- Ukupheliswa, ukuliswa nokubhadelwa msinyana kwesivumelwano seenkolodo (Isahluko 6)
- Ukweqisa ukubhadela nokugandelelwa kokusebenza kwesikolodo (Isahluko 7)



## Isahluko 6

### UKUPHELIWA, UKULISWA NOKUBHADELWA MSINYANA KWEEMVUMELWANO ZEENKOLODO

**Isahluko lesi sizakutjheja ukupheliswa kanye nokusulwa kweemvumelwano zeenkolodo. Iimvumelwano zingapheliswa nini begodu njani begodu zingamthinta njani umthengi. Iinhloko ezilandelako zizakutjhejwa:**

- Ukupheliswa kwesivumelwano sesikolodo mthengi namkha mnikeli wesikolodo;
- Ukubhadelwa ngaphambi kwesikhathi kwesikolodo nokuvunywa kokubhadela;
- Ilungelo labathengi lokubhadela baqede msinyana iimvumelwano zeenkolodo;
- Iimvumelwano zokuqatjhiswa namkha zeentolmende ezitlikitlwe mthengi endaweni engasi yindawo etlolisiweko yebhizinisi yomnikeli wesikolodo; kanye
- Nokobana ukuliswa namkha ukubuyiswa kwepahla kumthinta njani umthengi.



## **Ukupheliswa kweemvumelwano mthengi namkha mnikeli wesikolodo**

UmThetho ubeka kuhle bona umthengi ngesinye nesinye isikhathi angaphelisa isivumelwano sesikolodo ngokubhadela yoke imali yokuqeda isikolodo. Imali yokuqeda isikolodo ifunyanwa ngokufaka iimali ezilandelako:-

- Isikolodo esikhulu esiseleko ngendlela ebesingayo ekuphelisweni;
- Inzalo esaleleko esikolodweni esikhulu ngendlela ebeyingayo ngelanga lokupheliswa;
- Ezinye nezinye iimali ezisaleleko namatjhaji ngendlela ebezingayo ngelanga lokupheliswa;
- Itjhaji yokupheliswa msinyana kweemvumelwano ezikulu njengombana kuhlathululwa ngenzasi.

Akunahlawulo ebhadelwa ekubhadelweni kuqedwe **isivumelwano esincani namkha esilingeneko**. Nayikuthi umthengi ufuna ukuphelisa **isivumelwano sesikolodo esikhulu**, sitjho isivumelwano sesikolodo esidlula i-R250 000 (amakhulu amabili weenkulungwana neenkulungwana ezimatjhumu amahlanu) namkha isivumelwano se-*mortgage*, imali yokuqedwa kwesikolodo ingafaka itjhaji yokuqedwa msinyana kwesikolodo engagavunyelwa bona ibe yinzalo yeenyanga ezidlula ezintathu, nangaphasi nayikuthi umthengi unikela ngesaziso sehloso yakhe yokuqeda msinyana isikolodo. Ebujameni lapho umthengi anikela ngesaziso izakwehlisa itjhaji yenzalo yeenyanga ezintathu yokuqeda isikolodo msinyana ngesikhathi sesaziso.

UmThetho uvumela umnikeli wesikolodo ukuphelisa isivumelwano sesikolodo ngaphambi kwesikhathi nayikuthi umthengi usalele emva ngokubhadela. **(Isigaba 125)**

**Ukubhadelwa ngaphambi kwesikhathi kwesikolodo nokuvunywa kokubhadela**

UmThetho ubeka bona umthengi angabhadelela phambili istolemende asikoloda ngaphasi kwesivumelwano sesikolodo. Umnikeli wesikolodo angeze ala ukwamukela imali yokubhadelela phambili ebuya kumthengi namkha amhlawulise ngokubhadelela phambili.

Lokha umthengi nakabhadelako, okungakalindelwa mnikeli wesikolodo, umThetho ubeka bona umnikeli wesikolodo kufanele asabalalise ukubhadela ngendlela yokulandelana elandelako:-

- Kokuthoma, abhadele inzalo elindiweko ngokuya kwesivumelwano sesikolodo;
- Kwesibili, ukubhadela enye nanye imali namatjhaji akolodwako;
- Kwesithathu, ukwehlisa isikolodo esikhulu. **(Isigaba 126)**

**Ilungelo labathengi lokubhadela baqede msinyana iimvumelwano zeenkolodo**

UmThetho unikela ngelungelo lokubhadela uqede isikolodo ngesinye nesinye isikhathi ngaphambi kwelanga elibekwe esivumelwaneni sesikolodo. Umthengi akakateleleki ukunikela umnikeli wesikolodo isaziso sokobana uhlose ukubhadela aqede isikolodo ngaphambi kwesikhathi.

Ebujameni besivumelwano esikhulu, lokha umthengi nakasebenzisa ilungelo leli, uzakuhlawuliswa imali yokubhadela aqede isikolodo ngaphambi kwesikhathi njengombana kutjiwo ngehla. Ilungelo leli litholakala konikela ngesiqinisekiso. Onikela ngesiqinisekiso mumuntu ovuma ukubhadela isikolodo, esikolodwa umnikeli wesikolodo ngomunye umthengi nakungenzeka umthengi abhalelwe kubhadela umnikeli wesikolodo.

**(Isigaba 125)**

**limvumelwano zokuqatjhisana namkha zeentolmende ezitlikitlwe mthengi endaweni engasi yindawo etlolisiweko yebhizinisi yomnikeli wesikolodo**

Nayikuthi umthengi utlikitla isivumelwano sokuqatjhisana namkha sestolmende endaweni okungasi yindawo yebhizinisi yomnikeli wesikolodo, umthengi angaphelisa isivumelwano kungakapheli amalanga amahlanu wokusebenza ngemva kokwenza isivumelwano esinjalo. Umthengi angaphelisa isivumelwano ngokubuyisa ipahla namkha ngokubhadela eminye neminye imisebenzi umthengi asele ayifumene kumnikeli wesikolodo. UmThetho godu ufuna bona umnikeli wesikolodo abuyise imali umthengi ambhadele yona, ngaphandle kweendleko umnikeli wesikolodo angahle azibhadele ukulungisa umonakalo obangwe mthengi kanye nemali yokuqatjha umthengi okuzakufanela bona ayibhadele ngokusebenzisa ipahla.

**(Isigaba 121)**

**Ukuqatjiswa namkha ukuliswa namkha ukubuyiswa kwepahla mthengi nokobana kumthinta njani**

UmThetho ubeka bona umthengi angazitsomula ekuthengiselaneni ngesitolmende, ekubolekiswa ngemali namkha esivumelwaneni sokuqatjiswa ngesinye nesinye isikhathi ngokubuyisela ipahla kumnikeli wesikolodo. Lokha umthengi nakabuyisela ipahla kumnikeli wesikolodo, umnikeli wesikolodo kulindelwe bona ayithengise begodu afake imali ehlangothini lesikolodo le-akhawunti yomthengi nemali ebuya ekuthengiseni. Nayikuthi imali ebuya ekuthengiseni idlula isikolodo somthengi, umnikeli wesikolodo kufanele abuyisele umthengi imali eseleko. Nayikuthi imali ebuya ekuthengiseni ingaphasi kwesikolodo somthengi, umthengi ukateleleleke bona abhadele imali eseleko kumnikeli wesikolodo kungakapheli amalanga alitjumi.

**(Isigaba 127)**



## IHLATHULULOMAGAMA

- **Isivumelwano sesikolodo esincani** sivumelwano sesikolodo esifika ku-R15 000
- **Isivumelwano sesikolodo esilingeneko** sivumelwano sesikolodo esiphakathi kwe-R15 001 ne-R250 000
- **Isivumelwano sesikolodo esikhulu** sivumelwano esidlula i-R250 000.

### EZINYE IINHLOKO EZIKHAMBELANAKO:

- Amalungelo womthengi (Isahluko 2)
- Ukweqisa ukubhadela nokugandelelwa kokusebenza kwesikolodo (Isahluko 7)
- Ukugandelelwa kokusebenza kwe-NCA (Isahluko 11)



## Isahluko 7

### UKWEQISA UKUBHADELA NOKUGANDELELWA KOKUSEBENZA KWESIKOLODO

Isahluko lesi siqale amagadango okufanele alandelwe nange umthengi angakghoni ukubhadela umnikeli wesikolodo ngokuya kwesivumelwano sesikolodo. Iinhloko ezilandelako zizakutjhejwa-

- Imikghwa yokubuthelelwa nokugandelelwa kokusebenza kweenkolodo ekhandelweko;
- linkambiso ezizakulandelwa mnikeli wesikolodo ngaphambi kokugandelelwa kokusebenza kwesikolodo;
- linkambiso zeenkolodo ezilandelwa ekhotho.

**Imikghwa yokubuthelelwa nokugandelelwa kokusebenza kweenkolodo ekhandelweko;**

Lokha umthengi nakabhalelwa kubhadela, umnikeli wesikolodo uzakuthatha amagadango wokubuthelela iimali akolodwa zona. Lokhu kubizwa ngokugandelela ukusebenza kwesikolodo. UmThetho ukhandela eminye imikghwa esetjenziswa banikeli beenkolodo ukubuthelela iimali abakolodwa zona bathengi. Umnikeli wesikolodo akakavunyelwa ukugcina imitlolo elandelako ngomnqopho wokubuthelela kanye nokugandelela ukusebenza kwesikolodo:-

- Incwadi yokuzazisa
- Ikarada ledebhithi namkha lokuthenga ngesikolodo
- Ikarada le-ATM
- Inomboro ye-PIN.

(lingaba 90 & 133)

**Iinkambiso ezizakulandelwa mnikeli wesikolodo ngaphambi kokugandelelwa kokusebenza kwesikolodo;**

Lokha umthengi nakeqisa ukubhadela, umnikeli wesikolodo kufanele kokuthoma azise umthengi ngomtlole ngobujamo be-akhawunti. Umthengi weqisile nayikuthi i-akhawunti yakhe isalele emva ngamalanga wokusebenza ama-20. Esazisweni umnikeli wesikolodo kufanele ahlongoze bona umthengi ase isivumelwano sesikolodo kumyelelesi weenkolodo namkha ekhotho yezabathengi namkha ku-**Ombudsman** onegunya lokuphatha eminye neminye imibango ekghonakalako. Umnqopho wokuya lapho kukghonakalisa umthengi nomnikeli wesikolodo ukurarulula indaba namkha ukuvumelana ngeqhinga

lokuletha ukubhadela ebujameni banjesi. Umnikeli wesikolodo angeze athathela umthengi amagadango womthetho ngaphambi kokumazisa ngokweqisa kokubhadela begodu amazise ngamalungelo wakhe mayelana nalokhu. Nakungenzeka umthengi abhalelwe kubonana nomnikeli wesikolodo namkha u-*Ombudsman* kungakapheli amalanga alitjhumu ukurarulula indaba, umnikeli wesikolodo angathatha amagadango wokugandelela ukusetjenziswa kwesikolodo.

**(Isigaba 129)**

### **linkambiso zeenkolodo ezilandelwa ekhotho**

Umnikeli wesikolodo angaya eKhotso kaMarhastrada ukuyokugandelela ukusebenza kwesivumelwano sesikolodo, esisalele emva lokha okulandelako nakwenzekako:-

- Umthengi nakangaphenduli isaziso esitloliweko esibuya kumnikeli wesikolodo sokuletha ukubhadela okungaphasi kwesivumelwano sesikolodo ebujameni banjesi;
- Umthengi nakala ukuvumelana nesihlongozo esenziwe mnikeli wesikolodo esazisweni esitloliweko, esihlongoza iindlela zokurarulula umbango namkha zokuletha ukubhadela ebujameni banjesi; namkha
- Umthengi nakangakhenge aye kumyelelesi weenkolodo kungakapheli amalanga avunyelweko alitjhumu wesikhathi sokusebenza.

Umthengi angaphelisa isivumelwano sesikolodo ngokubuyisela ipahla kumnikeli wesikolodo. Umnikeli wesikolodo kuzakufanela bona



athengise ipahla. Umthengi kuzakufanela bona abhadele enye nenze imali etjhadako nakungenzeka ipahla ithengiswe ngemali encani kunaleyo esaleleko. UmThetho ubeka bona umnikeli wesikolodo angaya ekhotho ukubuyisa imali esaleleko nayingakabhadelwa kungakapheli amalanga wokusebenza alitjumi.

Ikhotho ingatjheja kuphela isibawo somnikeli wesikolodo sesahlulelo nayikuthi isivumelwano sesikolodo asiweli ngaphasi **kokubuyekezwa kwesikolodo**. Lapho umthengi nomnikeli wesikolodo bavumelene ngeqhingha lokuletha ukubhadela ebujameni banjesi esivumelwaneni esisalele emva, begodu umthengi akhambisene nehlelo leli umnikeli wesikolodo angeze atjhingha ekhotho ukuyokufuna isahlulelo sekhotho ngesivumelwano lesi.

**(Isigaba 130)**



## IHLATHULULOMAGAMA

- **U - Ombudsman** - yihlangano / umuntu ozijameleko eyenzelwe umnqopho wokurarulula imibango.
- **Ukubuyekezwa kwesikolodo** - yikambiso ngayo iimvumelwano zeenkolodo zomthengi zihlanganiswako khona kuzakulinganiswa nokufunisisa bona umthengi angakghona ukubhadela imali yenyanga.

### EZINYE IINHLOKO EZIKHAMBELANAKO:

- Amalungelo womthengi (Isahluko 2)
- Ukulisa, ukupheliswa nokuqedwa kwesikolodo ngaphambi kwesikhathi (Isahluko 6)
- Ukuyeleliswa ngesikolodo (Isahluko 8)
- Imibango neenghonyayo (Isahluko 10)



## Isahluko 8

### UKUYELELISA NGEENKOLODO

**Isahluko lesi siqala ukuyelelisa ngeenkolodo. Sizakutjheja okulandelako:**

- Umthengi angafikelela njani umsebenzi wokuyeleliswa ngesikolodo, ngokwakhe, alayelwe mnikeli wesikolodo, alayelwe yikhotho.
- Khuyini ukungena khulu eenkolodweni?
- Khuyini ukuthenga ngesikolodo budlabha?
- Khuyini ukuhlelwa butjha kwesikolodo?
- Imiphumela yokuhlelwa butjha kwesikolodo
- Khuyini isitifikhethi sokunyelwa (*i-clearance certificate*)?

## **Ukuyeleliswa ngeenkolodo**

**Ukuyelelisa ngeenkolodo** yikambiso ehlose ukurhelebha ukuhlela butjha iimbopho zeenkolodo zabathengi ababhalelwa kubhadela iinkolodo zabo. Umthengi kuzakufanela bona abandakanye umyelelisi weenkolodo ozakukhulumisana nabanikeli beenkolodo ngokuhlelwa butjha kweembopho zeenkolodo zomthengi. Umnqopho wokuyelelisa ngeenkolodo kurhelebha abathengi ukuhlangabezana neembopho zabo zeenkolodo.

**(Isigaba 86)**

**(ImiThetjhwana 24, 26)**

## **Umthengi angafikelela njani umsebenzi wokuyeleliswa ngesikolodo**

Kuneendlela ezintathu umthengi angafikelela ngazo umsebenzi wokuyeleliswa ngeenkolodo.

### **1. Ngokwakhe**

Umthengi angatjhinga **kumYeelisi weenKolodo** ngokwakhe nakabona bonyana akasakghoni ukubhadela iinkolodo zakhe. UmYeelisi weenKolodo uzakuhlolisisa bona umthengi ungene khulu na eenkolodweni. Ikambiso yokuhlela butjha iinkolodo kukhulunywa ngayo ngenzasi.

### **2. Ngokulayelwa mnikeli wesikolodo**

UmThetho ufuna bona umnikeli wesikolodo athathe amagadango athileko ngaphambi kokuthathela umthengi obhalelwe kubhadela isikolodo sakhe amagadango womthetho. Elinye lamagadango lawo lifaka ukunikela umthengi isaziso esitolliweko esimazisa ngokweqisa kwakhe ukubhadela. Isaziso kufanele godu simazise ngelungelo lakhe lokuya kumYeelisi weenKolodo ukuyokufuna irhelebho.

**(Isigaba 129)**

### **3. Ngokulayelwa yikhotho**

Nayikuthi ikhotho ifumana bona umthengi ovela ngaphambi kwayo ungene khulu eenkolodweni, ingamlayela bona aye kumYeelisi weenKolodo.

**(Isigaba 85)**

**(UmThetjhwana 26)**

#### **Khunyini ukungena khulu eenkolodweni?**

Umthengi uthathwa njengongene khulu eenkolodweni lokha nakangasakghoniko ukubhadeka iinkolodo zakhe ekupheleni kwenyanga. UmThetho godu ubeka bona nayikuthi umYeelisi weenKolodo uphethe ukuhlola kwakhe begodu uthethe isiqunto sokobana umthengi angeze akghone ukuhlangabezana neembopho zeenkolodo zakhe ekupheleni kwenyanga, umthengi lowo ungene khulu eenkolodweni.

**(Isigaba 79)**

UmYeelisi weenKolodo godu urhelebha abathengi ngamakghono asisekelo wokutlama wezeemali afana nokwenza isabelo seemali.

Nanyana umthengi anelungelo lokwenza isibawo sokuhlelwa butjha kwesikolodo, lokhu akutjho bona uzakwamukelwa khonokho kilomsebenzi.

Ngemva kokuhlolisiswa kobujamo bezeemali bomthengi, umYeelisi weenKolodo angaqunta bona umthengi ungene khulu eenkolodweni. UmYeelisi weenKolodo kufanele manje anikele umthengi incwadi emalela ukwamukelwa.

Umthengi ofumene incwadi enjalo yokwalelwa ukwamukelwa, kungakapheli **amalanga wokusebenza** amatjhumi amabili, angaya ekhotho ayoyibawa bona imthathe njengongene khulu eenkolodweni. Ukungezelela, umthengi angabawa ikhotho ithathe iinkolodo zakhe njengezenziwe ngobutjhapha (qala ngenzasi) begodu ilayele ukuhlelwa butjha kweenkolodo zakhe.

(Isigaba 86)  
(UmThetjhwana 25)

### **Khunyini isivumelwano sokuthenga ngesikolodo budlabha?**

UmThetho ufuna bona umnikeli wesikolodo aqinisekise bona umthengi angasikghona isikolodo asibawako ngaphambi kobana amboleke imali namkha amthengisele ipahla ngesikolodo. Nayikuthi umnikeli wesikolodo ubhalelwa kuqinisekisa lokhu, isivumelwano sesikolodo singathathwa njengesenziwe butjhapha.

Isivumelwano sibutjhapha nayikuthi:

- Umnikeli wesikolodo akenzi ukuhlolisisa kuhle kwengozi yesikolodo ukuqinisekisa bona umthengi angakukghona ukubolekiswa imali;
- Umnikeli wesikolodo uragela phambili nokubolekisa ngemali nanyana umthengi angasikghoni isikolodo ngokususelwa ekuhlolisweni okwenziweko;
- Umthengi akazwizisisi amalungelo neembopho zakhe esivumelwaneni kanye neendleko ezibandakanyeka ekubolekweni imali.

(Isigaba 80)

## **Yikhotho kuphela engathatha isivumelwano njengesibutjhapha ngokuya kwesibawo somYelesi weenKolodo namkha somthengi**

Ikhotho ingajamisa isivumelwano esithethwe njengesibutjhapha. Godu ingatjhugulula imibandela nobujamo besivumelwano, sitjho ukobana iimali zizakubhadelwa bunjani mthengi kumnikeli wesikolodo. Umnikeli wesikolodo angeze abhadelisa umthengi inzalo namkha iimali ezibhadeliswako esivumelwaneni esijanyisiweko.

**(Isigaba 84)**

**(UmThetjhwana 23)**

## **Khuyini ukuhlelwa butjha kwesikolodo?**

Ukuhlelwa butjha kwesikolodo yikambiso lapho umYelesi weenKolodo abuyekeza isivumelwano sesikolodo somthengi begodu ahlela butjha ukubhadela.

UmYelesi weenKolodo kokuthoma uzakulinga ukuhlela butjha isikolodo somthengi ngokwenza isihlongozo kibo boke abanikeli beenkolodo kanye nangokulinga ukwenza bona boke abathintekako bavumelane nesihlongozo. Nayikuthi isivumelwano siyafikelelwa, umYelesi weenKolodo angabawa isiQhema somseBenzi namkha iKhotho ukukhupha imvumo.

Nayikuthi isivumelwano asifikelelwa, umYelesi weenKolodo angadlulisela indaba ekhotho kaMarhastrada. IKhotho kaMarhastrada ingabamba ukulalelwa kwendaba bese yenza umlayo ofaneleko.

**(Isigaba 86)**

**(UmThetjhwana 24)**

### **Imiphumela yokuhlelwa butjha kwesikolodo**

Nasele umthengi abekwa ngaphasi kokubuyekwezwa kwesikolodo, abanikeli beenkolodo angeze bamthathela amagadango womthetho. Ukudlula lapho, umthengi isikolodo sakhe esisekambisweni yokuhlelwa butjha akakavunyelwa ukwenza isibawo namkha ukufumana isikolodo esinye. Sinye kuphela isikolodo umthengi ongaphasi kokubuyekwezwa angasibawa, leso ngesokubolekiswa kokuhlanganisa (*i-consolidation loan*).

Umthengi obhalelwa kubhadela ngokuya kwesivumelwano sokuhlela butjha uzakhutjha khonokho ekambisweni yokubuyekwezwa kwesikolodo begodu abanikeli beenkolodo bangathoma khonokho ukuthathela umthengi amagadango womthetho.

**(Isigaba 86)**

### **Khuyini isitifikhethi sokunyelwa (*i-clearance certificate*)?**

Umthengi obhadele bewaqeda zoke iinkolodo zakhe ngokuya kokuhlelwa butjha kweenkolodo kufanele afumane “iSitifikhethi sokuVunyelwa” kumYelesi weenKolodo. ISitifikhethi sokuVunyelwa sivumela ukusulwa kwerekhodi eliphethwe yi-*credit bureau*. Koke ukurhenyiswa okukhambelana nesikolodo esibhadelwe saqedwa kuzakusulwa. Nakungenzeka umYelesi weenKolodo ale ukunikela umthengi isitifikhethi, umthengi angatjha esiQhemeni somSebenzi bona sibuyekeze isiqunto somYelesi weenKolodo.

**(Isigaba 71)**

**(UmThetjhwana 27)**

#### **EZINYE IINHLOKO EZIKHAMBELANAKO:**

- Ukweqisa ukubhadela nokugandelelwa kokusebenza kwesikolodo (Isahluko 7)





## IHLATHULULOMAGAMA

- **Amalanga wokusebenza:** Woke amalanga kungafaki uMgqibelo, uSondarha namaLanga wokuPhumula;
- **UkuYeleswa ngeenKolodo:** Ikambiso yokuhlolisisa ukungena khulu eenkolodweni nokuhlela butjha isikolodo;
- **UmYelesi weenKolodo:** Mumuntu otloliswe ne-NCR njengomYelesi weenKolodo kanye norhelebha abathengi ngokuhlelwa butjha Kweenkolodo;
- **Ukubolekiswa kokuhlanganisa:** Kuboleka imali okwenziwa mthengi ngomnqopho wokuhlanganisa zoke iinkolodo zakhe zokubolekiswa imali zibe sikolodo sinye ngombono wokusibhadela.

### EZINYE IINHLOKO EZIKHAMBELANAKO:

- Amalungelo womthengi (Isahluko 2)
- Imikghwa yokumaketha (Isahluko 4)
- Iindleko (Isahluko 5)
- Ukulisa, ukuphelisa nokubhadelwa msinyana kwesikolodo (Isahluko 6)



## Isahluko 9

### I – CREDIT BUREAUX KANYE NELWAZI LEENKOLODO

**Isahluko lesi sizakutjheja iinhloko ezilandelako:**

- Ilwazi lomthengi leenkolodo
- Mhlobobani welwazi elingagcinwa?
- Mhlobobani welwazi elingeze lagcinwa?
- Imithombo yelwazi
- Iinkhathi zokugcina
- Ukususwa kwelwazi nokuphikisa ilwazi elingakalungi
- Ikambiso ngaphambi kokurhenyiswa kwelwazi elingasilihle
- Ukusetjenziswa kwelwazi leenkolodo.

UmThetho ufuna bona umLawuli wesiTjhaba weenKolodo (*i-National Credit Regulator*) atlolise begodu **alawule** *i-credit bureaux*. UmThetho godu ubeka bona ngiliphi ilwazi elingagcinwa yi-*credit bureau*, ngubani ongathumela ilwazi ku-*credit bureau*, ngubani ongafumana ilwazi ku-*bureau* kanye nokobana i-*bureau* ingagcina ilwazi isikhathi esingangani. Ilwazi lomthengi kungaba lilwazi elingaye namkha lilwazi leenkolodo.

**(lingaba 43 & 70)**  
**(UmThetjhwana 17)**

### **Ilwazi lomthengi leenkolodo**

UmThetho ulawula ukusetjenziswa **kwelwazi leenkolodo** lomthengi. Kodwana ukuhlathululwa kwe"lwazi leenkolodo lomthengi" kubanzi begodu kufaka pheze loke ilwazi lomthengi elifana:

- Nomlando womuntu weenkolodo
  - ↳ Iimvumelwano zeenkolodo ezitlikitiweko;
  - ↳ Umlando wokubhadela iinkolodo;
  - ↳ Nayikuthi umthengi u/wakhe waba ngaphasi kokubuyezwa kweenkolodo;
  
- Nomlando womuntu wezeemali
  - ↳ Ingeniso eyadlulako neyanjesi;
  - ↳ Ipahla neenkolodo;
  
- Nelinye ilwazi eliphathelene nomuntu elifana:
  - ↳ Neleze fundo, ukuqatjiswa nomlando ngomsebenzi;
  - ↳ NeNomboro kaMazisi;
  - ↳ Nebizo;

- ↳ Nelanga lamabeletho;
- ↳ Ne-adresi yomakho;
- ↳ Nobujamo bezomtjhado;
- ↳ Nemininingwana yezokuthintana.

(Isigaba 70)

(UmThetjhwana 18)

### Mhlobobani welwazi elingacina?

Loke “ilwazi leenkolodo” lomthengi elirhenyiswe ngehla lingacina yi-*credit bureau* kanye nelwazi elilandelako:

- Ilwazi lokubhadela mayelana nemisebenzi eragela phambili;
- Elinye nelinye ilwazi elitlhogeka ukufanisa ukukhwabanisa kwezenkolodo;
- Ilwazi lokubhadela okwenziwa mthengi lapho isikolodo senziwa khona;
- Elinye nelinye ilwazi, kuye ngokuvuma komthengi bona lithunyelwe ku-*credit bureau*, begodu kuye umnikeli wesikolodo wazisiwe ukobana ilwazi lizakusetjenziselwa ini.

(UmThetjhwana 18)

### Mhlobobani welwazi elingeze lagcina?

UmThetho ubeka bona ilwazi elilandelako elingomuntu angeze lagcina yi-*credit bureau*:

- Lobutjhaba;
- Lokuthintana kwezombanganarha;

- Lobujamo / umlando bezokwelatjhwa;
- Lekolo namkha umkhumbulo, ikolelo namkha imibono;
- Lokwenyula ngakwezomseSexual orientation;
- Lobulunga beyuniyoni yabasebenzi.

**(UmThetjhwana 18)**

### **Imithombo yelwazi le-*credit bureau***

UmThetho uvumela kuphela abantu / iinhlango abazilandelako ukuthumela ilwazi

- Abanikeli beenkolodo;
- Abathengi abalungisa ilwazi elingakalungi;
- Umbuso, ikhotho namkha isisebenzi sekhotho;
- Umnikeli wemisebenzi eragela phambili;
- Amakampani wetjhorensi;
- Iinhlango ezithinteka ekuphenyeni ngokukhwabanisa;
- Iinkhundo zefundo ezifana namayunivesithi;
- Ababuthelile beenkolodo;
- Amanye ama-*credit bureau*.

**(Isigaba 70)**

**(UmThetjhwana 18)**

### **Iinkhathi zokugcinwa**

UmThetho ubeka bona ilwazi elithileko lingagcinwa isikhathi esingangani yi-*bureau*. Esikhathini esidlulileko i-*bureaux* beyiziquntela bona ilwazi izaligcina isikhathi eside kangangani. Iinkhathi zokugcinwa zirhenyiswe ngenzasi:

	Category	Description	Time kept
1	Ukuphikisa okwenziweko	Umthengi unelungelo lokuphikisa ilwazi elingakalungi. Lokhu kungaba mininingwana yokuphikisa okwenziwa bekwaliwa ngemva kwephenyo	Iinyanga ezili-18
2	Imibuzo	Imininingwana yomuntu obawa ilwazi leenkolodo lomthengi	Iminyaka emi-2
3	Iphrofayili yokubhadela	Imininingwana yokubhadela okwenziwe mthengi eemvumelwaneni zakhe	Iminyaka emi-5
4	Ilwazi elingasi lihle	Ilwazi elikhambelana nendlela yokubhadela yomthengi efana nokubhadela buthaka, ukweqisa, ukubaleka	Unyaka
5	Ilwazi elingasi lihle	Ilwazi elikhambelana nesenzo esithethwe mnikeli wesikolodo sithathelwa umthengi ukugandelela ukusebenza kwesikolodo elifana nelifehiweko, igadango lomthetho, ukusulwa kwerekhodi elimbi, njll.	Iminyaka emi-2
6	Isikolodo	Imininingwana yomthengi okukhulunywa ngaye	Bekube kulapho anikelwa khona isitifikethi sokuvunyelwa
7	Iinqunto zekhotho yemibango	Iinqunto ezinikelwa yikhotho	Iminyaka emi-5 namkha besisuswe yikhotho
8	Ukuphathwa kwemilayo	Imilayo yokubeka umthengi ngaphasi kwezokuphatha	Iminyaka eli-10 namkha bekube kulapho ikhotho isisusako
9	Ukutjhona / ukuthathwa kwepahla ngebanga lokutjhona (ama-sequestration)	Mlayo onikelwa yikhotho umthengi nathonileko.	Iminyaka eli-10 namkha bekube lapho ikhotho ikususa khona
10	Ukutjhona kwekampani (i-liquidation)	Mlayo onikelwa yikhotho lapho ikampani nayitjhonileko.	Akunasikhathi
11	Ukubuyiselwa ebujamani bangaphambili	Mlayo wekhotho osusa ikampani etjhonileko (ebekwe ngaphasi kwe-liquidation namkha i-sequestration)	Iminyaka emi-5
12	Elinye ilwazi	Elinye ilwazi elingakatjhejwa ngehla.	Iminyaka emi-2

(Isigaba 73) (UmThetjhwana 17)

### **Ukusulwa kwelwazi kanye nokuphikisa ilwazi elingasi lihle**

Umthengi unelungelo lokuphikisa ilwazi elingakalungi eligcinwe yi-*credit bureau*. Umthengi kufanele azise i-*credit bureau* bona ilwazi alikalungi. Bona kufunyanwe isaziso esinjalo esibuya kumthengi, i-*bureau* khonokho 'ifihle' ilwazi khona kungazukuba nomuntu olibonako. I-*bureau* manje inamalanga wokusebenza ama-20 wokufumana ubufakazi bona ilwazi lilungile. Nayikuthi iyabhalelwa kukwenza njalo, kuzakufanela bona isuse ilwazi lelo emarekhodini wayo.

Nayikuthi i-*bureau* iyabufumana ubufakazi obuvumelana nelwazi, kodwana umthengi usala ukuvumelana nelwazi lelo, umthengi, kungakapheli amalanga wokusebenza ama-20 angabawa umLawuli wesiTjhaba weenKolodo ukuphenya indaba.

**Isigaba 73 somThetho sinesijamiso soku"hlwengisa" esifuna bona i-*bureaux* isuse ilwazi elithileko emarekhodini wayo. Imithetjhwana emitjha sele ikhutjhiwe efuna bona i-*credit bureaux* isuse amarekhodi athileko njengoku"hlwengisa kanye".**

**Nawufuna ilwazi elinabileko ngalokhu funda imithetjhwana eGazedini yenomboro 28864**

(Isigaba 72 & 73)  
(UmThetjhwana 20)

### **Ikambiso ngaphambi kokurhenyiswa kwelwazi elingasilihle**

Omunye nomunye umuntu / ihlangano evunyelwe ukuletha ilwazi ku-*credit bureau* kufanele ithathe amagadango abonakalako ukuqinisekisa bona ilwazi elilethako lilungile. Nayikuthi isikolodo **sinemilayo**, umnikeli wesikolodo akakavunyelwa ukuthumela ilwazi ku-*bureau*. Ngaphambi kobana umnikeli wesikolodo athumele **ilwazi elingasi lihle** ku-*credit bureau* kufanele kokuthoma anikele umthengi isaziso emalangeneni wokusebenza ama-20 ukumazisa bona ilwazi lizakurhenyiswa. Umthengi kufanele godu aziswe ngelwazi elizakurhenyiswa ukumkghonakalisa bona aliphikise nayikuthi ubona ngathi alikalungi.

**(ImiThetjhwana 18, 19)**

### **Ukusetjenziswa kwelwazi leenkolodo**

UmThetho ubeka bona ilwazi lokuthenga lomthengi lingasetjenziselwa ini. Godu ubeka bona imvumo yomthengi ifuneka nini ekusetjenzisweni kwelwazi lakhe lokuthenga. UmThetho uvumela kuphela ukusetjenziswa okulandelako:

#### **Lapho imvumo yomthengi ingafuneki**

- Omunye nomunye umnqopho ofunwa mThetho, ofana nokukghonakala kokubhadelwa kokuhlolisiswa;
- Amaphenyo we-SAPS wokukhwabanisa namkha wekohlakalo;
- Imisebenzi yokukhandelwa kwekohlakalo nokukhwabanisa;
- Ukuhlolisiswa kwencwadi yeenkolodo lokha iinkolodo zomthengi **nazidluliselwa** komunye umuntu;



- Ukufumana iminingwana yomthengi ukubhadela iimbawo zomhlalaphasi ezingakafunwa namkha iimbawo zetjhorensi;
- Ukulandelela umthengi ukubuthelela isikolodo okufanele sibhadelwe mayelana nesivumelwano sesikolodo;
- Ukwenza irherho lokunikela amaphuzu (ama-*score cards*).

### Lapho imvumo yomthengi ifuneka khona

- Ukubeka amaqintelo ekunikelweni kwepahla namkha **imisebenzi eragela phambili**;
- Ukuhlolisisa isibawo setjhorensi;
- Ukuqinisekisa ukufaneleka kwezefundo;
- Ukutjheja ofuna umsebenzi esikhundleni esifuna ukuthembeka nokuthembakala begodu esifaka ukuphathwa kweemali.

**Kuphambene nomthetho ukwenza ukuhlola kwe-credit bureau emuntwini ongahle aqatjhwe nayikuthi isikhundla asifuni ukuthembeka nokuthembakala begodu umuntu angeze apha the iimali.**

(Isigaba 70)

(UmThetjhwana 18)



## IHLATHULULOMAGAMA

- **Ukulawula:** Kuqinisekisa bona abanikeli beenkolodo, abayelelisa ngeenkolodo nama-*credit bureas* enza ibhizinisi ngokuya komthetho;
- **ImiSebenzi eRagela Phambili:** Misebenzi namkha ipahla enikelwa esikhathini esiragela phambili, ebhadelwa njalo, efana namanzi negezi;
- **Ukudluliswa kwesikolodo:** Kulapho isikolodo somthengi sithengiselwa omunye umuntu mnikeli wesikolodo begodu umuntu loyo kuba nguye obuthelela isikolodo komthengi;
- **I-*sequestration*:** Mlayo wekhotho obeka bona umuntu utjhonile;
- **Ukutjhona:** Kulokha isikolodo somthengi nasidlula ipahla yakhe begodu angasakghoni ukubhadela nanyana yini;
- **I-*liquidation*:** Mlayo wekhotho obeka bona ikampani namkha i-*close corporation* itjhonile;
- **Ukubuyisela ebujameni bangaphambilini:** Nayikuthi umthengi othathwa njengotjhonileko ubhadela isikolodo sakhe, ikhotho ingasusa umlayo we-*sequestration* namkha we-*liquidation*;

# IHLATHULULOMAGAMA

- **Ukulaya:** Isikolodo siyalaywa nayikuthi umnikeli wesikolodo akakathatheli umthengi igadango lokufuna isikolodo kungakapheli isikhathi esibekiweko. Umnikeli wesikolodo angeze agandelela ukusebenza kwesikolodo esilayiweko ngokuya ekhotho;
- **Ilwazi elingasi lihle:** Ilwazi elifana nomuntu obhadela buthaka, oweqisako, obalekileko namkha nelilethiweko, igadango lomthetho namkha ukusulwa kwerekhodi elimbi.

**EZINYE IINHLOKO EZIKHAMBELANAKO:**

- AmaLungelo womThengi (Isahluko 2)



## Isahluko 10

### IMIBANGO NEENGHONGHOYILO

**Isahluko lesi sitjheja okulandelako:**

- Umthengi angasenza nini isinghonyoyilo?
- Umthengi anganghonyoyila ngobani?
- Ikambiso elandelwako lokha nawenza isinghonyoyilo kumLawuli wesiTjhaba weenKolodo (*i-National Credit Regulator*).

**Umthengi angasenza nini isinghonyoyilo?**

Umthengi anganghonyoyila ngesinye nesinye isikhathi nayikuthi akaneliswa misebenzi ayifumana kumnikeli wesikolodo, umYelesi weenKolodo namkha ku-credit bureau. Isibonelo, umthengi kufanele afumane isaziso lokha nakeqisa ukubhadela ngaphasi kwesivumelwano sesikolodo ngaphambi kobana umnikeli wesikolodo amthathele igadango lomthetho. Isaziso lesi kufanele sazise umthengi bona anganghonyoyila ku-ombudsman onamandla wangokomthetho, komunye umsebenzeli wokurarululwa kwemibango namkha ekhotho yabathengi.

**(lingaba 129, 134 & 136)**

### **Umthengi anganghonyila kuphi?**

UmLawuli wesiTjhaba weenKolodo usebenza ukufumana nokuphenya iinghonyilo ezikhambelana neenkolodo kanye nezinye izinto ezitjhejwa mThetho. Nayikuthi, kodwana umLawuli unombono wokobana isinghonyilo sikhambelana nendaba okufanele itjhejwe ngenye ihlangano, uzakudlulisela indaba ehlanganweni efaneleko. Esahlukweni 12 kunemininingwana yeenhlangano ezingaphatha iinghonyilo nemibango yezinye iindaba ngaphandle kweenkolodo.

UmThetho uvumela umthengi ukwenza isinghonyilo komunye wabalandelako:

1. KumLawuli wesiTjhaba weenKolodo (*i-National Credit Regulator*)
2. Ku-***Ombudsman*** onamandla wangokomthetho
3. EsiQhemeni sesiTjhaba sabaThengi  
(*i-National Consumer Tribunal*)
4. Komunye umSebenzeli wokuRarululwa kwemiBango.

### **1. UmLawuli wesiTjhaba weenKolodo (*i-National Credit Regulator*)**

Umthengi angenza isinghonyilo ku-*National Credit Regulator* nayikuthi ubona ungathi isinghonyilo siphathelene nesivumelwano seenkolodo. Ikambiso elandelwa mLawuli lokha nakafumana isinghonyilo izakutjhejwa muva kilesi Sahluko.

**(Isigaba 15)**

## 2. U – *Ombudsman* onamandla wangokomthetho

Amabubulo afana ne-bubulo letjhirensi, imisebenzi yezeemali kanye ne-bubulo lezamabhanka, njll, ano-*Ombudsman*. U-*Ombudsman* yihlangano ehlonywe ukufumana nokurarulula iinghonyayo nemibango kwelinye nelinye ibubulo. Isibonelo, iinghonyayo ezikhambelana nebhanka zingenziwa no-*Ombudsman* wemiSebenzi yamaBhanka (okungu-*Ombudsman for Banking Services*) begodu isinghonyayo esikhambelana ne-*credit bureau* singenziwa no-*Credit Information Ombudsman*.

## 3. IsiQhema sesiTjhaba sabaThengi (i – *National Consumer Tribunal*)

Umthengi angenza isinghonyayo namkha umbango bunqophisa esiQhemeni; kodwana, ubujamo lapho umthengi angenza khona lokhu buqintelwe ebujaameni obulandelako:

- Lapho u-*National Credit Regulator* ale isinghonyayo (qala ikulumiswano emutjhwani wesi-4 ngenzasi);
- Nayikuthi umthengi ubhalelwe kurarulula isinghonyayo ngokusebenzisa u-*Ombudsman*, umsebenzeli namkha umLawuli.

(lingaba 137 & 141)

(ImThetjhwana 49, 51)

## 4. Omunye umSebenzeli wokuRarululwa kwemiBango [Alternative Dispute Resolution agent (ADR)]

UmSebenzeli yihlangano elinga ukurarulula imibango ngokusebenzisa ukuthobelana, ukungenelela namkha ukulamula.

Nayikuthi umthengi ulayelwa bona aye kumSebenzeli begodu umSebenzeli ufumana bona omunye wabathintekako akabambisani namkha umbango angeze wararululwa, umSebenzeli kufanele akhuphe isitifikhethi esibeka bona ikambiso yokurarulula umbango ibhalelwe. Indaba manje ingadluliselwa esiQhemeni bona siyirarulule.

**(Isigaba 134)**

**(UmThetjhwana 51)**

**Amagadango alandelwa lokha nawenza isinghonyoyilo kumLawuli wesiTjhaba weenKolodo (i – *National Credit Regulator*)**

Umthengi angathintana ne-*National Credit Regulator* ngomtato namkha ngokuzalisa iforomo lesinghonyoyilo, elingafunyanwa ku-mLawuli. Umthengi kufanele anikele ilwazi elilandelako lokha nakenza isinghonyoyilo:

- Igama ngokuzeleko, isibongo neNomboro kaMazisi;
- Imininingwana yokuthintana;
- Ihlathululo efitjhani yesinghonyoyilo.

Isinghonyoyilo singenziwa kuphela kumLawuli nayikuthi umthengi sele alinge ukurarulula indaba nomnikeli wesikolodo begodu kwabhala.

UmLawuli uzaku:

- khupha isaziso sokudluliswa nayikuthi kufunyanwa bona indaba iwela ngaphandle kwelawulo lomThetho;
- phenya ngokomthetho isinghonyoyilo; namkha

- dlulisela indaba ku-*ombudsman* onamandla wangokomthetho namkha kumSebenzeli namkha ekhotho yezabathengi.

Nayikuthi isinghonyoyilo siyadluliswa bona siphenywe, u-NCR uzakutjheja umbiko womphenyi begodu

- akhuphe isaziso sokungadluliswa; namkha
- adlulisele indaba esiQhemeni okuzakuquntwa ngaso.

Nayikuthi isinghonyoyilo sikhambelana **nesenzo esingasi semthethweni** ngokuya komThetho, umLawuli uzakudlulisela indaba ePhikweni lesiTjhaba lezokuTjhutjhisa bona kubekwe imilandu yobulelesi umuntu okunghonyoyilwa ngaye. Nayikuthi umbango uyayarululwa, umphumela unga lethwa esiQhemeni bona wenziwe ube mlayo wokuvuma.

(lingaba 136, 138, 139 & 140)  
(UmThetjhwana 50)

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## IHLATHULULOMAGAMA

- **U-Ombudsman onamandla wangokomthetho:** Li-ofisi namkha ihlangano ngaphakathi kwebubulo ehlonywe ngokuya komthetho namkha ngokuzinikela, ukurhelebha ukurarulula imibango ephakathi kwabathengi neenhlangotho ebulweni. Ngokujayelekileko indaba itjhejwa ngu-Ombudsman zibekwa kuhle begodu lokhu kubizwa nge“lawulo lakhe”.
- **Isenzo esingasi semthethweni:** UmThetho ubeka bona nayikuthi iinjamiliso ezithileko ezisemThethweni ziyaphulwa, lesi sisenzo esingasi semthethweni begodu umuntu owephule umthetho angavulelwa umlandu. .

### EZINYE IINHLOKO EZIKHAMBELANAKO:

- AmaLungelo womThengi (Isahluko 2)
- Ukweqisa nokugandelelwa kokusebenza kwesikolodo (Isahluko 7)
- I-Credit Bureaux neLwazi leenKolodo (Isahluko 9)
- Ukugandelelwa kokusebenza komThetho wesiTjhaba weenKolod (i-NCA) (Isahluko 11)
- Iminingwana yokuthintana elirhelebho (Isahluko 12)



## Isahluko 11

### UKUGANDELELWA KOKUSEBENZA KOMTHETHO WESI TJHABA WEENKOLODO (I - NATIONAL CREDIT ACT)

**Isahluko lesi sitjheja ukobana umThetho wesiTjhaba weenKolodo ugandelelwa bunjani bona usebenze. Sizakutjheja iinhloko ezilandelako:**

- UmLawuli wesiTjhaba weenKolodo (*i-National Credit Regulator*)
- IsiQhema sesiTjhaba sabaThengi (*i-National Consumer Tribunal*).

#### **UmLawuli wesiTjhaba weenKolodo (i - National Credit Regulator)**

UmThetho uhloma umLawuli wesiTjhaba weenKolodo (i-NCR). I-NCR ilawula imakethe yeenkolodo begodu igandelela ukusebenza komThetho.

- Imisebenzi:  
UmLawuli:
  - ↳ usebenza ukutlolisa abanikeli beenkolodo, *i-credit bureaux* nabaYelelisi beenKolodo;
  - ↳ kufanele eluse begodu aphenye ngeenghonyayo;
  - ↳ usebenza ukubika ePalamende ngokutholakala

kweenkolodo, imikghwa yemakethe, ukufikeleleka kweenkolodo kanye nezinga lokungena khulu eenkolodweni kwabathengi;

↳ usebenza ukugandelelwa kokusebenza komThetho.

➤ Amandla:

UmLawuli:

↳ uphenya ukungakhambisani nomThetho kwananyana ngimuphi otlolisiweko;

↳ ukhupha izaziso zokungakhambisani;

↳ utjhutjhisa ukungakhambisani ngaphambi kwesiQhema;

↳ udlulisela iinghonyayo esiQhemeni;

↳ ubawa isiQhema ukusula ukutloliswa kotlolisiweko;

↳ ubeka ubujamo bokutloliswa kwabatlolisiwako.

**(Isigaba 12)**

### **IsiQhema sesiTjhaba sabaThengi (i-*National Consumer Tribunal*)**

UmThetho godu uhlolma isiQhema sesiTjhaba sabaThengi. IsiQhema sahlonywa bona sinikele ngeenqunto eendabeni zeenkolodo ezisembangweni, lapha sitjho lezo ezingeze zararululwa ngokuya kwe-NCR. Godu singakhupha imilayo neenhlawulo ezirhenyiswe ngenzasi:

➤ Imilayo:

↳ IsiQhema, ngokuhlala njengelunga linye namkha njengesiqhema esizeleko samalunga amathathu, singaqunta ngeendaba ezilandelako:

▪ Ukusulwa kokutloliswa kwabatlolisiweko;

- lindaba ezilethwe mLawuli;
- Ukubekwa kwehlawulo lapho kufunyanwa ukungakhambisani nomThetho;
- Ukwenziwa kwemilayo yeendleko eendaweni equnta ngazo;
- Ukukhutjhwa kwemilayo yemvumo lapho abathintekako bavumelene ngokurarululwa komraro;
- Ukukhutjhwa kwemilayo yemvumo lapho abathintekako bavumelana ngokuhlelwa butjha kwesikolodo;
- Ukubeka bona ukuziphatha kotlolisiweko akukavunyelwa ngokuya komThetho;
- Ukulaya bona otlolisiweko alise imikghwa ethileko.

➤ Ihlawulo:

- ↳ IsiQhema singakhupha ihlawulo yezokuphatha;
- ↳ Ihlawulo angeze yadlula isigidi sinye samaRanda (i-R1 million) namkha amaphesente alitjumi wengeniso yonyaka **yotlollisiweko**; kuye ngokuthi ngiyiphi epehuzulu.

**(lingaba 150 & 151)**

**EZINYE IINHLOKO EZIKHAMBELANAKO:**

**- ImiBango neeNghonghoyilo (Isahluko 10)**



## IHLATHULULOMAGAMA

- **Otlolisiweko** – ufaka abanikeli beenkolodo, abayelelisi beenkolodo kanye nama-credit bureau atloliswe nomLawuli.

### EZINYE IINHLOKO EZIKHAMBELANAKO:

- AmaLungelo womThengi (Isahluko 2)
- Imikghwa yokumaketha (Isahluko 4)
- Iindleko (Isahluko 5)
- Ukulisa, ukupheliswa nokuqedwa kwesikolodo msinyana (Isahluko 6)



## Isahluko 12

### OKHUNYE UKUTHINTANA OKULIRHELEBHO

Kilesi sahluko uzakufumana iminingwana yokuthintana yeenhlangano lapho ungenza khona iinghonyayo ezikhambelana neendaba ezihlukeneko.

1. ***The National Credit Regulator*** (Umlawuli wesiTjhaba weenKolodo)
  - irarulula iinghonyayo ezikhambelana neemvumelwano zeenkolodo, i-credit bureax kanye nabaYelisi beenKolodo.
  - Inomboro yomtato: 0860 627 627
2. ***Financial Services Board*** (IBhodo yemiSebenzi yezeMali)
  - irarulula iinghonyayo ezikhambelana nemisebenzi okungasi ngeyamabhanka yezeemali, isibonelo, amahlelo wokusisa, iinkhwama zomhlalaphasi zabanikela ngetjhorensi kanye namosayithi wezobungani.
  - Inomboro yasimahla: 0800 110 443 namkha 0800 202 087
  - Ifeksi: (012) 347 0221

3. ***Credit Information Ombudsman*** (u –Ombudsman weLwazi leenKolodo)

- urarulula iinghonyoyilo zabantu ezikhambelana nelwazi leenkolodo.

ISentha yeRhelebho lomTato (i-**Call Centre**): 0861 662 837  
namkha 0860 OMBUDS

4. ***Ombudsman for Banking Services*** (u –Ombudsman wemiSebenzi yamaBhanka)

- urarulula iinghonyoyilo zabantu ngemisebenzi nemikhiqizo yamabhanka.

Inomboro yomtato: 0860 800 900 namkha 0860 OMBUDS  
Ifeksi: (011) 838 0043

5. ***Debt Collectors Council*** (UmKhandlu wabaButheleli beenKolodo)

- urarulula iinghonyoyilo ezikhambelana nokubuthelelwa kweenkolodo.

Inomboro yomtato: (012) 804 9808  
Ifeksi: (012) 841 6238

6. ***Department of Trade and Industry*** (umNyango wezokuRhwebelana namaBubulo)

Inomboro yomtato: (012) 349 9500  
ISentha yeRhelebho lomTato: 0861 843 384  
Ifeksi: 0861 843 888

**7. Provincial Consumer Affairs Directorates (ubuNqophisi bamaPhrovinsi beeNdaba zabaThengi)**

- burarulula iinghonyayo lapho umthengi abona bonyana amalungelo wakhe aphuliwe.

**Pumalanga Kapa**

Inomboro yomtato: (040) 609 3663

Ifeksi: (040) 609 3201

**Freyistata**

Inomboro yomtato: (051) 400 4852

Ifeksi: (051) 400 9609/10

**Gauteng**

Inomboro yomtato: (011)355 8008/6

Ifeksi: (011) 355 8019

**Kwa-Zulu Natal**

Inomboro yomtato: (031) 310 5300

Ifeksi: (031) 310 5416

**Limpopo**

Inomboro yomtato: (015) 291 2863/4/2

Ifeksi: (015) 291 2898



**Mpumalanga**

Inomboro yomtato: (013) 752 3761

Ifeksi: (013) 752 3729

**Tlhagwini-Tjhingalanga**

Inomboro yomtato: (018) 387 7700

Ifeksi: (018) 392 5660

**Tlhagwini Kapa**

Inomboro yomtato: (053) 830 4800

Ifeksi: (053) 832 4830

**Tjhingalanga Kapa**

Inomboro yomtato: 0800 007 081

Ifeksi: (021) 483 5872