



**THE NATIONAL CREDIT ACT, 2005
(UMTSETFO WETIKWELEDE WAVELONKHE)**

**'Konkhe lodzinga kukwati Ngemtsetfo Wetikwelede
Wavelonkhe njengalotsatsa sikwelede'**

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SENDVULELO

Lelibhukwana lisebenta njengemkhombandlela we-National Credit Act 34/2005 (NCA) (Umtsetfo Wetikwelede Wavelonkhe) liphindze libitwe ngekutsi 'Ngumtsetfo'. Ngelabantfu labatsatsa tikwelede ngendlela yemalimboleko, sivumelwano sekucashiswa, kutsenga ngekukhokhela kancane kancane ngetitolimende, ikhredithi-khadi (likhadi lemali-mboleko) nobe kutfoa kunikwa imphahla ngesikwelede nobe kusebentisa tinsita ngesikwelede, njll kuloniketana sikwelede. Liphindze futsi lisetjentiswe bantfu nobe tinhlango letisebenta njengebasiti balabatsatsa tikwelede, njengetikhungo teteluleko, basebenti betinyonyane nelibhuku leticukatsimininingwane yetikwelede lesifundza. Lingumetamo wekwenta malula lokufakwe Kumtsetfo macondzana nalotsatsa sikwelede. Lelibhukwana alibophani ngekwemtsetfo. Uma ngabe Kukhona kungaciniseki ngenchazelo nobe kusetjentiswa kwanobe ngukuphi lokubukelwa Ngulomtsetfo, kumele kutsintfwe tigaba letifanele temtsetfo kanye nemtsetfwana yenchubo (regulations).

Uma usebentisa lelibhukwana, uyacelwa kutsi ucaphele kutsi ekugcineni kwesehluko ngasinye kuneluhla loluchaza kalula emagama lasetjentisiwe kute kusite lotsatsa sikwelede lokungenteka kutsi unelwati loluncane ngematemu/emagama laphatselene netikwelede. Lapho kukhonakala khona, kuphindwe kwakhonjiswa tincenye letifanele Temtsetfo uma ngabe lofundzako udzinga inchazelo leyengetiwe macondzana nesihloko lekukhulunywa ngaso.

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Sehluko 1

SENDLALELO SEMTSETFO WETIKWELEDE

Inhloso yalesehluko kuniketa lotsatsa sikwelede inchazelo lebanti Yalomtsetfo, ngekuphendvula lemibuto lelandzelako macondzana Nalomtsetfo:-

- Wansungulelwani Lomtsetfo?
- Yini inhloso Yalomtsetfo?
- Ngubobani labaniketa tikwelede labalawulwa Ngulomtsetfo?
- Ngutiphi tivumelwano tetikwelede letilawulwa Ngulomtsetfo?

Umtsetfo Wetikwelede Wavelonkhe wangeniselwa lokulandzelako:

- kutfutukisa temnotfo netenhlalakahle tabo bonkhe lababaseNingizimu Afrka
- kutfutukisa imakete yetikwelede lekahle futsi lesebenta ngalokusebaleni
- kuvikela labatsatsa tikwelede nemalungelo abo emakethe yetikwelede

- kulawula bonkhe **labakweledisako/labanihana sikwelede, labalulekana ngetikwelede** nema-credit bureaux
- kunciphisa tindleko tetikwelede
- kuvala umkhatsi emkhatsini walabaniketana tikwelede, ngekwenta tindlela nemazinga lafanako ngendlela lekuniketwa ngayo tikwelede kute kutsi labatsatsa sikwelede bakwati kuchatsanisa tikwelede letiniketwako.

Inhloso Yalomtsetfo Wetikwelede kwenta lokulandzelako:

- **Kwenta indlela lekuvetwa ngayo lwati lwetivumelwano tetikwelede ibe lula futsi ibe sezingeni lelifanako.** Lomtsetfo ubeka ngco indlela labaniketa tikwelede lekumele banikete ngayo lwati neminingwane ngetivumelwano tetikwelede. Lomtsetfo futsi udinga kutsi labaniketa tikwelede banikete lwati neminingwane ngelulwimi lolumelula labaluvisisako labo labatsatsa tikwelede. Sizatfu saloku kutsi labatsatsa sikwelede kumele bakhone kufundza futsi bavisise lolwati neminingwane kute kutsi bakwati kuchatsanisa lwati neminingwane yetivumelwano tetikwelede talabaniketana tikwelede, labehlukene kute bakwati kutikhetsela ngalokubhadlile benolwati lokufanele.
- **Kulawula ema-credit burueax nelwati neminingwane layigcinako kumarekhodi macondzana nalabatsatsa tikwelede.** Lomtsetfo umisa luhlobo lwelwati neminingwane ema-credit burueax langayigcina ngalabatsatsa tikwelede, kutsi lolwati neminingwane kutfolakala kanjani, kusetjentiswe njani,

nekutsi lolo lwati neminingwane kungacina sikhatsi lesingakanani kumarekhodi. Lokubaluleke kakhulu, kutsi Lomtsetfo uhlose kucinisekisa kutsi i-credit bureaux igcina emarekhodi languwo cobo ngalabatsatsa tikwelede.

- **Kucinisekisa kutsi tonkhe tintfo tetikwelede (credit products) tiphathwa ngendlela lefananako ngulabaniketa tikwelede labehlukene.** Tintfo tesikwelede tisho indlela loniketa sikwelede laniketa ngayo sikwelede kuloyo lotsatsa sikwelede. Tibonelo tetintfo tetikwelede tifaka ekhatsi imali lengcile kuleyo umuntfu lanayo ebhange ku-akhawunti yakhe yeliseke (overdraft), emakhredithi khadi (emakhadi emali-mboleko), imalimboleko yemuntfu, ema-akhawunti etimphahla (tembatfo) nobe ifenisha. Inhloso lapha kutsi lotsatsa sikwelede ati kutsi bonkhe labaniketa tikwelede baphatsa tintfo tetikwelede ngendlela lefananako.
- **Kusita labatsatsa tikwelede lasebabishe kakhulu etikweledeni kute bahlele kabusha tikwelede tabo.** Lomtsetfo ubukela labatsatsa tikwelede, labangakhoni kukhokha imali yangenyanga lekuvunyelwane ngayo kutivumelwano tetikwelede, kutsi basitwe Baluleki Betikwelede kutsi bahlele kabusha nalabaniketa tikwelede, imali labayikhokha ngenyanga. Lomtsetfo futsi uhlose kuvikela kutsi labatsatsa tikwelede bangabishi kakhulu etikweledeni kanye nekukhutsata kubolekisa lokunengcondzo kulabaniketa tikwelede.
- **Kuba nemlawuli munye lotawulawula yonkhe lemakethe yetikwelede- i-the National Credit Regulator (NCR) (Umlawuli Wetikwelede Wavelonkhe).** Lomtsetfo usungula i-

NCR, lenemtfwalo wekucinisekisa kulandzelwa kwaalomtsetfo. Labaniketa tikwelede kumele barejiste kulomtimba kute basebente ngalokusemtsetfweni. Labatsatsa tikwelede bangafaka tikhalo tabo ngalabaniketa tikwelede nema-credit bureaux ku-NCR uma ngabe abakakhoni kusombulula tincabano tabo ngco nalabaniketa tikwelede nobe ema-credit bureaux.

- **Kusungula Inkantolo Yalabatsatsa Tikwelede Yavelonkhe (National Consumer Tribunal) kutsi ichache tinkinga letiphatselene Nalomtsetfo.** Lomtsetfo uyachubeka ubumbe Inkantolo Yalabatsatsa Tikwelede Yavelonkhe leyinkantolo yalabatsatsa tikwelede letimele, lenikwe umsebenti wekuteka emacala nekwenta imiyalelo macondzana netikhalo talabatsatsa tikwelede netincabano nalabaniketa tikwelede, kuphulwa Kwalomtsetfo, netincumo Temlawuli.

Umtsetfo Wetikwelede Wavelonkhe ulawula labaniketa betikwelede labalandzelako:

- Emabhange
- Lababaniketa timalimboleko letincane
- Titolo letsengisa timphahla nefenisha
- Onkhe emabhizinisi, tinkampani, ema-close corporation nalabatimele labachuba emabhizinisi ngetikwelede, labaniketa timalimboleko, nobe lababita intalo yema-akhawunti lasendlulelwe sikhatsi kutsi akhokhelwe.

Kwengeta kuloku, ulawula i-credit bureaux Nebeluleki Betikwelede.

Lomtsetfo ulawula Letivumelwano tetikwelede letilandzelako:

- Tikwelede tetindlu
- Lokuniketwa sikwelede njengemakhadi asetitolo, timali letecile kuleyo umuntfu lanayo ebhange ku-akhawunti yakhe yelisheke (overdrafts), emakhadi emali-mboleko, emakhadi asemagalaji, timalimboleko temuntfu, kutsenga ngekukhokhela kancane kancane (ngetitolimende), tivumelwano tekucashisa, kutsengiselana ngetibambiso netaphulelo.
- **Sikwelede lesitfutukisako**
- **Sikwelede lesimanesenteke**
- Tibambiso tetikwelede.



LUHLA KLWEMAGAMA LASETJENTISIWE

- **Loniketa sikwelede** ngulobolekisa ngemali nobe anikete lomunye sikwelede ngesivumelwano sesikwelede.
- **Beluleki betikwelede** ngulabathimele lababhalise ku-NCR, labasita labatsatsa tikwelede labacwile etikweledeni kutsi bahlele kabusha tikwelede tabo, Kungaba nekukhulumisana naloniketa sikwelede lokufaka ekhatsi kutfola umyalelo wenkantolo egameni lalabatsatsa tikwelede.
- **Emacredit bureaux** tintfo leti:
 - ↳ Tigcinako futsi tinikete labanye indlela lokhokha ngayo, lwati neminingwane (yesikwelede) semuntfu futsi temukele imibiko nobe baphenye ngeticelo tetikwelede, tivumelwano tetikwelede, umlandvo nobe tindlela tekukhokhela tikwelede;
 - ↳ Bahlanganise futsi bagcine i-data lephuma kumibiko lecuketse loku lokungetulu;
 - ↳ Baniketa imibiko lemiselwe ku-data lebalwe ngetulu.

Sivumelwano sesikwelede sivumelwano sendlela loniketa sikwelede latsengisa ngayo imphahla nobe abolekise ngemali kulotsatsa sikwelede. Lotsatsa sikwelede ulindzeleke kutsi emukele imibandzela futsi asayine lesivumelwano. Lesivumelwano sitawucukatsa lwati neminingwane macondzana netintfo tesikwelede leticelwe ngulotsatsa sikwelede futsi wanikwa. Lolwati neminingwane kumele ifake imibuto lefanana nesikhatsi sekukhokhela, umshuwalensi, intalo naletinye timali letibitwako nekutsi futsi Kutawentekani uma ngabe lotsatsa sikwelede wehluleka kukhokha imali lekumele ayikhokhe.

LUHLA KLWEMAGAMA LASETJENTISIWE

Sikwelede lesitfutukisako sikwelede selikhetselo futsi sichazwe Kumtsetfo Wetikwelede Wavelonkhe (NCA). Ngekwemibandzela Yalomtsetfo, kunetinhlobo letintsatfu tetikwelede letitfutukisako. Timalimboleko tetemfundvo, timalimboleko tekwakha, kukhulisa nobe kwenta kancono tindlu letibita imali lephansi netimalimboleko tekusungula emabhizinisi lamancane nalasemkhatsini .

Sikwelede lesimanentesenteke uma ngabe sivumelwano sasekucaleni sekutsengiswa kwemphahla sisemkhatsini wanobe ngubani lotsengisa imphahla nalotsatsa ngesikwelede, inhloso kutsi lotsatsa sikwelede anganikwa sikwelede. Ngalamanye emagama akusiso sivumelwano sesikwelede, kepha ngenca yekutsi umtsengi ahluleke kukhokhela imphahla nobe tinsita ngelusuku lekuvunyelwane ngalo nobe ngembi kwalokungetwa imali nobe intalo kulemali lekumele ikhokhwe. Lesivumelwano sibese sibitwa ngekutsi sivumelwano lesimanentesenteke. Sibonelo sesikwelede lesimanentesenteke kutawuba yi-akhawunti yamasipala leseyendlulelwe sikhatsi sekutsi ikhokhelwe nobe yi-akhawunti yadokotela leseyendlulelwe sikhatsi.

(Tehluko 5, 8, 10, 12, na -26)

LETINYE TIHLOKO LETIHAMBISANAKO:

- Emalungelo alotsatsa sikwelede (Sehluko 2)
- Tivumelwano tesikwelede (Sehluko 3)
- Ema-credit burueax (Sehluko 9)
- Tincabano netikhalo (Sehluko 10)
- Kucinisa kusetjentiswa Kwalomtsetfo (Sehluko 11)



Sehluko 2

EMALUNGELO NGETIKWELEDE ALOTSATSA SIKWELEDE

Umtsetfo Wetikwelede Wavelonkhe ucinisekisa labatsatsa tikwelede lamalungelo lalandzelako, lekutawukhulunywa ngawo kelesehluko:

- Lilungelo lekufaka sicelo sesikwelede
- Lilungelo lekungabandlululwa uma ufaka sicelo sesikwelede
- Lilungelo lekunikwa sizatfu sekutsi sicelo sakho singemukeleki
- Lilungelo lekunikwa imiculu lebhalwe ngelulwimi lolusemtsetfweni loluvisiswa ngulotsatsa sikwelede
- Lilungelo lekunikwa imiculu ngelulwimi loluvakala ngalokucacile
- Lilungelo lekunikwa imiculu laphatselene nekuniketana sikwelede
- Lilungelo lekugcinwa kweminingwane yakho iyimfihlo
- Lilungelo lekufinyelela futsi uphikise lwati neminingwane legcinwe yi-credit bureau
- Lilungelo lekutfofa titatimende ngetikhatsi letibekiwe.

Lilungele lekufaka sicelo sesikwelede

Umtsetfo Wetikwelede Wavelonkhe ubukela wonkhe muntfu, kungaba ngulotimele, licembu lebantfu nobe inkampani, inelilungelo lekufaka sicelo sesikwelede kunobe ngubani loniketa sikwelede. Nobe kunjalo, lelilungelo alimvimbeli loniketa sikwelede kutsi angakuniki sikwelede, kuphela-nje uma ngabe sizatfu sekwala kukunika sikwelede simiselwe kutebhizinisi letihambisana **nenchubo leyetyayelekile yekuhlola bungozi besikwelede.**

(Sigaba 60)

Lilungele lekungabandlululwa uma ufaka sicelo sesikwelede

Labatsatsa tikwelede baphindze bavikeleke ekubandlululweni ngalokungafanele, nguloniketa sikwelede. Lomtsetfo uyabalela labaniketa tikwelede kutsi babandlulule labatsatsa tikwelede, ngekwelibala, buhlanga, umnyaka, ngekwelicembu letepolitiki, inkholelo yebulili lobutsite, ngetenkholo, nobe kuba lilunga lenyonyane yebasebenti letsite. Lotsatsa sikwelede, lobona sengatsi ubandlululiwe ngekwaletizatfu letibaliwe angatsatsela loniketa sikwelede tinyatselo ngekusebentisa Inkantolo Yetekulingana, nobe angafaka sikhalo sakhe Kumlawuli Wetikwelede Wavelonkhe nobe lotawendlulisela loludzaba Enkantolo Yetekulingana.

(Sigaba 61)

Lilungelo lekuniketwa sizatfu sekunganikwa sikwelede

Umtsetfo Wetikwelede Wavelonkhe uniketa lotsatsa sikwelede, lo sicelo sakhe saliwe nguloniketa sikwelede, lilungelo lekucela tizatfu letibhalwe phansi kutsi kungani sicelo sakhe sesikwelede saliwe. Uma ngabe sizatfu

sekwaliwa kwesicelo salofuna sikwelede simiselwe etekwembiko longamuhle lovela e-credit bureau, lomtsetfo ubeka kwekutsi loniketa sikwelede kumele anike lofuna sikwelede, ngekubhala phansi ligama, likheli naleminyane imininingwane yekutsintsana yale-credit bureau lapho atfole khona lolwati nemininingwane.

(Sigaba 62)

Lilungele lekunikwa imiculu lebhalwe ngelulwimi lolusemtsetfweni loluvisiswa ngulotsatsa sikwelede

Lotsatsa sikwelede unelilungelo lekutfolela imiculu kuloniketa sikwelede, lebhalwe ngelulwimi lolusemtsetfweni laluvisisako. Lemiculu lekumele loniketa sikwelede ayinike lotsatsa sikwelede ifaka ekhatsi sivumelwano sesikwelede, emakhotheshini, netititimende. Nobe kunjalo lesidzingo sitawuya, ngalokufanelekile kwaloku lokulandzelako, kusebentiseka, kusebenteka, tindleko, sifundza netidzingo talotsatsa sikwelede macondzana naloniketa tikwelede. Loniketa sikwelede kumele ente siphakamiso ku-NCR macondzana netilwimi lecondze kutsi imibhalo itfolakale ngato futsi i-NCR itawuvumela letiphakamiso.

(Sigaba 63)

Lilungelo lwekunikwa imiculu lebhalwe ngelulwimi lolucacile futsi loluvisisekako

Lotsatsa sikwelede unelilungelo lekutfolela lwati nemininingwane ngelulwimi lolucacile loluvisisekako. Loku kusho kutsi lokucuketfwe, inchazelo nekubaluleka kwalomculu kumele kubelula kutsi kuvisiseke.

Macondzana naloku Umlawuli Wetikwelede Wavelonkhe (NCR) anganiketa imikhombandlela kukhombisa kutsi yini letawutsatfwa “njengelulwimi lolucacile” (plain language).

(Sigaba 64)

Lilungelo lekunikwa imiculu lecondzene nalokwentiwa kulesikwelede

Lomtsetfo uniketa lotsatsa sikwelede lilungele lekutfolela imiculu lehambisana nesivumelwano sesikwelede ngendlela letawukhetfwa ngulotsatsa sikwelede. Lotsatsa sikwelede angakhetsa kutfolela imiculu ngekutsi atilandzele yena matfupha nobe ayitfole lapho khona loniketa tikwelede achuba khona ibhizinisi yakhe, nobe ngefeksi, nge-e-mail, nobe nge-inthanethi ekhasini leliphrintekako. Lotsatsa sikwelede unelilungelo lekutfolela kuloniketa sikwelede ikhophi lemelele (copies) imiculu, mahhala, kepha kuphela uma ngabe lotsatsa sikwelede ucela lekhophi lemelele lemiculu ungakapheli umnyaka wekwetfulwa kwemiculu lenguyona yona. Macondzana nemiculu lemelele (copies) leyengetiwe, lotsatsa sikwelede ulindzeleke kutsi akhokhele loniketa sikwelede.

(Sigaba 65)

Lilungelo lekuphatfwa ngalokuyimfihlo

Lilungele lalotsatsa sikwelede lekuphatfwa **ngalokuyimfihlo** livikelwa kubukelwa lokutsi nanobe ngubani umuntfu nobe inhlango lfolela nobe lehambisana neminingwane leyimfihlo yalotsatsa sikwelede kumele asebenzise leminingwane ngenhloso yaloku lotsatsa sikwelede lamnikele kona, ngaphandle uma ngabe kukhishwa kwalolwati

nemininingwane ngulokudzingwa yimibandzela Yalomtsetfo. Lomtsetfo uchubeka ubeke kutsi umuntfu nobe inhlango lephetse lwati nemininingwane yalotsatsa sikwelede, leyimfihlo angayikhipha kuphela uma ngabe uyalelwe ngco ngulotsatsa sikwelede nobe yinkantolo yetemtsetfo.

(Sigaba 68)

Lilungele lekufinyela nekuphikisa lwati nemininingwane lephetfwe yi-credit bureau

Lomtsetfo unika lotsatsa sikwelede lilungele lalokukulandelako:

- Kufinyelela lwati nemininingwane i-credit bureau lenayo ngaye. Lolwati nemininingwane kumele iniketwe lotsatsa sikwelede, mahhala njalo ngetinyanga letilishumi nakubili nobe ngekukhokha imali uma ngabe lotsatsa sikwelede ucela lolwati nemininingwane ngalokungetulu kwakunye ngetinyanga letilishumi nakubili. Imali lenjalo angeke yendlule R20.00.
- Kuphikisa nekucela bufakazi belwati nemininingwane lefanele lephetfwe yi-credit bureau. Uma ngabe i-credit bureau iyehluleka kuniketa lotsatsa sikwelede bufakazi belwati nemininingwane lefanele lephikiswa ngulotsatsa sikwelede, iphococelekile kususa kumarekhodi, lolwati nemininingwane lephikiswa ngulotsatsa sikwelede.
- Kwelulekwa nguloniketa sikwelede ngaphambi kwekutsi lolwati nemininingwane lemibi lephatselene nalotsatsa sikwelede yendluliselwe ku-credit bureau. Lotsatsa sikwelede naye ufanele kutfola ikhophi yalolo lwati nemininingwane uma ayicela.

(Sigaba 72)

Lilungele lekutfola titatimende ngetikhatsi letibekiwe

Lomtsetfo ubeka kutsi loniketa sikwelede kumele anikete lotsatsa sikwelede sitatimende kanye ngenyanga nobe kanye njalo ngemuva kwetinyanga letimbili uma ngabe sivumelwano **kukutsenga ngekukhokhela kancane kancane ngetitolimende nobe sivumelwano sekucashisa** nobe imalimboleko lenesibambiso. Sikhatsi lesidze sitawuvumeleka ngekubonisana nalotsatsa sikwelede. Nobe kunjalo, lesikhatsi angeke sendlule tinyanga letingu-3. Mayelana **nesivumelwano sesikwelede sendlu** lotsatsa sikwelede kumele atfole sitatimende njalo ngetinyanga letisitfupha.

(Sigaba 108)



LUHLA KLWEMAGAMA LASETJENTISIWE

- **Inchubo yekuhlola bungoti besikwelede** - luhlolo lolwentiwa nguloniketa sikwelede kutfofa kutsi ngabe lotsatsa sikwelede utawuniketwa yini nobe cha, kungalindzelwa liphi lizinga lekungakhokheli, futsi nguliphi lizinga lekuba sengcupheni lelingemukelwa kwesekela intalo leyentiwe.
- **Ngekwemfinhlo/imfihlo** - kucinisekisa kutsi lwati neminingwane yemuntfu ayikhishwa ngaphandle kwemvumo yaloyo lotsatsa sikwelede nobe njengobe kuvunyelwe Ngumtsetfo.
- **Sivumelwano sekutsenga ngekukhokhela kancane kancane ngetitolimende** - kutsengiswa kwemphahla lenekususwa lapho khona kukhokhelwa ngetikhatsi letiniketiwe, intalo, imali nobe tindhawulo letikhokhelwa loniketa tikwelede ngulotsatsa sikwelede lonemphahla nobe loyisebentisako. Buniyo balemphahla bendlulela kulotsatsa sikwelede ekupheleni kwesikhatsi sesikwelede lekuvunyelwane ngaso.
- **Imvumo yekucashisa** - kuba ngumnini wesikhashana wemphala lenekususwa futsi imali ikhokhelwa lokusetjentiswa. Intalo, imali netindhawulo kuyakhokhelwa futsi lotsatsa sikwelede a angatikhetsela bunikati, kutsi bendluliselwe kuye ekugcineni kwesivumelwano.

- **Sivumelwano sesikwelede sendlu** - sivumelwano sesikwelede lesentelwa imphahla lengahambi, njengesikwelede sendlu lesitfolwa ngekutibophelela (ngebhondi) kulemphahla .

LETINYE TIHLOKO LETIHAMBISANAKO:

- Tivumelwano tesikwelede (Sehluko 3)
- Kwehluleka kukhokhela sikwelede nekuphocelwa kukhokhela sikwelede (Sehluko 7)
- Ema-credit bureaux nelwati neminingwane yesikwelede (Sehluko 9)
- Tincabano netikhalo (Sehluko 10)



Sehluko 3

TIVUMELWANO TETIKWELEDE

Kulesehluko kutawukhulunywa ngaletihloko letilandzelako:

- Siyini sivumelwano sesikwelede?
- Tivumelwano letingekho Kulomtsetfo
- Titatimende letentiwa phambili kwesivumelwano nemakhotheshini
- Tivumelwano letingekho emtsetfweni
- Lokungenteka ngenca yetivumelwano letingekho emtsetfweni
- Lokufakelwe lokungekho emtsetfweni kwetivumelwano tetikwelede
- Imiphumela yalokufakelwe lokungekho emtsetfweni
- Tingucuko tetivumelwano tetikwelede nekungetelwa/kwehliswa kwemikhawulo yalokuniketwa ngesikwelede.

Siyini sivumelwano sesikwelede?

Sivumelwano sesikwelede singachazwa njengesivumelwano emkhatsini waloniketa sikwelede nalotsatsa sikwelede lapho khona:

- Loniketa sikwelede unika lotsatsa sikwelede imphahla nobe tinsita nobe amboleke imali.
 - ↳ Lotsatsa sikwelede ukhokhela lempahla nobe tinsita nobe lemali (layibolekile) kancane kancane ngetitolimende ngesikhatsi lesiniketiwe nobe
 - ↳ Lapho khona lotsetse sikwelede usikhokhela kanye, kukhokhelwa kwalesikwelede kwentiwa esikhatsini lesitako lekuvunyelwene ngaso ngulona lutsetse sikwelede naloniketa sikwelede futsi
 - ↳ Lotsese sikwelede kumele akhokhe intalo, timali nobe inhlawulo yemali lesele lebolekiwe nobe imali lekweledwako yetimphahla nobe tinsita letiniketwa nguloniketa sikwelede.
- Lotsatsa sikwelede ungena ku-**pawn transaction**, kutsenga ngesephulelo sivumelwano sekutsenga ukhokhele kancane kancane ngetitolimende, sivumelwano sesikwelede sendlu nobe sivumelwano sekucashisa.
- Loniketa sikwelede wenta sivumelwano sesicinisekiso sesikwelede nemuntfu munye lapho khona lomuntfu atsembisa kukhokhela sikwelede lesentiwe ngulomunye umuntfu lotsetse sikwelede, ngemuva kwekugcuzwa nguloniketa sikwelede.

(Sigaba 8)

Tivumelwano letingekho Kulomtsetfo

- Tivumelwano lapho khona loniketa sikwelede nalotsatsa sikwelede bahlobene, sibonelo, lapho khona indvodza iboleka umfati wayo imali;
- Tivumelwano lapho khona lilunga lesitokifela liboleka imali kusitokifela;
- Tivumelwano lapho khona umcondzisi wenkampani aboleka inkampani yakhe imali;
- Tivumelwano lapho khona Sikhungo sahumende sibolekisa nobe siboleka imali kunobe nguwuphi umtfombo. Sibonelo, uma ngabe libhange liboleka imali ku-South African Reserve Bank, loku akukhulunywa ngako Kulomtsetfo

Titatimende letentiwa phambilini kwesivumelano nemakhotheshini Lomtsetfo ubita kutsi lotsatsa sikwelede kumele anikwe **sitatimende lesentiwa phambili kwesivumelwano** nekhotheshini ngaphambi kwekwenta sivumelwano sesikwelede naloniketa sikwelede. Sitatimende lesentiwa phambili kwesivumelwano ngumculu loniketa imininingwane ngemibandzela netimo tesivumelwano sesikwelede, loniketa sikwelede ucabanga kusenta nalofuna kutsatsa sikwelede. Kwengeta, lotsatsa sikwelede kumele anikwe ikhotheshini lebeke elubala tindleko talesikwelede lesifunwako. Lekhotheshini kumele ifake ekhatsi **sikwelede lesikhulu (principal debt)**, silinganiso sentalo, samba semali lengakhokhwa ngekuya kwalesivumelwano, imali lekhokhwa ngenyanga yesitolimende nato tonkhe timali, tinhlawulo nentalo. Sitatimende lesentiwa phambili kwesivumelwano nalekhotheshini

kungabhalwa kumunye umculu nobe kumiculu lehlukene. Lekhotheshini letfolwa ngulona lotsatsa sikwelede iba ngulesebentako emalanga ekusebenta lasihlanu. Uma ngabe loniketa sikwelede wenta sivumelwano nalotsatsa sikwelede kulamalanga lasihlanu uyaphoceleleka kwenta njalo ngelizinga lelifananako nobe ngetindleko letibhalwe kulekhotheshini.

(Sigaba 92 na 93)

(Ulawulo lwenchubo 28 31)

Tivumelwano letingekho emtsetfweni

Lomtsetfo wetfula letivumelwano tetikwelede letilandzelako njengaletingekho emtsetfweni:-

- Tivumelwano lapho khona lotsatsa sikwelede **angumuntfu losemncane** futsi lobekangasitwa ngumuntfu lomdzala ngesikhatsi asayina lesivumelwano. Uma ngabe lotsatsa sikwelede uholela loniketa sikwelede ekukholweni kutsi akasesiye umuntfu lomncane, ngako-ke lesivumelwano singatsatfwa njengalesisebentako.
- Tivumelwano letentiwa ngulotsatsa sikwelede locinisekiswe njengalongaphili kahle engcondvweni.
- Tivumelwano letentiwa ngulotsatsa sikwelede **longaphansi kwelulawulo lwetikwelede yinkantolo (administration order)**, lapho khona lomlawuli wetikwelede angakaniketi invumo yalesivumelwano lesentiwe.
- Tivumelwano letingumphumela wekumaketha kulaba labangakasho kutsi abatifuni tikwelede. "Kumaketha kulaba labangakasho kutsi abatifuni tikwelede" (negative option

marketing) kusho simo lapho khona loniketa sikwelede anika lotsatsa sikwelede, sikwelede lesivele-nje sibe sivumelwano sesikwelede ngaphandle uma ngabe lotsatsa sikwelede asala.

- Tivumelwano lapho khona loniketa sikwelede akakabhalisi ku-NCR, nobe-nje loko kufunwa ngumtsetfo kutsi kwentiwe njalo. Loniketa sikwelede lobhalisile udzingeka kutsi akhombise sitifuketi sakhe sekubhalisa kanye ne-decal leniketwe yi-NCR.

Caphela: Labanye labaniketa tikwelede abadzingi kubhalisa ku-NCR kepha tivumelwano tisolo tihamba ngalokubekwe Ngulomtsetfo.

**(Sigaba 89)
(Ulawulo lwenchubo 32)**

Imiphumela yetivumelwano letingekho emtsetfweni

Uma ngabe sivumelwano sicinisekiswe yinkantolo njengalesingekho emtsetfweni, lona loniketa sikwelede angeke amangalele lotsatsa sikwelede nganobe nguyiphi imali layikweledako kuleso sivumelwano. Lomtsetfo ubita kutsi loniketa sikwelede kumele abuyisele lutsetse sikwelede nobe nanobe ngutiphi timali latikhokhile, kanye nentalo, ngelizinga lekukhulunywe ngalo esivumelwaneni. Lapho kutfolakale khona kutsi lutsetse sikwelede utawunjinga ngalokungakafaneli uma ngabe tonkhe timali letikhokhelwe loniketa sikwelede tibuyiselwa kuye, loniketa sikwelede utawulahlekelwa timali letinjalo tiniketwe Umbuso.

(Sigaba 89)

Lokufakelwe/tindzinyana letingekho emtsetfweni letisetivumelwaneni sesikwelede

Lomtsetfo awukuvumi lokunye kufakelwa/tindzinyana kutsi tifikwe etivumelwaneni tetikwelede. Kwalelwa kwalemibandzela netimo kwentelwe kuvikela lotsatsa sikwelede emikhubeni letsite leyentiwa ngulabaniketa tikwelede. Emkhatsini walokufakelwako/tindzinyana letalelwako ngulokulandzelako:-

- Lokufakelwako/tindzinyana letidukisa lotsatsa sikwelede nobe tibeke lotsatsa sikwelede engcupheni yenkwabaniso;
- Lokufakelwako/tindzinyana letincuma kutsi lutsetse sikwelede uyekela emalungelo akhe letsite langasebenta kutivumelwano tetikwelede. Emalungelo langeke ayekelwe afaka ekhatsi lilungele lekutsi tikwelede tabo tilungiswe kabusha, lilungele lekutsi timphahla **letidliwe** titsengiswe ngentsengo lefanele, lehambisana neyasetimakethe, kanye nelilungelo lekuphikisana nganobe ngusiphi sikwelede lesiphuma ku-akhawunti yalotsetse sikwelede;
- Lokufakelwako/tindzinyana letibita kutsi lutsetse sikwelede avume kutsi utfole imphahla nobe nguyiphi imininingwane kuloniketa sikwelede, ngaphambi kwekutsi lemphahla nobe imininingwane ifike etandleni talotsatsa sikwelede;
- Lokufakelwako/tindzinyana letibita kutsi lotsatsa sikwelede avume kulahlekelwa timali latikhokhele loniketa sikwelede lapho esehlakalweni lapho khona lutsetse sikwelede aphelisa sivumelwano;

- Lokufakelwako/tindzinyana letichaza kutsi lutsetse sikwelede ashiye kuloniketa sikwelede tintfo lefifanana namatisi, emakhadi asebhange nobe TINOMBOLO LETIYIMFIHLO temakhadi akhe asebhange;
- Lokufakelwako/tindzinyana letiniketa loniketa sikwelede ligunya kutsi lutsetse sikwelede advoselwe imali yemphahla letsite nobe ku-akhawunti yakhe yalotsetse sikwelede lephetfwe nguloniketa sikwelede, ngaphandle kwalapho lutsetse sikwelede anikete umyalelo lotsite lochaza kutsi nguyiphi imphahla lengadvoselwa imali kusiphi sivumelwano sesikwelede.

Lamalungelo emtsetfo lalandzelako nobe emakhambi lakhona alotsatsa sikwelede angeke ayekelwe esivumelwaneni sesikwelede.

- **I-exceptio errore calculi** isho kutivikela ephutseni lekubala kabi
- **I-ceptio non numerate pecuniae** kusho kutivikela kweluhlangotsi lolutsintsekako nobe lobekamangalelwe ngesetsembiso sekubuyisela imali lengazange itfolwe.
- **I-exceptio non causa debiti** kusho kutivikela ekutsini sikwelede lesifunwako asikho.

Loku lokulikhetselo lekukhulunywa ngako ngetulu kunemphumela kwekutsi loniketa sikwelede akadzingi kuniketa bufakazi bendzikimba lehambelana naloku lokulikhetselo kabanti, uma sivumelwano sesikwelede sicinisekiswa kutsi siyasebenta.

Ungawusayini umculu longenalutfo. Loniketa sikwelede kungenteka afake imibandzela lengetiwe ngemuva sewusayine ikontileka, leningakavumelani ngayo.

**(Sigaba 90 na 121)
(Ulawulo lwenchubo 32)**

Imiphumela yalokufakelwako etivumelwaneni tesikwelede lokungekho emtsetfweni

Lotsatsa sikwelede angeke amangalelwe nobe aphocelwe kutsi ahambisane nalokufakelwe esivumelwaneni sesikwelede lokungekho emtsetfweni. Lokufakelwako lokungekho emtsetfweni kutsintsatvumelwano tetikwelede ngetindlela letimbili:

1. Lokufakelwako lokungekho emtsetfweni kungenta sonkhe lesivumelwano sibe ngulesingekho emtsetfweni futsi nalotsetse sikwelede angeke aphocelwe kukhokhela loniketa sikwelede ngaphansi kwaleso sivumelwano; nobe
2. Lokufakelwako lokungekho emtsetfweni kungachibiyelwa yinkantolo nobe kususwe, kucinisekisa kutsi sivumelwano sisala singu lesisemtsetfweni, uma kunjalo lotsetse sikwelede utawube useseboshwe sivumelwano sesikwelede nalokufakelwe lokuchibiyelwe.

(Sigaba 90)

Tingucuko etivumelwaneni tetikwelede nekungetelwa/kwehliswa kwemikhawulo yetikwelede.

Lomtsetfo ubeka kutsi nanobe nguyiphi ingucuko lentiwako kusivumelwano sesikwelede, lasevele asisayinile lotsetse sikwelede angeke isebente, ngaphandle uma ngabe

- Lengucuko yehlisa sikwelede salotsetse sikwelede ngaphansi kwalesivumelwano, nobe
- Lotsetse sikwelede usayina tinhlavu tekucala temagama akhe emigceni yemculu, eceleni kwalapho kwentiwe tingucuko khona, nobe
- Lengucuko ibhalwe phansi yasiyinwa ngabo bobabili, loniketa sikwelede nalotsetse sikwelede, nobe
- Uma ngabe lengucuko ivunywe ngemlomo, kumele irekhodwe bese kutsi ngemuva kwaloku ibhalwa phansi.

Ngekwemibandzela yalomtsetfo, lotsetse sikwelede kumele anikete loniketa sikwelede umyalelo, ngekubhala phansi, kutsi ehlise umkhawulo wesikwelede sakhe. Loniketa sikwelede kumele acinisekise nalotsetse sikwelede kutsi umkhawulo wesikwelede wehlisiwe ngekuya kwesicelo salotsetse sikwelede futsi kumele akhombise kutsi lusuku lwekutsi umkhawulo wesikwelede lowehlisiwe ucala nini kusebenta.

Lotsatsa sikwelede uvumelekile kucela kutsi loniketa sikwelede akhuphule umkhawulo wesikwelede mhlawumbe kwesikhashana nobe kwalomphelo. Lotsatsa sikwelede kumele avume, ngekubhala phansi,

kukhushulwa kwemkhawulo wesikwelede sakhe ngalokuvele kutikhuphulele-nje, kepha ngisho nalapho loniketa sikwelede atfola sivumelwano lesinjalo kulotsetse sikwelede, umkhawulo ungakhuphuka kanye kuphela ngemnyaka. Nobe kunjalo, lotsetse sikwelede kungenteka kutsi acele kukhushulelwa umkhawulo wesikwelede nobe kunini.

(Sigaba 116 –119)



LUHLA KLWEMAGAMA LASETJENTISIWE

- **I-pawn transaction** – sivumelwano lapho khona lotsatsa sikwelede aniketwa sikwelede, lekutawutsi naye anikete imphala lehambako njengesibambiso sesikwelede lanikwe sona;
- **Umuntfu losemncane** – ngumuntfu langaphansi kweminyaka lengu-18 longakacinisekiswa yinkantolo kutsi mdzala;
- **Umyalelo welulawulo lwetikwelede (administration order)** – ngumyalelo loniketwa Yimantji Enkantolo lapho khona sikwelede salotsatsa sikwelede, lesingeke sendlule-R50 000, sihlelwa kabusha futsi siphatfwe yinkantolo lekhetfwe kutsi isiphatse;
- **Kudliwa (kwempahla)** – ngulapho lutsetse sikwelede ehluleka kukhokha imali yenyanga lekuvunyelwene ngayo esivumelwaneni sekutsengiselana, futsi naloniketa sikwelede sewutfole umyalelo wasenkantolo, loniketa sikwelede angayidla lempahla leyatsengiswa ngaphansi kwesivumelwano sekutsengiselana kukhokhelwe kancane kancane ngesitolimende.
- **Sitatimende lesentiwa phambili kwesivumelwano** – sitatimende loniketa sikwelede uniketa lotsatsa sikwelede ngaphambi kwekutsi bente sivumelwano nalotsatsa sikwelede. Lesitatimende sicuketse imibandzela netimo talesivumelwano sesikwelede lesihlosiwe.

LUHLA KLWEMAGAMA LASETJENTISIWE

- **Kumaketha kulaba labangakasho kutsi abasifuni sikwelede (negative option marketing)** – lapho khona loniketa sikwelede aniketa sikwelede kulotsatsa sikwelede angakasiceli. Lotsatsa sikwelede kumele asale lesikwelede, uma angenti njalo kutawuvele-nje kube sivumelwano sesikwelede (bona Sehluko sesine kute utfole iminingwane leyengetiwe).

LETINYE TIHLOKO LETIHAMBISANAKO:

- Emalungelo alotsatsa sikwelede (Sehluko 2)
- Imikhuba yekutsengisa (Sehluko 4)
- Tindleko (Sehluko 5)
- Kudzela, kuphelisa nekukhokhela masinyane (Sehluko 6)



Sehluko 4

IMIKHUBA YEKUTSENGISA

Lesehluko sikhuluma ngemikhuba yekutsengisa nekutsenga labaniketa tikwelede labavumeleke kuyisebentisa. Siphindze futsi sifake ekhatsi imikhuba lengakavumeleki ngaphansi kwe-NCA. Kutawukhulunywa ngaletihloko letilandzelako:

- Kumaketha kulaba labangakasho kutsi abasifuni sikwelede
- Kwalelwa kumaketha nekutsengiswa kwetikwelede ekhaya nobe emsebentini walotsatsa sikwelede
- Tikhatsi letivumelekile tekumaketha nekutsengisa sikwelede ekhaya nobe emsebentini walotsatsa sikwelede.

Kumaketha kulaba labangakasho kutsi abasifuni sikwelede

Kumaketha kulabangakasali sikwelede kwenteka uma loniketa sikwelede aniketa lotsatsa sikwelede, langakasiceli, futsi naloku lanikwa kona kutsi lesivumelwano sitawuvele sicale kusebenta ngaphandle uma ngabe lotsatsa sikwelede uyala. Lomtsetfo uyayala lendlela yekumaketha. Nanobe ngusiphi sivumelwano sesikwelede lesentiwa ngulotsatsa sikwelede ngalendlela, akukho emtsetfweni futsi kutawubukwana naye njengobe kubekiwe Kusehluko 3.

Lomtsetfo uphindze uchubeke udzinge kutsi ngesikhatsi kusayinwa sivumelwano sesikwelede, lotsatsa sikwelede kumele aniketwe litfuba lekuncuma ngaloku lokulandzelako:

- Kutsi umkhawulo walotsatsa sikwelede uvele-nje ukhushulwe njalo ngetinyanga letilishumi nakubili
- Kutsintfwa ngalokumakethwako nobe kufakwa kunobe nguliphi luhla lwekumaketha lwaloniketa sikwelede lekumele lutsengiswe nobe lusatjalaliswe.

(Sigaba 74)

Kwalelwa kumaketha nekutsengisa sikwelede ekhaya nobe emsebentini

Lomtsetfo uphawula kutsi loniketa sikwelede angeke ahlophe lotsembisa kuba ngulotsatsa sikwelede ngenhloso yekutsi bente sivumelwano sesikwelede nalotsatsa sikwelede. Kucinisekisa kutsi labatsatsa tikwelede abafakwa ngenhloko ekwenteni tivumelwano tetikwelede, lomtsetfo uyakwalela kutsengiswa kwesikwelede ekhaya nobe emsebentini walotsatsa sikwelede. Nobo kunjalo, kukhona,

tikhatsi, lapho khona tikwelede tingamakethwa ngalokusemtsetfweni nobe titsengiselwe ekhaya nobe emsebentini walotsatsa sikwelede. Loku kukhulunywa ngako ngaphansi.

(Sigaba 75)

Tikhatsi lapho khona kuvumelekile kumaketha nekutsengisa sikwelede ekhaya lalotsatsa sikwelede

I-NCA ivumela sikwelede simakethwe nobe sitsengiselwe lotsatsa sikwelede ekhaya ngaphansi kwaletimo letilandzelako:

- Uma ngabe loniketa sikwelede umenywe ngulotsatsa sikwelede kutsi atewumaketha nobe atsengise sikwelede ekhaya lalotsatsa sikwelede;
- Uma ngabe loniketa sikwelede uvakashela lotsatsa sikwelede kutsi atsengise imphahla nobe tinsita, bese kutsi ngengoti, kuleyo nchubo uniketa nobe ulungiselela sikwelede kutsi ukhokhele lempahla letsengiswa nguloniketa sikwelede;
- Uma ngabe loniketa sikwelede utsengisa sikwelede lesitfufukisako angenta njalo ekhaya lalotsatsa sikwelede nobe emsebentini ngaphandle kwekumenywa kuta lapho, ngulona lotsatsa sikwelede.

Lomtsetfo uvumela sikwelede simakethwe nobe sitsengiswe ekhaya nobe emsebentini walotsatsa sikwelede ngaphansi kwaletimo letilandzelako:

- Uma ngabe lofuna kutsatsa sikwelede ngumcash;

- Uma ngabe lotsatsa sikwelede uvumelene naloloniketa sikwelede kutsi avakashelwe emsebentini ngenhloso yekumaketha nobe kutsengisa sikwelede;
- Loniketa sikwelede ahlele nemcashi kanye nebameleli betinyonyane tebasebenti nobe bameli bebasebenti kute kutsi loniketa sikwelede ete amakethe nobe atsengise emsebentini;
- Uma ngabe loniketa sikwelede uniketa sikwelede lesitfutfkisanako.

(Sigaba 75)

LETINYE TIHLOKO LETIHAMBISANAKO:

- Emalungelo alotsatsa sikwelede (Sehluke 2)
- Tivumelwano tesikwelede (Sehluke 3)



Sehluko 5

TINDLEKO

Lesehluko sikhuluma ngetimali labaniketa tikwelede labavumeleke kutibita kulabatsatsa tikwelede uma benta nabo tivumelwano tetikwelede. Sikhuluma ngaletihloko letilandzelako:

- Emazinga etintalo netimali tekucala nchubo
- Timali tetindleko
- Umshuwalensi wesikwelede
- Letinye tindleko.

Emazinga etintalo netimali tekucala nchubo

Intalo yimali loniketa sikwelede layikhokhisa lotsatsa sikwelede emalini lesele lengakakhokhelwa yesivumelwano sesikwelede. Lemali ibalwa nguloniketa sikwelede asebentisa emaphesenti labitwa ngekutsi mazinga entalo. Lemazinga entalo kumele akhonjiswe kusivumelwano sesikwelede lesisayinwa ngulotsatsa sikwelede ngesikhatsi enta sivumelwano sesikwelede. Lomtsetfo ulawula emazinga entalo ngekubeka emazinga etintalo letisetulu letingabitwa ngulabaniketa tikwelede kulabatsatsa tikwelede kutinhlobo letehlukene tetivumelwano tetikwelede. Buka Lelithebula lelingentasi kute ubone emazinga entalo lasetulu labekiwe Ngulomtsetfo.

Imali yekucala yimali loniketa sikwelede layikhokhisa lotsatsa sikwelede kutsi bente sivumelwano sesikwelede nalotsatsa sikwelede. Lotsatsa sikwelede ukhokha lemali kuphela uma ngabe enta sivumelwano sesikwelede. Loniketa sikwelede kumele avumele lotsatsa sikwelede atikhetsese kukhokha lemali ngekwehluka phambilini futsi ngekwenta njalo, kute intalo letawukhokhiswa kulemali. Lomtsetfo ulawula imali yekucala ngekutsi ubeke imali yekwemukelwa lenkhulu lengafunwa kulabatsatsa tikwelede. Bona Lelithebula lelingentasi kute utfole imininingwane leyengetiwe. Imali yekwemukelwa angeke yendlule-15% yemali lebolekiwe lecelwe ngulotsatsa sikwelede.

(Sigaba 101)

(Ulawulo lwenchubo 36, 39, 40, 41, 42, 45)

Luhlobo lwesivumelwano sesikwelede	Mkhawulo wentalo losetulu	Imali yekucala lesetulu
Sivumelwano setikwelede tetindlu/Emabhondi	(REPO rate x 2.2) + 5%	R1 000 + 10% wanobe nguyiphi imali lengetulu kwa-R10 000 (Imali losetulu- R5 000)
Tikwelede (sibonelo, Emakhredithikhadi, Emakhadi etitolo njll)	(REPO rate x 2.2) + 10%	R150 + 10% wanobe nguyiphi imali lengetulu kwa-R1 000 (Imali lenkhulu- R1 000)
Sikwelede Lesite Sibambiso (sibonelo, Imalimboleko Yemuntfu)	(REPO rate x 2.2) + 20%	R150 + 10% wanobe nguyiphi imali lengetulu kwa-R1 000 (Imali lenkhulu- R1 000)
Sivumelwano Sesikwelede Lesivetwa Simo Lesingakahlelwa (sibonelo, timali yabodokotela lekweledwako, Eskom, Masipalati njll)	2% ngenyanga	N/A
Sivumelwano Sesikwelede Lesitfutukisako:		
• Timalimboleko Temabhizinisi Lamancane Nalase mkhatsini	(REPO rate x 2.2) + 20%	R250 + 10% Wanobe nguyiphi imali lengetulu kwa- R1 000 (Imali lenkhulu-R2 500)
• Timalimboleko tetindlu temali lencane	(REPO rate x 2.2) + 20%	R500 + 10% Wanobe nguyiphi imali lengetulu kwa-R1 000 (Imali lenkhulu-R2 500)
Timalimboleko tesikhashana (sibonelo, letingaba tinyanga letingu 6 futsi tingabi ngetulu kwa-R8 000)	5% ngenyanga	R150 + 10% Wanobe nguyiphi imali lengetulu kwa-R1 000 (Imali lenkhulu- R1 000)
Nanobe ngutiphi letinye tinhlobo tetimalimboleko letingakabalwa ngetulu	(REPO rate x 2.2) + 10%	R150 + 10% Wanobe nguyiphi imali lengetulu kwa- R1 000 (Imali lenkhulu- R1 000)

Tindleko tetinsita

Tindleko tetinsita yimali lebitwa nguloniketa sikwelede kulotsatsa sikwelede yekuchuba sivumelwano sesikwelede emkhatsini wabo. Lemali yekuphatsa nekugcina sivumelwano sesikwelede. Loniketa sikwelede angayigucula lemali ngenyanga nobe ngemnyaka. Ingaphindze futsi ikhishwe ngekuya kwalokwentiwako (transaction). Lomtsetfo ulawula timali tetinsita ngetindlela letinyenti lokufaka ekhatsi kubeka mkhawulo ongetulu ovunyelwe; labaniketa tikwelede labavumeleke kutibita nekutsi letimali tingatfolwa kangakhi. Kwamanje mkhawulo longetulu longabitwa ngulabaniketa tikwelede kulabatsatsa tikwelede ngu-R50.00 ngenyanga. Uma ngabe lotsatsa sikwelede ukhokha imali yetinsita ngemnyaka, angakhokhiswa-R600.00 ngemnyaka. Uma ngabe lesivumelano sesikwelede sikhokhwa masinyane singakapheli nesikhatsi lekuvunyelwene ngaso nalotsatsa sikwelede, futsi nangaphambi kwekuphela kwemnyaka walemali yetinsita yemnyaka, loniketa sikwelede kumele abuyisele kulotsetse sikwelede lencenye yemali yetinsita lengakasebenti.

(Sigaba 101)

(Ulawulo lwenchubo 44)

Umshuwalensi wesikwelede

Lomtsetfo uphindze ulawule umshuwalensi wesikwelede. Lomshuwalensi ungadzingwa nguloniketa sikwelede uma ngabe lotsatsa sikwelede utsatsa sikwelede lesitsite njengemalimboleko yekutsenga indlu nobe ikhredithikhadi. Lomshuwalensi utawubese ukhokhela sikwelede saloniketa sikwelede etimeni letitsite, njengekufa kwalotsatsa sikwelede.

Lomtsetfo utsi lomshuwalensi lotsetfwe ngulotsatsa sikwelede angeke wendlule imali lesele lekweledwa loniketa sikwelede futsi lomshuwalensi kumele wehle lapho imali lekweledwa loniketa sikwelede yehla. Etimeni tetimalimboleko tekutsenga indlu, lomshuwalensi angeke wendlule imali yendlu.

Etimeni letinye letitsite, lotsatsa sikwelede anganikwa litfuba "lekutikhetsela" umshuwalensi lotawubeka lotsatsa sikwelede ematfubeni lamahle. Sibonelo, etimeni temalimboleko yekutsenga imoto, kutawuba yintfo lenhle kakhulu eluhlangotsini lwalotsatsa sikwelede kwenta siciniseko sekutsi utfola yonkhe imali yasetimakethe yemoto futsi hhayi-nje kuphela imali lesele lekweledwa loniketa sikwelede, uma ehluleka lapho, njengasemotweni, itawucishwa, kutawukhokhelwa kuphela imali lesele lekweledwa loniketa sikwelede futsi lotsatsa sikwelede kute latakutfo kulemali (i-value) yemoto.

Lomtsetfo ubukela kutsi lotsatsa sikwelede angeke aphoceleleke kutsatsa umshuwalensi laniketwa wona nguloniketa sikwelede, futsi ecinisweni angakhetsa kutsi esikhundleni semshuwalensi lawunikwe nguloniketa sikwelede ngepholisi/umshuwalensi yena atsatse latikhetsela yona. Uma ngabe lotsatsa sikwelede asebantisa/atikhetsela wakhe umshuwalensi, loniketa sikwelede angacela kutsi imali lekhokhwa ngenyanga ikhokhelwe nguloniketa sikwelede kulenkampani yemshuwalensi kutsi futsi lotsatsa sikwelede akhokhele mniketeki wesikwelede imali yemshuwalense, yena anikwe sitatimende njalo ngenyanga.

Tonkhe timali letikhokhwa ngenyanga temshuwalensi, taloniketa

sikwelede kumele tikhokhelwe ngenyanga ngaphandle kwasetivumelwaneni letinkhulu, imali lekhokhelwa ngemnyaka ingatfolwa. Lemali lekhokhelwa ngemnyaka kumele itfolwe ekucaleni kwetinyanga letilishumi nakubili lapho sivumelwano sitawube sisasebenta. Etehlakalweni lapho khona lesivumelwano lesikhulu sikhokhelwa masinyane, lotsetse sikwelede kumele abuyiselwe timali lebetikhokhelwa letilingana netinyanga letisele.

Ucelwa kutsi utsatsise kulowelulekana ngetetimali lone layisensi ngaphambi kwekutsi utibophe wemshuwalensi.

(Sigaba 101 na 106)

Letinye tindleko

Lomtsetfo, kwengeta kuletinye timali letibitwako lekukhulunywe ngato kulesehluko, uphindze futsi uvumile labaniketa tikwelede kutsi babite kulabatsatsa tikwelede loku lokulandzelako:

- **Timali tekuphatsa tikwelede letisalele emuva ngekukhokhelwa.** Lena yimali lebitwa nguloniketa sikwelede kulotsatsa sikwelede losalele emuva ngekukhokhela tikwelede takhe lekuvunyelwene ngato. Lemali lebitwako ihambisana netindleko loniketa sikwelede langena kuto uma etama kweluleka lotsetse sikwelede ngektsi usalele emuva ngekukhokhela i-akhawunti yakhe. Letindleko tiba kuphela yincwadzi lebhakwa nguloniketa sikwelede ayitfumele lotsetse sikwelede, amatisa kutsi uphutsile/upholotile ngekuya

kwemibandzela yesivumelwano. Letimali tekuphatsa tikwelede letisalele emuva ngekukhokhelwa atifaki ekhatsi tindleko tetincingo lekungenwe kuto uma kushayelwa lotsetse sikwelede. Lomtsetfo ubeka kwekutsi loniketa sikwelede angeke abite kulotsetse sikwelede imali leyendlula tindleko loniketa sikwelede langene kuto. Lomtsetfo ubeka kwekutsi imali yencwadzi kumele ilingane umtselo lovunyelwe yinkantolo, kanye netindleko mbamba lekungenwe kuto uma kutfunyelwe lencwadzi lerejistiwe.

- **Tindleko tekulandza.** Tindleko tekulandza, yimali/tindleko loniketa sikwelede langena kuto uma etama kulandza kulotsetse sikwelede imali lekweledwako, sikwelede lesisalele emuva. Lomtsetfo ubeka kutsi loniketa sikwelede akavumeleki kubita kulotsetse sikwelede tindleko tekulandza, letingetulu kwemtselo lovunyelwe yinkantolo.

I- **in duplum rule** ubeka kutsi uma lotsatsa sikwelede aphilola, intalo yekuba semuva angeke yendlule imali lesele lebeyikweledwa ngesikhatsi kupholotwa.

(Sigaba 101)

(Ulawulo lwechubo 46 –48)



LUHLA KLWEMAGAMA LASETJENTISIWE

RR= REPO Rate –lizinga lelisemtsetfweni emabhange laboleka ngalo imali e-South African Reserve Bank (loku akusiyo intofo yinye ne-prime rate). I-REPO rate ingatfolakala eluhlangotsini lwetetimali emaphhandzabeni nobe ungatsintsa libhange lakho lelidvutane.

LETINYE TIHLOKO LETIHAMBISANAKO:

- Emalungelo alotsatsa sikwelede (Sehluke 2)
- Tivumelwano tesikwelede (Sehluke 3)
- Kudzela kukhokhela, kuyekela nekucedza kukhokhela kungakapheli sikhatsi lekuvunyelwene ngaso (Sehluke 6)
- Kupholota nekucindzelwa kukhokhela sikwelede (Sehluke 7)



Sehluko 6

KUPHELISA, KUYEKELA NEKUKHOKHELA TIVUMELWANO TETIKWELEDE, SIKHATSI SESIVUMELWANO SESIKWELEDE SINGAKAPHELI

Lesehluko sitawukhuluma ngekupheliswa nekucima tivumelwano tetikwelede. Tivumelwano tetikwelede tingayekelwa nini futsi kanjani futsi loko kungamtsintsa kanjani lotsatsa sikwelede. Kutawukhulunywa ngaletihloko letilandzelako:

- Kupheliswa kwetivumelano tetikwelede ngulotsatsa sikwelede nobe loniketa sikwelede;
- Kukhokhelwa masinyane kwetikwelede nekubonisa kutsi sikwelede sikhokhelwe;
- Lilungele lalotsatsa sikwelede lekukhokhela tivumelano tetikwelede masinyane;
- Tivumelwano tekucashisa nekutsengiselana ngekukhokha ngetitolimende letisayinwe ngulotsatsa sikwelede endzaweni lengasiyo yaloniketa sikwelede labhalise kuyo ibhizinisi yakhe; nekutsi futsi
- Kudzela kwesikwelede nobe kubuyiswa kwemphahla kumtsintsa kanjani lotsatsa sikwelede.

Kuphelisa tivumelwano tetikwelede ngulotsatsa sikwelede nobe loniketa sikwelede

Lomtsetfo ubeka kwekutsi lotsatsa sikwelede uvumelekile kutsi nobe kunini angaphelisa sivumelwano sesikwelede ngekukhokhela yonkhe imali lesele. Imali lesele yimali lekuvunyelwana ngayo ngemuva kwekungeta letimali letilandzelako:-

- Sikwelede lesikhulu (principal debt) lesisele ngelusuku lwekupheliswa (kwesivumelwano);
- Intalo lekweledwako yesikwelede lesikhulu ngelusuku lwekuphelisa;
- Nanobe ngutiphi timali letikweledwako netimali letibitwako ngelusuku lwekuphelisa;
- Imali lekhokhelwa kuphelisa masinyane etimeni tesivumelwano lesikhulu njengobe kuchaziwe ngentasi.

Kute tinhlawulo letikhokhelwako ngekukho sikwelede **lesincane nobe lesisemkhatsini** masinyane. Uma ngabe lotsetse sikwelede ufuna kuphelisa **sivumelwano sesikwelede lesikhulu**, sikwelede lesingetulu kwa-R250 000 (tinkhulungwane letingemakhulu lamabili nesihlanu semarandi) nobe tivumelwano tetikwelede tetindlu, imali yekukhokhela sonkhe sikwelede ingafaka ekhatsi imali lengabitelwa kushesha ukhokhele yonkhe imali lengakavunyelwa kutsi ingaba ngetulu kweyentalo yetinyanga letintsatfu, futsi nangaphansi uma ngabe losetse sikwelede unikete satiso sekuphelisa sivumelwano masinyane. Etimeni lapho satiso siniketwe ngulotsetse sikwelede, kutawehlisa lentalo yetinyanga letintsatfu lebitwa ekukhokhelweni sonkhe sikwelede, ngesikhatsi sesatiso.

Lomtsetfo uyamvumela loniketa sikwelede kutsi aphelise sivumelwano sesikwelede masinyane uma ngabe lotsatsa sikwelede aphilota.

(Sigaba 125)

Kukhokhela masinyane nekubonisa kutsi sikwelede sikhokhelwe

Lomtsetfo ubeka kutsi lotsatsa sikwelede angasikhokhela sitolimende lesikweledwako kusivumelwano sesikwelede, phambilini. Loniketa sikwelede angeke ale kukhokhelwa phambilini ngulotsatsa sikwelede nobe ahlawulise (penalise) lotsetse sikwelede, amhlawulisele kutsi ukhokhele phambilini.

Uma lotsatsa sikwelede akhokhela timali taloniketa sikwelede, kungakafiki sikhatsi, Lomtsetfo utsi loniketa sikwelede kumele afake lemali ngalendlela lelandzelako:-

- Kwekucala, kukhokhela intalo lekhona ngekwemibandzela yesivumelwano sesikwelede;
- Kwesibili, kukhokhela nanobe ngutiphi timali netimali letibitwako (charges) letimele tikhishwe;
- Kwesitsatfu, kwehlisa sikwelede lesikhulu.

(Sigaba 126)

Lilungele lalotsatsa sikwelede lekhokhela sivumelwano masinyane

Lomtsetfo unika lotsatsa sikwelede lilungele lekukhokhela sivumelwano nganobe ngusiphi sikhatsi ngaphambi kwelusuku lolubekiwe lekuvunyelwene ngalo. Lotsatsa sikwelede akaphocceleki kutsi anikete lonika sikwelede satiso sekutsi ucabanga kukhokhela sivumelwano masinyane.

Esimeni sesivumelwano lesikhulu, uma lotsatsa sikwelede asebentisa lelilungelo, utawubitwa imali yekukhokhela sivumelwano masinyane (settlement amount), njengobe kushiwo ngetulu. Nemngaranti (guarantor) naye unalo lelilungelo. Umgaranti ngumuntfu lovuma kukhokhela sikwelede somithye, lekumele sikhokhelwe loniketa sikwelede ngulomunye walabatsatsa sikwelede uma ngabe loyo lotsatsa sikwelede uyehluleka kukhokhela loloniketa sikwelede.

(Sigaba 125)

Tivumelwano tekucashiselana nobe sekutsenga ngesitolimende, lesisayinwe ngulotsatsa sikwelede endzaweni lengasiyo lebhalsiwe yebhizinisi yaloniketa sikwelede

Uma ngabe lotsatsa sikwelede usayina sivumelwano sekucashiselwa nobe sekutsenga ngekukhokhela ngesitolimende endzaweni yebhizinisi lengasiyo yaloniketa sikwelede, lotsatsa sivumelwano angasiphelisa emalangeneni langu-5 ekusebenta, asentile lesivumelwano. Lotsatsa sikwelede angasiphelisa lesivumelwano ngekubuyisela imphahla nobe akhokhele nanobe ngutiphi tinsita lasavele atitfolile letivela kuloniketa sikwelede. Lomtsetfo uyachubeka udzinga kutsi loniketa sikwelede abuyiselele lotsetse sikwelede nanobe nguyiphi imali lotsetse sikwelede layikhokhele loniketa sikwelede, ngaphandle kwetindleko loniketa sikwelede lekumele atikhokhele uma alungisa nanobe ngumuphi umonakalo lobangwe ngulotsatsa sikwelede kanye nemali yekurenta lefanele lekungafanela kutsi lotsatsa sikwelede ayikhokhele lempahla.

(Sigaba 121)

Kudzela nobe kubuyiselwa imphahla ngulotsetse sikwelede nekutsi kumtsintsa kanjani lotsetse sikwelede

Lomtsetfo ubeka kutsi lotsetse sikwelede angasihocisa sivumelwano sekutsenga ngesitolimende, semalimboleko lenesibambiso nobe sekucashiselana nganobe ngusiphi sikhatsi ngekubuyisela imphahla kuloniketa sikwelede. Uma lotseste imphahla ngesikwelede ayibuyisela kulomniketile imphahla, loniketa sikwelede ulindzeleke kutsi ayitsengise bese ufaka ku-akhawunti yalotsetse sikwelede lemali letfolakele kulokutsengisa. Uma ngabe imali letfolakala ekutsengiseni lemphahla ingetulu kwesikwelede salotsetse sikwelede, loloniketa sikwelede kumele abuyisele nanobe nguyiphi imali leyecile kulotsetse sikwelede. Uma ngabe lemali yincane kunesikwelede salotsetse sikwelede, lotsetse sikwelede uphokelelekile kukhokhela loniketa sikwelede lemali lesilele angakapheli emalanga langu-10.

(Sigaba 127)



LUHLA KLWEMAGAMA LASETJENTISIWE

- **Sivumelwano lesincane** - sivumelwano sesikwelede semali lefikela ku-R15 000
- **Sivumelwano lesisemkhatsini** - sivumelwano lesisemkhatsini wa-R15 001 na-R250 000
- **Sivumelwano lesikhulu** - sivumelwano lesingetulu kwa-R250 000.

LETINYE TIHLOKO LETIHAMBISANAKO:

- Emalungelo alotsatsa sikwelede (Sehluke 2)
- Kupholota nekuphocelwa kukhokha sikwelede (Sehluke 7)
- Kuphocelwa kwe- NCA (Sehluke 11)



Sehluko 7

KWEHLULEKA KUKHOKHELA NEKUPHOCELELWA KUKHOKHELA SIKWELEDE

Lesehluko sigcile etinyatselweni lekumele titsatfwe uma ngabe lotsetse sikwelede uyehluleka kukhokhela loniketa sikwelede Ngekwemibandzela yesivumelwano sesikwelede lesisayiniwe. Kukhulunywa ngaletihloko letilandzelako:-

- Tindlela letingakavunyelwa tekulandza imphahla nekuphokelela kukhokhela sikwelede;
- Tinchubo lekumele tilandzelwe ngulabaniketa tikwelede ngaphambi kwekuphokelela kukhokhelwa kwesikwelede;
- Tinchubo tetikwelede enkantolo.

Tindlela/imikhuba letingakavunyelwa tekulandza imphahla nekuphokelela kukhokhelwa kwesikwelede

Uma ngabe lotsetse sikwelede uyehluleka kukhokha sikwelede, loniketa sikwelede utawutsatsa tinyatselo tekulandza timali lekumele akhokhelwe tona. Loku kubitwa ngekutsi kuphokelela kukhokhelwa kwesikwelede. Lomtsetfo awuyivumeli leminye imikhuba, lengasetjentswa ngulabaniketa sikwelede ekulandzeni timali labakweledwa tona ngulabatsatsa tikwelede. Loniketa sikwelede akavumeleki kutsi angagcine lemiculu lelandzelako ngetinhloso tekutsatsa imali nekuphokelela kukhokhelwa kwesikwelede sakhe:-

- Matisi (ID)
- Likhadi lasebange lekukhokha imali nobe ikhredithi-khadi
- Likhadi le- ATM
- Inombolo leyimfihlo (PIN) yasebange.

(Sigaba 90 na 133)

Tinchubo lekumele tilandzelwe nguloniketa sikwelede ngaphambi kwekuphokelela kukhokhwa kwesikwelede

Uma lotsetse sikwelede aphutselwa/apholota, loniketa sikwelede kumele acale ngekuniketa nothisi lotsetse sikwelede, ngekubhala phansi simo se-akhawunti. Lotsetse sikwelede usuke aphilotile uma ngabe sikwelede sakhe sesendlule ngemalanga langu-20 singakakhokhelwa. Kulenothisi, loniketa sikwelede angenta siphakamiso sekutsi lotsetse sikwelede andlulisele sivumelwano sesikwelede kumeluleki wetikwelede nobe enkantolo yalabatsatsa tikwelede nobe **u-Ombudsman (msombululi wetikhalo ngetikwelede)** lonemandla ekubhekana nanobe ngutiphi tincabano letingaba khona. Inhloso yekwenta njalo

kutsi lotsetse sikwelede naloniketa sikwelede basombulule lenkinga nobe bavumelane ngelisu lekukhokhela lesikwelede. Loniketa sikwelede akakwati kutsatsa tinyatselo temtsetfo ngaphandle kwekwatisa kucala lotsatsa lopholote kukhokhela sikwelede nekumenta ati ngemalungelo akhe uma kunjena. Uma ngabe lotsatsa sikwelede uyehluleka kubonana naloniketa sikwelede nobe i-Ombudsman angakapheli emalanga langu-10 kulungiswe loludzaba, loniketa sikwelede angatsatsa tinyatselo letiya embili kuphocolwa kukhokhwa kwalesikwele.

(Sigaba 129)

Tinchubo tesikwelede Enkantolo

Loniketa sikwelede angaya Enkantolo Yemantji kuyekuphocola sivumelwano sesikwelede lesisemuva nekukhokhelwa uma sekwenteki loku lokulandzelako:-

- Lotsetse sikwelede akenti lutfo macondzana nenothisi lebhaliwe levela kuloniketa sikwelede kute akhokhele sikwelede sakhe sibe sesikhatsini sanyalo;
- Lotsatsa sikwelede uyala ekuvumelaneni netiphakamiso lelentiwe nguloniketa sikwelede ngenothisi lebhaliwe, abeke imibono yalokungentiwa kute kusonjululwe nanobe ngukuphi kucabana nobe kukhokhelwa sikwelede sibe sesikhatsini; nobe
- Lotsatsa sikwelede akabonani nemeluleki wetikwelede ngesikhatsi lesiniketive semalanga ekusebenta langu-10.

Lontsatsa sikwelede angasiphelisa sivumelwano sesikwelede ngekubuyisela imphahla kuloniketa sikwelede. Kutawumela kutsi loniketa sikwelede ayitsengise lempahla. Lotsatsa sikwede utawumela kutsi akhokhele imali lesilele uma ngabe lempahla itsengiswe ngemali lencane kunalena layikweledako. Lomtsetfo ubeka kutsi loniketa sikwelede angaya enkantolo kute atfole lemali lesilele uma ngabe ayikakhokhelwa ngemalanga ekusebenta langu-10.

Inkantolo itawubukana nesicelo salotsatsa sikwelede sesehlulelo uma ngabe akudzingeki kutsi sivumelwano sesikwelede **sibuketwe**. Lapho lotsatsa sikwelede naloniketa sikwelede bavumelene ngelisu lekwenta lesikwelede sibe sesikhatsini kantsi futsi nalotsatsa sikwelede wente ngekuya kwalelisu, loniketa sikwelede angeke aye enkantolo, kute atfole sehlulelo salelisu.

(Sigaba 130)



LUHLA KLWEMAGAMA LASETJENTISIWE

- **I - Ombudsman** - mtimba lotimele lowentelwe kusombulula tincabano.
- **Kubuyeketwa kwesikwelede** - yinchubo lapho khona tivumelwano tetikwelede tayahlanganiswa kute kuhlolwe kuphindze kutfolwe kutsi ngabe lotsatsa sikwelede angayikhona yini imali lekhokhelwa ngenyanga.

LETINYE TIHLOKO LETIHAMBISANAKO:

- Emalungelo alotsatsa sikwelede (Sehluke 2)
- Kudzela, kuphelisa nekukhokhela masinyane (Sehluke 6)
- Kweluleka Ngesikwelede (Sehluke 8)
- Imibango netikhalo (Sehluke 10)



Sehluko 8

KWELULEKWA NGESIKWELEDE

Lesehluko sigcile ekwelulekweni ngesikwelede.

Sitawukhuluma ngaloku lokulandzelako:

- Lotsatsa sikwelede angafinyelela kanjani kutinsita tekwelulekwa ngesikwelede kk, ngekutinikela, ngekwendluliselwa nguloniketa sikwelede, ngekwendluliselwa yinkantolo,
- Kuyini kungena kakhulu esikeledeni?
- Siyini sikwelede sekukhakhamele/lesingenamcondvo?
- Kuyini kuhlela kabusha sikwelede?
- Umphumela wekuhlela kabusha sikwelede
- Siyini sitifiketi sekubamsulwa?

Kwelulekwa ngesikwelede

Kwelulekwa ngesikwelede yinchubo leyentelwe kusita kuhlela kabusha tibopho tetikwelede talabatsatsa tikwelede labangakhoni kukhokhela tikwelede tabo. Lotsatsa sikwelede kumele afake ekhatsi umeluleki wetikwelede lotawushweleta kulabaniketa tikwelede, kuhlela kabusha kwetibopho tetikwelede talotsatsa sikwelede. Inhloso yekwelulekwa ngetikwelede kusita labatsatsa tikwelede bakwati kuhlangubetama netikwelede tabo.

(Sigaba86) (Ulawulo lwenchubo 24, 26)

Labatsatsa tikwelede bangafinyelela kanjani kuletinsita tekwelulekwa ngetikwelede

Tintsatfu tindlela lotsatsa sikwelede longakhona kufinyelela ngato kutinsita tekwelulekwa ngesikwelede.

1. Kutinikela

Lotsatsa sikwelede angaya **Kuloluleka Ngetikwelede** ngekutikhetsela uma eva kutsi akasakhoni kuchubeka akhokhele tikwelede takhe. Loweluleka Ngetikwelede utawenta luhlolo futsi atfole kutsi ngabe lotsatsa sikwelede ungena etikweledeni kakhulu yini. Kuhlelwa kabusha kwetikwelede kukhulunywa ngako ngaphansi.

2. Kwendluliselwa nguloniketa sikwelede

Lomtsetfo udzinga loniketa sikwelede atsatse tinyatselo letitsite ngaphambi kwekutsatsela lotsatsa sikwelede tinyatselo temtsetfo uma ehluleka kukhokhela tikwelede takhe. Sinye

saletinyatselo sifaka ekhatsi kuniketa lotsatsa sikwelede nothisi lebhaliwe, kumatisa kutsi akakhokhi ngesikhatsi. Lenothi kumele kutsi yiphindze yatise lotsatsa sikwelede kutsi unelilungelo lekubonana nowelulekana ngetikwelede, kute acele lusito.

(Sigaba 129)

3. Kwendluliselwa yinkantolo

Uma ngabe inkantolo itfoli kutsi lotsetse sikwelede kungenteka kutsi ukwelede kakhulu, ingendlulisela lolotsatsa sikwelede Kumeluleki wetikwelede.

(Sigaba 85) (Ulawulo lwenchubo 26)

Kuyini kungena kakhulu etikweledeni?

Lotsatsa sikwelede usuke angene kakhulu etikweledeni uma ngabe ete indlela yekukhokhela tikwelede takhe ekupheleni kwenyanga. Lomtsetfo uphindze ubeke kutsi nangabe Umeluleki Ngetikwelede acedze kwenta luhlolo futsi afike esiphethweni sekutsi lotsatsa sikwelede angeke akhone kuhlambabana nekutibopha ngetikwelede takhe ekupheleni kwenyanga, ngakoke nje lotsetse sikwelede ungene kakhulu etikweledini.

(Sigaba 79)

Beluleki Ngetikwelede baphindze basite labatsatsa tikwelede ngemakhononchanti ekuhlela timali, njengekwenta ibhajethi.

Nobe-nje lotsatsa sikwelede unelilungelo lekufaka sicelo sekuhlela kabusha tikwelede, loku akusho kutsi sewutawuvele-nje afanelwe nguletinsita.

Ngemuva kwekuhlolisisa simo setimali talotsatsa sikwelede, Meluleki Ngetikwelede angaphetsa ngekutsi lotsetse sikwelede akekho etikweledeni kakhulu. Meluleki Ngetikwelede kumele anikete lotsatsa sikwelede incwadzi leyala sicelo sakhe.

Lotsatsa sikwelede lotfole incwadzi yekwalelwa, kungatsi **ngemalanga ekusebenta** langu-20 aye enkantolo ayicele kutsi ayimcinisekise njengalonetikwede kakhulu (over-indebted). Kwengeta kuloku, lotsatsa sikwelede angacela inkantolo icinisekise sivumelwano sakhe njengesikwelede lesingenamcondvo (bona lokushiwoko ngentasi) nekuhlela kabusha tikwelede.

(Sigaba 86)

(Ulawulo lwenchubo 25)

Siyini sivumelwano sesikwelede lesingenamcondvo/kukhakhanela (reckless credit)?

Lomtsetfo udzinga kutsi loniketa sikwelede acinisekise kutsi lotsatsa sikwelede utawusikhona kusibhadzala sikwelede lasicelako ngaphambi kwekutsi amnike imalimboleko nobe amtsengisele imphahla ngesikwelede. Uma ngabe loniketa sikwelede uyehluleka kucinisekisa loku, leso sivumelwano-ke sitawutsatfwa njengesikwelede lesingenamcondvo (reckless).

Sivumelwano siba ngulesingenamcondvo uma ngabe:

- Loniketa sikwelede akenti kahle luhlolo lwebungoti lwekucinisekisa kutsi lotsatsa sikwelede utawuyikhona imalimboleko;

- Loniketa sikwelede uyachubeka unika lotsatsa sikwelede imalimboleko nobe angayikhoni lemalimboleko ngekuya kweluhlolo lolwentiwe;
- Lotsatsa sikwelede akawevisisi emalungelo akhe netibopho letisesivumelwaneni kanye netindleko letibandzakanyekako ekutsatseni imalimboleko.

(Sigaba 80)

Yinkantolo kuphela lengacinisekisa sivumelwano njengesivumelwano lesingenamcondvo ngekuya kwesicelo Saloweluleka Ngetikwelede nobe Lotsatsa sikwelede.

Inkantolo ingasilengisa sivumelwano lesitsatfwa njengekukhakhamelela nobe lesingenamcondvo. Ingaphindze futsi igucule imibandzela netimo talesivumelwano, kk, lotsetse sikwelede utawumkhokhela kanjani timali loniketa sikwelede. Loniketa sikwelede angeke abite kulotsetse sikwelede nanobe nguyiphi intalo nobe imali yesivumelwano lesilengisiwe.

(Sigaba 84)

(Ulawula lwenchubo 23)

Kuyini kuhlela kabusha sikwelede?

Kuhlela kabusha sikwelede, yinchubo lapho khona Loweluleka Ngetikwelede abuyeketa kukhokha Loweluleka Ngetikwelede utawenta imitamano yekuhlela kabusha sikwelede salotsatsa sikwelede ngekwenza siphakamiso kubo bonkhe labaniketa tikwelede nangekwetama futsi kutfolala onkhe emacembu labandzakanyekako kutsi avume

lesiphakamiso. Uma ngabe kufinyelelwa esivumelwaneni, Loweluleka Ngetikwelede angacela le-Tribunal nobe inkantolo ikhiphe incwadzi yekuvuma.

Uma ngabe akukafinyelelwa esivumelwaneni, Lowelulekana Ngetikwelede, angendlulisela loludzaba Enkantolo Yamantji. Inkantolo Yamantji itawuteka lelicala futsi ikhiphe umyalelo.

(Sigaba 86)

(Ulawulo lwenchubo 24)

Imiphumela yekuhlelwa kabusha kwesikwelede

Uma ngabe lotsetse sikwelede sewubekwe ngaphansi kwekubuyeketwa kwesikwelede, labaniketa tikwelede angeke basamtsatsatsela tinyatselo temtsetfo. Ngetulu kwaloko, lotsetse sikwelede, tikwelede takhe letikunchubo yekuhlelwa kabusha angeke asavunyelwa kufaka sicelo sekunikwa sikwelede nobe atfole sikwelede lesinye. Sikwelede lesingacelwa ngulotsatsa sikwelede langaphansi kwekubuyeketwa kwesikwelede **yinchubo yekuhlanganisa tikwelede (consolidation loan)**.

Lotsatsa sikwelede lowehluleka kukhokhela Ngekwemibandzela yesivumelwano sekuhlela kabusha utawususwa ngekushesha kunchubo yekubuketwa kwesikwelede futsi nalabaniketa tikwelede bangasheshisa bamtsatsele tinyatselo temtsetfo lona lotsatsa sikwelede.

(Sigaba 86)

Siyini “sitifiketi sekubamsulwa” (clearance certificate)?

Lotsetse sikwelede lokhokhele wacedza sikwelede sakhe ngekwemibandzela yekuhlelwa kabusha kwesikwelede unikwa “sitifiketi sekubamsulwa” (clearance certificate) lesivela Kuloweluleka Ngetikwelede. Lesitifiketi sivumela lotsatsa sikwelede kutsi emarekhodi akhe etikwelede lagcinwe yi-*credit bureau*, asulwe. Konkhe lobekuchakeliswe kulesikwelede lesikhokhelwe kumele kusulwe. Uma ngabe Lowelulekana Ngetikwelede uyala kuniketa lotsatsa sikwelede lesitifiketi, angabonana na-Tribunal yemacala kutsi yibuyekete lesincumo Saloweluleka Ngetikwelede.

(Sigaba 71)

(Ulawulo lwenchubo 27)

LETINYE TIHLOKO LETIHAMBISANAKO:

- Kungakhokhi ngesikhatsi nekucindzetelwa kukhokhela sikwelede (Sehluco 7)



LUHLA KLWEMAGAMA LASETJENTISIWE

- **Emalanga emsebenti:** Onkhe emalanga ngaphandle Kwemigcibelo, Emasontfo Nemaholide Esive;
- **Kwelulekwa ngetikwelede:** inchubo yekuhlola kuba setikweledeni kakhulu nekuhlela kabusha sikwelede;
- **Loweluleka Ngetikwelede:** Ngumuntfu lobhaliswe ku-NCR Njengalowelulekana Ngetikwelede futsi losita labatsatsa tikwelede ngekuhlela kabusha tikwelede tabo;
- **Inchubo yekuhlanganisa tikwelede:** Yimalimboleko letsatfwa ngulotsatsa sikwelede ngenhloso yekuhlanganisa tonkhe tikwelede takhe tibe yimalimboleko yinye ngenhloso yekutikhokhela tonkhe.

LETINYE TIHLOKO LETIHAMBISANAKO::

- Emalungelo alotsatsa sikwelede (Sehluke 2)
- Imikhuba yekumaketha (Sehluke 4)
- Tindleko (Sehluke 5)
- Kudzela, kuphelisa nekukhokhela sikwelede masinyane (Sehluke 6)



Sehluko 9

EMA-CREDIT BUREAUX KANYE NELWATI NEMININGWANE YETIKWELEDE

Lesehluko sitawukhuluma ngaletihloko letilandzelako:

- Lwati neminingwane yetikwelede
- Nguluphi lwati neminingwane lengacinwa?
- Nguluphi lwati neminingwane lekungamelwe igcinwe?
- Imitfombo yelwati neminingwanwe
- Sikhatsi sekucina (lwati neminingwane)
- Kususwa kwelwati neminingwane nekuphikisa lwati neminingwane lengasiyo emaciniso
- Inchubo ngaphambi kwekufakela phansi lwati neminingwane lemibi
- Kusetjentiswa kwelwati neminingwane yetikwelede.

Lomtsetfo udzinga kutsi Umlawuli Wetikwelede Wavelonkhe (National Credit Regulator - NCR) arejiste futsi **alawule** i-credit bureaux. Lomtsetfo uphindze usho kutsi nguluphi lwati neminingwane lengagcinwa yi-credit bureau, ngubani longayisa lolwati neminingwane ku-bureau, ngubani longatfolo lolwati neminingwane ku-bureau nekutsi futsi lolwati neminingwane kungagcinwa sikhatsi lesingakanani kule-bureau. Lwati neminingwane yalotsatsa sikwelede ingaba yimfihlo nobe lecondzene nalotsetse sikwelede nobe lwati neminingwane yesikwelede.

(Sigaba 43 na 70)

(Ulawulo lwenchubo 17)

Lwati neminingwane yalotsatsa sikwelede

Lomtsetfo ulawula kusetjentiswa **kwelwati neminingwane yesikwelede** yalotsatsa sikwelede. Nobe kunjalo, inchazelo “yelwati neminingwane yesikwelede yalotsatsa sikwelede” ibanti futsi ifaka ekhatsi lwati neminingwane lefanana:

- Nemlandvo yetikwelede yemuntfu
 - ↳ Tivumelwano tetikwelede;
 - ↳ Umlandvo wekukhokhela tikwelede;
 - ↳ Uma ngabe lotsatsa sikwelede wake waba ngaphansi kwekubuketwa kwesiskwelede;

- Umlandvo wetetimali wemuntfu
 - ↳ Imali lengenako yakudzala neyamanje;
 - ↳ Imphahla netikwelede;

- Lolunye lwati neminingwane lecondzene nemunfu njengelelandzelako:
 - ↳ Imfundvo, kucashwa, nemlandvo wemsebenti;
 - ↳ Inombolo yamatisi;
 - ↳ Ligama;
 - ↳ Lusuku lwekutsalwa;
 - ↳ Likheli lendzawo;
 - ↳ Simo setemshado;
 - ↳ Imininingwane yekutsintsana. **(Sigaba 70)**
- (Ulawulo lwenchubo 18)**

Nguluphi lwati neminingwane lengagcinwa?

Lonkhe “lwati neminingwane” yalotsatsa sikwelede njengobe ihleliwe ngetulu ingagcinwa yi-credit bureau, kanye nalolwati neminingwane lelandzelako:

- Lwati neminingwane yekukhokhela macondzana netinsita letichubekako;
- Nanobe nguluphi lwati neminingwane ledzingekako kute kubonwe kukhwabanisa kwetikwelede;
- Lwati neminingwane macondzana nekukhokhela(tikwelede) lokwentiwa ngulotsatsa sikwelede lapho aniketela khona sikwelede;
- Nanobe nguluphi lolunye lwati neminingwane, kuphela-nje uma ngabe lotsatsa sikwelede unikete imvumo kutsi lwati neminingwane yakhe ingayiswa e-credit bureau, nakuphela futsi uma ngabe loniketa sikwelede umatisile lotsatsa sikwelede kutsi lolwati neminingwane itawesetjentiselwa ini.

(Ulawulo lwenchubo 18)

Nguluphi lwati neminingwane lekungamelwe igcinwe?

Lomtsetfo ubeka kutsi Lolwati neminingwane lecondzene nemuntfu lekungamelwe igcinwe yi-credit bureau:

- Buhlanga;
- tepolitiki;
- Simo/umlandvo wetemphilo;
- Inkholo nobe umcabango, kukholwa nemibono;
- Inchubo yetebulili;
- Bulunga benyonyane yetisebenti.

(Ulawulo lwenchubo 18)

Imitfombo yelwati yeminingwane ye-credit bureau

Lomtsetfo uvumela kuphela labantfu/imitimba lelandzelelako kutsi itfumele lwati neminingwane:

- Labaniketa tikwelede;
- Labatsatsa tikwelede labalungisa lwati neminingwane lengasiyo;
- Hulumende, inkantolo nobe sisebenti senkantolo;
- Loniketa tinsita letichubekako;
- Tinkampani temishuwalensi;
- Imitimba lebandzakanyekako ekuphenyweni kwenkwabaniso;
- Tikhungo Tetemfundvo letifana nemanuyvesi;
- Labacokelela tikwelede;
- Lamanye ema-*credit bureau*.

(Sigaba 70)

(Ulawulo lwenchubo 18)

Tikhatsi tekugcina (lwati neminingwane).

Lomtsetfo ubeka kutsi lwati neminingwane letsite ingagcinwa sikhatsi lesingakanani yi-bureau. Esikhatsini lesendlulile i-bureaux beyitincumela yona kutsi lwati neminingwane ingagcinwa sikhatsi lesingakanani.

Tikhatsi tekugcinwa kwelwati neminingwane tibhalwe ngaphansi:

	Luhlobo	Kuchazwa	Sikhatsi
1	Tincabano letibikiwe	Lotsatsa sikwelede unelilungelo lekuphikisa lwati neminingwane lengasiyo. Loku kungaba yimininingwane yencabano leyafakwa futsi yaliwa ngemuva kweluphenyo	Tinyanga letingu-18
2	Kubuta	Lwati neminingwane yemuntu locela lwati neminingwane yalotsetse sikwelede	Iminyaka lengu 2
3	Iphrofayili yekukhokhela	Lwati neminingwane yekukhokhela tivumelwano tetikwelede lebekwentiwa nguletsetse sikwelede	Iminyaka lengu 5
4	Lwati neminingwane lemibi	Lwati neminingwane lephatselene nekutiphatsa kwalotsatsa sikwelede njengekuba ngulohudvula tinyawo ekukhokheleni, wapholota, wanyamalala	Umnyaka mnye (1)
5	Lwati neminingwane lemibi	Lwati neminingwane lephatselene netinyatselo letitsetfwe nguloniketa tikwelede, atitsatsela lotsetse sikwelede kutsi aphocelwele kukhokhwa kwesikwelede njenge kuniketa (yekeliswa), tinyatselo temtsetfo, kucishwa kwesikwelede njll	Iminyaka lengu 2
6	Kuhlelwa kabusha kwesikwelede	Imininingwane yalotsatsa sikwelede lengaphansi kwekubuketwa	Kute kufikele lapho kukhishwa sitifiketi sekubamsulwa
7	Tehlulelo letingesito tenkantolo yemacala ebugebengu	Tehlulelo letiniketwa yinkantolo	Iminyaka lengu 5 nobe kute kufikele lapho sisuswa
8	Imiyalelo yekulawula yetikwelede	Imiyalelo yekwenta lotsatsa sikwelede kutsi alawulwe ngetikwelede	Iminyaka lengu 10 nobe kute kufikele lapho sisuswa yinkantolo
9	Kutsatselwa kwemuntu imphahla	Umyalelo loniketwa yinkantolo lapho khona lotsatsa sikwelede netimali, ehluleka kukhokhela tikwelede takhe	Iminyaka lengu-10 nobe ute ususwe yinkantolo
10	Kuvalwa (kwebhizinisi)	Ngumyalelo lokhishwa yinkantolo uma inkampani iwile ite imali yekukhokhela tikwelede	Kute umkhawulo
11	Kubuyiselwa esimeni lesifanele	Ngumyalelo wasenkantolo losusa ligama lelibi letikwelede ngemuva kwekukhokhela yonkhe imali lebeyikwelede.	Iminyaka lengu 5
12	Lolunye lwati neminingwane	Nanobe nguluphi lolunye lwati neminingwane lengakabalwa ngetulu	Iminyaka 2

(Sigaba 73) (Ulawulo lwenchubo 17)

Kususwa kwelwati neminingwane nekuphikisa lwati neminingwane lengasiyo

Lotsatsa sikwelede unelilungelo lekuphikisana nelwati neminingwane lengasiyo legcinwe yi-credit bureau. Lotsatsa sikwelede kumele atise i-credit bureau kutsi Lolwati neminingwane ayisiyo. Masinyane-nje ngemuva kwekutfole nothisi lenjalo kulotsatsa sikwelede, i-bureau kumele kutsi “ivale”/ifihle” lolwati neminingwane kute kutsi ingabonwa ngumuntfu. I-bureau-ke inemalanga ekusebenta langu-20 kutsi itfole bufakazi bekutsi lolwati neminingwane iliciniso. Uma ngabe ayikwati kwenta njalo, kumele-ke kutsi isuse lolwati neminingwane lekumarekhodi.

Uma ngabe-ke i-bureau iyabutfole bufakazi balolwati neminingwane, kepha lotsatsa sikwelede usolomane akavumelani nayo, ngemalanga langu-20 ekusebenta, lotsetse sikwelede kumele acele Umlawuli Wetikwelede Wavelonkhe (NCR) aphenye ngaloludzaba.

Sigaba 73 Salomtsetfo sibukela “kuhlanta” lokubita kutsi i-bureaux isuse lwati neminingwane letsite kumarekhodi ayo.

Kunetimiso letinsha letishicilelwe lebita kutsi i-credit bureaux isuse emarekhodi latsite 'njengekuhlanta kweligama lomuntfu lokwenteka kanye'.

Uma ngabe ufuna lwati lolungetiwe ngaloku, buketa timiso kuGazethi nombolo 28864.

(Sigaba 72 na 73)
(Ulawulo lwenchubo 20)

Inchubo ngaphambi kwekufakela kumarhekhodi lwati neminingwane

Nanobe ngumuphi umuntfu/umtimba lovumelekile kungenisa lwati neminingwane e-credit bureau, kumele atsatse tonkhe tinyatselo letitsatsako kucinisekisa kutsi lwati neminingwane layingenisako ingiyo. Uma ngabe sikwelede **sichaziwe**, loniketa sikwelede akavumeleki kuyisa lwati neminingwane e-bureau. Ngaphambi kwekutsi loniketa sikwelede atfumele **lwati neminingwane lemibi** e-credit bureau kumele acale ngekuniketa lotsatsa sikwelede satiso semalanga ekusebenta langu-20 kutsi lolwati neminingwane kutawungeniswa kwabe-bureau (listed). Lotsatsa sikwelede kumele atiswe ngalolwati neminingwane letawubhalwa kute akhone kuphikisana nalolwati neminingwane lakholelwa kutsi ayisiyo.

(Ulawulo lwenchubo 18, 19)

Kusetjentiswa kwelwati neminingwane yesikwelede

Lomtsetfo ubeka kutsi lwati neminingwane yalotsatsa sikwelede ingasetjentiselwa ini. Uphindze futsi usho nekutsi imvumo yalotsatsa sikwelede iyadzingeka kulwati neminingwane yakhe yetikwelede.

Kuvumeleke kuphela kusetjentiswa ngalendlela lelandzelako:

Lapho imvumo yalotsatsa sikwelede ingadzingeki khona

- Nanobe nguyiphi inhloso ledzingwa Ngumtsetfo, njengekuhlolwa kutsi utawukhona yini (kukhokhela tikwelede);
- Kuphenya kukhwebanisa nekukhohlakala yi-SAPS;
- Tinsita letivikela kukhwebanisa nekukhohlakala;

- Kuhlolwa kwemabhuku alabakweledako lapho khona sikwelede salotsetse sikwelede **siniketwa** lomunye umuntfu;
- Kutfola lwati neminingwane yalotsetse sikwelede kute kukhokhelwe imali yempesheni nobe umshuwalensi longakafunwa;
- Kulandzelela lotsetse sikwelede kutsi kutfolwe sikwelede sesivumelwano sesikwelede;
- Kwakha inchubo yekufaneleka (emakhadi ekuhlola kufaneleka).

Lapho kudzingeka khona imvumo yalotsatsa sikwelede

- Kubeka imikhuwulo yemphahla nobe **tinsita letichubekako**;
- Kuhlola sicelo semshuwalensi;
- Kucinisekisa imfundvo;
- Kufunisisa longacashwa esikhundleni lesidzinga kwetsembeka futsi lesifaka ekhatsi kuphatfwa kwetimali.

Kulicala kwenta luhlolo lwe-credit bureau, kutsi uhlole umuntfu lofuna kumcasha uma ngabe lesikhundla asidzingi kwetsembeka futsi asifaki ekhatsi kuphatfwa kwetimali.

(Sigaba 70)

(Ulawulo lwenchubo 18)



LUHLA KLWEMAGAMA LASETJENTISIWE

- **Kulawula:** Kwenta siciniseko sekutsi labaniketa tikwelede, labeluleka ngetikwelede nema-credit bureau benta umsebenti wabo ngekuya kwemtsetfo;
- **Tinsita letichubekako:** Imphala netinsita letiniketwa onkhe malanga, letikhokhelwa njalo-nje, njengemanti nagezi;
- **Kwendluliswa kwesikwelede:** Ngulapho sikwelede salotsatsa sikwelede sitsengiselwe lomunye umuntfu, atsengiselwa nguloniketa sikwelede bese kutsi lona lomunye umuntfu ulandza lesikwelede kulolotsatsa sikwelede;
- **Kudliwa/kutsatselwa imphahla (Sequestration):** Ngumyalelo lokhishwa yinkantolo wekutsi umuntfu akanamali uyehluleka kukhokhela tikwelede takhe;
- **Kwehluleka kukhokha sikwelede:** Ngulapho tikwelede talotsatsa sikwelede tingetulu kwemphahla yakhe futsi ehluleka kutikhokhela;
- **Kuhlakata (inkampani) (Liquidation):** Ngumyalelo wenkantolo lotsi inkampani nobe i-close corporation iyavala ngobe ite imali yekukhokhela tikwelede;

LUHLA KLWEMAGAMA LASETJENTISIWE

- **Kubuyiselwa esimeni lesifanele:** Uma ngabe lotsatsa sikwelede ukhishelwe umyalelo wekutsi uyehluleka kukhokhela tikwelede takhe nobe uhlakatelwe inkampani, ukhokhele sonkhe sikwelede sakhe, wasicedza, inkantolo ingawususa lomyalelo wekutsi uyehluleka kukhokhela tikwelede takhe nobe umyalelo wekuhlakatwa kwenkampani yakhe;
- **Chaziwe:** sikwelede sichaziwe uma ngabe loniketa sikwelede kute tinyatselo latitsatsele lotsatsa sikwelede kute atfole imali yakhe ngesikhatsi lesitsite. Loniketa sikwelede akakwati kutsi angacindzetelwa kukhokhelwa sikwelede enkantolo;
- **Lwati neminingwane lemibi:** Lwati neminingwane lefanana nekuhudvula tinyawo ekukhokhelweni sikwelede, kupholota, kunyamalala nobe kwendluliselwa, tinyatselo temtsetfo nobe kucishwa kwesikwelede.

LETINYE TIHLOKO LETIHAMBISANAKO:

- Emalungelo alotsatsa sikwelede (Sehluke 2)



Sehluko 10

IMIBANGO NETIKHALO

Lesehluko sikhuluma ngaloku lokulandzelako:

- Lotsatsa sikwelede angasifaka nini sikhalo?
- Lotsatsa sikwelede angasifaka kubani sikhalo?
- Inchubo lelandzelwako uma ufaka sikhalo Kumlawuli Wetikwelede Wavelonkhe (National Credit Regulator - NCR).

Lotsatsa sikwelede angasifaka nini sikhalo?

Lotsatsa sikwelede angakhonona nobe kunini uma angenetiseki ngetinsita latinikwa nguloniketa sikwelede, Loweluleka Ngetikwelede nobe i-credit bureau. Sibonelo, lotsetse sikwelede kumele atfole satiso uma ngabe akakhokheli ngesikhatsi ngaphansi kwesivumelwano sesikwelede, ngaphambi kwekutsi loniketa sikwelede atsatse tinyatselo temtsetfo. Lesatiso kumele futsi kutsi satise lotsatsa sikwelede kutsi angabika incabano ku-ombudsman (umlamuleli wemphakatsi wetikwelede) loneligunya, i- ejensi lesombulula tincabano nobe enkantolo yalabatsatsa tikwelede.

(Sigaba 129, 134 na 136)

Angasifaka kuphi sikhalo lotsatsa sikwelede?

Umlawuli Wetikwelede Wavelonkhe (NCR) unemtfwalo wekwemukela nekuphenya ngetikhalo leiphatselene netikwelede naletinye tindzaba letitsintfwa ngulomtsetfo. Nobe kunjalo, uma ngabe, Umlawuli unembono wekutsi lesikhalo kumele sibhekane nalomunye umtimba losunguliwe, utawubese wendlulisela loludzaba kulomtimba lofanele. Kusehluko-12, kunemininingwane yekuchumana yaleminyane imitimba lebhakana netikhalo netincabano taletinye tindzaba ngaphandle kwetikwelede.

Lomtsetfo uvumela lotsatsa sikwelede afake sikhalo kunobe ngukuphi kwaloku lokulandzelako:

1. Umlawuli Wetikwelede Wavelonkhe (NCR)
2. **U-Ombudsman (Umlamuleli Wemphakatsi wetikwelede) loneligunya**
3. I-National Consumer Tribunal yalabatsatsa Tikwelede kuvelonkhe
4. I-Alternative Dispute Resolution Agent (ADR) (I-Ejensi Yekusombulula Imibango).

1. Umlawuli Wetikwelede Wavelonkhe (National Credit Regulator)

Lotsatsa sikwelede angafaka sikhalo KuMlawuli Wetikwelede Wavelonkhe uma ngabe lesikhalo siphatselene nesivumelwano sesikwelede. Inchubo lelandzelwa Ngumlawuli uma atfola sikhalo iyachazwa kamuva Kelesehluko.

(Sigaba 15)

2. **Ulamuleli Wemphakatsi loneligunya**

Timboni letifanana Netimboni temishuwalensi, timboni tetinsita tetimali kanye netimboni tekubhanga njll, tine-Ombudsman. U-Ombudsman ngemtimba losungulelwe kutsi emukele futsi usombulule tikhalo netincabano timboni ngayinye. Sibonelo, tikhalo letiphatselene nelibhange tingafakwa ku-Ombudsman for Banking Services (Mlamuleli Wetinsita Tetemabhange) futsi tikhalo letiphatselene *nema-credit bureau* tingafakwa Kumlamuleli Wemphakatsi Welwati Nemininingwane Yetikwelede (Credit Information Ombudsman).

3. **National Consumer Tribunal (Libandla Lavelonkhe Leliteka Emacala Alabatsatsa Tikwelede)**

Lotsatsa sikwelede angafaka ngco sikhalo sakhe nobe incabano e-National Consumer Tribunal; nobe kunjalo, njengalapho-nje lotsatsa sikwelede angakwenta loku kuletimo letilandzelako:

- Lapho u-National Credit Regulator wale sikhalo (bona ingcoco endzimeni 4 ngaphansi);
- Uma ngabe lotsatsa sikwelede akakhoni kusombulula acedze sikhalo ku-Ombudsman, i-ADR, nobe Umlawuli;

(Sigaba 137 na 141)

(Ulawulo lwenchubo 49, 51)

4. **I-Alternative Dispute Resolution agent (ADR) (I-Ejensi Yekusombulula Imibango)**

I-ADR ngumtimba lowetama kusombulula tincabano ngekucolelana, kulamula nobe kwehlulela.

Uma ngabe lotsetse sikwelede wendlulisele incabano ku-ADR futsi le-ADR itfolakutsi lomunye walamacembu akabambisani nalalabanye nobe lencabano ayikhoni kutsi ingapheliswa, Le-ADR kumele ikhiphe sitifiketi isho kutsi lenchubo yekusombulula lencabano yehlulekile. Loludzaba-ke lungendluliselwa ku-Tribunal kutsi lisombulule loludzaba.

(Sigaba 134)

(Ulawulo lwenchubo 51)

Tinyatselo lekumele tilandzelwe uma kufakwa sikhalo ku-National Credit Regulator (Umlawuli Wetikwelede Wavelonkhe)

Lotsatsa sikwelede angatsintsana Nemlawuli Wetikwelede Wavelonkhe ngelucingo nobe abhale agcwalise lifomu letikhalo, lelitfolakala Kumlawuli (Regulator). Lotsatsa sikwelede kumele anikete lemininingwane lelandzelako uma afaka sikhalo:

- Ligama leliphelele, sibonga nenombolo yamatisi;
- Imininingwane yekutsintsana;
- Kuchaza kafishane ngesikhalo.

Sikhalo singafakwa Kumlawuli kuphela uma ngabe lotsatsa sikwelede sewuke wetame kusombulula lesikhalo naloniketa sikwelede kepha lemitamo yehluleka.

Umlawuli (Regulator):

- Utawukhipha satiso sekungendluliseli embili uma ngabe utfolakutsi loludzaba lungaphandle kwetindzaba letibukelwa Ngulomtsetfo;

- Utawuphenya sikhalo ngalokuhlelekile; nobe
- Utawundlulisela loludzaba ku-ombudsman wetikwelede loneligunya nobe ku-ADR nobe Enkantolo yalabatsatsa tikwelede.

Uma ngabe lesikhalo sesendluliselwe ekuphenyweni, i-NCR itawubukana nembiko wemphenyi futsi

- Ikiphe satiso sekungandluliseli embili; nobe
- Yendlulisela loludzaba ku-Tribunal kutsatfa tincumo.

Uma ngabe lesikhalo siphatselene **nelicala** Ngekwemibandzela Yemtsetfo, ngako-ke Umlawuli utawendlulisela loludzaba Kusiphatsimandla Sekushushisa Savelonkhe (NPA) kute kutsi loyo muntfu abekwe licala lebugebengu lebekukhalwa ngalo. Uma ngabe imibango iyasonjululwa, umphumela wayo ungangeniswa ku-Tribunal wentiwe umyalelo wekuvuma.

(Tigaba 136, 138, 139 na 140)
(Ulawulo lwenchubo 50)



LUHLA KLWEMAGAMA LASETJENTISIWE

- **U - Ombudsman (Umlamuleli Wemphakatsi Wetikwelede loneligunya):** Lihhovisi nobe ngumtimba longekhatsi embonini losungulwe ngekwemtsetfo nobe yinhlango ngekutinikela kwayo, kutsi isite ekusombululeni tincabano letikhona emkhatsini walabatsatsa tikwelede netinhlango letingekhatsi kulemboni. Esikhatsini lesinyenti tindzaba letingadzingidwa ngu-Ombudsman tibekwe ngco tagcama futsi loku kubitwa ngekutsi “ligunya” lakhe.
- **Licala:** Lomtsetfo uncuma kutsi uma ngabe lokunye lokutsi lokubukelwa Ngulomtsetfo akukentiwa ngemtsetfo, loko kulicala futsi loyo lowente njalo angabekwa licala lebugebengu.

LETINYE TIHLOKO LETIHAMBISANAKO:

- Emalungelo lotsatsa sikwelede (Sehluke 2)
- Kupholota nekuphokelelwa kukhokha sikwelede (Sehluke 7)
- I-Credit Bureaux Nelwati Neminingwane Yetikwelede (Sehluke 9)
- Kuphokelelwa kwe-NCA (Sehluke 11)
- Imininingwane yekuchumana lelusito (Sehluke 12)



Sehluko 11

KUPHOCELELWA KWEMTSETFO WETIKWELEDE WAVELONKHE

Lesehluko sikhuluma ngekutsi i-National Credit Act (Umtsetfo Wetikwelede Wavelonkhe) uphokelelwa kanjani kutsi uyasebenta. Utawukhuluma ngaletihloko letilandzelako:

- I-National Credit Regulator (Umlawuli Wetikwelede Wavelonkhe)
- I-National Consumer Tribunal (Libandla Lavelonkhe Lekuteka Emacala Lalabatsatsa Tikwelede).

U–National Credit Regulator (Umlawuli Wetikwelede Wavelonkhe)

Lomtsetfo usungula i-National Credit Regulator (NCR) (Umlawuli Wetikwelede Wavelonkhe). I-NCR ilawula timakethe tetikwelede futsi icinisekise kutsi Lomtsetfo uyasebenta.

➤ **Imisebenti:**

U-Regulator (Umlawuli):

- ↳ Unemtfwalo wekurejista labaniketa tikwelede, ema-credit bureaux, Nalabeluleki Ngetikwelede;
- ↳ Kumele alandzelele futsi aphenye ngetikhalo;
- ↳ Unemtfwalo wekubika Ephalamende ngekutfolakala kwetikwelede, imikhuba yekumaketha, kufinyelela esikweledeni nelizinga lekungena kwabantfu etikweledini kakhulu;
- ↳ Unemtfwalo wekucinisekisa kusebenta Kwalomtsetfo.

➤ **Emandla:**

U-Regulator (Umlawuli):

- ↳ Uphenya ngekungahambisani nemtsetfo kwalorejistile;
- ↳ Ukhipha emanthisi ekungahambisani;
- ↳ Ushushisa labangahambisani (nemtsetfo) Embi Kwe-Tribunal (Libandla Leliteka Emacala);
- ↳ Wendlulisela tikhalo Ebandleni leliteka emacala (Tribunal);
- ↳ Ucela Libandla leliteka emacala kutsi lesule emabhukwini lorejistile;
- ↳ Uphocelela timo ekubhalisweni kwalabarejistako.

(Sigaba 12)

I-National Consumer Tribunal (Libandla Lavelonkhe Leliteka Emacala Lalabatsatsa Tikwelede)

Lomtsetfo uphindze usungula i-National Consumer Tribunal (Libandla Lavelonkhe Leliteka Emacala Lalabatsatsa Tikwelede). Lelibandla Leliteka emacala lasungulelwa kutsi lisombulule tindzaba tetikwelede letitincabano, kk, lebetingeke tilungiswe yi-NCR. Linganiketa imiyalelo netinhlawulo letibhalwe ngaphansi:

➤ Imiyalelo:

↳ Lelibandla leliteka emacela, lihleti njengelilunga linye nobe bagcwele libhentji bangemalunga lamatsatfu, bangancuma loku lokulandzelako:

- Kucisha emabhukwini lababhalisile;
- Tindzaba letendluliselwe Ngumlawuli (Regulator);
- Kuhlwalulisa labangahambisani (nemtsetfo);
- Kwenta imiyalelo yetindleko etindzabeni lencume ngato;
- Kukhipha imiyalelo yekuvuma (consent order) lapho emacembu avumelene ngekusombulula incabano;
- Kukhipha imiyalelo yekuvuma lapho khona emacembu avumelana ngekuhlela kabusha sikwelede;
- Kwetfula kutiphatsa kwalorejistile njengalokungakavumeleki ngekwemibandzela Yemtsetfo;
- Kuyalela kutsi lorejistile ayekele imikhuba letsite.

- **Tinhlawulo:**
 - ↳ I-Tribunal (Libandla leliteka emacala) lingakhipha inhlawulo yetekuphatsa;
 - ↳ Lenhlawulo angeke ibe ngetulu kwesigidzi (R1 million) nobe-10% welinani lemali lelikhulu letfolakala ngenyaka ebhizinisini **yalorejistile**.

(Sigaba 150 & 151)

LETINYE TIHLOKO LETIHAMBISANAKO:

- **Tincabano Netikhalo (Sehluke 10)**



LUHLA KLWEMAGAMA LASETJENTISIWE

- **Lorejistile** – kufaka ekhatsi labaniketa tikwelede, labeluleki ngetikwelede nema- credit bureau larejistile Kumlawuli (ku-Regulator).

LETINYE TIHLOKO LETIHAMBISANAKO:

- Emalungelo alotsatsa sikwelede (Sehluke 2)
- Imikhuba yekumaketha (Sehluke 4)
- Tindleko (Sehluke 5)
- Kudzela, kuphelisa nekukhokhela sikwelede masinyane (Sehluke 6)



Sehluko 12

LEMINYE IMINININGWANE LEBALULEKILE YEKUTSINTSANA

Kulesehluko imininingwane yekuchumana yemitimba leyehlukene longafaka kuyo tikhalo letiphatselene netindzaba letehlukene.

- 1. The National Credit Regulator (Umlawuli Wetikwelede Wavelonkhe)**
- Usombulula tikhalo letiphatselene netivumelwano tetikwelede, ema-credit bureax Nabeluleki Ngetikwelede.
Inombolo yekwabelana: 0860 627 627
- 2. Financial Services Board (Libhodi Letinsita Tetimali)**
- Lisombulula tikhalo letiphatselene netinsita letingasiwo emabhange etimali, sibonelo, tikimu telusisomali, tikhwama tempesheni yebemishuwalensi netinhlangoano tebungani.
Inombolo yamahhala: 0800 110 443 or 0800 202 087
Ifeksi: (012) 347 0221

3. **Credit Information Ombudsman (Umlamuli wemphakatsi Wetikwelede)**
 - Usombulula tikhalo tangamunye letiphatselene nelwati lwetikweledeSikhungo sekushayela tincingo: 0861 662 837 or 0860 OMBUDS

4. **Ombudsman for Banking Services (Umlamuli Wemphakatsi Wetikwelede Wetinsita Tekubhanga)**
 - usombulula tikhalo ngatinye letimacondzana nekubhanga.Lucingo: 0860 800 900 nobe 0860 OMBUDS
Ifeksi: (011) 838 0043

5. **Debt Collectors Council**
 - Usombulula tinkinga letiphatselene nekucocwa kwetikwelede.Lucingo: (012) 804 9808
Ifeksi: (012) 841 6238

6. **Department of Trade and Industry (Litiko Letekuhweba Netimboni)**
 - Lucingo: (012) 349 9500
 - Sikhungo sekushayela tincingo: 0861 843 384
 - Ifeksi: 0861 843 888

7. **Provincial Consumer Affairs Directorates (Emahhovisi Esifundza Etalabatsatsa Tikwelede)**
 - asombulula tikhalo lapho khona lotsatsa sikwelede ativela sengatsi emalungelo akhe entelwe phansi.

Mpumalanga Kapa

Inombolo yelucingo : (040) 609 3663

Inombolo yefeksi: (040) 609 3201

Fuleyistata

Lucingo: (051) 400 4852

Ifeksi: (051) 400 9609/10

Mpumalanga

Lucingo: (013) 752 3761

Ifeksi: (013) 752 3729

Gauteng

Lucingo: (011)355 8008/6

Ifeksi: (011) 355 8019

Nyakatfo Nshonalanga

Lucingo: (018) 387 7700

Ifeksi: (018) 392 5660

Ka -Zulu Natali

Lucingo: (031) 310 5300

Ifeksi: (031) 310 5416

Nyakatfo Kapa

Tel: (053) 830 4800

Ifeksi: (053) 832 4830

Limpopo

Lucingo: (015) 291

2863/4/2

Ifeksi: (015) 291 2898

Nshonalanga Kapa

Tel: 0800 007 081

Ifeksi: (021) 483 5872