National Credit Regulator

THE NATIONAL CREDIT ACT, 2005
(UMTHETHO WELIZWE WEENTENGO ZEMBOLEKO)

'Yonke imiba ekufanele uyazi njengomboleki malunga noMthetho weLizwe weeNtengo zeMboleko'

Umqulu 1: 2007

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INGABULA-ZIGCAWU

Le ncwadana isisikhokelo soMthetho weLizwe weeNtengo zeMboleko ekuthiwa yi-National Credit Act 34/2005 (NCA), okwabizwa ngokuba 'nguMthetho'. Ilungiselelwe abantu abenza iintengo zemboleko ezifana nemali-mboleko, ukusebenzisa impahla ngemboleko, intengiso yezavenge, ikhadi lentengo yemboleko, okanye ukufumana izinto okanye iinkonzo ngentengo yemboleko, njalo-njalo, kumniki-nkonzo yeentengo zemboleko. Ikwalungiselelwe ukusetyenziswa nangabantu okanye imibutho esebenza njengabangeneleli abancedisa ababoleki, efana namaziko eengcebiso, amagosa emibutho yabasebenzi kunye nezalathisi zababoleki kumaphondo. Le yinzame yokwenza imimiselo yoMthetho lula njengoko ibandakanya umboleki. Le ncwadana ayibopheleli ngokwasemthethweni. Xa kuthe kwakho ukuthandabuza malunga nentsingiselo okanye ngokusetyenziswa kwawo nawuphina ummiselo walo Mthetho, kufanele kujongwe amacandelo afanelekileyo omthetho ndawonye nemigqaliselo.

Xa usebenzisa le ncwadana nceda uqaphele ukuba ekupheleni kwesahluko ngasinye kukho inkcazelo ngamagama apho kucaciswa intsingiselo yamagama ukwenzela ukunceda umboleki ongaba mhlawumbi unolwazi olunciphileyo malunga namagama asetyenziswa kwiintengo zemboleko. Kwiindawo ekukwazeka kuzo, kukwaboniswe amacandelo afanelekileyo oMthetho xangaba umfundi udinga ingcaciso ebanzi malunga nesihloko ekuthethwa ngaso.

OKUQULATHWE APHA

1	Imvelaphi ngoMthetho weLizwe weeNtengo zeMboleko	3
2	Amalungelo omboleki malunga neentengo zemboleko	10
3	Izivumelwano zeentengo zemboleko	18
4	Iinkqubo zokumaketha	29
5	Iindleko	33
6	Ukuphelisa, ukunikezela kunye nokuhlawula izivumelwano zeentengo yemboleko phambi kwexesha	41
7	Ukungakwazi ukuhlawula kunye nokunyanzeliswa kwentlawulo yetyala	47
8	Ukucetyiswa kumatyala emboleko	52
9	Amaziko agcina inkcazelo ngeentengo zemboleko kunye nenkcazelo ngeentengo zemboleko	60
10	Iimbambano kunye nezikhalazo	70
11	Ukunyanzeliswa koMthetho weLizwe weeNtengo zeMboleko	76
12	Amanye amaziko onxulumano aluncedo	80

National Credit Regulator

Isahluko 1

Imvelaphi ngoMthetho weLizwe weeNtengo zeMboleko

Injongo yesi sahluko kukunika umboleki ulwazi oluphangaleleyo malunga nalo Mthetho, ngokuphendula le mibuzo ilandelayo malunga nalo Mthetho:-

- Wawiselwa ntoni lo Mthetho?
- Yintoni injongo yalo Mthetho?
- Lo Mthetho ugqalisela abaphi abaniki-nkonzo zeentengo zemboleko?

UMthetho weLizwe weeNtengo zeMbolekoi wawiselwa ukuba:

- Uphakamise intlalo-ntle yezoqoqosho neyezentlalo yabo bonke abantu baseMzantsi Afrika
- Uphakamise imarike yeentengo zemboleko efanelekileyo neselubala
- Ukhusele ababoleki kunye namalungelo wabo kwimarike yeentengo zemboleko
- Ugqalisele bonke **abaniki-nkonzo zeentengo zemboleko**, **aBacebisi kuMatyala eMboleko** kunye **namaziko agcina inkcazelo ngeentengo zemboleko**

- Ucuthe iindleko zemboleko
- Ugangathe iindlela zokunikwa kweenkonzo phakathi kwabaniki-nkonzo zeentengo zemboleko ngokulungelelanisa indlela ekunikwa ngayo iinkonzo ngabaniki-nkonzo zeeentengo zemboleko, ukwenzela ukuba ababoleki bathelekise abakunikwayo.

Injongo yoMthetho weLizwe weeNtengo zeMboleko:

- **Kukwenza lula nokuyondelelanisa indlela ekuvezwa ngayo inkcazelo kwizivumelwano zeentengo zemboleko.** UMthetho uchaza indlela abaniki-nkonzo zeentengo zemboleko ekufanele banike ngayo inkcazelo malunga nezivumelwano zeentengo zemboleko. UMthetho ukwafuna ukuba abaniki-nkonzo babhale inkcazelo ngamagama alula nangolwimi oluviwayo ngumboleki. Oku kwenzelwa ukuba ababoleki bakwazi ukufunda kwaye bayiqonde inkcazelo ukuze bakwazi ukuthelekisa le nkcazelo ekwizivumelwano zeentengo zemboleko kubaniki-nkonzo abohlukeneyo ukuze umboleki azikhethele ngokusekelwe kulwazi.

- **Kukugqalisela amaziko agcina inkcazelo ngeentengo zemboleko ndawonye nenkcazelo ayigcina koovimba ngomboleki. UMthetho** uchaza uhlobo lwenkcazelo engagcinwa ngomboleki ngala maziko, ifunyanwa njani le nkcazelo, isetyenziswa njani, kwaye ingagcinwa ixesha elingakanani na koovimba bala maziko. Okubaluleke ngamandla, uMthetho

ujonge ukuqinisekisa ukuba amaziko agcina inkcazelo ngeentengo zemboleko agcina inkcazelo echanekileyo ngomboleki.

- **Kukuqinisekisa ukuba zonke iinkonzo zeentengo zemboleko ziphathwa ngendlela efanayo ngabaniki-nkonzo abohlukeneyo beentengo zemboleko.** Inkonzo yentengo yemboleko ibhekisa kwindlela umniki-nkonzo anika ngayo imboleko kumboleki. Imizekelo yeenkonzo zemboleko zibandakanya izongezelelo zemali, amakhadi entengo yemboleko, iimali-mboleko zobuqu, ii-akhawunti zempahla okanye zefenitshala. Injongo kukuqinisekisa ukuba umboleki uyazi ukuba bonke abaniki-nkonzo bayakunika inkonzo enye ngendlela efanayo

- **Ukuncedisa ababoleki abatshone ematyaleni ngokugqithileyo bahlengahlengise amatyala abo.** UMthetho umisela ukuba ababoleki abangakwaziyo ukuhlawula izavenge zenyanga kwizivumelwano zabo zeentengo zemboleko, bancediswe ngaBacebisi kuMatyala eMboleko bahlengahlengise izavenge zabo zenyanga nabaniki-nkonzo zeentengo zemboleko. UMthetho ukwajonge ukunqanda ukutshona kwababoleki ematyaleni ngokugiqthileyo kunye nokukhuthaza abaniki-nkonzo babolekise ngengqiqo.

- **Kubekho umgqaliseli omnye ukuze agqalisele imarike yeentengo zemboleko iyonke UMgqaliseli weLizwe**

weeNtengo zeMboleko [National Credit Regulator (NCR)]. UMthetho useka UMgqaliseli, ojongene nokuqinisekisa ukulandelwa koMthetho. Abaniki-nkonzo zeengengo zemboleko bafuneka ukuba babhalise neli qumrhu ukuze basebenze ngokusemthethweni. Ababoleki bangafaka izikhalazo ngabaniki-nkonzo beentengo zemboleko nangamaziko agcina inkcazelo ngeentengo zemboleko kuMgqaliseli ukubangaba abakwazanga ukusombulula iimbambano zabo nqo nala maziko.

- **Ukuseka iGunya leLizwe lokuVavanya iZikhalazo zaBaboleki ukuze lilamle kwimibandela ephathelelene noMthetho (National Consumer Tribunal).** UMthetho kwakhona useka iGunya leLizwe lokuVavanya iZikhalazo zababoleki, eliyinkundla yababoleki ezimeleyo enoxanduva lokumamela imibandela nokukhupha imiyalelo malunga nezikhalazo neembambano nabaniki-nkonzo beentengo zemboleko, ukwaphulwa koMthetho kunye nezigqibo zoMgqaliseli.

UMthetho weLizwe weeNtengo zeMboleko ugqalisela aba baniki-nkonzo balandelayo:

- Iibhanki
- Ababolekisi ngeemali ezincinane
- Iivenkile ezifana neevenkile zempahla kunye nezefenitshala
- Onke amashishini, iinkampani, amaqumrhu angavulelekanga kunye nabantu abashishina ngeentengo zemboleko, ababolekisa ngemali, okanye abahlawulisa inzala kwii-akhawunti ezisemva ngentlawulo.

Ngaphezu koku, uMthetho ukwagqalisela amaziko agcina inkcazelo ngeentengo zemboleko kunye naBacebisi kuMatyala eMboleko.

UMthetho ugqalisela ezi zivumelwano zemboleko zilandelayo:

- Izivumelwano zokubambisa ngempahla
- IInkonzo zentengo zemboleko ezifana namakhadi eevenkile, isongezelelo semali ebhankini, amakhadi eentengo zemboleko, amakhadi asetyenziswa egaraji, iimali-mboleko zobuqu, iintengiso zezavenge, izivumelwano zosetyenziso lwemboleko kunye nezezaphulelo.
- **Intengo yemboleko yokuphuhlisa**
- **Intengo yemboleko yesehlo**
- Iziqinisekiso zeentengo zemboleko.

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- **Umniki-nkonzo yeentengo zemboleko** –umntu okanye iziko elibolekisa ngemali okanye elinika intengo yemboleko phantsi kwesivumelwano sentengo yemboleko. **ABacebisi kuMatyala eMboleko** Abantu ababhaliswe kuMgqaliseli weLizwe weeNtengo zeMboleko, abancedisa ababoleki abatshone ematyaleni ngokugqithileyo bahlengahlengise amatyala wabo nokuba kungokuthetha-thethana nabaniki-nkonzo beentengo zemboleko, kubandakanywa ukufumana umyalelo wenkundla egameni lababoleki.

- **Amaziko agcina inkcazelo ngeentengo zemboleko** - la ngamaziko:
  - Agcina kwaye aveze intlawulo, inkcazelo yobuqu (yentengo yemboleko) kwaye afumane ingxelo okanye aphande ngezicelo zentengo yemboleko, imbali yokuhlawula okanye indlela yokuhlawula;
  - aqulungqa kwaye agcine inkcazelo kwiingxelo ezinale miba ingentla;
  - akhupha iingxelo ezisekelwe kule nkcazelo ichazwe ngasentla.

Isivumelwano sentengo yemboleko – isivumelwano umniki-nkonzo zentengo yemboleko athengisela ngaso umboleki izinto okanye amboleke imali. Umboleki ulindeleke ukuba yaivume imiba kwaye atyikitye isivumelwano. Isivumelwano siyakuqulatha inkcazelo malunga nenntengo yemboleko umboleki ayenzele isicelo waze wayinikwa. Le nkcazelo kufanele ibandakanye imibuzo efana nexesha lokubuyisa le mboleko, inzala kunye neiznye iimali eizhalwuliswayo kwanoku a kuyakwenzeka ntonina xangaba umboleki akaphumeleli ukuhlawula izavenge.

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Intengo yemboleko yokuphuhlisa – uhlobo olulodwa lwentengo yemboleko esekwe nechazwe kuMthetho weLizwe weeNtengo zeMboleko. NgokoMthetho, zintathu iindidi zeentengo zemboleko yokuphuhla, oko kukuthi, iimali-mboleko zokufunda, iimali-mboleko zokwakha, ukwandisa okanye ukuphucula izindlu ezikumgangatho ophantsi kunye neemali-mboleko zokuseka amashishini amancinane naphakathi.

Intengo yemboleko yesehlo - Xa kungenelwa isivumelwano semveli sentengiso yezinto nempahla phakathi komniki-nkonzo nomboleki, injongo asikokunika intengo yemboleko kumboleki. Ngamanye amazwi, ayisosivumelwano sentengo yemboleko, kodwa ngenxa yokungaphumeleli komboleki ukuhlawulela izinto okanye iinkonzo ngomhla okanye phambi komhla obekiweyo, kongezwa iimali, intlawuliso okanye inzala kwimali ekufanele ihlawulwe. Esi sivumelwano ke ngoku sibizwa ngokuba sisivumelwano sentengo yemboleko yesehlo. Umzekelo wentengo yemboleko yesehlo ingabayi-akhawunti engahlawulwanga kamasipala okanye i-akhawunti engahlawulwanga kagqirha.

(Amacandelo 5, 8, 10, 12, no 26)

EZINYE IZIHLOKO EZIYELELEYO:

- **Amalungelo wababoleki (Isahluko 2)**
- **Izivumelwano zeentengo zemboleko (Isahluko 3)**
- **Amaziko agcina inkcazelo ngeentengo zemboleko (Isahluko 9)**
- **Iimbambano kunye nezikhalazo (Isahluko 10)**
- **Ukunyanzeliswa KOMTHETHO (Isahluko 11)**

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Isahluko 2

Amalungelo omboleki malunga neentengo zemboleko

UMthetho weLizwe weeNtengo zeMboleko uqinisekisa ababoleki la malungelo alandelayo, wona ke azakuchazwa kwesi sahluko:

- Ilungelo lokwenza isicelo sentengo yemboleko
- Ilungelo lokungabanjululwa xa usenza isicelo sentengo yemboleko
- Ilungelo lokunikwa izizathu zokwaliwa kwesicelo sentengo yemboleko
- Ilungelo lokunikwa imiqulu ngolwimi olugunyazisiweyo olwaziwayo ngumboleki
- Ilungelo lokunikwa imiqulu ebhalwe ngokuqondakalayo nangokucacileyo
- Ilungelo lokunikwa imiqulu ebhaliweyo emalunga nesivumelwano sentengo yemboleko
- Ilungelo lemfihlo yenkcazelo yobuqu
- Ilungelo lokufumana nokuphikisa inkcazelo egcinwe liziko eligcina inkcazelo ngeentengo zemboleko
- Ilungelo lokumana unikwa iingxelo ngamathuba abekiweyo.

Ilungelo lokwenza isicelo sentengo yemboleko

UMthetho weLizwe weeNtengo zeMboleko umisela ukuba wonke umntu, nokuba nguye ngokwakhe okanye liqela labantu okanye inkampani, unelungelo lokwenza isicelo sentengo yemboleko kuye nawuphina umniki-nkonzo yeentengo zemboleko. Kodwa ke, eli lungelo, alimthinteli umniki-nkonzo yeentengo zemboleko ekubeni ale ukunika imboleko, xangaba ke kodwa izizathu zokwala zisekelwe kwimiba yoshishino ehambisana **neenkqubo** zesiqhelo **zokuvavanywa kwemingcipheko kwiintengo zemboleko.**

(Icandelo 60)

Ilungelo lokungabanjululwa xa usenza isicelo sentengo yemboleko

Ababoleki abenza izicelo zeentengo zemboleko bakwakhuselekile ekubanjululweni okungafanelekanga ngumniki-nkonzo yeentengo zemboleko. UMthetho uyala ukuba abaniki-nkonzo zeentengo zemboleko babanjulule ngokwebala, uhlanga, iminyaka yobudala, ulwayamo ngokwezopolitiko, ukukhetha okuthile ngokwesondo, inkolelo ngokobucawe okanye ukubayinxenye kuwo nawuphina umbutho wabasebenzi. Umboleki ocinga ukuba ubanjululwe ngenxa yezi zizathu angathabathela umniki-nkonzo amanyathelo kwiNkundla yoLingano okanye angakhalaza kuMgqaliseli weLizwe weeNtengo zeMboleko (National Credit Regulator) oyakubhekisa le nyewe kwiNkundla yoLingano (Equality Court).

(Icandelo 61)

Ilungelo lokunikwa izizathu zokwaliwa kwesicelo sentengo yemboleko

UMthetho weLizwe weeNtengo zeMboleko unika umboleki owalelwe isicelo sentengo yemboleko ngumniki-nkonzo yeentengo zemboleko, ilungelo lokucela izizathu ezibhaliweyo ezimchazela ukuba kutheni na isicelo sakhe saliwe. Ukubangaba isigqibo sokwala isicelo somboleki sisekelwe kwingxelo engalunganga efunyenwe kwiziko eligcina inkcazelo ngeentengo zemboleko, uMthetho umisela ukuba umniki-nkonzo makanike umboleki ngencwadi ebhaliweyo, igama, idilesi kunye nezinye iinkcukacha zonxulumano zeziko eligcina inkcazelo ngeentengo zemboleko lo mniki-nkonzo afumene kulo le nkcazelo.

(Icandelo 62)

Ilungelo lokunikwa imiqulu ngolwimi olugunyazisiweyo olwaziwayo ngumboleki

Umboleki unelungelo lokufumana imiqulu kumniki-nkonzo yeentengo zemboleko ngolwimi olugunyazisiweyo alwaziyo. Imiqulu ekufuneka umniki-nkonzo ayinike umboleki ibandakanya isivumelwano sentengo yemboleko, iikoteyishini kunye neengxelo. Kodwa ke, le mfuneko ilawulwa yingqiqo kunye nemibandela efana nokusetyenziswa, ukukwazeka, inkcitho, ingingqi kunye neemfuno zababoleki ababolekwa ngumniki-nkonzo yeentengo zemboleko. Umniki-nkonzo yeentengo zemboleko kufuneka enze umpoposho kuMgqaliseli weLizwe weeNtengo zeMboleko malunga neelwimi ajonge ukwenza imiqulu yakhe ifumaneke ngazo kwaye uMgqaliseli uyakuyivuma le mipoposho.

(Icandelo 63)

Ilungelo lokunikwa imiqulu ebhalwe ngokuqondakalayo nangokucacileyo

Umboleki unelungelo lokufumana inkcazelo nemiqulu ebhalwe ngokucacileyo. Oku kuthetha ukuba okuqulathiweyo, intsingiselo kunye nokubaluleka komqulu makuqondakale lula. Ngokwalo mba ke, UMgqaliseli weLizwe weeNtengo zeMboleko angakhupha izikhokelo ezibonisa ukuba yeyiphi inkcazelo ekungathiwa "ibhalwe ngokucacileyo".

(Icandelo 64)

Ilungelo lokunikwa imiqulu emalunga nesivumelwano sentengo yemboleko

UMthetho unika umboleki ilungelo lokufumana imiqulu emalunga nesivumelwano sentengo yemboleko, ngendlela ekhethwa ngumboleki. Umboleki angakhetha ukufumana imiqulu ngokuzithathela ngokwakhe kwindawo yokushishina yomniki-nkonzo yeentengo zemboleko, okanye ngefeksi, i-email, okanye ngokwephepha elishicilelekayo le-web. Umboleki unelungelo lokufumana ikopi ibenye yokubuyisela engekhoyo, kumniki-nkonzo, ngaphandle kwentlawulo, kodwa ke kuphela xa umboleki ecela ikopi yokungena endaweni yengekhoyo kwisithuba sonyaka enikiwe imiqulu yemveli. Umboleki uyakulindeleka ukuba amhlawule umniki-nkonzo ngayo nayiphina imiqulu eyeminye engena endaweni yengekhoyo.

(Icandelo 65)

Ilungelo lokuphathwa kwenkcazelo ngemfihlo

Ilungelo lomboleki **lemfihlo** likhuselwe ngummiselo othi nawuphina umntu okanye umbutho ofumana okanye oqulungqa inkcazelo eyimfihlo ngomboleki kufuneka asebenzise loo nkcazelo kuphela ngenjongo enikelwe yona imvume ngumboleki, ngaphandle kokuba ukusetyenziswa okanye ukukhutshwa kwaloo nkcazelo kuyimfuneko ngokoMthetho. UMthetho ukwamisela ukuba umntu okanye umbutho ophethe inkcazelo eyimfihlo yomboleki angayikhupha le nkcazelo kuphela ngendlela eyalelwe nkqo ngumboleki okanye yinkundla yomthetho.

(Icandelo 68)

Ilungelo lokufumana nokuphikisa inkcazelo ephethwe liziko eligcina inkcazelo ngeentengo zemboleko

UMthetho unika umboleki ilungelo:

- Lokufumana inkcazelo ngaye egcinwe liziko eligcina inkcazelo ngeentengo zemboleko. Le nkcazelo kufuneka inikwe umboleki ngaphandle kwentlawulo qho ngeenyanga ezilishumi elinesibini okanye ngentlawulo ukubangaba umboleki ucela le nkcazelo izihlandlo ezingaphezulu kwesinye kwisithuba seenyanga ezilishumi elinesibini. Loo ntlawulo kufanele ingadluli kwi R20.00.
- Lokuphikisa kwaye acele ubungqina bokuchaneka kwenkcazelo ephethwe liziko eligcina inkcazelo ngeentengo zemboleko. Xa iziko eligcina inkcazelo lingaphumeleli ukunika umboleki ubungqina bokuchaneka kwenkcazelo ephikiswayo ngumboleki, eli ziko linyanzelekile liyisuse le nkcazelo iphikiswayo kuvimva walo wokugcina inkcazelo.

- Lokuba axelelwe ngumniki-nkonzo yeentengo zemboleko phambi kokuba inkcazelo ngaye ethile egwenxa inikwe iziko eligcina inkcazelo ngeentengo zemboleko. Umboleki ukwafanelekile afumane ikopi yaloo nkcazelo xa eyicela.

(Icandelo 72)

Ilungelo lokumana unikwa iingxelo kumathuba abekiweyo

UMthetho umisela ukuba umniki-nkonzo yeentengo zemboleko anike umboleki ingxelo kubekanye ngenyanga okanye kubekanye qho ngeenyanga ezimbini ukubangaba isivumelwano **sisivumelwano sentengiso yezavenge**, **usetyenziso lwempahla ngemboleko** okanye imali-mboleko ekhuselweyo. Lingavunyelwa ithuba elide phakathi kwezihlandlo ngemvume yomboleki. Kodwa ke, elo thuba akufanelanga ligqithe iinyanga ezi 3. Ngokuphathelelene **nezivumelwano zokubambisa ngempahla** umboleki ufaneleke afumane ingxelo qho ngeenyanga eizntandathu.

(Icandelo 108)

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- **Iinkqubo zokuvavanya umngcipheko kwiintengo zemboleko** - uvavanyo olwenziwa ngumniki-nkonzo yeentengo zemboleko ukuze ajonge ukuba umboleki uyakunikwa na intengo yemboleko, kungalindeleka eliphi inqanaba elibi letyala kwaye leliphina inqanaba lomngcipheko eliyakwamkeleka ukuze Ifaneleke inzuzo eyenziweyo.

- **Ukubayimfihlo** - ukuqinisekisa ukuba inkcazelo ngomntu ayikhutshwa ngaphandle kwemvume yomboleki okanye njengoko kuyimfuneko ngokomthetho.

- **Isivumelwano sentengiso yezavenge** – intengiso yempahla eshukumayo apho intlawulo yenziwa ngeentlawulo zamaxesha abekiweyo, inzala, iimali ezihlawuliswayo okanye iintlawuliso ezibizwayo zihlawuleka kumniki-nkonzo yeentengo zemboleko ngumboleki onempahla ekuye okanye osebenzisa impahla. Ubunikazi bempahla bugqithela kumboleki ekupheleni kwexesha lesivumelwano sentengo yemboleko.

- **Ukusebenzisa impahla ngemboleko** - ukubanempahla eshukumayo kuwe kunye nokuhlawulela ukuyisebenzisa. Inzala, iimali ezihlawuliswayo kunye neentlawuliso ezibizwayo ziyahlawuleka kwaye umboleki angakhetha ukuba ubunikazi bugqithiselwe ekupheleni kwesivumelwano.

INKCAZELO NGAMAGAMA

- **Isivumelwano sokubambisa ngempahla** - isivumelwano apho intengo yemboleko ikhuselwa ngesithembiso sempahla engashukumiyo njengesetyhorithi, njengemboleko yendlu ekhuselwa ngesivumelwano sokubambisa ngempahla.

EZINYE IZIHLOKO EZIYELELEYO:

- **Izivumelwano zeentengo zemboleko (Isahluko 3)**
- **Ukungakwazi ukuhlawula kunye nokunyanzeliswa kwentlawulo yetyala (Isahluko 7)**
- **Amaziko agcina inkcazelo ngeentengo zemboleko kunye nenkcazelo ngeentengo zemboleko (Isahluko 9)**
- **Iimbambano kunye nezikhalazo (Isahluko 10)**

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Isahluko 3

Izivumelwano zeentengo zemboleko

Kwesi sahluko kuzakuchazwa ngezi zihloko zilandelayo:

- Yintoni isivumelwano sentengo yemboleko?
- Izivumelwano ezingabandakanywayo nguMthetho
- Iingxelo neekoteyishini zaphambi kwesivumelwano
- Izivumelwano ezingekho-mthethweni
- Iziphumo zezivumelwano ezingekho-mthethweni
- Imimiselo engekho-mthethweni kwizivumelwano zeentengo zemboleko
- Iziphumo zemimiselo engekho-mthethweni
- Iinguqu kwizivumelwano zeentengo zemboleko kunye nezongezelelo/izinciphiso kwiziqingqo zemboleko.

Yintoni isivumelwano sentengo yemboleko?

Isivumelwano sentengo yemboleko singachazwa njengesivumelwano phakathi komniki-nkonzo yeentengo zemboleko kunye nomboleki, apho kwenzeka oku:

- Umniki-nkonzo unika izinto nempahla okanye iinkonzo okanye ubolekisa ngemali kumboleki.
  - Umboleki uyazihlawulela izinto nempahla okanye iinkonzo okanye ubuyisa le mali ibolekiweyo ngezavenge kwisithuba sexesha elibekiweyo, okanye
  - Xa umboleki ezakwenza intlawulo enye, le ntlawulo ikhutshwa kumhla ozayo ekuvunyelenwe ngawo ngumboleki nomniki-nkonzo yeentengo zemboleko, kwaye
  - Umboleki kufuneka ahlawule inzala, iimali ezihlawuliswayo okanye iintlawuliso ezibizwayo kwimali eseleyo yemali ebolekiweyo okanye imali elityala kwizinto nempahla kunye neenkonzo ezinikwe ngumniki-nkonzo yeentengo zemboleko.
- Umboleki nomniki-nkonzo bangenela **isivumelwano sokubambisa ngento**, isivumelwano sesaphulelo sentengiso yezavenge, isivumelwano sokubambisa ngempahla okanye isivumelwano sokusebenzisa impahla ngemboleko.
- Umniki-nkonzo ungenela isivumelwano sokuqinisekiswa kwentengo yemboleko nomntu omnye, aze lo mntu athembise ukuhlawula ityala elenziwe ngomnye umboleki akube efumene isibango kumniki-nkonzo.

(Icandelo 8)

Izivumelwano ezingabandakanywayo nguMthetho

- Izivumelwano apho umniki-nkonzo nomboleki bezalana, umzekelo, xa umyeni eboleka inkosikazi yakhe imali;
- Izivumelwano apho ilungu le-stokvel liboleka imali kwi-stokvel;
- Izivumelwano apho umqondisi wenkampani abolekisa ngemali kwinkampani yakhe;
- Izivumelwano apho iziko likarhulumente libolekisa okanye liboleka imali kulo naliphina iziko. Umzekelo, ukubangaba ibhanki iboleka imali kwiBhanki enguVimba yaseMzantsi Afrika (South African Reserve Bank), olu bolekwano alubandakanywa nguMthetho.

Iingxelo neekoteyishini zaphambi kwesivumelwano

UMthetho umisela ukuba umboleki anikwe **ingxelo yaphambi kwesivumelwano** kunye nekoteyishini phambi kokuba angenele isivumelwano sentengo yemboleko nomniki-nkonzo. Ingxelo yaphambi kwesivumelwano ngumqulu ochaza ngokubanzi imiba nemiqathango yesivumelwano sentengo yemboleko umniki-nkonzo ajonge ukusingenela nomboleki. Ngaphezu koku, umboleki kufuneka anikwe ikoteyishini eveza iindleko zentengo yemboleko efunwayo. Le koteyishini kufuneka ibandakanye **ityala eliyintloko**, izinga lenzala, imali iyonke ehlawuleka phantsi kwesivumelwano, izavenge kunye nazo zonke iimali ezihlawuliswayo, iintlawuliso ezibizwayo kunye nenzala. Ingxelo yaphambi kwesivumelwano kunye nekoteyishini zingabhalwa kumqulu omnye okanye kwimiqulu eyahlukeneyo. Ikoteyishini efunyanwa ngumboleki isebenziseka iintsuku ezintlanu zokushishina.

Ukubangaba umniki-nkonzo ungenela isivumelwano sentengo yemboleko nomboleki kwesi sithuba seentsuku ezintlanu, unyanzelekile enze njalo ngezinga elifanayo okanye ngeendleko ezifanayo nezo zixelwe kwikoteyishini.

(Amacandelo 92 no 93)
(Imigqaliselo 28 – 31)

Izivumelwano ezingekho-mthethweni

UMthetho ubhengeza ezi zivumelwno zilandelayo zentengo yemboleko njengezivumelwano ezingekho-mthethweni:-

- Izivumelwano apho umboleki **engekabinalungelo lokuzithabathela izigqibo ngokusemthethweni** kwaye engakhange ancediswe ngumlondolozi ngelixa lokutyikitywa kwesivumelwano. Ukubangaba umboleki ulahlekise umniki-nkonzo ekubeni akholelwe ukuba akasengomntu ongenalungelo lokuzithabathela izigqibo, isivumelwano siyakunyanzeliseka.
- Izivumelwano ezingenelwe nomboleki obhengezwe ukuba akagqibanga ngokwengqondo;
- Izivumelwano ezingenelwe nomboleki ophantsi **komyalelo wolawulo lwenkundla** xa umlawuli engakuvumanga ukungenelwa kwisivumelwano;
- Izivumelwano ezisisiphumo **sentengiso yokukhetha okugwenxa**. “Intengiso yokukhetha okugwenxa” ibhekisa kwimeko apho umniki-nkonzo anika umboleki imboleko ebasisivumelwano sentengo yemboleko ngokuzenzekelayo ngaphandle kokuba umboleki ayale loo nkonzo.

- Izivumelwano apho umniki-nkonzo yeentengo zemboleko engabhaliswanga kuMgqaliseli weLizwe weeNtengo zeMboleko, nangona nje kufuneka enze njalo ngokomthetho. Umniki-nkonzo kufuneka axhome elubala isatifiketi sobhaliso ndawonye nesiqingqo sephepha esikhutshwe nguMgqaliseli.

Qaphela: Abanye abaniki-nkonzo beentengo zemboleko abanamfuneko yokuba babhalise kuMgqaliseli, kodwa nezabo izivumelwano ziphantsi kwemimiselo yoMthetho.

(Icandelo 89)
(Umgqaliselo 32)

Iziphumo zezivumelwano ezingekho-mthethweni

Ukubangaba isivumelwano sentengo yemboleko sibhengezwe yinkundla ukuba asikho mthethweni, umniki-nkonzo yeentengo zemboleko akanako ukubangisa umboleki ngenxa yeemali ezilityala phantsi kweso sivumelwano. UMthetho umisela ukuba umniki-nkonzo makabuyisele umboleki naziphina iimali ezihlawuliweyo, ndawonye nenzala ngezinga elichazwe kwisivumelwano. Xa kufunyaniswe ukuba umboleki uyakutyetyiswa ngokungafanelekanga ukubangaba zonke iimali ezihlawulwe kumniki-nkonzo zibuyiselwa kuye, umniki-nkonzo uyakuphulukana nezo mali ngokuthi zingene kuMbuso.

(Icandelo 89)

Imimiselo/Imihlathi engekho-mthethweni kwizivumelwano zentengo yemboleko

UMthetho awuyivumeli imimiselo/imihlathi ethile ukuba ibandakanywe kwizivumelwano zeentengo zemboleko. Ukungavunyelwa kwale miba nemiqathango kwenzelwa ukukhusela umboleki kwizenzo ezithile zomniki-nkonzo yeentengo zemboleko. Phakathi kwemimiselo/kwemihlathi engavunyelwayo yile:-

- Imimiselo/imihlathi ekhohlisa umboleki okanye efaka umboleki kwimo emithi ubuqhetseba;
- Imimiselo/imihlathi equlungqa ukuba umboleki ushenxise amalungelo akhe athile abandakanyeka kwizivumelwano zeentengo zemboleko. Amalungelo angenakushenxiswa abandakanya ilungelo lomboleki lokuhlengahlengiswa kwetyala lakhe, ilungelo lokuba iimpahla **ezohluthiweyo** zithengiswe ngexabiso elifanelekileyo nelayamene nelemarike, kunye nelungelo lokuphikisana nayo nayiphina imiyalelo yokuxhuzula imali kwi-akhawunti yomboleki;
- Imimiselo/imihalthi efuna ukuba umboleki avume ukuba uzifumene impahla okanye nayiphina inkcazelo esuka kumniki-nkonzo, phambi kokuba ezo mpahla okanye loo nkcazelo ibe ngenene ifunyenwe ngumboleki;
- Imimiselo/imihlathi efuna ukuba umboleki avume ukuphulukana neemali ezihlawulwe kumniki-nkonzo yeentengo zemboleko xa ethe umboleki waphelisa isivumelwano;
- Imimiselo/imihlathi efuna ukuba umboleki ashiye kumniki-nkonzo izinto ezifana nencwadi yesazisi, amakhadi ebhanki okanye iinombolo eziyimfihlo ze-PIN zamakhadi ebhanki;

- Imimiselo/imihlathi enika umniki-nkonzo igunya lokubambisa ityala ngempahla ethile okanye nge-akhawunti yomboleki ephethwe ngumniki-nkonzo, ngaphandle kwaxa umboleki enike umniki-nkonzo imiyalelo engqalileyo echaza ukuba yeyiphi impahla ekungabanjiswa ngayo kwesiphi isivumelwano sentengo yemboleko.

La malungelo alandelayo omthetho wesiqhelo okanye imiqamelelo yokunceda efumaneka kumboleki ayinakushenxiselwa ecaleni kwisivumelwano sentengo yemboleko.

- **Exceptio errore calculi** ibhekisa ekuzikhuseleni okusekelwe kwimpazamo ekubaleni
- **Exceptio non numerate pecuniae** ibhekisa ekuzikhuseleni komntu obangiswa ngenxa yesithembiso sokubuyisa imali engazange yafunyanwa.
- **Exceptio non causa debiti** ibhekisa ekuzikhuseleni okuthi ityala elibangwayo alinasiseko okanye sizathu.

Le miba ingabandakanywayo elapha ngasentla inesiphumo sokuba umniki-nkonzo yeentengo zemboleko afuneke ukuba anike iinkcukacha zobungqina bokuvokotheka kwemiba engabandakanywayo xa kunyanzeliswa isivumelwano sentengo yemboleko.

Ungatyikityi (ungasayini) umqulu ongenanto. Umniki-nkonzo yeentengo zemboleko angafaka imiba eyeminye ongakhange wayivuma, emva kokuba uyityikityile

(Icandelo 90 & 121) (Umgqaliselo 32)

Iziphumo zemimiselo engekho-mthethweni yezivumelwano zeentengo zemboleko

Umboleki akanakubangiswa okanye anyanzeliswe ukuba ahambisane nommiselo kwisivumelwano sentengo yemboleko esifunyaniswe ukuba asikho-mthethweni. Imimiselo engekho-mthethweni ichaphazela izivumelwano zeentengo zemboleko ngeendlela ezimbini:

1. Ummiselo ongekho-mthethweni ungabangela ukuba sonke isivumelwano sentengo yemboleko singabikho-mthethweni kwaye umboleki akanakunyanzeliswa ahlawule umniki-nkonzo phantsi kweso sivumelwano, okanye
2. Ummiselo ongekho-mthethweni ungalungiswa yinkundla okanye ucinywe ukuze kuqinisekiswe ukuba isivumelwano sihlala sisemthethweni, ekuyakuthi ke kwimeko enjalo umboleki abe usabophelelekile sisivumelwano kunye nommiselo olungisiweyo.

(Icandelo 90)

Iinguqu kwizivumelwano zeentengo zemboleko kunye nezongezo/ucutho lweziqingqo zeentengo zemboleko

Umthetho uthi nayiphina inguqu eyenziwe kwisivumelwano sentengo yemboleko, esele sityikityiwe ngumboleki, ayisayi kubanamandla, ngaphandle kokuba

- inguqu icutha ityala lomboleki phantsi kwesivumelwano, okanye
- umboleki utyikitya oonobumba bokuqala bamagama akhe engqamekweni olusecaleni kwenguqu eyenziweyo, okanye

- inguqu ifakwa elugcinweni kwaye ityikitywa ngumboleki nangumniki-nkonzo yeentengo zemboleko, okanye
- ukubangaba inguqu kuvunyelwene ngayo ngomlomo, kufuneka ifakwe elugcinweni ize ke emva koko ibhalwe.

NgokoMthetho, umboleki uvumelekile ukuba ayalele umniki-nkonzo yeentengo zemboleko, ngencwadi ebhaliweyo, ukuba acuthe isiqingqo semboleko yakhe phantsi kwesivumelwano sentengo yemboleko. Umniki-nkonzo kufuneka angqine kumboleki ukuba isiqingqo sicuthiwe ngokuhambisana nesicelo somboleki kwaye kufuneka abonise umhla oluyakuqala ngawo ukusebenza olo cutho lwesiqingqo.

Umboleki uyavumeleka acele umniki-nkonzo yeentengo zemboleko ongeze isiqingqo semboleko yakhe phantsi kwesivumelwano sentengo yemboleko, ixeshana elifutshane okanye isigxina. Umboleki kufanele aluvume ngencwadi ebhaliweyo ulongezo lwesiqingqo semboleko oluzenzekelayo, kodwa naxa umniki-nkonzo yentengo yemboleko efumene eso sivumelwano kumboleki, esi siqingqo singongezwa kubekanye kuphela ngonyaka. Nanagona kunjalo, umboleki angacela ukongezwa kwesiqingqo semboleko naninina.

(Amacandelo 116 -119)

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INKCAZELO NGAMAGAMA

- **Isivumelwano sokubambisa ngento** – isivumelwano ekunikwa ngaso intengo yemboleko kumboleki, othi yena enze isibhambathiso sokunikezela ngempahla eshukumayo njengesetyhorithi yemboleko enikiweyo.

- **Umntu ongekabinalungelo lokuzithabathela izigqibo ngokusemthethweni** – umntu oneminyaka yobudala engaphantsi kwe 18 ongabhengezwanga yinkundla ukuba unobume bokuzithabathela izigqibo ngokusemthethweni.

- **Umyalelo wolawulo lwenkundla** – umyalelo okhutshwa yiNkundla kaMantyi ekuthi ngawo, ityala lomboleki, elingenakugqitha kuma R50 000, lihlengahlengiswe kwaye lilawulwe ngumlawuli otyunjwe yinkundla.

- **Ukohluthwa** – xa umboleki engakwazanga ukuhlawula phantsi kwesivumelwano sentengiso yezavenge, aze ke umniki-nkonzo abe ufumene umyalelo wenkundla, umniki-nkonzo angazohlutha izinto ezithengiswe phantsi kwesivumelwano sentengiso yezavenge.

- **Ingxelo yaphambi kwesivumelwano** - ingxelo enikwa umboleki ngumniki-nkonzo yeentengo zemboleko phambi kokungenela isivumelwano sentengo yemboleko nomboleki. Le ngxelo iqulathe imiba nemiqathango yesivumelwano sentengo yemboleko esijonge ukungenelwa.

INKCAZELO NGAMAGAMA

- **Intengiso yokukhetha okugwenxa** – xa umniki-nkonzo yeentengo zemboleko enika umboleki imboleko angakhange ayicele. Umboleki kufuneka ayale le mboleko nqo ubuqu bakhe, ekuyakuthi ke akungaphumeleli ukwenza njalo imboleko ibesisivumelwano sentengo yemboleko ngokuzenzekelayo (jonga isahluko sesine ukuze ufumane inkcazelo ebanzi).

EZINYE IZIHLOKO EZIYELELEYO:

- **Amalungelo omboleki (Isahluko 2)**
- **Iinkqubo zokumaketha (Isahluko 4)**
- **Iindleko (Isahluko 5)**
- **Ukunikezela, ukuphelisa kunye nokuhlawula ityala phambi kwexesha (Isahluko 6)**

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Isahluko 4

Iinkqubo zokumaketha

Esi sahluko sijongana neenkqubo zokumaketha nezeentengiso abaniki-nkonzo zeentengo zemboleko abavumeleke ukuba bazingenele. Sikwabandakanya neenkqubo ezingavumelekanga phantsi koMthetho. Kuzakujongwana nezi zihloko zilandelayo:

- Ukumaketha okunokhetho olugwenxa
- Ukungavunyelwa kokumaketha nokuthengisa imboleko ekhayeni nasemsebenzini womboleki
- Iimeko apho kuvumelekileyo ukumaketha nokuthengisa iimboleko ekhayeni nasemsebenzini womboleki.

Ukumaketha okunokhetho olugwenxa

Ukumaketha okunokhetho olugwenxa kwenzeka xa umniki-nkonzo yeentengo zemboleko ethengisela umboleki imboleko angazange wayicela, ize futhi ichaze ukuba isivumelwano sizakuqhuba ngokuzenzekelayo ngaphandle kokuba umboleki asale. UMthetho awuluvumeli olu hlobo lokumaketha. Nasiphina isivumelwano sentengo yemboleko umboleki asingenela ngale ndlela asikho mthethweni kwaye kuyakujongwana naso njengoko kuchaziwe kwiSahluko 3.

UMthetho kwakhona ukwafuna ukuba ngexesha lokutyikitya isivumelwano sentengo yemboleko, umboleki kufuneka anikwe ithuba lokwenza isigqibo ngezi zinto zilandelayo:

- Isiqingqo sentengo yemboleko yomboleki songezwe ngokuzenzekelayo qho kwisithuba seenyanga ezilishumi elinesibini
- Afumane naluphina unxibelelwano lokumaketha okanye afakwe kulo naluphina uluhlu lweekhastoma okanye lokumaketha lomniki-nkonzo yeentengo zemboleko oluyakuthengiswa okanye lusasazwe.

(Icandelo 74)

Ukungavunyelwa kokumaketha nokuthengisa iimboleko ekhayeni nasemsebenzini

UMthetho uthi umniki-nkonzo yeentengo zemboleko makangamqhankqalazisi umntu ongangumboleki ngenjongo yokungenela isivumelwnao sentengo yemboleko naye. Ukuze iqinisekise ukuba ababoleki abathiwa ncu ekubeni bangenele

izivumelwano zeentengo zemboleko, uMthetho awukuvumi ukumakethwa nokuthengiswa kwemboleko kwikhaya okanye kwindawo yengqesho yomboleki. Kodwa ke zikho iimeko ezithile/ezinomahluko apho intengo yemboleko ingamakethwa okanye ithengiswe ngokusemthethweni ekhayeni okanye emsebenzini womboleki. Ezi meko ziyachazwa apha ngezantsi.

(Icandelo 75)

Iimeko apho kuvumeleke khona ukumakethwa nokuthengiswa kwemboleko kwikhaya lomboleki

UMthetho weLizwe weeNtengo zeMboleko uvumela ukuba imboleko imakethwe okanye ithengiswe kumboleki ekhayeni lakhe phantsi kwale miqathango ilandelayo:

- Xangaba umniki-nkonzo yeentengo zemboleko umenywe ngumboleki ukuba eze kumaketha okanye kuthengisa imboleko ekhayeni lomboleki,
- Xangaba umniki-nkonzo utyelele umboleki eye kuthengisa izinto okanye iinkonzo, kuze ke kuthi ngeli xesha esenza loo nto abone sele enika okanye esenza amalungiselelo entengo yemboleko ukuze kuhlawulelwe izinto okanye iinkonzo ezithengiswa ngumniki-nkonzo yeentengo zemboleko.
- Ukubangaba umniki-nkonzo yeentengo zemboleko uthengisa imboleko yokuphuhlisa angakwenza oko ekhayeni okanye emsebenzini womboleki engakhange abe umenywe apho ngumboleki.

UMthetho uvumela ukuba imboleko imakethwe okanye ithengiswe kwindawo yokusebenza yomboleki phantsi kwale miqathango ilandelayo:

- Xangaba umntu ongabangumboleki ungumqashi,
- Xangaba umboleki wenze amalungiselelo nomniki-nkonzo wokuba atyelelwe emsebenzini ngenjongo yokumaketha okanye yokuthengisa imboleko,
- Xangaba umniki-nkonzo wenza amalungiselelo nomqashi ndawonye nommeli wombutho wabasebenzi kunye/okanye nomqeshwa wokuba umniki-nkonzo amakethe okanye athengise imboleko emsebenzini,
- Xangaba umniki-nkonzo uthengisa imboleko yokuphuhlisa.

(Icandelo 75)

EZINYE IZIHLOKO EZIYELELEYO:

- AMalungelo oMboleki (Isahluko 2)
- Izivumelwano zeentengo zemboleko (Isahluko3)

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Isahluko 5

Iindleko

Esi sahluko sijongana neentlawulo abaniki-nkonzo zeentengo zemboleko abavumeleke ukuba bazibize ababoleki xa bengenela izivumelwano zeentengo zemboleko. Sibandakanya le miba ilandelayo:

- Amazinga enzala kunye neentlawulo zokuqalisa
- Iintlawulo zeenkonzo
- I-inshorensi yentengo yemboleko
- Ezinye iindleko.

Amazinga enzala kunye neentlawulo zokuqalisa

Inzala yimali ebizwa ngumniki-nkonzo yeentengo zemboleko kumboleki kwimali eseleyo yesivumelwano sentengo yemboleko. Le mali ibalwa ngumniki-nkonzo ngepesenti, ebizwa ngokuba lizinga lenzala. Eli zinga lenzala kufuneka liboniswe kwisivumelwano sentengo yemboleko esityikitywa ngumboleki ngexesha lokusingenela. UMthetho ugqalisela amazinga enzala ngokuchaza amazinga enzala angawona aphezulu angabizwa kubaboleki ngabaniki-nkonzo kwizivumelwano ezahlukeneyo zeentengo zemboleko. Bhekisa kuludwe olungezantsi ukuze ubone amaqondo angawona aphezulu wamazinga enzala achazwe nguMthetho.

Intlawulo yokuqalisa yintlawulo ebizwa kumboleki ngumniki-nkonzo yeentengo zemboleko ngokungenela isivumelwano naloo mboleki. Umboleki ufaneleke ahlawule le mali kuphela xangaba ungenela esi sivumelwano. Umniki-nkonzo kufuneka anike umboleki ithuba lokuzikhethela ukuba aqale ayihlawule le mali ngokwahlukileyo kwaye ngokwenza njalo, angayihlawuli inzala kule mali. UMthetho ukwagqalisela iintlawuliso zokuqalisa ngokuchaza iqondo elilelona liphezulu leentlawuliso zokuqalisa elingabizwa kubaboleki. Jonga udweliso ngezantsi ukuze ufumane inkcazelo ebanzi. Intlawuliso yokuqalisa ayinakuze igqithe i15% yemali-mboleko umboleki enze isicelo sayo.

(Icandelo 101)

(Imigqaliselo 36, 39, 40, 41, 42, 45)

Uhlobo lwesivumelwano sentengo yemboleko	Izinga elilelona liphezulu lenzala	Intlawulo yokuqalisa eyeyona iphezulu
Izivumelwano zembophelelo/zokubambisa ngempahla	(**REPO rate** x 2.2) + 5%	R1 000 + 10% yayo nayiphina imali engaphezulu kwe R10 000 (Intlawuliso ayigqithi kwi R5 000)
INkonzo yeNtengo yeMboleko (umzekelo, amakhadi emboleko, amakhadi eevenkile njalo-njalo)	(**REPO rate** x 2.2) + 10%	R150 + 10% yayo nayiphina imali engaphezulu kwe R1 000 (intlawuliso ayigqithi kwi R1 000)
INkonzo yeNtengo yeMboleko engaKhuselwanga (umzekelo, iimali-mboleko zobuqu)	(**REPO rate** x 2.2) + 20%	R150 + 10% yayo nayiphina imali engaphezulu kwe R1 000 (intlawuliso ingagqithi kwi R1 000)
Izivumelwano zeNtengo yeMboleko yesehlo (umzekelo, iimali ezingekahlawulwa zoogqirha, i-Eskom, ooMasipala njalo-njalo)	2% ngenyanga	Ayibandakanyeki
Izivumelwano zeNtengo yeMboleko yokuPhuhlisa:		
• Iimali-mboleko zaMashishini aMancinane naPhakathi	(**REPO rate** x 2.2) + 20%	R250 + 10% yayo nayiphina imali engaphezulu kwe R1 000 (intlawulo ingagqithi kwi R2 500)
• Iimali-mboleko zezindlu zengeniso-mali ephantsi	(**REPO rate** x 2.2) + 20%	R500 + 10% yayo nayiphina imali engaphezulu kwe R1 000 (intlawulo ingagqithi kwi R2 500)
Iimali-mboleko zeXeshana eliFutshane (oko kukuthi iimali-mboleko eziphelela kwiinyanga ezi 6 ezingekho ngaphezulu kwe R8 000)	5% ngenyanga	R150 + 10% yayo nayiphina imali engaphezulu kwe R1 000 (intlawulo ingagqithi kwi R1 000)
Naziphina iindidi zeemali-mboleko ezingachazwanga apha ngasentla	(**REPO rate** x 2.2) + 10%	R150 + 10% yayo nayiphina imali engaphezulu kwe R1 000 (intlawulo ingagqithi kwi R1 000)

Iintlawuliso zeenkonzo

Intlawuliso yenkonzo yimali ehlawuliswa umboleki ngumniki-nkonzo yeentengo zemboleko ngokunika inkonzo kwisivumelwano sentengo yemboleko esiphakathi kwabo. Le mali yeyokulawulo okanye ukugcina isivumelwano sentengo yemboleko. Umniki-nkonzo angayihlawulisa le mali ngenyanga okanye ngonyaka. Isengahlawuliswa nangesihlandlo ngasinye sokusebenzisa isivumelwano. UMthetho ugqalisela iintlawuliso zeenkonzo ngeendlela ngeendlela kubandakanywa ukuchaza intlawuliso eyeyona iphezulu abaniki-nkonzo abavumeleke ukuba bayibize, kwanokuba zingabuyiswa ngamathuba angakanani na ezi ntlawuliso. Intlawulo yenkonzo eyeyona iphezulu okwangoku engabizwa kumboleki ngumniki-nkonzo yi R50.00 ngenyanga. Ukubangaba umboleki uhlawula imali yenkonzo ngonyaka, imali eyeyona iphezulu engabizwa kumboleki yi-R600.00 ngonyaka. Ukubangaba isivumelwano sentengo yemboleko sigqitywe msinyane kunokuba bekuvunyelwene kuqala ngumboleki, futhi kwisithuba sonyaka intlawulo yenkonzo yonyaka eyayamene nawo, umniki-nkonzo yeentengo zemboleko kufuneka abuyisele le nxenye ingasetyenziswanga yentlawulo yenkonzo kumboleki.

(Icandelo 101)

(Umgqaliselo 44)

I-inshorensi yentengo yemboleko

UMthetho ukwagqalisela ne-inshorensi yentengo yemboleko. Le yi-inshorensi engafunwa ngumniki-nkonzo xa umboleki eboleka into echaziweyo efana nemali-mboleko yendlu okanye ikhadi lentengo yemboleko. Le inshorensi iyakuthi ke ijongane netyala ekumele lihlawulwe kumniki-nkonzo kwiimeko ezithile ezifana nokubhubha komboleki.

Umthetho umisela ukuba i-inshorensi ethathwe ngumboleki mayingagqithi uxanduva oluseleyo kumniki-nkonzo kwaye imali ye-inshorensi kufuneka icutheke xa imali esaseleyo efaneleke ihlawulwe kumniki-nkonzo isiya icutheke. Kwimeko yemboleko-mali yendlu, i-inshorensi akufuneki igqithe ixabiso lendlu.

Kwiimeko ezithile umboleki anganikwa i-inshorensi "yokuzikhethela" eyakubayinzuzo kumboleki. Umzekelo, kwimeko yemali yesithuthi kungabayinzuzo kumboleki ukuqinisekisa ukuba kufakwa kwi-inshorensi ixabiso lesithuthi eligcweleyo lemarike, hayi nje kuphela imali eseleyo ekufanele ihlawulwe kumniki-nkonzo, ekuyakuthi ke kwakungabikho njalo, kwimeko yokucinywa kwesithuthi, kubandakanywe kwi-inshorensi kuphela le mali iseleyo ifaneleke ihlawulwe kumniki-nkonzo, aze ke umboleki angafumani nto ngexabiso lesithuthi.

I-inshorensi yentengo yemboleko

UMthetho umisela ukuba umboleki makanganyanzeliswa athabathe i-inshorensi enikwa ngumniki-nkonzo kwaye ke endaweni yayo angazikhethela ethandwa nguye. Xa umboleki ekhethe ukusebenzisa eyakhe i-inshorensi, umniki-nkonzo angacela ukuba iintlawulo zezavenge zihlawulwe ngumniki-nkonzo kwinkampani ye-inshorensi kwanokuba umboleki athunyelwe incwadi yokubiza intlawulo qho ngenyanga .

Zonke iintlawulo zezavenge ze-inshorensi ekufanele zihlawulwe kumniki-nkonzo yeentengo zemboleko kufuneka zibengokwezavenge

zenyanga ngaphandle kwakwimeko yesivumelwano esikhulu apho kunokubizeka isavenge sentlawuliso yonyaka. Intlawuliso yonyaka kufanele ibizwe ekuqaleni kwethuba leenyanga ezilishumi elinesibini isivumelwano esizakubakho ngazo. Kwimeko apho isivumelwano esikhulu sihlawulwe phambi kwexesha, umboleki kufuneka abuyiselwe iintlawulo ezilingana nenani leenyanga ezisaseleyo.

Nceda ubuzise kumcebisi wezemali onelayisensi yokwenza njalo phambi kokuba uzibophelele kwi-inshorensi ethile.

(Amacandelo 101 & 106)

Ezinye iindleko

Ngaphezulu kwezinye iintlawuliso ezichazwe kwesi sahluko, uMthetho ukwavumela abaniki-nkonzo zeentengo zemboleko ukuba babize ababoleki ezi ntlawulo zilandelayo:

- **Iintlawuliso zokwazisa ngokusilela kwintlawulo**. Le yintlawuliso engabizwa ngumniki-nkonzo kumboleki osileleyo ngeentlawulo ngokwesivumelwano sentengo yemboleko. Ezi ntlawuliso zayamene neendleko eziwele umniki-nkonzo ngokuzama ukucebisa umboleki ukuba usilele kwi-akhawunti yakhe. Ezi ndleko ziphelela nje kwincwadi ethunyelwe ngumniki-nkonzo kumboleki, emchazela ukuba ukahlawulanga ngokwesivumelwano. Ezi ntlawuliso zokwazisa ngentsilelo kwintlawulo azikubandakanyi ukutsalela umnxeba kumboleki. UMthetho uyachaza ukuba umniki-nkonzo akanakuhlawulisa

umboleki ngaphezulu kweendleko azihlawule nqo yena mniki-nkonzo. UMthetho uyachaza ukuba intlawuliso yencwadi kufuneka ilingane nezinga lokuhlawulisa elivunyelwe yinkundla kudityaniswe neendleko nqo zokuthumela incwadi efakwe kwirejista.

- **Iindleko zokukoleka**. Iindleko zokukoleka ziindleko eziwela umniki-nkonzo xa ezama ukukoleka iimali yetyala elingekahlawulwa kumboleki. UMthetho uchaza ukuba umniki-nkonzo akavumelekanga abize intlawulo yeendleko zokukoleka, engaphezulu kwaleyo ivunyelwe lizinga lokuhlawula lenkundla.

Umgaqo we-in duplum uthi, xa umboleki engakwazanga ukuhlawula, inzala yentsilelo ayinakuze igqithe imali eseleyo elityala ngexesha lokungahlawuli.

(Icandelo 101)
(Imigqaliselo 46 -48)

National Credit Regulator

INKCAZELO NGAMAGAMA

RR= REPO Rate – izinga eligunyazisiweyo lenzala iibhanki eziboleka ngalo imali kwiBhanki enguVimba yaseMzantsi Afrika (Le ayiyonto enye nezinga elilelona liphantsi). Izinga ELIGUNYAZISIWEYO LENZALA lingafunyanwa kwicandelo lezemali lamaphephandaba okanye unganxulumana nebhanki ekufuphi kuwe.

EZINYE IZIHLOKO EZIYELELEYO:

- **AMalungelo waBaboleki (isahluko 2)**
- **Izivumelwano zeeNtengo zeMboleko (isahluko 3)**
- **Ukunikezela, ukuphelisa kunye nokuhlawula phambi kwexesha (isahluko 6)**
- **Ukungakwazi ukuhlawula kunye nokunyanzeliswa kwentlawulo (isahluko 7)**

National Credit Regulator

Isahluko 6

Ukuphelisa, ukunikezela kunye nokuhlawula izivumelwano zeentengo yemboleko phambi kwexesha

Esi sahluko sizakujongana nokupheliswa kunye nokucinywa kwezivumelwano zeentengo zemboleko. Kwakhona kuzakujongwana nokuba izivumelwano zingapheliswa ninina, njani kwaye loo nto iyakumchaphazela njani na umboleki. Kuzakubandakanywa ezi zihloko zilandelayo:

- Ukupheliswa kwesivumelwano sentengo yemboleko ngumboleki okanye ngumniki-nkonzo yeentengo zemboleko;
- Ukuhlawula phambi kwexesha kunye nokungeniswa kweentlawulo;
- Ilungelo lomboleki lokuhlawula ityala lesivumelwano sentengo yemboleko phambi kwexesha;
- Usetyenziso lwempahla ngemboleko okanye izivumelwano zentengiso yezavenge ezityikitywe ngumboleki kwindawo engeyo dilesi ebhalisiweyo yeshishini lomniki-nkonzo yeentengo zemboleko; kunye
- Nokuba ukunikezela nokubuyiswa kwempahla kumchaphazela njani na umboleki.

Ukupheliswa kwezivumelwano zeentengo zemboleko ngumboleki okanye ngumniki-nkonzo yeentengo zemboleko

UMthetho uyachaza ukuba umboleki angasiphelisa isivumelwano sentengo yemboleko naninina ngokuhlawula imali yokuphelisa ityala. Imali yokuphelisa ityala yimali ekufikelelwa kuyo ngokudibanisa ezi mali zilandelayo:-

- Ityala eliyintloko elisaseleyo ukusukela ngomhla wokuphelisa;
- Inzala esaseleyo kwityala eliyintloko ukusukela kumhla wokuphelisa;
- Naziphina iimali kunye neentlawuliso ezisaseleyo ukusukela ngomhla wokuphelisa;
- Intlawuliso yokuphelisa ityala phambi kwexesha kwimeko yezivumelwano ezinkulu njengoko kuchaziwe apha ngezantsi.

Akukho mali yesohlwayo ehlawulwayo xa kuhlawulwa **isivumelwano esincinane okanye esiphakathi** phambi kwexesha. Xangaba umboleki ufuna ukuphelisa **isivumelwano esikhulu sentengo yemboleko,** oko kukuthi, isivumelwano sentengo yemboleko engaphezulu kwe R250 000 (amakhulu amabini anamashumi amahlanu wamawaka eerandi) okanye isivumelwano sokubambisa ngempahla etyaleni, imali yokuphelisa ityala phambi kwexesha ingabandakanya intlawuliso yokuhlawula phambi kwexesha engavumelekanga ukuba ibengaphezulu kwenzala yeenyanga ezintathu, kwaye ibengaphantsi ukubangaba umboleki unike isaziso senjongo yokuhlawula phambi kwexesha. Kwimeko yesaziso esinikwe ngumboleki, siyakucutha intlawuliso yenzala yeenyanga ezintathu zokuhlawula phambi kwexesha ngethuba lesaziso.

UMthetho uvumela umniki-nkonzo yeentengo zemboleko ukuba aphelise isivumelwano sentengo yemboleko phambi kwexesha ukubangaba umboleki akaphumeleli ukuhlawula

(Icandelo 125)

Ukuhlawula phambi kwexesha kunye nokungeniswa kweentlawulo

UMthetho uchaza ukuba umboleki angahlawula isavenge setyala phantsi kwesivumelwano sentengo yemboleko phambi kwexesha. Umniki-mboleko yeentengo zemboleko akanakwala ukwamkela intlawulo yomboleki yaphambi kwexesha okanye amohlwaye ngokuhlawula phambi kwexesha.

Xa umboleki ekhupha iintlawulo, ebezingekafaneleki zikhutshwe, kumniki-nkonzo yeentengo zemboleko, uMthetho umisela ukuba umniki-nkonzo yeentengo zemboleko kufanele azabe ezi ntlawulo ngokulandelelana ngolu hlobo lulandelayo:-

- Okokuqala, ahlawule inzala efanelekileyo ngokwesivumelwano sentengo yemboleko;
- Okwesibini, ahlawule naziphina iimali kunye neentlawuliso ezifanelekileyo;
- Okwesithathu, acuthe ityala eliyintloko.

(Icandelo 126)

Ilungelo lomboleki lokuhlawula ityala lesivumelwano phambi kwexesha

UMthetho unika umboleki ilungelo lokuhlawula ityala lesivumelwano naninina phambi komhla ochazwe kwisivumelwano. Umboleki

akanyanzelekanga ukuba anike umniki-nkonzo yeentengo zemboleko isaziso sokuba uneenjongo zokuhlawula ityala lesivumelwano phambi kwexesha. Kwimeko yezivumelwano ezinkulu, xa umboleki esebenzisa eli lungelo, uyakuhlawuliswa imali yokuhlawula phambi kwexesha, njengoko kuchaziwe apha ngasentla. Eli lungelo likwafumaneka nakumqinisekisi. Umqinisekisi ngumntu ovumayo ukuhlawula ityala, elifaneleke lihlawulwe kumniki-nkonzo yeentengo zemboleko ngomnye umboleki, xa ethe lo mboleki akakwazi ukuhlawula umniki-nkonzo yeentengo zemboleko.

(Icandelo 125)

Izivumelwano zokusebenzisa impahla ngemboleko okanye zentengiso yezavenge ezityikitywe ngumboleki kwindawo engeyiyo idilesi ebhalisiweyo yeshishini lomniki-nkonzo yeentengo zemboleko

Ukubangaba umboleki utyikitya isivumelwano sokusebenzisa impahla ngemboleko okanye sentengiso yezavenge kwindawo engeyiyo idilesi ebhalisiweyo yeshishini lomniki-nkonzo yeentengo zemboleko, umboleki angasiphelisa isivumelwano kwisithuba seentsuku zokushishina ezi 5 emva kokungenela isivumelwano. Umboleki angasiphelisa isivumelwano ngokubuyisa impahla okanye ngokuhlawulela ezo nkonzo asele ezifumene kumniki-nkonzo yeentengo zemboleko. Umthetho ukwafuna ukuba umnikinkonzo yeentengo zemboleko abuyisele umboleki nayiphina imali umboleki ayihlawule umniki-nkonzo yeentengo zemboleko, ngaphandle kweendleko umniki-nkonzo asenokuzithwala zokulungisa nawuphina umonakalo obangwe ngumboleki ndawonye nerenti enengqiqo ebekufanele abe uyihlawule ngokusebenzisa ezo mpahla.

(Icandelo 121)

Ukunikezela okanye ukubuyiswa kwempahla ngumboleki, nendlela oku okuchaphazela ngayo umboleki

UMthetho uchaza ukuba umboleki angarhoxa kwisivumelwano sentengiso yezavenge, semali-mboleko ekhuselweyo okanye sokusebenzisa impahla ngemboleko naninina, ngokubuyisela impahla kumniki-nkonzo yeentengo zemboleko. Xa umboleki ebuyisa impahla kumniki-nkonzo yeentengo zemboleko, umniki-nkonzo ulindeleke ukuba azithengise kwaye afake loo mali ifumaneke kwintengiso kwi-akhawunti yomboleki. Ukubangaba imali efumanekileyo ingaphezulu kwityala lomboleki, umniki-nkonzo kufuneka abuyisele le mali ingaphezulu kumboleki. Ukubangaba imali efumanekileyo ingaphantsi kwityala lomboleki, umboleki unoxanduva lokuhlawula umniki-nkonzo le mali iseleyo kwisithuba seentsuku ezili 10.

(Icandelo 127)

National Credit Regulator

INKCAZELO NGAMAGAMA

- **Isivumelwano esincinane** – isivumelwano sentengo yemboleko efikelela kwi R15 000

- **Isivumelwano esiphakathi** – isivumelwano sentengo yemboleko ephakathi kwe R15 001 ne R250 000

- **Isivumelwano esikhulu sentengo yemboleko** – isivumelwano sentengo yemboleko engaphezulu kwe R250 000.

EZINYE IZIHLOKO EZIYELELEYO:

- **Amalungelo omboleki (Isahluko 2)**
- **Ukungakwazi ukuhlawula kunye nokunyanzeliswa kwentlawulo yetyala (Isahluko 7)**
- **Ukunyanzeliswa koMthetho weLizwe weeNtengo zeMboleko (Isahluko11)**

National Credit Regulator

Isahluko 7

Ukungakwazi ukuhlawula kunye nokunyanzeliswa kwentlawulo yetyala

Esi sahluko sijolisa kumanyathelo ekufanele athatyathwe xa umboleki ethe akakwazi ukuhlawula ityala lomniki-nkonzo yeentengo zemboleko ngokwesivumelwano sentengo yemboleko. Kunikwa inkcazelo ngezi zihloko zilandelayo:

- Iinkqubo ezingavumelekanga zokukoleka nokunyanzelisa intlawulo yetyala;
- Imigaqo emayilandelwe ngumniki-nkonzo yeentengo zemboleko phambi kokunyanzelisa intlawulo yetyala;
- Imigaqo yetyala lemboleko enkundleni.

Iinkqubo ezingavumelekanga zokukoleka nokunyanzelisa intlawulo yetyala

Xa umboleki engakwazi ukuhlawula, umniki-nkonzo yeentengo zemboleko uyakuthabatha amanyathelo okufumana iimali ekufaneleke azifumane. Oku kubizwa ngokuba kukunyanzeliswa kwentlawulo yetyala. UMthetho awuzivumeli iinkqubo ezithile ezingasetyenziswa ngabaniki-nkonzo zeentengo zemboleko ukuze bafumane iimali ezisileleyo kubaboleki. Umniki-nkonzo yeentengo zemboleko akavumelekanga ukuba agcine le miqulu ilandelayo ngeenjongo zokufumana imali yakhe kunye nokunyanzelisa intlawulo yetyala:-

- Incwadi yesazisi
- Ikhadi lokuhlawula okanye lentengo yemboleko
- Ikhadi lomatshini we-ATM
- Inombolo yobuqu eyimfihlo ye-PIN.

(Amacandelo 90 & 133)

Imigaqo emayilandelwe ngumniki-nkonzo yeentengo zemboleko phambi kokunyanzelisa intlawulo yetyala

Xa umboleki engakwazanga ukuhlawula, umniki-nkonzo yeentengo zemboleko kufuneka aqale azise umboleki ngencwadi ebhaliweyo malunga nobume be-akhawunti. Umboleki usemva ngentlawulo xangaba i-akhawunti yakhe inentsilelo yeentsuku zokushishina ezingama 20. Kwisaziso, umniki-nkonzo yeentengo zemboleko kufuneka apoposhe ukuba umboleki abhekise isivumelwano sentengo yemboleko kumcebisi kumatyala emboleko okanye kwinkundla yababoleki okanye **kuNozikhalazo** onegunya lokusingatha nayiphina imbambano enokubakhona. Injongo yoko kubhekisa kukwenzela ukuba

umboleki nomniki-nkonzo yeentengo zemboleko bakwazi ukusombulula le nyewe okanye bavumelane ngesicwangciso sokubuyisela iintlawulo kwisimo esifanelekileyo. Umniki-nkonzo yeentengo zemboleko akanakho ukuthabathela umboleki amanyathelo asemthethweni phambi kokuba aqale azise umboleki ngokungaphumeleli kwakhe ukuhlawula, kwaye amqaphelise amalungelo akhe malunga nalo mba. Xa umboleki ethe akaphumelela ukunxulumana nomniki-nkonzo yeentengo zemboleko okanye uNozikhalazo kwisithuba seentsuku ezili 10 ukuze asombulule umbandela, umniki-nkonzo yeentengo zemboleko angathabatha amanyathelo agabadeleyo ukuze anyanzelise ukuhlawulwa kwetyala.

(Icandelo 129)

Imigaqo yetyala lemboleko enkundleni

Umniki-nkonzo yeentengo zemboleko anganxulumana neNkundla kaMantyi ukuze anyanzelise isivumelwano sentengo yemboleko, esinentsilelo yemali xa kwenzeke ezi zinto zilandelayo:-

- Umboleki akasiphendulanga isaziso esibhaliweyo esivela kumniki-nkonzo yeentengo zemboleko sokubeka iintlawulo phantsi kwesivumelwano sentengo yemboleko kwimo efanelekileyo,
- Umboleki walile ukuvuma umpoposho owenziwe ngumniki-nkonzo yeentengo zemboleko kwisaziso esibhaliweyo, ebonisa ngeendlela zokusumbulula nayiphina imbambano okanye zokubeka intlawulo kwimo efanelekileyo, okanye,
- Umboleki khange anxulumane nomcebisi kumatyala emboleko kwisithuba esivumelekileyo seentsuku zokushishina ezili 10.

Umboleki angasiphelisa isivumelwano sentengo yemboleko ngokubuyisela impahla kumniki-nkonzo yeentengo zemboleko. Umniki-nkonzo yeentengo zemboleko kuyakufuneka azithengise ezi mpahla. Umboleki kuyakufuneka ahlawule nayiphina intsilelo xa zithe impahla zathengisa ngexabiso elingaphantsi kwemali ebekusafanele ihlawulwe. UMthetho uyachaza ukuba umniki-nkonzo anganxulumana nenkundla ukuze afumane le mali iyintsilelo ukubangaba akahlawulwanga kwisithuba seentsuku zokushishini ezili 10.

Inkundla iyakusiqwalasela isicelo sesigwebo somniki-nkonzo yeentengo zemboleko kuphela xangaba isivumelwano sentengo yemboleko asikho phantsi **koqwalaselo ngokutsha lwetyala.** Kwimeko apho umboleki nomniki-nkonzo bevumelene ngesicwangciso sokubuyisela intlawulo kwimeko efanelekileyo kwisivumelwano esinentsilelo yentlawulo, kwaye abe umboleki uwalandele la malungiselelo, umniki-nkonzo akanakuya enkundleni aye kuyicela ukuba ikhuphe isigwebo ngesi sivumelwano.

(Icandelo 130)

National Credit Regulator

INKCAZELO NGAMAGAMA

- **Unozikhalazo** – iqumrhu elizimeleyo elisekelwe iinjongo zokusombulula iimbambano.

- **Ukuqwalaselwa ngokutsha kwetyala lemboleko** – Kule nkqubo, izivumelwano zeentengo zemboleko zomboleki ziyadityaniswa ukuze kuvavanywe kwaye kuphononongwe ukuba ngaba umboleki angakwazi na ukukhupha iintlawula zenyanga.

EZINYE IZIHLOKO EZIYELELEYO:

- **Amalungelo omboleki (Isahluko 2) Ukunikezela, ukuphelisa kunye nokuhlawula phambi kwexesha (Isahluko 6)**
- **Ukucetyiswa kumatyala emboleko (Isahluko 8)**
- **Iimbambano kunye nezikhalazo (Isahluko 10)**

National Credit Regulator

Isahluko 8

Ukucetyiswa kumatyala emboleko

Esi Sahluko sijongana nokucetyiswa kumatyala emboleko. Siyakubandakanya le miba ilandelayo:

- Indlela umboleki angafikelela ngayo kwinkonzo yokucetyiswa kumatyala emboleko, oko kukuthi, ngokuzithandela, ngokuthunyelwa ngumniki-nkonzo yeentengo zemboleko, ngokuthunyelwa yinkundla,
- Yintoni ukutshona ngokugqithileyo ematyaleni emboleko?
- Yintoni intengo yemboleko engenankathalo?
- Yintoni uhlengahlengiso lwetyala lemboleko?
- Iziphumo zohlengahlengiso lwetyala lemboleko?
- Yintoni isatifiketi sokosulwa kwetyala?

Ukucetyiswa kumatyala emboleko

Ukucetyiswa kumatyala emboleko yinkqubo enenjongo yokunceda ekuhlengahlengisweni kwamatyala omboleki ongakwaziyo ukuhlawula. Umboleki kuyakufuneka abandakanye umcebisi kumatyala emboleko, oyakuthi athethathethane nomniki-nkonzo yeentengo zemboleko malunga nokuhlengahlengiswa kwamatyala omboleki. Injongo yokucetyiswa kumatyala emboleko kukunceda ababoleki bakwazi ukuhlawula amatyala wabo.

(Icandelo 86)
(Umgqaliselo 24, 26)

Umboleki angafikelela njani kwiinkonzo zokucetyiswa kumatyala emboleko

Zintathu iindlela umboleki angafikelela ngazo kwiinkonzo zokucetyiswa kumatyala emboleko.

1. **Ngokuzithandela**
   Umboleki anganxulumana **noMcebisi kuMatyala eMboleko** ngokuzithandela kwakhe xa eqonda ukuba akasakwazi ukuhlawula amatyala akhe. UMcebisi kuMatyala eMboleko uyakuqhuba uvavanyo ukuze aqonde ukuba ngaba umboleki utshone ematyaleni ngokugqithileyo na. Inkqubo yohlengahlengiso lwamatyala emboleko kuthethwa ngayo apha ngezantsi.

2. **Ukuthunyelwa ngumniki-nkonzo yeentengo zemboleko**
   UMthetho ufuna ukuba umniki-nkonzo yeentengo zemboleko

athabathe amanyathelo athile phambi kokuba athabathele umboleki ongakwazanga ukuhlawula ityala lakhe inyathelo lasemthethweni. Elinye lala manyathelo libandakanya ukunika umboleki isaziso esibhaliweyo esimxelela ukuba akahlawulanga. Esi saziso kukwafuneka simxelele umboleki ukuba unelungelo lokuhlangana noMcebisi kuMatyala eMboleko ukuze acele uncedo.

(Icandelo 129)

3. **Ukuthunyelwa yinkundla**

   Ukubangaba inkundla ifumanisa ukuba umboleki ovele phambi kwenkundla kungenzeka ukuba abe utshone ngokugqithileyo ematyaleni, ingamthumela umboleki kuMcebisi kuMatyala eMboleko.

(Icandelo 85)

(Umgqaliselo 26)

Yintoni ukutshona ngokugqithileyo ematyaleni emboleko?

Umboleki utshone ngokugqithileyo ematyaleni xa engakwazi ukuwahlawula wonke amatyala akhe ekupheleni kwenyanga. UMthetho ukwathi, xangaba uMcebisi kuMatyala eMboleko ulugqibile uvavanyo kwaye ugqibe ekubeni umboleki akayikubanako ukuwahlawula amatyala wakhe ekupheleni kwenyanga, loo mboleki utshone ngokugqithileyo ematyaleni.

(Icandelo 79)

ABacebisi kuMatyala eMboleko bakwancedisa ababoleki ngezakhono ezisisiseko zocwangciso lwemali, ezifana nokuzoba ibhajethi.

Nangona nje umboleki enelungelo lokwenza isicelo sohlengahlengiso lwamatyala, oko akuthethi ukuba uvela nje avumeleke ngokuzenzekelayo ukuba afumane loo nkonzo.
Emva kokuvavanya ubume bezemali bomboleki, uMcebisi kuMatyala eMboleko angagqiba ekubeni umboleki akatshonanga ngokugqithileyo ematyaleni. Kuloo meko ke uMcebisi kuMatyala eMboleko kufuneka anike umboleki incwadi eyala isicelo sakhe.

Umboleki ofumene incwadi enjalo eyala isicelo, anganxulumana nenkundla kwisithuba **seentsuku zokushishina** ezingama 20, ayicele ukuba imbhengeze njengomntu otshone ngokugqithileyo ematyaleni. Ngaphezulu koko, umboleki angacela inkundla ukuba ibhengeze izivumelwano zakhe njengezivumelwano ezingenankathalo (jonga inkcazo apha ngezantsi) kwaye inike umyalelo wohlengahlengiso lwetyala lemboleko.

(Icandelo 86)
(UMgqaliselo 25)

Yintoni isivumelwano esingenankathalo sentengo yemboleko?
UMthetho ufuna ukuba umniki-nkonzo yeentengo zemboleko aqinisekise ukuba umboleki unako ukuhlawula ityala lemboleko phambi kokuba amboleke imali okanye amthengisele izinto ngemboleko. Ukubangaba umniki-nkonzo yeentengo zemboleko akaphumeleli ukuqinisekisa oku, isivumelwano ke singathathwa ngokuba sesingenankathalo.

Isivumelwano asinankathalo xa:

- Umniki-nkonzo yeentengo zemboleko engakhange enze uvavanyo olufanelekileyo lokuphonononga umngcipheko wentengo yemboleko ukuze aqinisekise ukuba umboleki unako ukulihlawula ityala.
- Umniki-nkonzo yeentengo zemboleko eqhubeka ukuboleka umboleki imali nangona nje umboleki engenako ukuyibuyisa imali-mboleko ngokusekelwe kuvavanyo oluqhutyiweyo
- Umboleki engawaqondi amalungelo akhe kunye noxanduva lwakhe kwisivumelwano, ndawonye neendleko ezibandakanyeka ekuthabatheni imali-mboleko.

(Icandelo 80)

Yinkundla kuphela engabhengeza ukuba isivumelwano sesingenankathalo, ngokucelwa nguMcebisi kuMatyala eMboleko okanye ngumboleki.

Inkundla ingasinqumamisa isivumelwano esibhengezwe ukuba sesingenankathalo. Kwakhona, ingaziguqula iimeko nemiqathango yesivumelwano, oko kukuthi indlela umboleki emakabuyise ngayo imali kumniki-nkonzo yeentengo zemboleko. Umniki-nkonzo yeentengo zemboleko akanakuhlawulisa umboleki inzala okanye iimali ezithile kwisivumelwano esinqunyanyisiweyo.

(Icandelo 84) (Umgqaliselo 23)

Yintoni uhlengahlengiso lwetyala lemboleko?

Uhlengahlengiso lwetyala lemboleko yinkqubo apho uMcebisi kuMatyala eMboleko aqwalasela ngokutsha isivumelwano somboleki sentengo yemboleko, aze acwangcise ngokutsha intlawulo.

Umcebisi kuMatyala eMboleko uqale azame ukuhlengahlengisa ityala lomboleki ngokwenza umpoposho kubo bonke abaniki-nkonzo zeentengo zemboleko, nangokuzama ukuba bonke ababandakanyeki bawuvume lo mpoposho. Ukubangaba kufikelelwe kwisivumelwano, uMcebisi kuMatyala eMboleko angacela iGunya lokuVavanya iZikhalazo okanye inkundla ukuba ikhuphe umyalelo wokuvuma.

Ukubangaba akufikelelwanga kwisivumelwano, uMcebisi kuMatyala eMboleko angabhekisa umbandela kwinkundla kaMantyi. INkundla kaMantyi kufuneka ibambe indibano yokumamela izimvo ize ke ikhuphe umyalelo ofanelekileyo.

(Icandelo 86)
(Umgqaliselo 24)

Iziphumo zohlengahlengiso lwamatyala

Akuba umboleki efakwe phantsi koqwalaselo ngokutsha lwetyala, abaniki-nkonzo zeentengo zemboleko abanako ukumthabathela amanyathelo omthetho. Ngaphezu koko, umboleki onetyala elikwinkqubo yokuba lihlengahlengiswe akavumelekanga ukuba enze isicelo okanye afumane enye imboleko. Imboleko angayenzela isicelo umboleki ophantsi koqwalaselo ngokutsha lwetyala **yimboleko yokuqundanisa** kuphela.

Umboleki ongaphumeleliyo ukuhlawula ngokwesivumelwano sohlengahlengiso uyakususwa kwangoko kwinkqubo yoqwalaselo ngokutsha lwetyala kwaye abaniki-nkonzo zeentengo zemboleko bangamthabathela amanyathelo asemthethweni kwangoko umboleki.

(Icandelo 86)

Yintoni "iSatifiketi sokoSulwa kweTyala"?

Umboleki ohlawule wonke amatyala ngokohlengahlengiso lwetyala kufuneka afumane "iSatifiketi sokoSula iTyala" kuMcebiso kuMatyala eMboleko. Esi satifiketi siyakuvumela ukuba inkcazelo yomboleki egcinwe kwiziko lokugcina inkcazelo ngeentengo zemboleko, yosulwe. Zonke izinto ezibhaliweyo ezayamene neli tyala losuliweyo kufuneka zosulwe. Xa ethe uMcebisi kuMatyala eMboleko wala ukunika umboleki esi satifiketi, umboleki anganxulumana neGunya lokuVavanya iZikhalazo ukuze liqwalasele ngokutsha isigqibo soMcebisi kuMatyala eMboleko.

(Icandelo 71)

(UMgqaliselo 27)

EZINYE IZIHLOKO EZIYELELEYO:

- **Ukungaphumeleli ukuhlawula kunye nokunyanzeliswa kwentlawulo yetyala (Isahluko 7)**

National Credit Regulator

INKCAZELO NGAMAGAMA

- **Iintsuku zokushishina:** Zonke iintsuku ngaphandle kweMigqibelo, iiCawe kunye neeHolide zoLuntu;

- **UkuCetyiswa kuMatyala eMboleko:** inkqubo yokuvavanya ukutshona ematyaleni ngokugqithileyo kunye nokuhlengahlengiswa kwamatyala;

- **UMcebisi kuMatyala eMboleko:** umntu obhalise kuMgqaliseli weLizwe weeNtengo zeMboleko njengoMcebisi kuMatyala eMboleko kwaye oncedisa ababoleki ngohlengahlengiso lwamatyala;

- **Imali-mboleko yokuqundanisa:** Imali-mboleko eyenziwe ngumboleki ngenjongo yokuqundanisa wonke amatyala akhe abeyimali-mboleko enye ngeenjongo zokuhlawula eli tyala.

EZINYE IZIHLOKO EZIYELELEYO:

- **Amalungelo omboleki (Isahluko 2)**
- **Iinkqubo zokumaketha (Isahluko 4)**
- **Iindleko (Isahluko 5)**
- **Ukunikezela, ukuphelisa kunye nokuhlawula phambi kwexesha (Isahluko 6)**

National Credit Regulator

Isahluko 9

Amaziko agcina inkcazelo ngeentengo zemboleko kunye nenkcazelo ngeentengo zemboleko

Esi Sahluko sizakujongana nezi zihloko zilandelayo:

- Inkcazelo yomboleki yeentengo zemboleko
- Yeyiphi inkcazelo engagcinwa?
- Yeyiphi inkcazelo emayingagcinwa?
- Imithombo yenkcazelo
- Amaxesha okugcina inkcazelo
- Ukususwa kwenkcazelo kunye nokuphikisa inkcazelo engachanekanga
- Inkqubo phambi kokufaka inkcazelo egwenxa
- Ukusetyenziswa kwenkcazelo yeentengo zemboleko.

UMthetho ufuna ukuba UMgqaliseli weLizwe weeNtengo zeMboleko abhalise kwaye **agqalisele** amaziko agcina inkcazelo ngeentengo zemboleko. UMthetho ukwachaza ukuba yeyiphi inkcazelo engagcinwa ngamaziko agcina inkcazelo ngeentengo zemboleko, ngubani ongathumela inkcazelo kula maziko, ngubani ongafumana inkcazelo kula maziko kwaye la maziko angayigcina ixesha elingakanani na inkcazelo. Inkcazelo ngomboleki ingaba yinkcazelo yobuqu okanye inkcazelo ngeentengo zemboleko.

(Amacandelo 43 & 70)
(Umgqaliselo 17)

Inkcazelo yomboleki yeentengo zemboleko

UMthetho ugqalisela ukusetyenziswa **kwenkcazelo** yomboleki **yeentengo zemboleko**. Nangona kunjalo, ukuchazwa "kwenkcazelo yomboleki yeentengo zemboleko" kubanzi kakhulu kwaye kubandakanya yonke inkcazelo ngomboleki efana:

- Nembali yomntu yeentengo zemboleko
  - Izivumelwano ezityikityiweyo zeentengo zemboleko;
  - Imbali yokuhlawula amatyala;
  - Ingaba umboleki uphantsi okanye wayephantsi koqwalaselo ngokutsha lwetyala lemboleko;
- Imbali yomntu yezemali
  - Ingeniso-mali yexesha elidlulileyo neyangoku;
  - Izinto anazo kunye neziluxanduva kuye;
- Enye inkcazelo yobuqu efana nale:
  - Imfundo, ingqesho kunye nembali yekhondo lomsebenzi;
  - Inombolo ye-ID;
  - Igama;

- Umhla wokuzalwa;
- Idilesi yendawo;
- Ubume bomtshato;
- Iinkcukacha zonxulumano.

(Icandelo 70)
(Umgqaliselo 18)

Yeyiphi inkcazelo engagcinwa?

Yonke "inkcazelo yentengo yemboleko" yomboleki njengoko idweliswe apha ngasentla, ingagcinwa ngamaziko agcina inkcazelo ngeentengo zemboleko, ndawonye nale nkcazelo ilandelayo:

- Inkcazelo yentlawula malunga neenkonzo eziqhubekayo;
- Nayiphina inkcazelo edingekayo ukuze kuchongwe ubuqhetseba beentengo zemboleko;Inkcazelo malunga neentlawulo ezenziwe ngumboleki apho ityala lithe lagqithiselwa komnye umntu;
- Nayiphina enye inkcazelo, xangaba ke kodwa umboleki unike imvume yakhe yokuba le nkcazelo isiwe kwiziko eligcina inkcazelo ngeentengo zemboleko, kwaye futhi xangaba umniki-nkonzo yeentengo zemboleko umxelele umboleki ukuba iyakusetyenziselwa ntonina inkcazelo.

(Umgqaliselo 18)

Yeyiphi inkcazelo emayingagcinwa ?

UMthetho uthi le nkcazelo yobuqu ilandelayo mayingagcinwa liziko eligcina inkcazelo ngeentengo zemboleko:

- Ubuhlanga;
- Ulwayamano lwezopolitiko;

- Ubume/imbali yezonyango
- Inkolo yobucawe okanye iingcinga, inkolelo okanye izimvo;
- Ulwayamo ngokwesondo;
- Ubulungu bombutho wabasebenzi. **(Umgqaliselo 18)**

Imithombo yenkcazelo yamaziko agcina inkcazelo ngeentengo zemboleko

Umthetho uvumela kuphela aba bantu balandelayo/la maziko alandelayo ukuba athumele inkcazelo:

- Abaniki-nkonzo zeentengo zemboleko;
- Ababoleki abalungisa inkcazelo engachanekanga;
- Urhulumente, inkundla okanye umqeshwa wenkundla;
- Umniki weenkonzo eziqhubekayo;
- Iinkampani ze-inshorensi;
- Amaziko abandakanyeka ekuphandeni ubuqhetseba;
- Amaziko emfundo afana neeyunivesiti;
- Abakoleki bamatyala emboleko;
- Amanye amaziko agcina inkcazelo ngeentengo zemboleko.

(Icandelo 70)
(Umgqaliselo18)

Amaxesha okugcina inkcazelo.

Umthetho uyachaza ukuba inkcazelo ethile mayigcinwe ixesha elingakanani na liziko eligcina inkcazelo ngeentengo zemboleko. Kwixa elidlulileyo la maziko ebezenzela ngokwawo izigqibo zokuba inkcazelo igcinwe ixesha elingakanani na. Amaxesha okugcina inkcazelo adweliswe apha ngezantsi:

	Icandelo	Inkcazo	Ixesha egcinwa lona
1	Iimbambano ezifakiweyo	Umboleki unelungelo lokuphikisa inkcazelo engachanekanga. Oku kungaba ziinkcukacha zeembambano ezazifakwe kwaye zaliwa emva kophando	Iinyanga ezili 18
2	Ukubuzisa	Iinkcukacha zomntu ocela inkcazelo yomboleki yeentengo zemboleko	Iminyaka emi 2
3	Ubume bentlawulo	Iinkcukacha zeentlawulo ezenziwe ngumboleki kwizivumelwano zakhe	Iminyaka emi 5
4	Inkcazelo egwenxa	Inkcazelo eyayamene nendlela umboleki aziphethe ngayo ekuhlawuleni, efana nokubangumntu ohlawula kade, oke wangakwazi ukuhlawula, uke wanyamalala engalihlawulanga ityala	Unyaka 1
5	Inkcazelo egwenxa	Inkcazelo eyayamene nenyathelo umniki-nkonzo yeentengo zemboleko alithabathele umboleki ukuze anyanzelise intlawulo yetyala, elifana nokunikezelwa kubakoleki bamatyala, inyathelo lasemthethweni, ukucinywa kwetyala, njalo-njalo	Iminyaka emi 2
6	Uhlengahlengiso lwetyala lemboleko	Iinkcukacha zomboleki ophantsi koqwalaselo ngokutsha lwetyala lemboleko	Kude kukhutshwe isatifiketi sokosula ityala
7	Izigwebo zenkundla yentlalo yoluntu	Izigwebo eziwiswe yinkundla	Iminyaka emi 5 okanye ide inkundla isisuse
8	Uphantsi kolawulo lwenkundla	Imiyalelo yokubeka umboleki phantsi kolawulo lwenkundla	Iminyaka eli 10 okanye ide inkundla isisuse
9	Imiyalelo yokohluthwa kwempahla	Umyalelo onikwa yinkundla xa umboleki engakwazi ukuhlawula amatyala	Iminyaka eli 10 okanye ide isuswe
10	Imiyalelo yokubhangiswa kweenkampani	Umyalelo onikwa yinkundla xa inkampani ingakwazi ukuhlawula amatyala	Ayinaxesha liqingqiweyo
11	Ukubuyiselwa kwemeko esiqhelweni	Umyalelo wenkundla osusa isibhengezo sokungakwazi ukuhlawula amatyala okanye sokubhangiswa emva kokuba onke amatyala ehlawulekile	Iminyaka emi 5
12	Enye inkcazelo	Nayiphina inkcazelo ekungathethwanga ngayo apha ngasentla	Iminyaka emi 2

(Icandelo 73) (Umgqaliselo 17)

Ukususwa kwenkcazelo kunye nokuphikisa inkcazelo engachanekanga

Umboleki unelungelo lokuyiphikisa inkcazelo engachanekanga egcinwe liziko eligcina inkcazelo ngeentengo zemboleko. Umboleki kufuneka alixelele iziko eligcina inkcazelo ngeentengo zemboleko ukuba le nkcazelo ayichanekanga. Xa iziko lifumene eso saziso sivela kumboleki, iziko kufuneka kwangoko “liyigqume/liyifihle” loo nkcazelo ukuze kungabikho mntu uyibonayo. Iziko ke ngoko lineentsuku zokushishina ezingama 20 ukuze lifumane ubungqina bokuba inkcazelo ichanekile. Ukubangaba iziko alikwazi ukwenza njalo, kufuneka ke liyisuse loo nkcazelo koovimba balo bokugcina inkcazelo.

Ukubangaba iziko liyabufumana ubungqina benkcazelo, kodwa umboleki abe nangoko akavumelani nale nkcazelo, umboleki, kwisithuba seentsuku zokushishina ezingama 20, angacela uMgqaliseli weLizwe weeNtengo zeMboleko ukuba aphande ngale nyewe.

Icandelo 73 loMthetho linommiselo “wokosula” oyalela ukuba amaziko agcina inkcazelo ngeentengo zemboleko asuse inkcazelo ethile koovimba bawo. Sekupapashwe imigqaliselo emitsha eyalela ukuba amaziko agcina inkcazelo ngeentengo zemboleko asuse inkcazelo ethile egciniweyo 'njengokosula ngokugqibeleleyo'

Ukuze ufumane inkcazelo ebanzi ngalo mba, bhekisa kwimigqaliselo kwi-Gazette no. 28864

(Icandelo 72 & 73) (UMgqaliselo 20)

INkqubo phambi kokufakwa kwenkcazelo

Nawuphina umntu/iqumrhu elivumeleke ukuba lifake inkcazelo kwiziko eligcina inkcazelo ngeentengo zemboleko kufuneka lithabathe wonke amanyathelo anengqiqo ukuze liqinisekise ukuba inkcazelo efakiweyo ichanekile. Ukubangaba ityala **lichazile**, umniki-nkonzo yeentengo zemboleko akavumelekanga ukuba athumele inkcazelo kwiziko. Phambi kokuba umniki-nkonzo yeentengo zemboleko athumele nayiphina **inkcazelo egwenxa** kwiziko eligcina inkcazelo ngeentengo zemboleko kufuneka aqale anike umboleki isaziso seentsuku zokushishina ezingama 20 sokuba inkcazelo izakusiwa kwiziko eligcina inkcazelo ngeentengo zemboleko. Kwakhona umboleki kufuneka axelelwe ngenkcazelo ezakusiwa kweli ziko ukwenzela ukuba ayiphikise ukubangaba ukholelwa ukuba ayichanekanga.

(**UMgqaliselo 18, 19)**

(Imigqaliselo18, 19)

Usetyenziso lwenkcazelo ngeentengo zemboleko

UMthetho uyachaza ukuba inkcazelo yomboleki yeentengo zemboleko ingasetyenziselwa ntonina. Ukwaxela ukuba ifuneka ninina imvume yomboleki ukuze kusetyenziswe inkcazelo yakhe yeentengo zemboleko. Kuvunyelwa kuphela olu setyenziso lulandelayo:

Xa imvume yomboleki ingafuneki

- Nayiphina injongo njengoko iyimfuneko kuMthetho, njengovavanyo lokukwazi;
- Uphando lwaMapolisa lobuqhetseba okanye ubuqhopholo;
- Iinkonzo zokunqanda ubuqhetseba okanye ubuqhopholo;

- Uvavanyo lwencwadi yomntu onamatyala xa ityala lomboleki **ligqithiselwe** kumntu wesithathu;
- Ukufumana iinkcukacha zomboleki ukuze kuhlawulwe iimali zepenshele okanye izibango ze-inshorensi ezingabangwanga ngumntu;
- Ukufunisa ngomboleki ukuze kukolekwe ityala ekufanele lihlawulwe ngokuphathelelene nesivumelwano semboleko yekhredithi;
- Ukuvelisa inkqubo yokunika amanqaku (amakhadi wamanqaku).

Xa kufuneka imvume yomboleki

- Ukumisela uqingqo ekunikweni kwezinto okanye **iinkonzo eziqhubekayo**;
- Ukuvavanya isicelo se-inshorensi; Ukungqina iikhwalifikheyshini zemfundo;
- Ukuqwalasela umlingwa kwingqesho kwisikhundla esidinga intembeko kwaye sibandakanya ukuphatha imali eyikhetshi kunye nemiba yezemali.

Akukho mthethweni ukukhangela inkcazelo ngomntu ozakubangumqeshwa kwiziko lokugcina inkcazelo ngeentengo zemboleko xangaba isikhundla asidingi intembeko kwaye asibandakanyi ukuphathwa kwemali eyikhetshi nemiba yezemali.

(Icandelo 70) (Umgqaliselo 18)

National Credit Regulator

INKCAZELO NGAMAGAMA

- **Igqalisela:** ukuqinisekisa ukuba abaniki-nkonzo zeentengo zemboleko, abacebisi kumatyala emboleko kunye namaziko agcina inkcazelo ngeentengo zemboleko aqhuba umsebenzi ngokulandela umthetho;

- **Iinkonzo eziqhubekayo:** impahla nezinto kunye neenkonzo ezinikwa ngokuqhubekayo, ezihlawulelwa rhoqo, ezifana namanzi nombane;

- **Ityala eligqithisiweyo:** Xa ityala lomboleki lithengiswe komnye umntu ngumniki-nkonzo yeentengo zemboleko aze ke lomntu ungomnye athabathe ityala kumboleki;

- **Umyalelo wokohluthwa kwempahla:** Umyalelo okhutshwe yinkundla obhengeza ukuba umntu akakwazi ukuhlawula amatyala;

- **Ukungakwazi ukuhlawula amatyala:** Xa amatyala omboleki esegqitha izinto anazo kwaye engakwazi ukuhlawula;

- **Umyalelo wokubhangiswa:** Umyalelo okhutshwe yinkundla othi inkampani okanye iqumrhu alikwazi ukuhlawula amatyala;

INKCAZELO NGAMAGAMA

- **Ukubuyiselwa kwemeko esiqhelweni:** ukubangaba umboleki obebhengezwe ukuba akakwazi ukuhlawula amatyala, uyawahlawula wonke amatyala, inkundla ingawucima umyalelo wokungakwazi ukuhlawula;

- **Ityala elimiselweyo**: Ityala lemboleko limiselwe xangaba umniki-nkonzo yeentengo zemboleko akathabathanga manyathelo ngomboleki ukuze ahlawule ityala kwisithuba sexesha elibekiweyo. Umniki-nkonzo yeentengo zemboleko akanakulinyanzelisa ityala elimisiweyo ngokweNkundla;

- **Inkcazelo egwenxa:** Inkcazelo efana nomntu ohlawula kade, ongakwazanga ukuhlawula, onyamaleleyo engalihlawulanga ityala okanye onikezelwe emagqwetheni, inyathelo lasemthethweni okanye ukucinywa kwetyala.

EZINYE IZIHLOKO EZIYELELEYO:

- Amalungelo omboleki (Isahluko 2)

National Credit Regulator

Isahluko 10

Iimbambano kunye nezikhalazo

Esi Sahluko sibandakanya le miba ilandelayo:

- Umboleki angasifaka nini isikhalazo?
- Umboleki angasifaka kubani isikhalazo?
- Inkqubo emayilandelwe xa kufakwa isikhalazo kuMgqaliseli weLizwe weeNtengo zeMboleko (National Credit Regulator.)

Umboleki angasifaka nini isikhalazo?

Umboleki angakhalaza naninina xa engonelisekanga ngeenkonzo azifumana kumniki-nkonzo yeentengo zemboleko, kuMcebisi kuMatyala eMboleko okanyekwiziko eligcina inkcazelo ngeentengo zemboleko. Umzekelo, umboleki kufuneka afumane isaziso xa engakwazanga ukuhlawula phantsi kwesivumelwano sentengo yemboleko, phambi kokuba umniki-nkonzo yeentengo zemboleko athabathe amanyathelo asemthethweni. Esi saziso kukwafuneka sichazele umboleki ukuba angafaka isikhalo kuNozikhalazo onegunya lokuqwalasela loo mba, kwiziko elingelinye lokusombulula iimbambano, okanye kwinkundla yababoleki.

(Icandelo 129, 134 & 136)

Umboleki angasifaka phi isikhalazo?

UMgqaliseli weLizwe weeNtengo zeMboleko unoxanduva lokwamkela nokuphanda izikhalazo ezimalunga neentengo zemboleko kunye neminye imibandela ekujongwene nayo nguMthetho. Kodwa ke, ukubangaba uMgqaliseli unembono yokuba, isikhalazo simalunga nomba ekufanele ujongwe lelinye iziko elisekiweyo, uyakuwuthumela umbandela kwelo ziko lifanelekileyo. Kwisahluko 12, kukho iinkcukacha zamanye amaziko asingatha izikhalazo neembambano zemibandela engeyiyo eyeentengo zemboleko.

UMthetho uvumela umboleki ukuba afake isikhalazo kulo naliphina iziko kula alandelayo:

1. UMgqaliseli weLizwe weeNtengo zeMboleko
2. **UNozikhalazo (Ombudsman) onegunya lokuqwalasela umba othile**
3. IGunya leLizwe lokuVavanya iZikhalazo zaBaboleki (National Consumer Tribunal); okanye
4. IZiko eliNgelinye lokuSombulula iiMbambano [Alternative Dispute Resolution Agent (ADR)]

1. UMgqaliseli weLizwe weeNtengo zeMboleko

Umboleki angafaka isikhalazo kuMgqaliseli weLizwe weeNtengo zeMboleko ukubangana isikhalazo simalunga nesivumelwano sentengo yemboleko. Inkqubo elandelwa nguMgqaliseli xa efumene isikhalazo iyachazwa phaya phambili kwesi Sahluko.

(Icandelo 15)

2. **UNozikhalazo (Ombudsman) onegunya lokuqwalasela umba othile**

Amashishini afana neshishini le-inshorensi, ishishini leenkonzo zemali kunye neshishini lezeebhanki, njalo-njalo, anooNozikhalazo. UNozikhalazo liziko elisekelwe ukufumana nokusombulula izikhalazo kunye neembambano kwishishini ngalinye. Umzekelo, izikhalazo ezimalunga nebhanki zingafakwa kuNozikhalazo weeNkonzo zeBhanki kwaye isikhalazo esimalunga neziko eligcina inkcazelo ngeentengo zemboleko zingafakwa kuNozikhalazo weNkcazelo ngeeNtengo zeMboleko.

3. **IGunya leLizwe lokuVavanya iZikhalazo zaBaboleki (National Consumer Tribunal)**

Umboleki angafaka isikhalazo okanye afake imbambano nqo kwiGunya lokuVavanya iZikhalazo; kodwa ke iimeko apho umboleki angenza oko ziphelela kwezi zilandelayo:

- Xa uMgqaliseli weLizwe weeNtengo zeMboleko esalile isikhalazo (jonga inkcazo kumhlathi 4 ngezantsi);
- Xangaba umboleki akakwazanga ukusombulula isikhalazo ngokoNozikhalazo, ngokweZiko eliNgelinye lokuSombulula iiMbambano, okanye ngokoMgqaliseli.

(Icandelo 137 & 141)
(Imigqaliselo 49, 51)

4. **IZiko eliNgelinye lokuSombulula iiMbambano (i-ADR)**

I-ADR liziko elizama ukusombulula iimbambano ngokoxolelwaniso, ulamlo okanye ukuwisa isigqibo.

Ukubangaba umboleki ubhekise imbambano kwiZiko eliNgelinye, lize eli Ziko lifumanise ukuba omnye kwaba babambeneyo akasebenzisani neli Ziko okanye imbambano ayisombululeki, iZiko eliNgelinye kufuneka likhuphe isatifiketi esixela ukuba inkqubo yokusombulula imbambano ayiphumelelanga. Umbandela ke ngoko ungathunyelwa kwiGunya lokuVavanya iZikhalazo ukuze liwusombulule.

(Icandelo 134)
(Umgqaliselo 51)

Inkqubo emayilandelwe xa kufakwa isikhalazo kuMgqaliseli weLizwe weeNtengo zeMboleko

Umboleki anganxulumana noMgqaliseli weLizwe weeNtengo zeMboleko ngomnxeba okanye agcwalise ifom yesikhalazo, engafumaneka kuMgqaliseli. UMgqaliseli kufuneka anike le nkcazelo ilandelayo xa efaka isikhalazo:

- Igama eligcweleyo, ifani kunye nenombolo ye-ID;
- Iinkcukacha zonxulumano;
- Inkcazelo emfutshane yesikhalazo

Isikhalazo singafakwa kuphela kuMgqaliseli xa umboleki sele ezamile ukusombulula umbandela nomniki-nkonzo yeentengo zemboleko zaze ke iinzame azaphumelela.

UMgqaliseli:

- uyakukhupha isaziso sokungabhekiswa kombandela xangaba ufumanise ukuba umbandela ungaphandle kwegunya loMthetho;

- uyakuphanda inyewe ngokugunyazisiweyo; okanye
- uyakuthumela umbandela kuNozikhalazo onegunya lokuwuqwalasela okanye kwiZiko eliNgelinye lokuSombulula iiMbambano okanye kwinkundla yababoleki.

Ukubangaba isikhalazo sithunyelelwe ukuba siphandwe, uMgqaliseli uyakuqwalasela ingxelo yomphandi kwaye

- akhuphe isaziso sokungabhekiswa kombandela; okanye
- athumele umbandela kwiGunya lokuVavanya iZikhalazo ukuze lenze isigqibo.

Ukubangaba isikhalazo simalunga **nesenzo esingavumelekanga** ngokoMthetho, uMgqaliseli uyakuwuthumela umbandela kuGunyaziwe weLizwe woTshutshiso ukuze kufakwe izityholo zobugebenga kumntu ekukhalazwa ngaye.

Ukubangaba imbambano isonjululwe, isiphumo singasiwa kwiGunya lokuVavanya iZikhalazo ukuze senziwe umyalelo wokuvuma.

(Amacandelo 136, 138, 139 & 140)

(Umgqaliselo 50)

National Credit Regulator

INKCAZELO NGAMAGAMA

- **Unozikhalazo (Ombudsman) onegunya lokuqwalasela umba othile:** I-ofisi okanye iziko kwishishini elisekwe ngokomthetho okanye ngobuqumrhu bokuzithandela, ukuze lincedise ekusombululeni iimbambano phakathi kwababoleki namaziko angaphakathi kwelo shishini. Kudla ngokuba imibandela uNozikhalazo angajongana nayo ichazwe nqo kwaye ke oku kubizwa ngokuba "ligunya kumba othile".

- **Isenzo esingavumelekanga:** UMthetho umisela ukuba ukubangaba imimiselo ethile eseMthethweni yaphulwe, eso senzo asivumelekanga kwaye kungafakwa izityholo zobugebenga kumntu owaphule ummiselo.

EZINYE IZIHLOKO EZIYELELEYO:

- **AMalungelo waBaboleki (Isahluko 2)**
- **Ukungakwazi ukuhlawula kunye nokunyanzeliswa kwentlawulo yetyala (Isahluko 7)**
- **Amaziko agcina iNkcazelo ngeeNtengo zeMboleko kunye neNkcazelo ngeeNtengo zeMboleko (Isahluko 9)**
- **Ukunyanzeliswa koMthetho weLizwe weeNtengo zeMboleko (Isahluko 11)**
- **Amaziko onxulumano aluncedo (Isahluko 12)**

National Credit Regulator

Isahluko 11

Ukunyanzeliswa koMthetho weLizwe weeNtengo zeMboleko

Esi Sahluko sijongana nendlela ekunyanzeliswa ngayo uMthetho weLizwe weeNtengo zeMboleko. Sizakubandakanya ezi zihloko zilandelayo:

- Umgqaliseli weLizwe weeNtengo zeMboleko (National Credit Regulator)
- IGunya leLizwe lokuVavanya iZikhalazo zaBaboleki (National Consumer Tribunal.)

UMgqaliseli weLizwe weeNtengo zeMboleko

UMthetho useka uMgqaliseli weLizwe weeNtengo zeMboleko ekuthiwa yi-National Credit Regulator (NCR). UMgqaliseli ugqalisela imarike yeentengo zemboleko kwaye unyanzelisa uMthetho.

- Imisebenzi:

  UMgqaliseli:

  - unoxanduva lokubhalisa abaniki-nkonzo zeentengo zemboleko, amaziko agcina inkcazelo ngeentengo zemboleko kunye naBacebisi kuMatyala eMboleko;
  - kufanele abeke iliso kwaye aphande ngezikhalazo;

- unoxanduva lokunika ingxelo ePalamente malunga nokufumaneka kweentengo zemboleko, inkqubo zemarike, ufikelelo kwiintengo zemboleko kunye nenqanaba lokutshona kwababoleki ngokugqithileyo ematyaleni emboleko;
- unoxanduva lokunyanzelisa uMthetho.

- Amandla:
  UMgqaliseli :
  - uphanda ukungahambisani nomthetho kwalowo ubhalisileyo;
  - ukhupha izaziso zokungahambisani noMthetho;
  - utshutshisa ukungahambisani noMthetho phambi kweGunya lokuVavanya iZikhalazo;
  - uthumela izikhalazo kwiGunya lokuVavanya iZikhalazo;
  - ucela iGunya lokuVavanya iZikhalazo ukuba licime ubhaliso lobhalisileyo;
  - umisela imiqathango kubhaliso lwababhalisileyo.

IGunya leLizwe lokuVavanya iZikhalazo zaBaboleki

UMthetho ukwaseka iGunya leLizwe lokuVavanya iZikhalazo zaBaboleki. IGunya lasekelwa ukunika imiyalelo kwimibandela yeentengo zemboleko ezinembambano, oko kukuthi, ezingenakusonjululwa ngokoMgqaliseli. Eli Gunya linganika imiyalelo nezohlwayo ezidweliswe apha ngezantsi:

- Imiyalelo:
  - IGunya, lichotshelwe ngumntu omnye okanye lichotshelwe ngokupheleleyo ngabantu abathathu, lingenza isigqibo ngale miba ilandelayo:

- Ukucinywa kobhaliso lwababhalisileyo;
- Imibandela ebhekiswe kulo nguMgqaliseli;
- Ukuwiswa kwezohlwayo xa kufunyaniswe ukungahambisani;
- Ukukhutshwa kwemiyalelo yeendleko kwimiba elenza izigqibo kuyo;
- Ukukhutshwa kwemiyalelo yokuvuma xa ababangisani bevumelene ngokusonjululwa kwembambano;
- Ukukhutshwa kwemiyalelo yokuvuma xa ababangisani bevumelana ngokuhlengahlengiswa kwetyala lemboleko;
- Ukubhengeza ukuziphatha kobhalisileyo okungavumelekanga ngokoMthetho;
- Ukuyalela ukuba obhalisileyo ayeke izenzo ezithile.

➢ Izohlwayo:

↳ IGunya lingawisa isohlwayo solawulo;

↳ Isohlwayo asinakudlula ngaphezulu kwe R1 million okanye i10% ye-mali eyenziwe ngonyaka **ngulowo ubhalisileyo,** nokuba yeyiphi eyeyona inkulu.

(Icandelo 150 & 151)

EZINYE IZIHLOKO EZIYELELEYO:

- Iimbambano kunye neZikhalazo (Isahluko 10)

National Credit Regulator

INKCAZELO NGAMAGAMA

- **Obhalisileyo** – kubandakanywa abaniki-nkonzo zeentengo zemboleko, abacebisi ngamatyala emboleko kunye namaziko agcina inkcazelo ngeentengo zemboleko, abhaliswe kuMgqaliseli.

EZINYE IZIHLOKO EZIYELELEYO:

- **Iinkqubo zokumaketha (Isahluko 4)**
- **Iindleko (Isahluko 5)**
- **Ukunikezela, ukuphelisa kunye nokuhlawula phambi kwexesha (Isahluko 6)**

National Credit Regulator

Isahluko 12

Amanye amaziko onxulumano aluncedo

Kwesi sahluko uyakufumana iinkcukacha zonxulumano namaziko ongafaka kuwo izikhalazo malunga nemibandela eyahlukeneyo.

1. **The National Credit Regulator**
   (UMgqaliseli weLizwe weeNtengo zeMboleko)
   - usombulula izikhalazo ezimalunga nezivumelwano zeentengo zemboleko, amaziko agcina iinkcukacha ngeentengo zemboleko kunye naBacebisi kuMatyala eMboleko.

   Inombolo yokutsalela: 0860 627 627

2. **Financial Services Board**
   (IBhodi yeeNkonzo zeMali)
   - isombulula izikhalazo ezimalunga neenkonzo zemali ezingezizo ezebhanki, umzekelo, imibutho yotyalo-mali, iingxowa-mali zomhlalaphantsi zabafaki bee-inshorensi kunye namaqumrhu anobuhlobo.

   Inombolo engahlawulelwayo: 0800 110 443 okanye 0800 202 087
   Inombolo yefeksi: (012) 347 0221

3. **Credit Information Ombudsman**
(UNozikhalazo weNkcazelo ngeeNtengo zeMboleko)
- usombulula izikhalazo zomntu othile ezimalunga nenkcazelo yentengo yemboleko.

IZiko lokuTsalela uMnxeba: 0861 662 837 okanye 0860 OMBUDS

4. **Ombudsman for Banking Services**
(UNozikhalazo weeNkonzo zeBhanki)
- usombulula izikhalazo zomntu othile ezimalunga neenkonzo kunye neemveliso zebhanki.

Inombolo yomnxeba: 0860 800 900 okanye 0860 OMBUDS
Inombolo yefeksi: (011) 838 0043

5. **Debt Collectors Council**
(IBhunga laBakoleki baMatyala eMboleko)
- lisombulula izikhalazo ezimalunga nokukolekwa kwamatyala emboleko.

Inombolo yomnxeba: (012) 804 9808
Inombolo yefeksi: (012) 841 6238

6. **Department of Trade and Industry**
(ISebe lezoRhwebo naMashishini)
Inombolo yomnxeba: (012) 349 9500
Iziko lokutsalela umnxeba: 0861 843 384
Inombolo yefeksi: 0861 843 888

7. **Provincial Consumer Affairs Directorates**
(AMacandelo oBuqondisi baMaphondo beMibandela yezaBaboleki)
- asombulula izikhalazo xa umboleki ecinga ukuba amalungelo wakhe atyeshelwe.

Mpuma -Koloni
Inombolo yomnxeba: (040) 609 3663
Inombolo yefeksi: (040) 609 3201

Freyistati
Inombolo yomnxeba: (051) 400 4852
Inombolo yefeksi: (051) 400 9609/10

Gauteng
Inombolo yomnxeba: (011)355 8008/6
Inombolo yefeksi: (011) 355 8019

Kwa -Zulu Natal
Inombolo yomnxeba: (031) 310 5300
Inombolo yefeksi: (031) 310 5416

Limpopo
Inombolo yomnxeba: (015) 291 2863/4/2
Inombolo yefeksi: (015) 291 2898

Mpumalanga
Inombolo yomnxeba: (013) 752 3761
Inombolo yefeksi: (013) 752 3729

Mntla -Ntshona
Inombolo yomnxeba: (018) 387 7700
Inombolo yefeksi: (018) 392 5660

Mntla -Koloni
Inombolo yomnxeba: (053) 830 4800
Inombolo yefeksi: (053) 832 4830

Ntshona -Koloni
Inombolo yomnxeba: 0800 007 081
Inombolo yefeksi: (021) 483 5872