



**THE NATIONAL CREDIT ACT, 2005
(UMTHETHO WEZIKWELETU KAZWELONKE)**

**‘Konke odinga ukukwazi ngoMthetho weziKweletu
kaZwelonke njengomthengi’**

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IBIKA

Leli bhukwana lisebenza njengomkhombandlela ngo-National Credit Act 34/2005 (NCA) (Umthetho weziKweletu kaZwelonke), kanti ubuye waziwe nje ngokuthi "Umthetho". Lenzelwe abantu abathenga izinto ngezikweletu, ngemboleko, ukuqasha, ukuthenga ngesitolimende, i-credit card (ikhadi lezikweletu) noma ukuthenga impahla noma amasevisi ngesikweletu, nokunye okunjalo, kumnikezi wesikweletu. Libuye lenzelwe nabantu noma izinhlangano ezisebenza njengezithunywa nabasizi kwezezikweletu (credit intermediaries) njengezikhungo zezeluleko, izikhulu noma ama-official ezinyunyane kanye namabhuku anohlu lwamagama neminingwane yezinhlangano (directories) zabathengi kwizifundazwe (kumaprovinci). Kuyimizamo yokwenza kubelula lokho okufakelwe kuMthetho maqondana nabathengi. Leli bhukwana alisona isibopho kwezomthetho. Uma kunokungabaza ngencazelo noma ngoksuebenza kwalokho okufakelwe kuMthetho, kumele kubhekwe isigaba ezithintana nalokhu kanye nemitheshwana yenkambiso (regulations) kuMthetho.

Lapho kusetshenziswa leli bhukwana, sicela niqaphele ukuthi ekugcineni kwesahluko nesahluko, kukhona incazelo yamagama achaza kalula amathemu (amagama) asetshenzisiwe ukusiza abathengi okungenzeka bengenalo ulwazi olwanele maqondana namathemu asetshenziswa kwezezikweletu. Lapho kukhonakala khona, kukhonjiswe izigaba ezikuMthetho, uma umfundi efuna ukuchazelwa kabanzi ngesihloko okukhulunywa ngaso.

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ISAHLUKO 1

UMLANDO NGOMTHETHO WEZIKWELETU KAZWELONKE

Inhloso yalesi sigaba ukunikeza abathengi ulwazi olunabile ngoMthetho ngokuphendula imibuzo elandelayo ngoMthetho:-

- Kungani kusungulwe uMthetho?
- Yini inhloso yoMthetho?
- Ngabe yibaphi abanikezi ngezikweletu abalawulwayo nababekelwe inqubo okumele basebenze ngayo ngokulandela uMthetho?
- Ngabe yibaphi abanikezi ngezikweletu abalawulwayo nababekelwe inqubo okumele basebenze ngayo ngokulandela uMthetho?

Umthetho weZikweletu kaZwelonke usungulelwe okulandelayo:

- Ukuqhubela phambili inqubo yezomnotho kanye nenhlalakahle yabo bonke abantu baseNingizimu Afrika
- Ukuqhubela phambili inqubo elungile nesebenza ngokusobala kwezezikweletu
- Ukuvikela abathengi kanye namalungelo abo kwezezikweletu
- Ukulawula nokubeka inqubo bonke **abanikezi bezikweletu** okumele basebenze ngayo, abeluleki kwezezikweletu (Debt Counsellors) **kanye nama-credit bureaux**
- Phungula izindleko zezikweletu
- Ukwenza izinto zilinganane ngenqubo phakathi kwabanikezi bezikweletu ngokwenza ukuthi indlela abasebenza ngayo ifanane, ukuze abathengi bakwazi ukuqhathanisa abanikezwa khona.

Inhloso yoMthetho weziKweletu kaZwelonke:

- **Ukwenza kubelula kanye nokunikeza indlela efanayo yokudalulwa kwezivumelwano zesikweletu.** Umthetho uchaza indlela abanikezi bezikweletu okumele banikeze ngayo ulwazi ngezivumelwano zesikweletu. Umthetho ubuye udinge ukuthi abanikezi bezikweletu banikeze ulwazi ngolwimi olulula noluzwakala kangcono, abathengi abangaluqondisisa. Isizathu salokhu, ukuthi abathengi kumele bafunde nokuqondisisa ulwazi ukuze bakwazi ukuqhathanisa ulwazi ngezivumelwano zesikweletu kubanikezi bezikweletu abehlukene ukuze bakwazi ukukhetha benolwazi.

- **Ukulawula inqubo ama-credit bureaux okumele asebenze ngayo kanye nolwazi abalugcinayo ngabathengi.** Umthetho ubeka inhlobo yolwazi ama-credit bureaux angalugcina ngabathengi, nokuthi lolo lwazi lutholakala kanjani, lusetshenziswa kanjani nokuthi bazolugcina isikhathi esingakanani kumarekhodi abo. Okubaluleke kakhulu, Umthetho unenhloso yokuqinisekisa ukuthi ama-credit bureaux agcina ulwazi oluyilo ncamashi ngabathengi.
- **Ukuqinisekisa ukuthi zonke izinto ezinikezelwa ngesikweletu ziphathwa ngendlela efanayo yibo bonke abanikezi bezikweletu.** Into enikezwa ngesikweletu (credit product) isho indlela umnikezi wesikweletu anikeza ngayo isikweletu kumthengi. Isibonelo, izinto ezitholakala ngesikweletu zibandakanya ama-overdraft (imali-mboleko kwi-akhawunti yamasheke, ama-credit card, imali-mboleko kumuntu siqu (personal loan), ama-akhawunti ezingubu zokugqoka kanye nefenisha. Inhloso ukuqinisekisa ukuthi abathengi bayazi ukuthi bonke abanikezi bezikweletu bazophatha izinto ezinikezwa ngesikweletu (credit products) ngendlela efanayo.
- **Ukusiza abathengi abangene kakhulu ezikweletini ukuhlela kabusha izikweletu zabo.** Umthetho unikeza abathengi abangakwazi ukukhokhela izikweletu zabo zenyanga ngokulandela izivumelwano zesikweletu ukuthi basizwe ngabeluleki ngezikweletu (Debt Counsellors) ukuhlela kabusha izikweletu zabo zenyanga nabanikezi babo bezikweletu. Umthetho unenhloso yokuvimbela ukuthi abathengi bangene kakhulu ezikweletini, kanye nokukhuthaza indlela yokubolekisa elungile nenomqondo, ukuthi yenziwe ngabanikezi bezikweletu.

- **Ukuba nenhlangano eyodwa elawula yonke inqubo kwimakethe yezikweletu, okuyi-National Credit Regulator (NCR).** Umthetho usungula inhlangano ye-NCR, okuyiyona ebhekene nokuqinisekisa ukulandelwa koMthetho. Abanikezi bezikweletu kudingeke ukuthi barejiste (babhalise) nale nhlangano ukuze bakwazi ukusebenza ngendlela esemthethweni. Abathengi bangafakela izikhalazo maqondana nabanikezi bezikweletu kanye nama-credit bureaux kwi-NCR, uma bengakwazanga ukuxazulula izimpikiswano zabo nabanikezi bezikweletu noma ama-credit bureaux.
- **Ukusungula inhlangano kazwelonke yokuqula amacala kanye nokulamula eyaziwa ngele-National Consumer Tribunal ezintweni eziphathelene noMthetho.** Umthetho ubuye usungule nenhlangano ye-National Consumer Tribunal okuyinkantolo ezimele ebhekene namacala ezabathengi, enikezwe umsebenzi wokulalela amacala kanye nokukhipha imiyalelo eqondene nezikhalazo zabathengi nabanikezi bezikweletu, ukweqiwa koMthetho kanye nezinqumo zenhlangano yolawulo lwenqubo yezikweletu (Regulator).

Umthetho weziKweletu kaZwelonke ulawula abanikezi bezikweletu abalandelayo:

- AmaBhangi
- Ababolekisa ngemali encane (micro lenders)
- Abathengisi bezitolo ezinkulu zezingubo zokugqoka kanye nezitolo zamafenisha

- Onke amabhizinisi, izinkampani ama-close corporation kanye nabantu ziqu abenza ibhizinisi ngezikweletu (ngemali-mboleko), abanikezi ngemali-mboleko, kanye nabashaja (abakhokhisa) inzalo ngama-akhawunti angakhokhelwe.
- Nangaphezu kwalokho, ulawula ama-credit bureaux kanye nabeluleki ngezikweletu (Debt Counsellors).

Umthetho ulawula nezivumelwano ngezikweletu ezilandelayo:

- Abanikezi bemali-mboleko yezindlu
- Abanikezi ngemali-mboleko abafana namakhadi ezitolo, imali-mboleko yamabhangi kuma-akhawunti amasheke eyaziwa njengama-overdraft, ama-credit card, ama-garage card, imali-mboleko kubantu ziqu (personal loans) abathengisa ngokukhokhisa izitolimende, abaqashisi, abashintshisana ngempahla (pawn) kanye nentengiso yezaphulelo (yama-diskhawunti).
- **Izikweletu ngenhloso yezentuthuko**
- **Izikweletu ezenzeka ngokungavamile (incidental)**
- Amagaranti (izibambiso) zokukhokhelwa kwezikweletu.



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- **Umnikezi wesikweletu (imali-mboleko)** - uhlangothi olubolekisa imali noma ulunikeza isikweletu komunye ngaphansi kwesivumelwano sesikweletu.
- **Abeluleki ngezizikweletu (debt counsellors)** - abantu ziqu abarejiste ne-NCR, abasiza abathengi abangene kakhulu ezikweletini ukuqinisekisa ukuthi bahlela kabusha izikweletu zabo ngokuxoxisana nabanikezi bezikweletu okungabandakanya ukuthola umyalelo wenkantolo egamen labathengi.
- **I-credit bureaux:**
 - ↳ inhlango e qikelele ukukhokhelwa kanye nokudalula ulwazi ngokukhokha isikweletu komuntu kanye nokucina imibiko noma ukuphenyisisa ngezicelo zezikweletu, izivumelwano zesikweletu, umlando ngokukhokha kanye nendlela umuntu akhokha ngayo (patterns);
 - ↳ ukuqokelela ulwazi kanye nokucina ulwazi oluvela kwimibiko oluqukethe okungenhla;
 - ↳ ukunikeza imibiko evela kulwazi oluqokelelwe njengoba kushiwe ngenhla.

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Isivumelwano ngesikweletu - isivumelwano esiyisekelo sokuthengiswa kwempahla umnikezi wesikweletu, noma anikeza ngayo imali kumthengi. Umthengi ulindelwe ukuthi avumelane nemibandela ebese esayina isivumelwano. Isivumelwano sizoqukatha ulwazi ngento etholakala ngesikweletu umthengi enze isicelo sayo nakhona ezonikezwa. Ulwazi kumele lubandakanye nemibuzo efana nezikhathi zokukhokha, umshuwalense, inzalo yemali kanye nezinye izimali namashaji akhokhiswayo (fees charged), nokuthi kuzokwenzeka ini ngomthengi uma ehluleka ukukhokhela izitolimende zakhe.

Izikweletu ngenhloso yezentuthuko - isikweletu senhlobo yesipesheli eyenziwe nokuchazwa kuMthetho weziKweletu kaZwelonke. Ngokulandela uMthetho, kukhona izinhlobo ezintathu zesikweletu senhloso yezentuthuko (developmental credit), isibonelo salokhu, zimali-mboleko ngenhloso yemfundo, izimali-mboleko zokwakha, ukwandisa nokuthuthukisa indlu yentengo ephansi (low-cost housing) kanye nezimali-mboleko zokusungula amabhizinisi amancane naphakathi naphakathi.

Izikweletu ezenzeka ngokungavamile (incidental) - Lapho isivumelwano sokuqala sentengo yezimpahla kanye namasevisi singenelwe phakathi kwanoma yimuphi umsaplayi kanye nomthengi inhloso yalokhu akukhona ukunikeza isikweletu kumthengi. Ngamanye amagama, akusona isivumelwano sesikweletu, kodwa ngokuhluleka kwabathengi ukukhokhela izimpahla noma amasevisi ngosuku olubekiwe noma ngaphambi kwalo, kukhona imali ekhokhiswayo,

UHLA LWAMAGAMA ASETSHENZISIWE

amashaji, kanye nenzalo engezelelwayo kwinani okumele likhokhelwe. Isivumelwano manje sesibizwa ngokuthi yisivumelwano sesikweletu esenzeka ngokungavamile (incidental). Isibonelo sesikweletu esenzeka ngokungavamile yi-akhawunti kamasipala engakhokhelwanga ngosuku olufanele, noma i-akhawunti kadokotela engakhokhelwanga ngosuku olufanele.

(Izigaba 4, 8, 10, 12 no-26)

EZINYE IZIHLOKO EZIHAMBELANA NALOKHU:

- Amalungelo abathengi (Isahluko 2)
- Izivumelwano zesikweletu (Isahluko 3)
- IAma-credit bureaux (Isahluko 9)
- Izimpikiswano nezikhalazo (Isahluko 10)
- Ukuqikelela ukulandelwa koMTHETHO (Isahluko 11)



ISAHLUKO 2

AMALUNGELO ABATHENGI NGEZIKWELETU

UMthetho weziKweletu kaZwelonke unikeza isiqiniseko kubathengi ngamalungelo alandelayo, okuzokhulunywa ngawo kulesi sahluko:

- Ilungelo lokwenza isicelo sesikweletu (semali-mboleko)
- Ilungelo lokungabandlululwa lapho kwenziwa isicelo sesikweletu (imali-mboleko)
- Ilungelo lokunikezwa izizathu zokuthi kungani isicelo sesikweletu (semali-mboleko) singavunyelwa (salelwa)
- Ilungelo lokunikezwa amadokhumende ngolunye lwezilimi ezisemthethweni eliqondisiswa ngumthengi
- Ilungelo lokunikezwa amadokhumende ngolwimi olubhalwe ngendlela elula neqondisisekayo
- Ilungelo lokunikezwa amadokhumende abhaliwe aqondene nenqubo yesikweletu (yemali-mboleko)
- Ilungelo lokuphathwa kolwazi lomuntu ngendlela eyimfihlo
- Ilungelo lokufinyelela nokuthola ulwazi kanye nokuphikisa ulwazi oluphethwe noma oluqukethwe ngabe-credit bureau
- Ilungelo lokuthola izitatimende njalo.

Ilungelo lokwenza isicelo sesikweletu (semali-mboleko)

Umthetho weziKweletu kaZwelonke unikeza wonke umuntu ngisho noma ngumuntu oyedwa, iqembu labantu noma inkampani, ilungelo lokwenza isicelo sesikweletu (semali-mboleko) kunoma ngumuphi umnikezi wesikweletu (wemali-mboleko). Kodwa, leli lungelo, alivimbeli umnikezi ngesikweletu (imali-mboleko) ukwala ukunikeza isikweletu (imali-mboleko), inqaba nje uma isizathu sakhe sokwala ukunikeza isikweletu (imali-mboleko) lisekelwe yizizathu ezibambekayo kwezebhizinisi, nakhona lihambisana nenqubo evamile nelungile yokuhlola ubungozi besikweletu (bemali-mboleko).

(Isigaba 60)

Ilungelo lokungabandlululwa lapho kwenziwa isicelo sesikweletu (imali-mboleko)

Abathengi abenza isicelo zemali-mboleko babuye bavikelwe ekubandlulweni ngendlela engalungile ngabanikezi besikweletu (bemali-mboleko). Umthetho uvimbela abanikezi bezikweletu (bemali-mboleko) ekubandluleni abathengi ngenxa yebala labo, umhlobo (race), iminyaka, ngoba bengabaliphi iqembu lezopolitiki, inqubo yabo yezokuthandana nobulili obuthize (sexual orientation), ngoba bengabayiphi inkolo, noma bengabayiphi inyunyane. Umthengi onomqondo wokuthi uyabandlululwa ngenxa yalezi zizathu, angasa umnikezi wesikweletu (wemali-mboleko) eNkantolo yenqubo yokulinganana (Equality Court), noma angafakela isikhalazo kwabenhlango elawula ezezikweletu iNational Credit Regulator, ezohambisa udaba lwenkantolo yenqubo yezokulinganana i-Equality Court.

(Isigaba 61)

Ilungelo lokunikezwa izizathu zokuthi kungani isicelo sesikweletu (semali-mboleko) singavunyelwa (salelwa)

Umthetho weziKweletu kaZwelonke unikeza abathengi, abalelwe isikweletu (imali-mboleko) ngumnikezi wesikweletu (wemali-mboleko), ilungelo lokucela izizathu nokuchazelwa ukuthi kungani isicelo sakhe sesikweletu salelwe (senqatshelwe). Uma isizathu sokwalela umthengi isicelo senziwe ngenxa yombiko ongemuhle otholakele kwabe-credit bureau, uMthetho ubeka ukuthi umnikezi wesikweletu kumele anikeze umthengi ngokubhala igama, ikheli kanye neminingwane yokuxhumana ye-credit bureau lapho umnikezi wesikweletu (wemali-mboleko) athole khona ulwazi.

(Isigaba 62)

Ilungelo lokunikezwa amadokhumende ngolunye lwezilimi ezisemthethweni eliqondisiswa ngumthengi

Umthengi unelungelo lokwamukela amadokhumende kumnikezi wesikweletu (wemali-mboleko) ngolunye lwezilwimi ezisemthethweni aluqondisisayo. Amadokhumende umnikezi wesikweletu (wemali-mboleko) okumele awanikeze umthengi kumele abandakanye isivumelwano sesikweletu, ama-quotation kanye nezitatimende. Kodwa, lesi sidingo (requirement) kumele sisekelwe yinqubo ezwakalayo (reasonability), efana nokusetshenziswa, ukukhonakala (practicality), izindleko, irijini noma isifunda, kanye nokuthi lokhu kuzosiza izidingo zabathengi kumnikezi wesikweletu (wemali-mboleko). Umnikezi wesikweletu (wemali-mboleko) kumele enze isiphakamiso kwabe-NCR maqondana nezilwimi azimisele ukunikezela ngalo amadokhumende akhona, kanti abe-NCR kumele bavumele (approve) lezi ziphakamiso.

(Isigaba 63)

Ilungelo lokunikezwa amadokhumende ngolwimi olubhalwe ngendlela elula neqondisisekayo

Umthengi unelungelo lokwamukela ulwazi namadokhumende ngolwimi olulula noluqondisisekayo (plain language). Lokhu kusho ukuthi ingqikthi yolwazi (contents), incazelo kanye nokubaluleka kwedokhumende kumele kubelula ukukuqondisisa nokukuzwisisa. Maqondana nalokhu, abe-National Credit Regulator bangakhipha imikhombandlela (guidelines) yokuchaza ukuthi kushoni ukubhala izinto ngolwimi olulula noluqondisisekayo ("plain language").

(Isigaba 64)

Ilungelo lokunikezwa amadokhumende abhaliwe aqondene nenqubo yesikweletu (wemali-mboleko)

Umthetho unikeza abathengi ilungelo lokwamukela amadokhumende aqondene nesivumelwano sesikweletu (semali-mboleko) ngendlela ekhethwa ngumthengi. Umthengi angakhetha ukuthi amukele amadokhumende ezandleni kumnikezi wesikweletu (wemali-mboleko) endaweni yebhizinisi lomnikezi wesikweletu, noma ngefekisi, i-email, noma ngekhasi eliprintekayo ku-web. Umthengi unelungelo lokwamukela ikhophi yamadokhumende evela kumnikezi wesikweletu (wemali-mboleko), ngaphandle kokukhokhiswa, kodwa uma umthengi ecela ukunikezwa enye ikhophi lapho elahle eyakhe kungakapheli unyaka ngemuva kokuba ethole amadokhumende okuqala (original documents). Uma umthengi efuna amanye amadokhumende, kuzomele akhokhele umnikezi wesikweletu (wemali-mboleko).

(Isigaba 65)

Ilungelo lokuphathwa ngendlela eyimfihlo

Ilungelo lomthengi lokuphathwa **ngendlela eyimfihlo** ivikelwe yisigaba esithi noma yimuphi umuntu noma inhlangotho eyamukela noma eqokelela ulwazi oluyimfihlo ngabathengi, kumele isebenzise ulwazi ngenhloso umthengi anikeze ilungelo yalo (given his/her consent), ngaphandle kokuba ukusetshenziswa kwalolo lwazi kuyisidingo ngokulandela uMthetho. Umthetho ubuye ubeke (stipulate) ukuthi umuntu noma inhlangotho ephethe ulwazi oluyimfihlo lomthengi angakhipha lolo lwazi kuphela uma ecelwa ukwenze njalo ecelwa ngumthengi noma inkantolo yomthetho.

(Isigaba 68)

Ilungelo lokufinyelela nokuthola ulwazi kanye nokuphikisa ulwazi oluphethwe noma oluqokethwe ngabe-credit bureau

Umthetho unikeza umthengi ilungelo lokulandelayo:

- Ukufinyelela nokuthola ulwazi kwabe-credit bureau oluqondene naye. Ulwazi kumele lunikezwe umthengi mahhala ngaphandle kokukhokhiswa njalo ezinyangeni eziyishumi nambili (12) uma umthengi ecela ulwazi ngokungaphezulu kokukodwa ezinyangeni eziyishumi nambili (12), kuzomele akhokhe. Leyo mali ayikhokhayo kumele ingeqi kwinani lika-R20.00.
- Ilungelo lokuphikisa nokucela ubufakazi bokuthi ulwazi luyilo ncamashi (proof of accuracy) olukwabe-credit bureau. Uma abe-credit bureau behluleka ukunikeza umthengi ubufakazi bokuthi ulwazi luyilo ncamashi (accurate), lolo umthengi aluphikisayo, baphoqeleka ukuthi lolo lwazi umthengi aluphisayo balukhiphe kumarekhodi abo.

- Umthengi kumele achazelwe ngumniki wesikweletu (wemali-mboleko) ngaphambi kokuba adlulisele lolo lwazi olubi ngomthengi ludluliselwe kwabe-credit bureau. Umthengi unelungelo lokuthola ikhophi yalolo lwazi oludluliselwa kwabe-credit bureau uma elucela.

(Isigaba 72)

Ilungelo lokuthola izitatimende njalo

Umthetho ubuye ubeke (stipulate) nokuthi umnikezi wesikweletu (wemali-mboleko) kumele anikeze umthengi isitatimende kanye ngenyanga, noma kabili njalo ezinyangeni ezimbili, uma isivumelwano **singesesitolimende isivumelwano sentengiselano sokuqasha** noma semali-mboleko enesibambiso (secured loan). Kungavunyelwane ngokubeka isikhathi eside sesitatimende uma umthengi evuma. Kodwa, lesi sikhathi eside sokunikezelwa kwesitatimende, akumele sibe ngaphezulu kwezinyanga ezingu-3.

Maqondana **nesivumelwano semali-mboleko yendlu (mortgage agreement) umthengi unelungelo lokuthola** isitatimende njalo ezinyangeni eziyisithupha (6).

(Isigaba 108)



UHLA LWAMAGAMA ASETSHENZISIWE

- **Inqubo yokuhlola ubungozi bokukhokhelwa kwesikweletu** – ukuhlola kwezezikweletu okwenziwa ngumnikezi wesikweletu ukubona ukuthi kumele yini umthengi anikezwe isikweletu, nokuthi kumele anikezwe isikweletu sezinga elifinyelela kuphi, nokuthi ngabe ingakanani ingozi eyamukelekile ngokunikezela ngesikweletu kodwa akwazi ukwenza inzuzo.
- **Ukuphathwa kwenqubo ngendlela eyimfihlo** – ukuqinisekisa ukuthi ulwazi maqondana nomuntu alunikezelwa abanye ngaphandle kwemvume yomthengi noma njengoba kudingwe umthetho.
- **Isivumelwano sentengo yesitolimende** – ukuthengwa kwempahla esusekayo njengefenisha nokunye okunjalo, laphe kukhokhwa khona ngezikhathi ezithile, kukhona inzalo kanye namashaji akhokhelwayo kumnikezi wesikweletu, ekhokhwa ngumthengi, noma lowo onaleyo mpahla ethengiwe. Ubunikazi bempahla budlulela kumthengi ekupheleni kwesikhathi sesivumelwano sesikweletu.
- **Ukuqasha** – ukuthatha impahla ibe ngakuwe impahla kanye nokukhokhelwa kwayo kwenzelwa ukuyisebenzisa. Umthengi kumele akhokhele imali ekhokhiswayo (ama-fee) kanye namashaji, kanti umthengi angakhetha ukuthi ubunikazi bempahla bubuyiselwe ngakuye ekupheleni kwesivumelwano.

UHLA LWAMAGAMA ASETSHENZISIWE

- **Isivumelwano semali-mboleko yendlu** - isivumelwano sesikweletu siqinisekiswa ngesibambiso (security) esinikezwa phezu kwempahla engasuseki, efana nemali-mboleko yendlu okumele kunikezwe isibambiso sayo ngebhondi kuleyo prophathi (impahla).

EZINYE IZIHLOKO EZIHAMBELANA NALOKHU:

- Izivumelwano zesikweletu (Isahluko 3)
- Ukungakhokheli isikweletu kanye nokuqikelela ukukhokhelwa kwesikweletu (Isahluko 7)
- Abama-credit bureaux kanye nolwazi ngesikweletu (Isahluko 9)
- Izimpikiswano nezikalazo (Isahluko 10)



ISAHLUKO 3

IZIVUMELWANO ZESIKWELETU

Kulesi sahluko kuzokhulunywa ngezihloko ezilandelayo:

- Ngabe yini isivumelwano sesikweletu (semali-mboleko)?
- Izivumelwano ezingafakelwanga kuMthetho
- Izitatimende ezenziwa kuqala ngaphambi kwesivumelwano kanye nama-quote
- Izivumelwano eziphikisana nomthetho
- Imiphumela yezivumelwano eziphikisana nomthetho
- Ukufakela izinto eziphisana nomthetho kwizivumelwano
- Imiphumela yezivumelwano eziphikisana nomthetho
- Ukushintsha izivumelwano zesikweletu (zemali-mboleko) kanye nokukhushulwa/nokwehliswa kwemikhawulo ekukhokheleni isikweletu (imali-mboleko).

Ngabe yini isivumelwano sesikweletu (semali-mboleko)?

Isivumelwano sesikweletu singachazwa njengesivumelwano esenziwa phakathi komnikezi wesikweletu (imali-mboleko) kanye nomthengi lapho khona:

- Umnikezi wesikweletu (wemali-mboleko) anikeza khona impahla noma amasevisi noma abolekisa khona imali kumthengi noma kumboleki.
 - ↳ Umthengi ukhokhela impahla noma amasevisi noma ukukhokhela imali
 - ↳ ayiboleke ngokuyikhokhela ngezitolimende esikhathini eside; noma
 - ↳ Lapho khona umthengi noma umboleki okumele akhokhe kube kanye, lokhu kukhokha kwenziwa ngosuku lwangekusasa okuvunyelwene ngalo ngumthengi noma umboleki kanye nomnikezi wesikweletu (imali-mboleko); kanti futhi
 - ↳ Umthengi (umboleki) kumele akhokhele inzalo, imali ekhokhiswayo (fees) noma amashaji ngebhalansi asayikweleta yemali-mboleko ayibolekile noma inani asalikweleta ngempahla noma amasevisi anikezwe wona ngumnikezi wesikweletu.
- Umthengi kanye nomnikezi wesikweletu bangenela **inqubo yokushintshisana ngempahla (pawn transaction)**, inqubo yentengo yediskhawunti yokushintshiselana nokuthenga impahla ngesitolimende (discount transaction instalment sale agreement), isivumelwano semali-mboleko yendlu noma isivumelwano sokuqasha.

- Umnikezi wesikweletu ungenela isivumelwano sesiqinisekiso noma segaranti yokukhokhela isiweletu nomuntu oyedwa, lapho khona lo muntu ethembisa ukukhokhela isikweletu somunye umuntu ongumthengi, lapho ethola khona idimandi kumnikezi wesikweletu noma wemali-mboleko.

(Isigaba 8)

Izivumelwano ezingafakelwanga kuMthetho

- Izivumelwano lapho khona umnikezi wesikweletu (wemali-mboleko) kanye nomthengi noma umboleki abahlobene khona, isibonelo, phakathi komyeni nonkosikazi lapho khona umyeni aboleka khona unkosikazi wakhe imali;
- Izivumelwano lapho khona ilunga lesitokfela liboleka khona imali esitokfeleni;
- Izivumelwano lapho khona udayirektha wenkampani eboleka khona inkampani yakhe imali;
- Izivumelwano lapho khona isikhungo sikahulumeni siboleka noma ukubolekisa khona imali komunye umthombo. Isibonelo, lapho khona ibhangi liboleka khona imali kwi-South African Reserve Bank, le mboleko ayifakelwanga kuMthetho.

Izitatimende ezenziwa kuqala ngaphambi kwesivumelwano kanye nama-quote

Umthetho udinga ukuthi umthengi noma umboleki anikezwe isitatimende ezenziwa kuqala ngaphambi kwesivumelwano kanye ne-quotation ngaphambi kokuba asayine isivumelwano sesikweletu (semali-mboleko) nomnikezi wesikweletu (wemali-mboleko).

Isitatimende esenziwa kuqala ngaphambi kwesivumelwano (pre-agreement statement) siyidokhumende enikeza imininingwane ngemibandela nezimo zesivumelwano sesikweletu (semali-mboleko), umnikezi wesikweletu ahlose ukuzingenela nomthengi noma umboleki. Nangaphezu kwalokho, umthengi noma umboleki kumele anikezwe i-quotation echaza izindleko zesikweletu noma zemali-mboleko edingekayo. Le *quotation* kumele ibandakanye **nesikweletu sokuqala (principal debt)**, izinga lenzalo yemali, inani eliphelele elikhokhelwayo ngaphansi kwesivumelwano, izitolimende kanye nezimali ezikhokhiswayo (ama-fee) kanye namashaji nenzalo. Isitatimende esenziwa kuqala ngaphambi kwesivumelwano kanye ne-quotation kungafakelwa ngokubhala kwidokhumende eyodwa noma kumadokhumende ehlukeni. I-quotation eyamukelwa ngumthengi noma umboleki isebenza izinsuku ezinhlanu zoksuebenza. Uma umnikezi wesikweletu noma wemali-mboleko engenela isivumelwano sesikweletu nomthengi noma umboleki ezinsukwini ezinhlanu, uyaphoqeleka ukunikeza isikweletu ngezinga lenzalo noma izindleko azifakele kwi-quotation.

(Izigaba zika-92 ukuya ku-93)

(Imitheshwana yenqubo/ ama-regulation 28 – 31)

Izivumelwano eziphikisana nomthetho

Umthetho ubeka ukuthi izivumelwano ezilandelayo ziphikisana nomthetho:-

- Izivumelwano lapho khona umthengi noma umboleki **engumuntu omncane ngokomthetho (minor)** nakhona bekungekho umnakekeli ngokomthetho (guardian) obemelekelela ngesikhathi kusayinwa isivumelwano njengomthengi noma umboleki. Uma umthengi noma umboleki ekhohlise umnikezi wesikweletu noma imali-mboleko, ngokuthi amenze akholelwe ukuthi usengumuntu omdala ngokomthetho, leso sivumelwano siyoba yisibopho.

- Izivumelwano ezingenelwe nomthengi noma umboleki, obonwe ngodokotela ngokomthetho ukuthi akaphilile kahle ngokwengqondo;
- Izivumelwano ezingenelwe nomthengi, ongaphansi kwenqubo **yomyalelo womthetho ukuthi alawulwelwe izikweletu (administration order)** lapho khona umlawuli wezikweletu (administrator) enganikezanga khona imvume;
- Izivumelwano eziwumphumela **wokumaketha ngendlela engenhle (negative option marketing)**. Ukumeketha okubizwa ngokuthi yi-"Negative option marketing" kusho lapho umnikezi wesikweletu noma wemali-mboleko avele anikeze khona umthengi noma umboleki isikweletu uma engasho lutho, ngaphandle kokuba umboleki noma umthengi esho ngqo ngamazwi ukuthi akasithathi lesi sikweletu noma leyo mali-mboleko.
- Izivumelwano lapho khona umnikezi wesikweletu noma wemali-mboleko engabhalisile nabe-NCR, ngisho noma ephoqelekile ngokomthetho ukuthi arejiste (abhalise). Umnikezi wesikweletu (wemali-mboleko) orejistile, kudingeka ukuthi abeke isitifikedi sakho sokurejista obala kanye nomfanekiso osemthethweni (deal) okhishwe ngabakwa-NCR.

Qaphela: Abanye abanikezi bezikweletu (bemali-mboleko) asikho isidingo sokuthi barejiste nabe-NCR, kodwa izivumelwano zabo kumele zilandele okubekwe kuMthetho.

(Isigaba 89)
(Umtheshwana wenqubo/i-regulation 32)

Imiphumela yezivumelwano eziphikisana nomthetho

Uma isivumelwano sesikweletu sibekwa ukuthi siphikisana nomthetho yinkantolo, umnikezi wesikweletu ngeke akwazi ukubeka icala umthengi noma umboleki ngezimali amkweleta zona ngaphansi kwaleso sivumelwano. Umthetho ubeka ukuthi umnikezi wesikweletu (wemali-mboleko) kumele abuyisele imali yomthengi (yomboleki) aseyikhokhele, kanye nenzalo yayo ngezinga ebelifakelwe kwi-quotation kanye nesivumelwano. Lapho kutholakala khona ukuthi umthengi noma umboleki uzothola imali eningi (enriched) uma yonke umali ibuyiselwa emuva ngumnikezi wesikweletu, leyo mali iyothathwa kumnikezi wesikweletu igwinywe nguMbuso.

(Isigaba 89)

Ukufakela izinto eziphisana nomthetho (unlawful provisions/clauses) kwizivumelwano zesikweletu (zemali-mboleko)

Umthetho awuvumeli ukuthi kubekhona ezinye izinto/izigaba ezifakelwa kwisivumelwano sesikweletu (semali-mboleko). Ukungavunyelwa kwale mibandela nezimo kwenzelwe ukuvikela umthengi noma umboleki kwizinqubo ezithile ezingalungile zabanikezi bezikweletu noma bemali-mboleko. Phakathi kwezinye izinto ezingavunyelwe/izigaba, yilokhu okulandelayo:-

- Imibandela/izigaba ezilahla umthengi noma umboleki, noma ezenza ukuthi umthengi enze inkwabaniso;
- Izinto/izigaba ezifakela ukuthi umthengi noma umboleki ugudlulele eceleni amanye amalungelo akhe, ezingafakelwa kwizivumelwana zesikweletu (zemali-mboleko). Amalungelo

angeke agudlulelwa eceleni, abandakanya ilungelo lomthengi (lomboleki) lokuthi kuhlelwe kabusha isikweletu, ilungelo lokuthi **impahla ethathiwe kumthengi** ithengiswe ezimakethe ngenani elifanele nelihambisana nezimakethe, kanye nelungelo lokudonswa kwemali kwi-akhawunti yomthengi (debits) edonswa kwi-akhawunti yomthengi;

- Izinto/izigaba ezidinga ukuthi umthengi noma umboleki avume nokwamukela ukuthi uzitholile izimpahla noma olunye ulwazi oluvela kumnikezi wesikweletu, ngaphambi kokuba impahla noma ulwazi ekunikezilwe ngempela umthengi;
- Izinto/izigaba ezidinga ukuthi umthengi avume ukuhlukana nemali yakhe ayikhokhele umnikezi wesikweletu lapho umthengi engasafuni ukuqhubeka nesivumelwano noma esimisa;
- Izinto/izigaba ezidinga ukuthi umthengi ashiye okunye okungokwakhe kumnikezi wesikweletu (wemali-mboleko), okufana nomazisi wakhe (ID), amakhadi ebhangi, kanye nenombolo eyimfihlo yekhadi lasebhangi (PIN numbers of bank cards) nomnikezi wesikweletu (wemali-mboleko);
- Izinto/izigaba ezigunyaza umnikezi wesikweletu ukuthi akhansela isikweletu somboleki ngokuthatha impahla yomboleki noma yomthengi, ngaphandle kokuba umnikezi wesikweletu ethole imvume yomthengi noma yomboleki enikeza umbolekisi imiyalelo ecacile yokuthi athathe impahla futhi yiphi impahla maqondana nesivumelwano sesikweletu.

Amalungelo alandelayo atholakala kumthetho ovamile wansuku zonke (common law) noma imithetho yokulungisa isimo, ongasetshenziswa

ngabathengi noma ababoleki, ngeke agudlulelwa eceleni kwisivumelwano sesikweletu noma semali-mboleko.

- **Exceptio errore calculi** lokhu kusho ukuzivikela ngephutha elenzeke ekubalweni (error in calculation).
- **Exceptio non numerate pecuniae** lokhu kusho ukuzivikela kohlangothi (party) olubekwe icala noma olusuwishiwayo (sued) ngesithembiso sokukhokha imali engazange inikezwe.
- **Exceptio non causa debiti** lokhu kusho ukuzivikela ngokuthi isikweletu esiklemiwayo asifanele neze ukubakhona (debt claimed has no basis or ground).

Lokhu okungabandakanywa (exceptions) okukhulunywa ngakho ngenhla, kunomphumela wokuthi umnikezi wesikweletu (wemali-mboleko) asikho isizathu sokuthi akhombise ubufakazi bemininingwane yalokho okungabandakanywa lapho kuqikelelwa ukuthi isivumelwano sesikweletu (semali-mboleko) siyalandelwa njengoba sinjalo.

Musa ukusayina idokhumende engabhalwe luthi. Umnikezi wesikweletu (wemali-mboleko) angafakela eminye imibandela ngemuva kokuba ususayine ikontraki, ngemibandela ongazange uyivume.

(Isigaba 90 & 121)

(Umtheshwana wenqubo/i-regulation 32)

Imiphumela yokufakelwa kwezinto eziphikisana nomthetho kwizivumelwano zesikweletu (zemali-mboleko)

Umthengi (umboleki) ngeke abekwa icala noma asuwishwa, noma ukuphoqeelwa ukulandela okufakelwe kwisivumelwano sesikweletu (semali-mboleko) kwisivumelwano esitholakala ukuthi asilandeli umthetho noma siphikisana nomthetho. Izinto ezifakelwe eziphikisana nomthetho (unlawful provisions) zichaphazela izivumelwano zesikweletu (zemali-mboleko) ngezindlela ezimbili:

1. Okufakelwe kwisivumelwano okuphikisana nomthetho kungabangela ukuthi sonke isivumelwano sesikweletu singabi emthethweni, kanti umthengi (umboleki) ngeke aphoqeelwa ukukhokhela umnikezi wesikweletu ngaphansi kwaleso sivumelwano, noma
2. Okufakelwe okuphikisana nomthetho (unlawful provision) kungachitshiyelwa yinkantolo noma kusulwe ukuqinisekisa ukuthi isivumelwano siba ngesisemthethweni, lapho khona umthengi aphoqeleka khona kwisivumelwano sesikweletu kanye nesichibiyelo esifakelwe (amended provision).

(Isigaba 90)

Ukushintsha izivumelwano zesikweletu (zemali-mboleko) kanye nokukhushulwa/nokwehliswa kwemikhawulo ekukhokheleni isikweletu (imali-mboleko)

Umthetho ubeka (states) ukuthi noma yiluphi ushintsho olwenziwayo kwisivumelwano sesikweletu (semali-mboleko), umthengi noma umboleki asesisayinele, ngeke saba ngesiphoqayo, ngaphandle kokuba

- ushintsho luphungula isikweletu somthengi (somboleki) ngaphansi kwesivumelwano, noma

- umthengi (umboleki) esayina onobumba bamagama akhe (ama-initial) eceleni kwephepha eduzane nalopho kwenziwa khona ushintsho, noma
- ushintsho lurekhodwa ngokubhala kanti futhi lubuye lusayinwe ngumthengi (ngumboleki), kanye nomnikezi wesikweletu (wemali-mboleko), noma
- uma ushintsho luvunywe ngomlomo, kumele lurekhodwe ngemuva kwalokho ebese luyabhalwa.

Ngokulandela uMthetho, umthengi (umboleki) unelungelo lokuyalela umnikezi wesikweletu (wemali-mboleko) ngokubhala, ukuphungula umkhawulo wesikweletu sakhe (reduce the credit limit) ngaphansi kwenqubo yesikweletu. Umnikezi wesikweletu (wemali-mboleko) kumele aqinise (confirm) nomthengi noma umboleki ukuthi umkhawulo (limit) uphunguliwe ngokulandela isicelo somthengi noma umboleki, nakhona kumele akhombise usuku lapho kuyoqala khona ukusebenza komkhawulo (limit) ophunguliwe.

Umthengi (umboleki) uvunyelwe ukucela umnikezi wesikweletu (wemali-mboleko) ukukhuphula noma ukunyusa umkhawulo wenani elikhokhelwa isikweletu (increase the credit limit) okwesikhashana noma unomphela. Umthengi (umboleki) kumele avume, ngokubhala ukuthi umkhawulo wemali ekhokhelwa isikweletu ukhushuliwe (wenyusiwe), kodwa ngisho lapho umnikezi wesikweletu (wemali-mboleko) ethola lokho kuvuma okuvela kumthengi (kumboleki), umkhawulo (limit) ungakhushulwa kanye kuphela ngonyaka. Kodwa, umthengi (umboleki) angathi noma kunini enze isicelo sokukhushulwa komkhawulo wemali ekhokhelwa isikweletu.



UHLA LWAMAGAMA ASETSHENZISIWE

- **Inqubo yokushintshisana ngempahla (pawn transaction)** – yisivumelwano lapho khona kunikezwa isikweletu (imali-mboleko) kumthengi noma umboleki, yena avume ukuletha impahla esusekayo njengesibambiso sesikweletu (imali-mboleko) anikezwa yona;
- **Umuntu osemncane ngokomthetho (Minor)** – umuntu ongaphansi kweminyaka engu-18, ongakabekwanga yinkantolo ukuthi unesimo sokuba mdala (majority status);
- **Umyalelo womlawuli wezikweletu (Administration order)** – umyalelo okhishwa yiNkantolo kaMantshi ngokulandela isikweletu somthengi (somboleki), isikweletu esingaphezulu kwenani lika-R50 000, ukuthi sihllelwe kabusha, kanye nokulawulwa yinkantolo ebekwe ngumlawuli wezikweletu (administrator);
- **Ukuthathelwa impahla ngokungayikhokheli kahle** – lapho khona umthengi engakhokhelanga impahla ethengwe ngentengiso yesivumelwano sezitolimende, kanti umnikezi wesiwekweletu ethole umyalelo wenkantolo, wokuthi angathatha leyo mpahla ethengwe ngaphansi kwesivumelwano sentengiso yezitolimende;

UHLA LWAMAGAMA ASETSHENZISIWE

- **Isitatimende esenziwa kuqala ngaphambi kwesivumelwano (Pre-agreement statement)** - isitatimende esinikezwa ngumnikezi wesikweletu (wemali-mboleko) kumthengi (kumboleki) ngaphambi kokuba angenele isivumelwano sesikweletu nomthengi (nomboleki). Isitatimende siqukethe imibandela nezimo ezihlongozwayo kwisivumelwano sesikweletu (semali-mboleko);
- **Ukumaketha noma ukuthengisa into ngesikweletu umthengi engavumanga kodwa engashongo ukuthi akasivumi (Negative option marketing)** - lapho umnikezi wesikweletu enikeza umthengi isikweletu (imali-mboleko) angazange enze isicelo saso. Umthengi (umboleki) kumele azalele qobo mathupha (azinqabele yena ngokwakhe), uma kungenjalo, isivumelwano sesikweletu (semali-mboleko) sivele sisetshenziswe (bheka isahluko sesine ukuthola olunye ulwazi olunabile).

(Isigaba 116 -119)

EZINYE IZIHLOKO EZIHAMBELANA NALOKHU:

- Amalungelo abathengi (Isahluko 2)
- Izindlela zokumaketha nokuthola ngazo amaklayente (Isahluko 4)
- Izindleko (Isahluko 5)
- Ukubuyisela emuva (surrender), ukuphelisa (termination) kanye nokukhokhela isikweletu masishane singakafiki isikhathi okuvunyelwene ngaso (Isahluko 6)



ISAHLUKO 4

IZINDLELA OKUMAKETHWA NOKUDONSWA NGAZO ABANTU

Lesi sahluko sibhekana nezindlela zokumaketha kanye nentengiso abanikezi bezikweletu (bemali-mboleko) abenza ngayo umsebenzi wabo. Sibuye sibheke nezinqubo ezingavunyelwe ngaphansi komthetho wezikweletu i-NCA. Kuzobhekwana nezihloko ezilandelayo:

- Ukumaketha noma ukuthengisa into ngesikweletu umthengi engavumanga kodwa engashongo ukuthi akasivumi (Negative option marketing)
- Ukuvimbela ukwenziwa kwezokumaketha nentengiso yezikweletu (yemali-mboleko) emakhaya abathengi nasemisebenzini
- Izimo lapho kuvunyelwe khona ukumaketha kanye nokuthengisa izikweletu emakhaya nasemisebenzini yabathengi (yababoleki).

Ukumaketha noma ukuthengisa into ngesikweletu umthengi engavumanga kodwa engashongo ukuthi akasivumi (Negative option marketing)

Ukumaketha noma ukuthengisa into ngesikweletu umthengi engavumanga kodwa engashongo ukuthi akasivumi (Negative option marketing) kwenzeka lapho umnikezi wesikweletu (wemali-mboleko) enikeza umthengi (umboleki) isikweletu (imali-mboleko) umthengi noma umboleki angenzanga isicelo saso, kanti kuleso sihuho kuthiwa isivumelwano sizovele sisebenze ngaphandle kokuba umthengi (umboleki) esho ngokusobala ukuthi akasifuni. Umthetho uyayalela (uyayiphikisa) le ndlela yokumaketha. Noma yisiphi isivumelwano sesikweletu (semali-mboleko) umthengi noma umboleki asingenelayo, ngale ndlela asikho emthethweni, kanti kuzobhekwana nalokhu njengoba kuchaziwe kwiSahluko 3.

Umthetho ubuye udinge nokuthi ngesikhathi kusayinwa isivumelwano sesikweletu (semali-mboleko), umthengi noma umboleki kumele anikezwe ithuba lokuthatha isinqumo ngokulandelayo:

- ukuthi umkhawulo wenani lokukhokhela isikweletu ngomthengi noma ngomboleki linyuswe njalo ezinyangeni eziyishumi nambili (12)
- ukuthi ngabe umthengi noma umboleki uyafuna yini ukuthi kuxhunyanwe naye njalo ngezokumaketha noma akafuni ukufakelwa kuhla lwezokumaketha olwenziwa ngumnikezi wesikweletu (wemali-mboleko) ngezinto ezizothengiswa noma ezizosakazwa zihanjiswa yonke indawo.

(Isigaba 74)

Ukuvimbela ezokumaketha nentengiso yesikweletu (yemali-mboleko) emakhaya nasemisebenzini yabathengi (yababoleki)

Umthetho ubeka ukuthi umnikezi wesikweletu (wemali-mboleko) akavunyelwe ukulandelelana nokuhluphana nabathengi (nababoleki) ngenhloso yokuthi bangenele izivumelwano zesikweletu (zemali-mboleko). Ukuqinisekisa ukuthi abathengi abakhathazwa ngokucindezelwa ukuthi bangenele izivumelwano zemali-mboleko, uMthetho uvimbela inqubo yokumaketha nentengiso yezikweletu (yemali-mboleko) emakhaya nasemisebenzini yabathengi (yababoleki). Kodwa-ke, kukhona ezinye izimo ezivunyelwe, lapho khona isikweletu (imali-mboleko) ingamakethwa ngokusemthethweni noma ukuthengiswa emakhaya noma emisebenzini yabathengi (yababoleki). Lezi zimo kuxoxwa ngazo ngezansi.

(Isigaba 75)

Izimo lapho kuvunyelwe khona ukumaketha kanye nokuthengisa izikweletu emakhaya nasemisebenzini yabathengi (yababoleki)

Umthetho we-NCA uvumela ukuthi isikweletu (imali-mboleko) kumakethwe noma kuthengiswe kubathengi (ababoleki) emakhaya abo ngaphansi kwezimo ezilandelayo:

- Uma umnikezi wesikweletu (wemali-mboleko) evunyelwa ngumthengi (ngumboleki) ukuthi amakethe noma athengise isikweletu (imali-mboleko) ekhaya lomthengi (lomboleki),
- Uma umnikezi wesikweletu (wemali-mboleko) evakashela umthengi (umboleki) ukuthengisa impahla noma amasevisi, kodwa ebese ethi eceleni (incidentally) achazele umthengi ukuthi angamenzela amalungiselelo emali-mboleko yokuthenga lezo mpahla noma amasevisi ngesikweletu,

- Uma umnikezi wesikweletu (wemalil-mboleko) ethengisa isikweletu (imali-mboleko) esetshenziselwa ezentuthuko (developmental credit) angenza lokho ekhaya lomthengi (lomboleki) noma emsebenzini, ngaphandle kokuba emenyiwe ngumthengi (ngumboleki).

Umthetho uvumela ukuthi isikweletu (imali-mboleko) kumakethwe noma kuthengiswe kubathengi (ababoleki) emakhaya abo ngaphansi kwezimo ezilandelayo:

- Uma lowo ongaba ngumthengi (ngumboleki) engumqashi,
- Uma umthengi (umboleki) enze amalungiselelo nomnikezi wesikweletu (wemali-mboleko) ukuthi amvakashele emsebenzini ngenhloso yokumaketha noma yokuthengisa isikweletu (imali-mboleko),
- Uma umnikezi wesikweletu (wemali-mboleko) enze amalungiselelo nomaqashi kanye nabamele izinyunyane kanye/noma abasebenzi ukuthi umnikezi wesikweletu (wemali-mboleko) azomaketha noma ukuthengisa isikweletu (imali-mboleko) emsebenzini,
- uma umnikezi wesikweletu (wemali-mboleko) ethengisa isikweletu noma imali-mboleko ngenhloso yezentuthuko (developmental credit). **(Isigaba 75)**

EZINYE IZIHLOKO EZIHAMBELANA NALOKHU:

- Amalungelo abathengi (Isahluko 2)
- Izivumelwano zesikweletu (Isahluko 3)



ISAHLUKO 5

IZINDLEKO

Lesi sahluko sibhekana nezimali ezikhokhiswayo (ama-fee) abanikezi bezikweletu abavunyelwe ukuzishaja abathengi (ababoleki), lapho bengenela izivumelwano zesikweletu (zemali-mboleko) nabo. Sibhekana nezihloko ezilandelayo:

- Imazinga enzalo yemali kanye nezimali ezikhokhiswayo zokuqala (initiation fees)
- Izimali ezikhokhelwa isevisi (service fees)
- Umshuwalense wesikweletu (wemali-mboleko)
- Ezinye izindleko.

Imazinga enzalo yemali kanye nezimali ezikhokhiswayo zokuqala (initiation fees)

Inzalo yinani lemali umnikezi wesikweletu (wemali-mboleko) ayishaja umthengi (umboleki) ngebhalansi esasele ekukhokheleni isikweletu ngokwesivumelwano. Leli nani libalwa ngumnikezi wesikweletu (imali-mboleko) ngokusebenzisa amaphesente athize, abizwa ngokuthi yizinga lenzalo. Leli nani lenzalo kumele likhonjiswe kwisivumelwano sesiweletu umthengi (umboleki) asisayinayo ngesikhathi kungenelwa isivumelwano sesikweletu (semali-mboleko). Umthetho ubeka ulawulo lwamazinga enzalo (regulate interest rates) ngokuchaza imikhawulo yamanani aphezulu amazinga enzalo umnikezi wesikweletu (wemali-mboleko) angawashaja abathengi (ababoleki) ngezivumelwano ezithile zesikweletu (zemali-mboleko). Bheka kwithebuli engezansi ngemikhawulo ephezulu yamazinga enzalo umthetho owabekayo.

Imali yokuqala (initiation fee) yimali ekhokhelwayo umnikezi wemboleko (wesikweletu) angawashaja umthengi yokungenela isivumelwano nomthengi (nomboleki). Umthengi (umboleki) kumele akhokhele i-fee uma engenela isivumelwano. Umnikezi wesikweletu (wemali-mboleko) kumele anikeze umthengi (umboleki) ukukhetha ukuthi ngabe ufuna ukukhokhela i-fee eceleni yodwa kuqala, kanti ngokwenze kanjalo, ngeke kubekhona inzalo engashajwa kwi-fee. Umthetho ubuye ulawule nenani lokuqala inqubo (initiation fees) ngokubeka umkhawulo ophezulu wenani lokuqala inqubo (initiation fee) umthengi. Bheka kwithebuli engezansi ukuthole ulwazi olunabile. Imali yokuqala inqubo (initiation fee) ngeke yedlula u-15% wenani lemali-mboleko umthengi (umboleki) enze isicelo salo.

(Isigaba 101)

(Imitheshwana yenqubo /ama-regulation 36, 39, 40, 41, 42, 45)

Inhlobo yesivumelwano sesikweletu (semali-mboleko)	Umkhawulo ophezulu wenani lenzalo	Umkhawulo ophezulu wemali yokuqala inqubo (initiation fee)
Izivumelwano zama-Mortgage/zamaBhondi	$(\text{REPO rate} \times 2.2) + 5\%$	R1 000 + 10% wanoma yiliphi inani elingaphezulu kwe-R10 000 (Umkhawulo ophezulu we-fee R5 000)
Imali-mboleko noma isikweletu (isibonelo, amakhadi esikweletu, amakhadi ama-akhawunti ezitolo nokunye)	$(\text{REPO rate} \times 2.2) + 10\%$	R150 + 10% wanoma yiliphi inani elingaphezulu kwe-R1 000 (Umkhawulo ophezulu we-fee R1 000)
Imali-mboleko engenasibambiso (isibonelo iMali-mboleko kumuntu siqu)	$(\text{REPO rate} \times 2.2) + 20\%$	R150 + 10% wanoma yiliphi inani elingaphezulu kwe-R1 000 (Umkhawulo ophezulu we-fee R1 000)
Izivumelwano zesikweletu esenzeke ngaseceleni nokungahlosiwe (isibonelo, ama-akhawunti odokotela angakhokhelwanga, i-Eskom, oMasipala nokunye)	2% ngenyanga	N/A (akusebenzi lapha)
Izivumelwano zesikweletu senhloso yentuthuko:		
• Imali-mboleko kumaBhizinisi amancane naphakathi naphakathi	$(\text{REPO rate} \times 2.2) + 20\%$	R250 + 10% wanoma yiliphi inani elingaphezulu kwe-R1 000 (Umkhawulo ophezulu we-fee R2 500)
• Izimali-mboleko zezindlu kwabahola imali encane	$(\text{REPO rate} \times 2.2) + 20\%$	R500 + 10% wanoma yiliphi inani elingaphezulu kwe-R1 000 (Umkhawulo ophezulu we-fee R2 500)
Imali-mboleko yesikhathi esifishane (isibonelo, Izimali-mboleko ezifinyelela kwizinyanga ezingu-6 zemali engekho ngaphezulu kwe-R8 000)	5% ngenyanga	R150 + 10% wanoma yiliphi inani elingaphezulu kwe-R1 000 (Umkhawulo ophezulu we-fee R1 000)
Noma yiyiphi enye inhlobo yemali-mboleko engafakelwa ngenhla	$(\text{REPO rate} \times 2.2) + 10\%$	R150 + 10% wanoma yiliphi inani elingaphezulu kwe-R1 000 (Umkhawulo ophezulu we-fee R1 000)

Izimali ezikhokhelwa isevisi (service fees)

Imali ekhokhelwa isevisi yimali umnikezi wesikweletu (wemali-mboleko) angayishaja umthengi (umboleki) ngokubhekana nesivumelwano sesikweletu (servicing) phakathi kwabo. Imali ye-fee ngeyokuphatha emahhovisi noma ukunakekela (maintaining) isivumelwano sesikweletu (semali-mboleko). Umnikezi wesikweletu (wemali-mboleko) angashaja i-fee ngenyanga nenyanga noma ngonyaka. Kanti ingashajwa ngesikhathi sokunikana izinto ngokwesivumelwano (per transaction) ngaleso sikhathi kunikwana. Umthengo ulawula imali yesevisi ngezindlela ezehlukene ezibandakanya ukubeka umkhawulo wamanani ama-fee umnikezi wemali-mboleko avunyelwe ukuwashaja nokuthi angawashaja kangaki. Umkhawulo ophezulu wemali yesevisi umnikezi wemali-mboleko angayishaja umboleki ngu-R50.00 ngenyanga. Uma umthengi ekhokha imali yesevisi ngonyaka, umkhawulo ophezulu umboleki angashajwa wona ngu-R600.00 ngonyaka. Uma isivumelwano semali-mboleko sikhokhelwa masishane kunesikhathi okuvunyelwene ngaso nomboleki, kanti esikhathini esiphansi konyaka, esihambelana nemali yesevisi yonyaka, umnikezi wemboleko kumele abuyisele ingxenye yemali yesevisi kumthengi.

(Isigaba 101)

(Umtheshwana wenqubo/i-regulation 44)

Umshuwalense wesikweletu (wemali-mboleko)

Umthetho ulawula nemishuwalense yesikweletu (yemali-mboleko). Umshuwalense ongatholwa ngumnikezi wemboleko lapho umthengi noma umboleki ethatha impahla efana nemali-mboleko yendlu noma yesikweletu sekhadi. Umshuwalense uzofakela isikweletu okumele sikhokhelwe umnikezi wesikweletu kwizimo ezithile ezifana nokushona komboleki.

Umthetho ubeka ukuthi umshuwalense othathwe ngumthengi ngeke weqa inani lesibopho lesikweletu kumnikezi wesikweletu (wemali-mboleko) kanti umshuwalense kumele wehle njengoba ibhalanse esele okumele ikhokhelwe umnikezi wesikweletu nayo yehla. Kwisimo semali-mboleko yendlu, umshuwalense ngeke weqa inani lentengo yeprophi.

Kwezinye izimo, umboleki anganikezwa ithuba lokuzikhethela ("optional") umshuwalense, lokhu okuyosiza umboleki. Isibonelo, kwisimo semboleko yemoto, kungasiza umboleki ukuqinisekisa ukuthi inani eliphelele lentengo (full market value) ezimakethe lemoto lifakelwa kumshuwalense hhayi ibhalansi okumele ikhokhelwe umnikezi wesikweletu, ngoba uma imoto ilimala kakhulu ingasakwazi ukulungiseka, umshuwalense uyokhokhela kuphela inani elikweletwa umnikezi wesikweletu, ebese umboleki esala enganalutho maqondana nenani lentengo yemoto.

Umshuwalense wesikweletu (wemali-mboleko)

Umthetho ubeka ukuthi umthengi (umboleki) ngeke aphoqeelwa ukuthatha umshuwalense onikezwa ngumnikezi wesikweletu, kanti angakhetha ukuzithathela owakhe umshuwalense esikhundleni salowo onikezwa ngumbolekisi (umnikezi wesikweletu). Uma umboleki ekhetha ukuzithathela owakhe umshuwalense umnikezi wesikweletu angakhetha ukuthi imali yomshuwalense ikhokhelwe ngasohlangothini lomnikezi wesikweletu ebese yena ethatha imali yomshuwalense kumboleki (kumthengi).

Zonke izimali ezikhokhelwa umshuwalense njalo ezikhokhelwa kumnikezi wesikweletu ngokukhokhelwa ngenyanga ngumboleki, ngaphandle kokuba kuyisivumelwano esikhulu lapho kukhokhwa khona imali ekhokhwa njalo yomshuwalense kanye ngonyaka. Imali ekhokhelwa njalo ngonyaka kumele ithathwe ekuqaleni kwezinyanga eziyishumi nambili ukuze isivumelwano sikwazi ukuqhubeka nokusebenza. Kwisimo lapho khona isivumelwano esikhulu sikhokhelwe ngaphambi kwesikhathi okuvunyelwene ngaso, umboleki kumele abuyiselwe imali ekhokhwa njalo elingana inani lezinyanga ezisasele.

Sicela ubonisane nomeluleki onelayisense wezezimali ngaphambi kokuba uzibophe ngomshuwalense.

(Isigaba 101 & 106)

Ezinye izindleko

Umthetho, nangaphezulu kwamashaji okuxoxwe ngawo kulesi sahluko, ubuye uvumele umnikezi wesikweletu ukushaja abathengi (ababoleki) okulandelayo:

- **Amashaji asemahhovisi okubhekana nokungakhokhelwa kahle kwesikweletu (kwemali-mboleko).** Lena yishaji umnikezi wesikweletu angayishaja umthengi (umboleki) osalele emuva ngokukhokhela isikweletu ngokwesivumelwano sesikweletu. La mashaji abhekene nezindleko umnikezi wesikweletu azitholile ekuzameni ukweluleka umthengi ukuthi

usalele emuva ngokukhokhela isikweletu. Lezi zindleko ziqondene nencwadi ethunyelwe ngumnikezi wesikweletu kumtheng, ukumazisa ukuthi usalele emuva ngokukhokhela isikweletu ngokwesivumelwano. La mashaji asemahovisi okusalela emuva komthengi ukukhokhela isikweletu awabandakanyi imali yokushaya ucingo kushayelwa umthengi noma umboleki. Umthetho uchaza ukuthi umnikezi wesikweletu angeke ashaja umthengi izindleko ezingaphezulu kunalezo ahlangebazane nazo ngqo. Umthetho uchaza ukuthi ishaji yencwadi kumele ilingane nemali evunyelwe yinkantolo, kanye nezindleko eziqondane ngqo zokuthumela incwadi ngerejista.

- **Izindleko zokuqoqa imali.** Izindleko zokuqoqa imali zindleko umnikezi wesikweletu ahlangebazana nazo ekuzameni ukuqoqa imali esasele ekolotwayo, isikweletu esingakhokhelwanga ngesikhathi, ngumboleki (ngumthengi). Umthetho uchaza ukuthi umnikezi wesikweletu (wemali-mboleko) akavunyelwe ukushaja umthengi (umboleki) izindleko zokuqoqa, ezingaphezulu kwalezo ezivunyelwe yinkantolo.

Kwinqubo **ye-duplum rule** ibheka ukuthi lapho umboleki (umthengi) esalele emuva ngokukhokhela isikweletu, inzalo yenani elisalele emuva ngokukhokhelwa (arrear interest) ngeke leqa inani lebhansi yekhaphali esasele ekweletwayo, ngesikhathi salokho kusalela emuva ngokukhokha (at the time of default).

(Isigaba 101)

(Imitheshwana yenqubo/ ama-regulation 46 -48)



UHLA LWAMAGAMA ASETSHENZISIWE

RR= REPO Rate – yizinga lenzalo esemthethweni amabhangi aboleka ngalo imali kwi-South African Reserve Bank (Lokhu akuyona into eyodwa ne-prime rate). I-REPO Rate itholakala kwimikhakha yezezimali (financial section) yamanyuziphepha noma ungaxhumana nebhangi eliseduzane nawe.

EZINYE IZIHLOKO EZIHAMBELANA NALOKHU:

- Amalungelo abathengi (Isahluko 2)
- Izivumelwano zesikweletu (Isahluko 3)
- Ukubuyisela emuva (surrender), ukuphelisa (termination) kanye nokukhokhela isikweletu masishane singakafiki isikhathi okuvunyelwene ngaso (Isahluko 6)
- Ukungakhokheli isikweletu kanye nokuqikelela ukukhokhelwa kwesikweletu (Isahluko 7)



ISAHLUKO 6

UKUPHELISA ISIKWELETU, UKUNIKEZELA KANYE NOKUKHOKHELA ISIKWELETU ISIKHATHI SESIVUMELWANO SESIKWELETU SINGAKAPHELI

Lesi sahluko sizobhekana nokuphelisa (termination) kanye nokukhansela izivumelwano zesikweletu. Izivumelwano zingapheliswa nini futhi kanjani, kanti lokhu kuzothintana kanjani nomthengi (umboleki). Kuzobhekwana nezihlolo ezilandelayo:

- Ukuphelisa isivumelwano sesikweletu okwenziwa ngumthengi (umboleki) noma umnikezi wesikweletu (wemali-mboleko);
- Ukukhokhela isikweletu uqede singakafiki isikhathi sesivumelwano kanye nokuvalwa kwe-akhawunti yesikweletu ngoba sikhokhelwe (crediting of payments);
- Ilungelo lomthengi (lomboleki) lokukhokhela isikweletu aqede singakapheli isikhathi sesivumelwano sesikweletu;
- Ukuqasha noma ukukhokha ngezitolimende okusayinwa ngumthengi (ngumboleki) endaweni engeyona indawo yebhizinisi yomnikezi wesikweletu (wemali-mboleko) arejiste kuyo; kanti futhi
- Nokuthi ngabe ukunikezela (surrender), noma ukubuyisela impahla kuthinta kanjani umthengi (umboleki).

Ukuphelisa (termination) isivumelwano sesikweletu noma umnikezi wesikweletu (wemali-mboleko) okwenziwa ngumthengi (umboleki)

Umthetho uchaza ukuthi umthengi (umboleki) angathi noma kunini aphelise (terminate) isivumelwano sesikweletu (semali-mboleko), ngokuthi akhokhele imali yenani lokuvala isikweletu (settlement amount). Inani lokuvala (settlement amount) yinani elifinyelelwayo ngokungezela amanani alandelayo:-

- Ibhalsi esasele okusamele ikhokhelwe yesikweletu (principal debt) ngosuku okupheliswa ngalo isikweletu;
- Inzalo esasele (outstanding interest) okusamele ikhokhelwe yesikweletu (principal debt) ngosuku okupheliswa ngalo isikweletu;
- Ezinye izimali ezikhokhiswayo ezisasele (outstanding fees) kanye namashaji ngosuku okupheliswa ngalo isikweletu;
- Ishaji ekhokhiswayo yokuphelisa (termination charge) isikweletu lapho khona kuyizivimelwano zesikweletu esikhulu njengoba kuchaziwe ngezansi.

Ayikho i-penalty ekhokhiswayo ngokukhokhela isikweletu isikhathi sesikweletu singakapheli **kuzivimelwano ezincane neziphakathi naphakathi (small or intermediate agreement)**. Uma umthengi

(umboleki) efuna ukuphelisa (terminate) **isivumelwano sesikweletu esikhulu** isibonelo, isikweletu (imali-mboleko) engaphezulu kwenani lika-R250 000 (izigidi ezingamakhulu amabili nezigidi ezingamashumi amahlanu), noma isivumelwano se-mortgage noma semali-mboleko yokuthenga indlu, inani lokuvala isikweletu (settlement amount), lingabandakanya inani elishajwayo lokuvala isikweletu isikhathi sesivumelwano singakapheli, ukuthi kube yinzalo yezinyanga ezintathu, kanti isikhathi esifishane uma umthengi (umboleki) enikeza inothisi ngenhloso yokwenza kanjano ngesikhathi esifanele. IKwisimo lapho khona umthengi (umboleki) enikeza inothisi, kuyophungulwa inzalo yezinyanga ezintathu kushaji yokuphelisa isivumelwano isikhathi singakafiki ngesikhathi senothisi.

Umthetho uvumela umnikezi wesikweletu (wemali-mboleko) ukuphelisa isivumelwano sesikweletu (semali-mboleko) uma umthengi (umboleki) engakhokhi kahle (default).

(Isigaba 125)

Ukukhokhela isikweletu uqede singakafiki isikhathi sesivumelwano kanye nokuvalwa kwe-akhawunti yesikweletu ngoba sikhokhelwe (crediting of payments)

Umthetho uchaza ukuthi umthengi (umboleki) angakhokhela isitolimende esikweletwayo ngaphansi kwesivumelwano phambili

singakapheli isikhathi. Umnikezi wesikweletu (wemali-mboleko) ngeke ala ukwamukela ukukhokhelwa kwesikweletu (kwemali-mboleko) ngumthengi noma ukumjezisa (penalise) ngokuthi ukhokhela isikweletu sakhe phambili kokuphela kwesikhathi sesivumelwano.

Lapho umthengi (umboleki) ekhokha imali okungakafaneli ayikhokhele umnikezi wesikweletu (wemali-mboleko), uMthetho ubeka ukuthi umnikezi wesikweletu (wemali-mboleko) kumele ahlelalanise imali (distribute) ekhokhelwa isikweletu ngohla olulandelayo:-

- Okokuqala, ukukhokhelwa kwenzalo okusamele ikhokhelwe ngokulandela isivumelwano sesikweletu (semali-mboleko);
- Okwesibili, ukukhokhela noma yiziphi izimali ezikhokhiswayo (fees) kanye namashaji okumele akhokhelwe;
- Okwesithathu, ukuphungula isikweletu sakuqala (principal debt).

(Isigaba 126)

Ilungelo lomthengi (lomboleki) lokukhokhela isikweletu (imali-mboleko) isikhathi sesikweletu singakapheli

Umthetho uvumela umthengi (umboleki) ilungelo lokukhokhela isikweletu sakhe isikhathi sesivumelwano sesikweletu singakapheli noma singakafiki njengoba kubekiwe kwisivumelwano sesikweletu. Umthengi (umboleki) akaphoqelekile ukuthi anikeze umnikezi wesikweletu (wemali-mboleko) inothi yokuthi unenhloso yokukhokhela isikweletu (imali-mboleko) isikhathi sesivumelwano sesikweletu singakapheli.

Kwisimo sesivumelwano sesikweletu esikhulu, lapho umthengi (umboleki) efuna ukusebenzisa leli lungelo, uzoshajwa inani lokukhokhela isikweletu isikhathi singakapheli (early settlement amount), njengoba kuchaziwe ngenhla. Leli lungelo liyasebenza nakulowo ogaranta noma ukuqinisekisa ukukhokhelwa kwesikweletu (kwemali-mboleko) lapho umboleki ehluleka (guarantor). I-guarantor ngumuntu ovuma ukhokhela isikweletu (imali-mboleko) okumele ikhokhelwe umnikezi wesikweletu (wemali-mboleko) lapho umthengi (umboleki) ehluleka ukukhokhela umnikezi wesikweletu (wemali-mboleko). **(Isigaba 125)**

Ukuqasha noma ukukhokha ngezitolimende (kwintengiso yezitolimende) okusayinwa ngumthengi (ngumboleki) endaweni engeyona indawo yebhizinisi yomnikezi wesikweletu (wemali-mboleko) arejiste kuyo ibhizinisi

Uma umthengi (umboleki) esayina isivumelwano sokuqasha noma sokuthenga ngezitolimende endaweni engeyona ibhizinisi lomnikezi wesikweletu (wemali-mboleko), umthengi (umboleki) angaphelisa isivumelwano kungakapheli izinsuku ezinhlanu ngemuva kokuba engenele isivumelwano. Umthengi (umboleki) angaphelisa isivumelwano ngokubuyisela impahla noma ukukhokhela amasevisi umthengi (umboleki) asewamukelile kumnikezi wesikweletu (wemali-mboleko). Umthetho ubuye udinga ukuthi umnikezi wesikweletu (wemali-mboleko) anikeze umthengi imali umthengi ayikhokhile kumnikezi wesikweletu, asuse eyezindleko umnikezi wesikweletu angahlangabezana nazo ukulungisa ukulimala (amadameshi) enziwe ngumthengi kanye nerente efanele umthengi okumele ayikhokhele ukusebenzisa impahla. **(Isigaba 121)**

Ukuphelisa noma ukubuyisela emuva (surrender) impahla ngumthengi, nendlela okuzothinta ngayo umthengi

Umthetho uchaza ukuthi umthengi angahoxa kwisivumelwano sentengo yezitolimende noma imali-mboleko enesibambiso (secured loan) noma isivumelwano sokuqasha noma kunini ngokubuyisela impahla kumnikezi wesikweletu. Lapho umthengi ebuyisela impahla kumnikezi wesikweletu, umnikezi wesikweletu ulindelwe ukuthi azithengise lezo mpahla, ebese ebuyisela imali yomthengi ngentengiso yalezo zimpahla (proceeds of sale). Uma intengiso yalezo mpahla ingaphezulu kwesikweletu somthengi wakuqala, umnikezi wesikweletu kumele abuyisele leyo mali engaphezulu kumthengi. Uma imali yentengiso yalezo mpahla ingaphansi kwesikweletu somthengi, umthengi ubophezelekile ukuthi akhokhele imali yokwengezela kwintengo kumnikezi wesikweletu zingakapheli izinsuku ezingu-10.

(Isigaba 127)



UHLA LWAMAGAMA ASETSHENZISIWE

- **Isivumelwano sesikweletu esincane (semali-mboleko encane)** - yisivumelwano sesikweletu semali efinyelela ku-R15 000.
- **Isivumelwano sesikweletu esiphakathi naphakathi (Intermediate agreement)** - yisivumelwano sesikweletu semali ephakathi kuka-R15 001 no-R250 000.
- **Isivumelwano sesikweletu esikhulu** - yisivumelwano sesikweletu esingaphezulu kwenani lika-R250 000.

EZINYE IZIHLOKO EZIHAMBELANA NALOKHU:

- Amalungelo Abathengi (Isahluko 2)
- Ukungakhokheli isikweletu kanye nokuqikelela ukukhokhelwa kwesikweletu (Isahluko 7)
- Ukuqikelela ukulandelwa komthetho wezikweletu iNCA (Isahluko 11)



ISAHLUKO 7

UKUNGAKHOKHELWA KWESIKWELETU KANYE NOKUQIKELELA UKUTHI SIYAKHOKHELWA

Lesi sahluko sigxila kwizinyathelo okumele zilandelwe lapho umthengi engakwazi ukukhokhela isikweletu somnikezi wesikweletu (wemali-mboleko) ngokulandela isivumelwano asisayinile. Kuzobhekwana nezihloko ezilandelayo:-

- Inqubo engavunyelwe yokuqoqa imali yesikweletu kanye nokuqikelela ukukhokhela kwesikweletu;
- Izinqubo okumele zilandelwe ngumnikezi wesikweletu (wemali-mboleko) ngaphambi kokuqikelela ukukhokhela kwesikweletu (debt enforcement);
- Inqubo yezikweletu enkantolo.

Inqubo engavunyelwe yokuqoqa imali yesikweletu kanye nokuqikelela ukukhokhelwa kwesikweletu

Lapho umthengi (umboleki) engakwazi ukukhokhela isikweletu, umnikezi wesikweletu (wemali-mboleko) uzothatha izinyathelo zokuthola imali yakhe okumele akhokhelwe yona. Lokhu kubizwa ngokuthi yi-debt enforcement (izinyathelo zokuqikelela okukhokhelwa kwesikweletu). Umthetho uvimbela ezinye izindlela ezingasetshenziswa ngabanikezi bezikweletu (bemali-mboleko) ukuthola imali abakweletwa yona ngabathengi. Umnikezi wesikweletu (wemali-mboleko) akavunyelwe ukugodla amadokhumende alandelayo ngenhloso yokuthola imali yesikweletu:-

- Umazisi (ID)
- I-debit noma i-credit card (ikhadi lasebhangi lokukhokha noma lemali-mboleko)
- Ikhadi le-ATM
- Inombolo yekhadi lasebhangi eyimfihlo (PIN number).

(Isigaba 90 & 133)

Izinqubo okumele zilandelwe ngumnikezi wesikweletu (wemali-mboleko) ngaphambi kokuqikelela ukukhokhelwa kwesikweletu (debt enforcement)

Uma umthengi (umboleki) ege ukukhokhela isikweletu, umnikezi wesikweletu (wemali-mboleko) kumele aqale azise umthengi (umboleki) ngokubhala isimo se-akhawunti. Umthengi usalele emuva ngokukhokhela isikweletu uma i-akhawunti yakhe ingakakhokhelwa izinsuku ezingu-20 zebhizinisi. Kwinothi enikezwa ngumnikezi wesikweletu, umnikezi wesikweletu kumele iphakamise ukuthi

umthengi kumele ahambise isivumelwano sesikweletu kumeluleki ngezikweletu (debt counsellor), noma u-**Ombudsman** onegunya lokubhekana nanoma yiziphi izimpikiswano ngezikweletu. Inhloso yalokho kuthunyelwa kwezinto, ukunikeza umthengi ithuba lokuxazulula inkinga nomnikezi wesikweletu noma ukuvumelwana ngeplani (ngohlelo) lokubuyisela isikweletu kwisimo esifanele sokukhokhelwa kahle. Umnikezi wesikweletu ngeke athathe izinyathelo zomthetho kumthengi ngaphambi kokuba aqale anikeze inothi kumthengi ngokuthi usalele emuva ngokukhokhela isikweletu kanye nokumazisa ngamalungelo akhe maqondana nalolu daba. Uma umthengi ehluleka ukuthintana nomnikezi wesikweletu, noma u-Ombudsman kungakapheli izinsuku ezingu-10 ukuxazulula udaba, umnikezi wesikweletu angathatha izinyathelo zokuqikelela ukuthi isikweletu siyakhokhelwa (steps to enforce the debt).

(Isigaba 129)

Inqubo yezikweletu enkantolo.

Umnikezi wesikweletu angathintana neNkantolo kaMantshi ukuqikelela ukuthi isikweletu siyakhokhelwa, lapho sisalele emuva ngokukhokhelwa (in arrears), uma okulandelayo sekwenziwe:-

- Umthengi engazange aphenyule kwinothisi ebhaliwe evela kumnikezi wesikweletu, sokumbonisa ukuthi isikweletu sisalele emuva ngakhoke kumele akhokhe ngendlela efanele;
- Umthengi enqabile ukuvuma isiphakamiso esenziwe ngumnikezi wesikweletu ngenothi ebhaliwe, ephakamisa izindlela zokuxazulula noma yiyiphi impikiswano, noma ukukhokhela isikweletu ukuthi sibe kwisimo esifanele samanje;

- Umthengi engazange axhumane nomeluleki ngezikeleto (debt counsellor) kungakapheli izinsuku ezingu-10.

Umthengi angaphelisa isivumelwano sesikweleto ngokubuyisela izimpahla kumnikezi wesikweleto. Umnikezi wesikweleto kuzomele athengise izimpahla. Umthengi kuzomele akhokhele umnikezi wesikweleto imali eshodayo uma izimpahla zithengiswa ngenani eliphansi kunalelo impahla umthengi abesayikweleto ngempahla yesikweleto. Umthetho uchaza ukuthi umnikezi wesikweleto angathintana nenkantolo ukuthola imali eshodayo, uma ingakhokhelwanga ezinsukwini ezingu-10.

Inkantolo iyobhekana nesicelo somnikezi wesikweleto sokukhipha isinqumo senkantolo kuphela uma isivumelwano sesikweleto singekho ngaphansi kokulandelayo **ngaphansi kokubuyezwa kwesikweleto (debt review)**. Uma umthengi kanye nomnikezi wesikweleto bevumelene ngeplani (ngohlelo) lokukhokhela kahle isikweleto nokusibuyisela kwisimo esifanele sokukhokhelwa maqondana nesivumelwano sesikweleto esisalele emuva ngokukhokhelwa, kanti umthengi elandele la malungiselelo enziwe esikweleto, umnikezi wesikweleto ngeke athintana nenkantolo ukuthi ikhiphe isinqumo (judgment) ngalesi.

(Isigaba 130)



UHLA LWAMAGAMA ASETSHENZISIWE

- **u-Ombudsman** - inhlango ezimele eyenzelwe inhloso yokuxazulula izimpikiswano.
- **Ukubuyekwezwa kwesikweletu (Debt review)** - inqubo yokuhlanganisa izikweletu zomthengi (zomboleki) ukuhlola ukuthi uyakwazi yini ukufinyelela ukukhokha imali efanele yanyanga zonke yezikweletu.

EZINYE IZIHLOKO EZIHAMBELANA NALOKHU:

- Amalungelo Abathengi (Isahluko 2)
- Ukubuyisela emuva (surrender), ukuphelisa (termination) kanye nokukhokhela isikweletu masishane singakafiki isikhathi okuvunyelwene ngaso (Isahluko 6)
- Ukuthola izeluleko ngesikweletu (Debt counselling) (Isahluko 8)
- Izimpikiswano nezikhalazo (Isahluko 10)



ISAHLUKO 8

UKUTHOLA IZELULEKO NGOKUKHOKHELA ISIKWELETU

Lesi sahluko sigxila kwinqubo yokukuthola izeluleko ngokukhokhela isikweletu. Sizobhekana nezihloko ezilandelayo:

- Indlela umthengi angathola ngayo izeluleko ngokukhokhela isikweletu, kungaba ukuziyela yena ngokuthanda kwakhe, angathunyelwa khona ngumnikezi wesikweletu, noma angathunyelwa khona yinkantolo,
- Ngabe yini ukungena kakhulu ezikweleini ngokweqile (over-indebtedness)?
- Yini isikweletu esingenamqondo nesignalungile (reckless credit)?
- Yini ukuhlelwa kabusha kwesikweletu?
- Umphumela wokuhlelwa kabusha kwesikweletu
- Ngabe yini isitifiketi sokwesulwa kwerhekhodi lokungakhokhi kahle izikweletu (clearance certificate)?

Ukuthola izeluleko ngokukhokhela isikweletu (Debt Counselling)

Ukuthola izeluleko ngokukhokhela isikweletu (Debt counselling)

yinqubo enenhloso yokusiza ukuhlela kabusha inqubo yezibopho zokukhokhela isikweletu kubathengi abangakwazi ukukhokhela izikweletu Umthengi (umboleki) kuzomele asebenzisane nomeluleki ngokukhokhela izikweletu (debt counsellor) ozobonisana naye ngokuhlela kabusha kwakhe izibopho zokukhokhela isikweletu nabanikezi besikweletu (bemali-mboleko). Inhloso yokuthola izeluleko ngokukhokhela isikweletu (debt counselling) ukusiza abathengi (ababoleki) ukuhlangabezana nezibopho zabo zokukhokhela isikweletu.

(Isigaba 86)

(Imitheshwana yenqubo/ ama-regulation 24, 26)

Indlela umthengi (umboleki) angathola ngayo usizo lokwelulekwa ngokukhokhela izikweletu

Kukhona izindlela ezintathu umthengi (umboleki) angathola ngazo usizo lokwelulekwa ngokukhokhela isikweletu (debt counselling).

1. Ngokuziyela yena ngokuthanda kwakhe

Umthengi (umboleki) angaxhumana **Nomeluleki ngezezikweletu (Debt Counsellor)** ngokuzithandela kwakhe uma ebona ukuthi akasakwazi ukukhokhela izikweletu zakhe. Umeluleki ngezezikweletu (Debt counsellor) uzokwenza uhlobo lokubona ukuthi ngabe umthengi (umboleki) ungene kakhulu yini ezikweletini ngokweqile (over-indebted). Inqubo yokuhlelwa kabusha kwesikweletu kuzobhekwa nayo ngezansi.

2. Ngokuthunyelwa ngumnikezi wesikweletu (wemali-mboleko)

Umthetho udinga ukuthi umnikezi wesikweletu aqale athathe izinyathelo ezithile ngaphambi kokuba athathele umthengi (umboleki) isinyathelo somthetho ngokwehluleka kwakhe ukukhokhela isikweletu sakhe. Esinye salezi zinyathelo sibandakanya ukunikeza umthengi (umboleki) inothisi ebhaliwe yokumazisa ukuthi isikweletu sakhe sisalele emuva ngokukhokhelwa. Inothisi kumele yazise umthengi (umboleki) ngelungelo lakhe lokuxhumana nomeluleki ngezezikweletu (Debt Counsellor) ukucela usizo. **(Isigaba 129)**

3. Ukuthunyelwa yinkantolo

Uma inkantolo ithola ukuthi umthengi (umboleki) ovela ngaphambi kwayo, kungenzeka engene kakhulu ezikweletini ngokweqile (over-indebted), ingathumela umthengi (umboleki) kuMeluleki ngezezikweletu (Debt Counsellor). **(Isigaba 85)**

(Umtheshwana wenqubo/i-regulation 26)

Ngabe yini ukungena kakhulu ezikweleini ngokweqile (over-indebtedness)?

Umthengi (umboleki) ongene kakhulu ezikweletini ngokweqile (over-indebted) lapho engenayo imali yokukhokhela izikweletu zakhe zonke ekupheleni kwenyanga. Umthetho ubeka ukuthi uma uMeluleki ngezezikweletu (Debt Counsellor) eseqede uhlolo lwakhe nakhona wafinyelela kwisiphetho sokuthi umthengi (umboleki) ngeke akwazi ukuhlangabezana nezibopho zakhe zesikweletu ekupheleni kwenyanga, lokhu kusho ukuthi umthengi (umboleki) ungene kakhulu ngokweqile ezikweletini (over-indebted). **(Isigaba 79)**

Abeluleki ngezezikweletu (Debt Counsellors) babuye basize abathengi (ababoleki) ngamakhono abalulekile ngokuhlela ezezimali (financial planning skills), afana nokwenza ibhajethi (isabelo-zimali).

Ngisho noma umthengi (umboleki) enelungelo lokwenza isicelo sokuhlelwa kabusha kwesikweletu (debt restructuring), lokhu akusho ukuthi uzovele avunyelwe kule nqubo.

Ngemuva kokuhlola isimo somthengi (somboleki) kwezezimali, uMeluleki ngezezikweletu (Debt Counsellor) angaphetha ngokuthi umthengi (umboleki) akangenile kakhulu ngokweqile ezikweletini (not over-indebted). Umeluleki ngezezikweletu (Debt Counsellor) kumele akhiphe incwadi yokwala (letter of rejection) ayinikeze umthengi (umboleki).

Umthengi (umboleki) owamukele incwadi yokwala, angathi ezinsukwini ezingu-20 **zokusebenza kwamabhizinisi**, athintane nenkantolo ayicele ukuthi imbeke njengomuntu ongene kakhulu ezikweletini ngokweqile (over-indebted). Nangaphezu kwalokho, umthengi (umboleki) angacela inkantolo ukuthi imemezele ukuthi izivumelwano zakhe zesiwkeletu ngezingenamqondo (bheka kwingxoxo engezansi) kanye nokulayela ukuthi isikweletu sihlelwe kabusha.

(Isigaba 86)

(Umtheshwana wenqubo/i-regulation 25)

Ngabe yini isivumelwano sesikweletu esingenamqondo (reckless credit agreement)?

Umthetho udinga ukuthi umnikezi wesikweletu (wemali-mboleko) aqinisekise ukuthi umthengi (umboleki) uzokwazi ukukhokhela isikweletu enza isicelo saso ngaphambi kokuba amboleke noma amthengisele impahla ngesikweletu. Uma umnikezi wesikweletu (wemali-mboleko) ehluleka ukuqinisekisa lesi simo, kuthathwa ngokuthi lokhu kuyinqubo engenamqondo nembali (reckless). Isivumelwano ngesingenamqondo nesibi uma:

- Uma umnikezi wesikweletu (wemali-mboleko) engenzanga kahle uhlolo lobungozi besikweletu (credit risk assessment) ukuqinisekisa ukuthi umthengi (umboleki) uzokwazi ukukhokhela isikweletu.
- Uma umnikezi wesikweletu (wemali-mboleko) eqhubeka nokunikeza umthengi (umboleki) imboleko lapho engakwazi ukukhokhela imboleko ngokulandela uhlolo olwenziwe.
- Uma umthengi (umboleki) engaqondisisi amalungelo nezibopho zakhe ngesivumelwano kanye nezindleko ezihambisana nemboleko. **(Isigaba 80)**

Yinkantolo kuphela enganquma ukuthi isivumelwano ngesingenamqondo nesibi (declare an agreement reckless) uma icelwa nguMeluleki ngezezikweletu (Debt Counsellor) noma umthengi (umboleki).

Inkantolo ingamisa isivumelwano esibonwe njengesivumelwano esingenamqondo nesibi (declared reckless). Inkantolo ingashintsha nemibandela nezimo zesivumelwano, isibonelo, indlela imali okumele

ikhokhelwe ngayo ngumthengi (ngumboloeki) kumnikezi wesikweletu (wemali-mboleko). Umnikezi wesikweletu (wemali-mboleko) angashaja umthengi (umboleki) noma yiyiphi inzalo (interest) noma ama-fee ngesivumelwano esimisiwe (suspended).

(Isigaba 84)

(Umtheshwana wenqubo/i-regulation 23)

Yini ukuhlelwa kabusha kwesikweletu?

Ukuhlela kabusha isikweletu yinqubo lapho khona uMeluleki ngezezikweletu ebuyekeza isivumelwano sesikweletu somthengi (somboleki) kanye nokuhlela kabusha indlela yokukhokha (reschedule the payment).

Umeluleki ngezezikweletu (Debt Counsellor) uzoqala azame ukuhlela kabusha isikweletu somthengi (somboleki) ngokwenza isiphakamiso kubo bonke abanikezi bezikweletu (bemali-mboleko), kanye nokuzama ukwenza ukuthi zonke izinhlangothi noma abathintekayo bavumelane ngesiphakamiso. Uma kufinyelelwa esivumelwaneni ngabathintekayo, uMeluleki ngezezikweletu angacela i-Tribunal noma inkantolo ukuthi ikhiphe isivumelwano (issue a consent).

Uma kungafinyelelwa isivumelwano, uMeluleki ngezezikweletu angathumela udaba kwinkantolo kaMantshi. Inkantolo kaMantshi kumele ilalele udaba ebese ikhipha umyalo ofanele.

(Isigaba 86)

(Umtheshwana wenqubo/i-regulation 24)

Umpumela wokuhlelwa kabusha kwesikweletu

Uma umthengi (umboleki) esefakelwe ngaphansi kobuyekezo lwesikweletu (debt review), umnikezi wesikweletu (wemali-mboleko) ngeke akwazi ukuthatha noma yisiphi isinyathelo somthetho maqondana nomthengi (nomboleki). Kanti futhi okunye, umthengi (umboleki) isikweletu sakhe esihlelwe kabusha, ngeke avunyelwa ukwenza isicelo sesikweletu noma ukuthola esinye isikweletu (imali-mboleko). Isiwekeletu noma imali-mboleko umthengi afakelwa ngaphansi kobuyekezo lwesikweletu (debt review) angenza isicelo saso kuphela **ukuhlanganiswa ndawonye kwezikweletu (consolidation loan)**

Umthengi (umboleki) ohlukeka ukukhokhela isikweletu ngokulandela ukuhlelwa kwaso kabusha, uzovela akhishwe ngaphansi kobuyekezo lwesikweletu (debt review), lokhu kusho ukuthi umnikezi wesikweletu (wemali-mboleko) angathatha isinyathelo somthetho maqondana nalowo mthengi (mboleki).

(Isigaba 86)

Ngabe yini isitifiketi sokwesulwa kwerhekhodi lokungakhokhi kahle izikweletu ("Clearance Certificate")?

Umthengi (umboleki) osekhokhele isikweletu sakhe ngokulandela ukuhlelwa kabusha kwesikweletu kusho ukuthi kumele athole isitifiketi sokwesulwa kwerhekhodi lokungakhokhi kahle izikweletu ("Clearance Certificate") esivela kuMeluleki ngezezikweletu (Debt Counsellor). Lesi sitifiketi, sizokwenza ukuthi umthengi (umboleki) akwazi ukuthi irhekhodi lakhe elikwabe-credit bureau lokungakhokhi kahle izikweletu

lesulwe. Konke ukufakelwa kwakhe kuhla lwabangakhokhi kahle izikweletu (listings), kumele kususwe. Uma uMeluleki ngezezikweletu (Debt Counsellor) ala ukunikeza umthengi (umboleki) isitifiketi, angathintana ne-Tribunal ukubuyekeza isinqumo soMeluleki ngezezikweletu.

(Isigaba 71)

(Umtheshwana wenqubo/i-regulation 27)

EZINYE IZIHLOKO EZIHAMBELANA NALOKHU:

- Ukungakhokheli isikweletu kanye nokuqikelela ukukhokhelw kwesikweletu (Isahluko 7)



UHLA LWAMAGAMA ASETSHENZISIWE

- **Izinsuku zokusebenza kwamaBhizinisi:** Zonke izinsuku ezingabandakanyi iMigqibelo, amaSonto, kanye nezinsuku zamaHolidi;
- **Ukuthola izeluleko ngokukhokhela izikweletu (Debt Counselling):** Inqubo yokuhlola ukuthi ngabe umuntu ungene kakhulu ngokweqile yini ezikweletini kanye nokuhlelwa kabusha kwesikweletu;
- **UMeluleki ngezezikweletu (Debt Counsellor):** Umuntu orejiste nabe-NCR njengoMeluleki ngezezikweletu kanti futhi osiza abathengi (ababoleki) ngokuhlelwa kabusha kwezikweletu;
- **Ukuhlenganiswa ndawonye kwezikweletu zomuntu (Consolidation loan):** Isikweletu (imali-mboleko) ethathwa ngumthengi noma umboleki ngenhloso yokuhlenganisa zonke izikweletu zakhe ukuthi sibe yisikweletu esisodwa, ukuze zonke ezinye izikweletu zikhokhelwe.

EZINYE IZIHLOKO EZIHAMBELANA NALOKHU:

- Amalungelo abathengi (Isahluko 2)
- Izindlela zokumaketha nokuthola ngazo amaklayente (Isahluko 4)
- Izindleko (Isahluko 5)
- Ukubuyisela emuva (surrender), ukuphelisa (termination) kanye nokukhokhela isikweletu masishane singakafiki isikhathi okuvunyelwene ngaso (Isahluko 6)



ISAHLUKO 9

AMA-CREDIT BUREAUX KANYE NOLWAZI NGEZIKWELETU

Lesi sahluko sizobhekana nezihloko ezilandelayo:

- Amalungelo abathengi (ababoleki) ngezikweletu
- Yiluphi ulwazi olungagcinwa?
- Yiluphi ulwazi olungeke lwagcinwa?
- Imithombo yolwazi
- Isikhathi sokugcinwa kolwazi
- Ukukhipha ulwazi kanye nokuphikisa ulwazi olungelona iqiniso
- Inqubo ngaphambi kokufakela ulwazi olubi
- Ukusetshenziswa kolwazi ngezikweletu.

Umthetho udinga ukuthi umlawuli wezizikweletu owaziwa ngele-National Credit Regulator ukuthi arejiste (abhalise) kanye **nokulawula** ama-credit bureaux. Umthetho ubuye ubeke nokuthi yiluphi ulwazi olungagcinwa ngabe-credit bureau, ngubani noma ngobani abangathumela ulwazi kwabe-bureau, nokuthi ngubani noma ngobani abangathola ulwazi kwabe-bureau nokuthi i-bureau ingalugcina isikhathi esingakanani ulwazi. Ulwazi ngomthengi (ngomboleki) lungaba ngulwazi lomuntu siqu (personal information) noma ulwazi ngezikweletu.

(Isigaba 43 & 70)

(Umtheshwana wenqubo/i-regulation 17)

Amalungelo abathengi (ababoleki) ngezikweletu

Umthetho ulawula ukusetshenziswa **kolwazi lwesikweletu lomthengi (lomboleki)**. Kodwa-ke, noma kunjalo, incalo yolwazi lomthengi noma lomboleki lwezikweletu, ibanzi kanti futhi ibandakanya lonke ulwazi lomthengi olufana nolulandelayo:

- Umlando womuntu ngezezikweletu
 - ↳ Izivumelwano zesikweletu ezisayiniwe;
 - ↳ Umlando wokukhokha komuntu;
 - ↳ Uma umthengi (umboleki) eke afakelwa ngaphansi kobuyekezo lwesikweletu (debt review);

- Umlando womuntu ngezezizimali
 - ↳ Umholo womuntu wesikhathi esedlulile nesamanje;
 - ↳ Impahla (assets) kanye nezikweletu (liabilities);

- Olunye ulwazi lomuntu siqu olufana nolulandelayo:
 - ↳ Umlando womuntu wokuqashwa, imisebenzi efundelwe kanye neMfundo;
 - ↳ Inombolo ye-ID (kamazisi);
 - ↳ Igama;
 - ↳ Usuku lokuzalwa;
 - ↳ Ikheli leNdawo;
 - ↳ Isimo kwezomendo;
 - ↳ Imininingwane yokuxhumana. **(Isigaba 70)**
- (Umtheshwana wenqubo/i-regulation 18)**

Yiluphi ulwazi olungagcinwa?

Lonke ulwazi lwezikweletu lomthengi njengoba lufakelwe kuhla olungenhlalungagcinwa ngabe-credit bureau, kanye nolwazi olulandelayo:

- Ulwazi lokukhokha maqondana nezinto azitholayo eziqhubekela phambili;
- Noma yiluphi ulwazi oludingekayo ukubona lapho kunenkwaniso ngezezikweletu;
- Ulwazi ngokukhokha okwenziwa ngumthengi (ngumboleki), lapho khona isikweletu esanikezelwa (debt was ceded);
- Noma yiluphi olunye ulwazi, kodwa uma ngabe umthengi (umboleki) unikeze imvume yalolo lwazi ukuthi luthunyelwe kwabe-credit cureau, kanti futhi nokuthi umnikezi wesikweletu (wemali-mboleko) wazise umthengi ngokuthi lolo lwazi luzosetshenziselwa ini.

(Umtheshwana wenqubo/i-regulation 18)

Yiluphi ulwazi olungeke lwagcinwa?

Umthetho ubeka ukuthi ulwazi olulandelayo lomuntu siqu (personal information) ngeke lwagciwa ngabe-credit bureau:

- Inhlobo noma ibala (race);
- Ukuxhumana komuntu nezepolitiki;
- Isimo somuntu ngezifo nokwelashwa / umlando;
- Inkolo nemibono yomuntu ngokucabanga kwakhe, izinkolelo, noma imibono;
- Inqubo yezokuthandana kwakhe nobulili obuthize;
- Ubulunga benyanyane.

(Umtheshwana wenqubo/i-regulation 18)

Imithombo yolwazi kwabe-credit bureau

Umthetho uvumela kuphela abantu abalandelayo / izinhlangano ezilandelayo ukuthumela ulwazi:

- Abanikezi bezikweletu (bemali-mboleko);
- Abathengi (ababoleki) ukulungisa ulwazi olungelona iqiniso;
- Uhulumeni, inkantolo noma umqashwa (umsebenzi) enkantolo;
- Umnikezi wamasevisi aqhubekela phambili;
- Izinkampani zemishuwalense;
- Izinhlangano ezibhekene nokulwa nezokukhwabanisa;
- Izikhungo zemfundo ezifana namayunivesithi;
- Abaqoqi bezikweletu (debt collectors);
- Amanye ama-credit bureaus.

(Isigaba 70)

(Umtheshwana wenqubo/i-regulation 18)

Isikhathi sokugcinwa kolwazi.

Umthetho ubeka ukuthi ulwazi oluthile lungagcinwa isikhathi esingakanani ngabe-bureau. Esikhathini esedlulile ama-bureau abezithathela wona isinqumo sokuthi agcina ulwazi isikhathi esingakanani.

Izikhathi zokugcina ulwazi zifakelwe kuhla lapha ngezansi:

	Umkhakha (category)	Incazelo	Isikhathi sokugcinwa
1	Isikhalazo esifakelwe	Umthengi (umboleki) unelungelo lokuphikisa ulwazi olungelona iginiso. Lokhu kungaba yimininingwane eyafakelwa kanti futhi yaphikiswa ngemuva kophenyisiso	Izinyanga ezingu-18
2	Imibuzo	Imininingwane yomuntu ocela ulwazi lomthengi ngezikweletu	Iminyaka engu-2
3	Indlela nomlando umuntu akhokha ngayo	Imininingwane yokukhokha okwenziwa ngumthengi (ngumboleki) ngezivumelwano zakhe	Iminyaka engu-5
4	Ulwazi olubi	Ulwazi oluqondene nomthengi (umboleki) ngendlela aziphatha ngayo kwezokukhokhela izikweletu, okufana nokukhokha kancane, ukungakhokhi, kanye nokunyamalala	Unyaka oowodwa
5	Ulwazi olubi	Ulwazi oluqondene nesinyathelo esithathwa ngumnikezi wesikweletu (wemali-mboleko) ngomthengi ukuqikelela ukuthi akhokhele Isikweletu esifana nokudlulisela isikweletu kwabanye, isinyathelo somthetho, ukukhansela isikweletu nokunye kanjalo njalo.	Iminyaka engu-2
6	Ukuhlelwa kabusha kwesikweletu	Imininingwane yomthengi (umboleki) ekubuyezweni kwesikweletu (debt review)	Kuze kufinelele lapho sekunikezelwe isitifiketi sokwesulwa kwerekhodi lokungakhokhi kahle izikweletu (clearance certificate)
7	Izinqumo zenkantolo kumacala ezikweletu	Izinqumo ezinikezwa yinkantolo	Iminyaka emihlanu (5) kuze kufike lapho inkantolo isisusa khona
8	Imiyalelo yokulawulelwa izikweletu (administration orders)	Imiyalelo yokufakela umthengi (umboleki) ngaphansi kolawulo lwezikweletu (under administration)	Iminyaka elishumi (10) kuze kufike lapho inkantolo isisusa khona isinqumo
9	Izinqumo zokuthi ungohluleka ukukhokhela isikweletu (sequestrations)	Umyalelo okhishwa yinkantolo lapho khona umthengi (umboleki) ebekwa njengohluleka ukukhokhela izikweletu (insolvent)	Iminyaka elishumi (10) kuze kufike lapho inkantolo isisusa khona isinqumo
10	Liquidations (ukuvalwa kwenkampani ehluleka ukukhokhela izikweletu)(ukuvalwa kwenkampani ehluleka ukukhokhela izikweletu)	Umyalelo okhishwa yinkantolo wokuvalwa kwenkampani lapho khona inkampani ebekwa njengehluleka ukukhokhela izikweletu zayo (insolvent)	Awukho umkhawulo wesikhathi esibekiwe
11	Ukubuyiselwa kwisimo esihle (Rehabilitation)	Umyalelo wenkantolo okhipha igama lenkampani noma lomuntu kwirekhodi elibi lokuhluleka ukukhokhela izikweletu ngemuva kokuba isikweletu sesikhokhelwe.	Iminyaka engu-5
12	Olunye ulwazi	Olunye ulwazi olungabandakanyiwe ngenhla	Iminyaka engu-2

(Isigaba 73) (Umtheshwana wenqubo/i-regulation 17)

Ukukhipha ulwazi kanye nokuphikisa ulwazi olungelona iqiniso

Umthengi (umboleki) unelungelo lokuphikisa ulwazi olungelona iqiniso olugcinwe ngabe-credit bureau. Umthengi (umboleki) kumele azise abe-credit bureau ngokuthi ulwazi olulona iqiniso. Lapho bemukela inothisi evela kumthengi (kumboleki), abe-bureau kumele ngokushesha bavale ("cover")/ bafihle ("hide") ulwazi ukuze kungabi bikho olubonayo. Abe-bureau banezinsuku ezingu-20 zokusebenza kwamabhizinisi ukuthola ubufakazi bokuthi ulwazi buyiqiniso. Uma bengakwazi ukwenza kanjalo, kumele balususe ulwazi kumarekhodi abo.

Uma abe-bureau bethola ubufakazi bolwazi, kodwa umthengi (umboleki) angavumelani nalo, umthengi angathi kungakapheli izinsuku ezingu-20 zokusebenza kwamabhizinisi, acele abenhlango elawula ezezikweletu i-National Credit Regulator ukuphenyisisa ngodaba.

Isigaba 73 soMthetho, sinombandela wokuhlansa ("clean-up") odinga ukuthi abe-bureaux basuse ulwazi oluthile kumarekhodi abo. Imitheshwana yolawulo emisha, esishicilelwe idinga ukuthi abama-credit bureaux basuse amarekhodi athile 'okuyinto okumele bayenze kanye'.

Ukuthola olunye ulwazi olunabile ngalokhu, bheka kwimitheshwana yenqubo kwiGazethi no. 28864

(Isigaba 72 & 73)

(Umtheshwana wenqubo/i-regulation 20)

Inqubo ngaphambi kokufakela ulwazi olubi

Noma yimuphi umuntu/ inhlango ovunyelwe ukuthumela ulwazi kwabe-credit bureau kumele athathe izinyathelo ezibambekayo zokuqinisekisa ukuthi ulwazi olufakelwayo luyilo ngempela nokuba yiqiniso. Uma isikweletu singesibizwa ngokuthi si-**prescribed (lapho umnikezi wesikweletu engathathanga izinyathelo ngesikhathi esithile)**, umnikezi wesikweletu akavunyelwe ukuthumela ulwazi kwabe-bureau. Ngaphambi kokuba umnikezi wesikweletu athumele noma **yiluphi ulwazi olubi (adverse information)** kwabe-credit bureau, kumele anikeze umthengi (umboleki) izinsuku ezingu-20 zokusebenza kwamabhizinisi inothi yokuthumela kwakhe lolu lwazi. Umthengi kumele aziswe ngolwazi oluzofakelwa kumarekhodi ukuze akwazi ukuluphikisa uma ekholelwa ukuthi lolu lwazi olulona iqiniso.

(Imitheshwana yenqubo/ ama-regulation 18, 19)

Ukusetshenziswa kolwazi lwezikweletu

Umthetho uchaza ukuthi ulwazi lomthengi (umboleki) ngezezikweletu lungasetshenziselwa ini. Umthetho ubuye uchaze nokuthi kunini lapho kudingeka khona ukuthi umthengi (umboleki) avumele ukusetshenziswa kolwazi lwezikweletu.

Zindlela ezilandelayo kuphele ezivunyelwe ekusetshenzisweni kolwazi:

Lapho kungadingekile khona imvume yomthengi (yomboleki)

- Kunoma yiyiphi inhloso njengoba kudingwa uMthetho, okufana nalapho kuhlolwa khona ukuthi ngabe umuntu angakwazi yini ukukhokhela isikweletu (affordability assessments);
- Uphenyisiso ngenkwabaniso (fraud) noma ngenkohlakalo (corruption) ngabe-SAPS (amaphoyisa);
- Inqubo yokuvimbela inkwabaniso noma inkohlakalo;

- Ukuhlolwa kwe-debtors book lapho khona isikweletu somthengi (somboleki) **sinikezelwa njengesibambiso (ceded)** kwabanye noma omunye othintekayo wohlangothi lwesithathu (to a third party);
- Ukuthola imininingwane yomthengi (yomboleki) ukuze kukhokhelwe izimali zempesheni ezingakhokhelwanga noma amakleyimi emishuwalense;
- Ukuthungathana nomthengi (nomboleki) ukuze kutholwe imali ayikweletayo ngesikweletu sakudala obekumele asikhokhele ngokulandela isivumelwano sesikweletu;
- Ukwenza inqubo yokufakela amaphuzu (score cards).

Lapho kudingeke khona imvume yomthengi (yomboleki)

- Ukubeka umkhawulo wokusaplaya noma ukunikeza impahla noma **amasevisi ngokuqhubekela phambili**;
- Ukuhlola isicelo somshuwalense;
- Ukuqinisekisa amakhwalifikheshini ezifundo;
- Ukubhekana nesicelo sofuna umsebenzi kwisikhundla esidinga intembeko nobuqotho kanti futhi esiqondene nokusebenza ngokheshi kanye namafoyinense (finances).

Kuwukweqa umthetho ukwenza uphenyisiso nohlolo kuma-credit bureau ngomuntu ofuna umsebenzi uma isikhundla singadingile intembeko nobuqotho, kanti futhi singahambelani nokusebenzana nokheshe namafoyinense (finances).

(Isigaba 70)

(Umtheshwana wenqubo/i-regulation 18)



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- **Inqubo yokulawula (Regulates):** Ukuqinisekisa ukuthi abanikezi bezikweletu (bemali-mboleko), abeluleki ngezezikweletu (debt counsellors) kanye nama-credit bureau baqhuba ibhizinisi ngokulandela umthetho;
- **Amasevisi aqhubekela phambili:** Izimpahla kanye namasevisi anikezwa ngokuqhubekayo, okumele akhokhelwe njalo, afana namanzi kanye nogesi;
- **Isikweletu esinikezelwe njengesibambiso (Debt ceded):** Lapho khona isikweletu somthengi (somboleki) sithengiselwe olunye uhlangothi noma omunye umuntu, kanti lowo muntu kunguye oqoqa imali yesikweletu kumthengi (kumboleki);
- **Isinqumo sokuthi umuntu ungohluleka ukukhokhela isikweletu (Sequestration):** Umyalelo wenkantolo obeka ukuthi umuntu ungohluleka ukukhokhela isikweletu;
- **Umuntu ohluleka ukukhokhela isikweletu (Insolvent):** Lapho isikweletu somthengi, singaphezu kwempahla anayo nakhona engakwazi ukukhokha lutho ngesikweletu;
- **Ukuvalwa kwenkampani ehluleka ukukhokhela izikweletu (Liquidation):** Umyalelo okhishwa yinkampani wokuthi inkampani noma i-close corporation ayinamali kayivalwe;

UHLA LWAMAGAMA ASETSHENZISIWE

- **Ukubuyiselwa kwisimo esihle (Rehabilitation):** Uma umthengi (umboleki) ebekade ebonwe yinkantolo njengohluleka ukukhokhela izikweletu (sequestrated) noma eyinkampani ebonwe yinkantolo njengehluleka ukukhokhela izikweletu (liquidated), inkantolo ingabuye isisuse lesi sinqumo sokuba ubonwe njengohluleka ukukhokhela izikweletu noma inkampani ehluleka ukukhokhela izikweletu zayo okumele ivalwe, lokhu kungenziwa lapho usukhokhele zonke izikweletu;
- **Prescribed:** Isikweletu singesaziwa ngokuthi si-prescribed uma umnikezi wesikweletu (wemali-mboleko) engazange athathe isinyathelo kumthengi ukuthola imali yesikweletu ngesikhathi esithile esibekiwe. Umnikezi wesikweletu (wemali-mboleko) ngeke aqikelela inqubo yesikweletu esi-prescribed ngokusebenzisa iNkantolo;
- **Ulwazi olubi:** IUlwazi oluqondene nomthengi (umboleki) ngendlela aziphatha ngayo kwezokukhokhela izikweletu, okufana nokukhokha kancane, ukungakhokhi, ukunyamalala, noma isikweletu esinikezelwe kwabanye, ukuthathelwa isinyathelo somthetho noma esikhanseliwe ngoba kubonakala ukuthi ngeke sisakhokhelwa (write-off).

EZINYE IZIHLOKO EZIHAMBELANA NALOKHU:

- Amalungelo abathengi (ababoleki) (Isahluko 2)



ISAHLUKO 10

IZIMPIKISWANO KANYE NEZIKHALAZO

Lesi sahluko sizobhekana nokulandelayo:

- Ngabe umthengi (umboleki) angafakela nini isikhalazo?
- Ngabe umthengi (umboleki) angafakela kubani isikhalazo?
- Inqubo okumele ilandelwe lapho kufakelwa isikhalazo nomlawuli kwezezikweletu u-National Credit Regulator.

Ngabe umthengi (umboleki) angafakela nini isikhalazo?

Umthengi (umboleki) angafakela isikhalazo noma kunini uma enganelisekile ngesevisi ayitholayo kumnikezi noma umhlinzeki ngesikweletu (ngemali-mboleko), uMeluleki ngezezikweletu (Debt Counsellor) noma abe-credit bureau. Isibonelo, umthengi (umboleki) kumele athole inothisi lapho engakhokhelanga isikweletu sakhe ngokulandela isivumelwano sesikweletu, ngaphambi kokuba umnikezi wesikweletu (wemali-mboleko) athathe noma yisiphi isinyathelo somthetho. Le nothisi kumele yazise umthengi (umboleki) ukuthi angafakela isikhalazo no-ombudsman ongunya lomthetho kulo mkhakha (jurisdiction) noma i-agent yokuzazululwa kwempikiswano, noma inkantolo yabathengi.

(Isigaba 129, 134 & 136)

Ngabe umthengi (umboleki) angafakela kuphi isikhalazo?

Umlawuli wezezikweletu u-National Credit Regulator ubhekene nokwamukela kanye nokuphenyisisa ngezikhalazo ezibhekene nezezikweletu kanye nezinye izinto uMthetho obhekane nazo. Kodwa, uma umlawuli kwezezikweletu u-Regulator, enombono woktuhi isikhalazo sibhekene nodaba okumele lubhekwe ngenye inhlango, uyothumela lolo daba kuleyo nhlango efanele. KwiSahluko 12, kukhona iminingwane yezinhlango ezibhekana nezikhalazo kanye nezimpikiswano ngezinye izinto ezingaqondene nezikweletu (nemalimboleko).

Umthetho uvumela umthengi (umboleki) ukufakela isikhalazo neyodwa yemikhakha elandelayo:

1. Inhlango elawula ezezikweletu i-The National Credit Regulator
2. **U-Ombudsman onamagunya kulo mkhakha**
3. Ababhekene nemacala ezezikweletu kuzwelonke abe-The National Consumer Tribunal; noma
4. Abangabaxazululi bezimpikiswano abaziwa ngele-Alternative Dispute Resolution Agent (ADR).

1. Inhlango elawula ezezikweletu i-The National Credit Regulator

Umthengi (umboleki) angafakela isikhalazo kumlawuli wezezikweletu u-National Credit Regulator uma isikhalazo siqondene nesivumelwano sesikweletu. Inqubo elandelwa ngu-Regulator (umlawuli wezezikweletu) lapho emukela isikhalazo izochazwa kamuva kulesi Sahluko.

(Isigaba 15)

2. U-Ombudsman onamagunya kulo mkhakha

Izimbongi ezifana nembongi yezemishuwalense, imbongi yamasevisi ezezimali (ezefayinense) kanye nembongi yezamabhangi, nokunye okunjalo, zino-Ombudsman bazo. U-Ombudsman yinhlango esungulelwe ukwamukela nokuxazulula izikhalazo nezimpikiswano kwimbongi nembongi. Isibonelo, izikhalazo eziqondene nebhangi zingafakelwa ku-Ombudsman for Banking Services (oqondene nezamabhangi) kanti isikhalazo esiqondene nabe-credit bureau singafakelwa ku-Credit Information Ombudsman (obhekene nolwazi lwezezikweletu).

3. Abamacala ezabathengi abe-National Consumer Tribunal

Umthengi angafakela isikhalazo noma impikiswano ngokuqonde ngqo ne-Tribunal, kodwa, yizimo ezimbalwa njengalapha ngezansi lapho umthengi angavele aqonde ngqo kwi-Tribunal:

- Lapho u-National Credit Regulator alile ukubhekana nesikhalazo (bheka ingxoxo kwi-clause 4 ngezansi);
- Uma umthengi engakwazanga ukuxazulula isikhalazo ngokusebenzisa u-Ombudsman, abe-ADR, noma u-Regulator.

(Isigaba 137 & 141)

(Imitheshwana yenqubo/ ama-regulation 49, 51)

4. Abangabaxazululi bezimpikiswano abaziwa ngele Alternative Dispute Resolution Agent (ADR)

Abe-ADR yinhlango ezama ukuxazulula izimpikiswano ngokubuyisana (conciliation), ngezingxoxo zobulamuli (mediation) kanye nesinqumo sokulamula (arbitration).

Uma umthengi ethumele isikhalazo kwabe-ADR, kanti abe-ADR bethola ukuthi izinhlangothi kwimpikisano azifuni ukusebenzisana noma impikiswano ngeke yaxazululeka, abe-ADR bangakhipha isitifiketi esichaza ukuthi inqubo yokuxazulula impikiswano yehlulekile. Udaba lungathunyelwa kwabe-Tribunal ukuluxazulula.

(Isigaba 134)

(Umtheshwana wenqubo/i-regulation 51)

Inqubo okumele ilandelwe lapho kufakelwa isikhalazo nomlawuli kwezezikweletu u-National Credit Regulator

Umthengi (umboleki) angaxhumana nabe-National Credit Regulator (abalawuli bezezikweletu) ngocingo noma ngokugcwalisa ifomu, elitholakala khona ku-Regulator. Umthengi (umboleki) kumele anikeze ulwazi olulandelayo lapho efakela isikhalazo:

- Amagama aphelele, isibongo, nenombolo ye-ID (kamazisi);
- Imininingwane yokuxhumana;
- Incazelo emfishane ngesikhalazo.

Isikhalazo singafakelwa no-Regulator uma umthengi (umboleki) ezame ukuxazulula udaba nomnikezi wesikweletu (wemali-mboleko) kodwa umzamo wakhe wehluleka.

U-Regulator uyokwenza okulandelayo:

- uyokhipha inothi yokukhombisa ukuthi udaba okufanele lube lapha kulo mkhakha (non-referral), uma ethole ukuthi udaba aluweli ngaphansi koMthetho wezezikweletu;

- uyophenyisisa ngokomthetho isikhalazo; noma
- uyodlulisela udaba ku-ombudsman onamagunya kulo mkhakha noma abe-ADR noma inkantolo yezabathengi.

uma isikhalazo sithunyelelwe ukuzophenyisiswa, abe-NCR bayobheka umbiko womphenyisisi kanye

- nokukhipha inothisi yokungadluliseli udaba komunye umkhakha (non-referral); noma
- ukudlulisela udaba kwabe-Tribunal ukuze kuthathwe isinqumo ngalo.

Uma isikhalazo sibhekenenecala ngokulandela uMthetho wezezikweletu, u-Regulator (umlawuli kwezezikweletu) uyodlulisela udaba kwabophiko lukazwelonke lwezobushushisi abe-National Prosecuting Authority ukuze bavule icala lezobugebengu maqondana nalowo muntu othile okwenziwe isikhalazo ngaye. Uma impikiswano ixazululeka, umphumela uyonikezwa abe-Tribunal ukuze bakhiphe umyalelo wokuvuma (consent order).

(Izigaba 136, 138, 139 & 140)

(Umtheshwana wenqubo/i-regulation 50)



UHLA LWAMAGAMA ASETSHENZISIWE

- **U-Ombudsman onamagunya kulo mkhakha:** Ihovisi noma inhlango kwimboni esungulwe ngokulandela umthetho othile noma ngokuzithandela ngokwayo, ukusiza ukuxazulula izimpikiswano phakathi kwabathengi nezinhlangano kwimboni. Imvamisa wukuthi udaba oluxazululwa ngu-Ombudsman lubekwe kanjalo, kanti lokhu kubizwa ngokuthi kuwumkhakha anamagunya kuwo “jurisdiction”.
- **Icala lokweqa umthetho:** Umthetho uyazibeka ezinye izinto eziwukweqa umthetho, lokhu kuba yicala lokweqa umthetho kanti lowo muntu owenza lokho angafakelwa icala lobugebengu uma ege umthetho.

EZINYE IZIHLOKO EZIHAMBELANA NALOKHU:

- Amalungelo Abathengi (Isahluko 2)
- Ukungakhokheli isikweletu kanye nokuqikelela ukukhokhelwa kwesikweletu (Isahluko 7)
- Abama-credit bureaux kanye nolwazi ngesikweletu (Isahluko 9)
- Ukuqikelela ukulandelwa komthetho we-NCA (Isahluko 11)
- Abanye okungaxhunyanwa nabo abawusizo (Isahluko 12)



ISAHLUKO 11

UKUQIKELELA UKUSETSHENZISWA KOMTHETHO WEZIKWELETU KAZWELONKE

Lesi Sahluko sibhekana nokuthi ngabe uMthetho weZikweletu Kazwelonke kuqikelelwa kanjani ukusebenza kwawo.

Sizobhekana nezihloko ezilandelayo:

- Inhlangotho elawula ezezikweletu i-The National Credit Regulator
- Ababhekene nemacala ezabathengi kuzwelonke abe-The National Consumer Tribunal.

Inhlangano elawula ezezikweletu i–The National Credit Regulator

Umthetho usungula inhlangano kazwelonke elawula ezezikweletu i-National Credit Regulator (NCR). I-NCR ilawula imakethe yeezezikweletu (ezemali-mboleko) kanye nokuqikelela ukulandelwa koMthetho wezezikweletu.

➤ Imisebenzi:

Umlawuli wezezikweletu u-Regulator:

- ↳ ubhekana nokurejista (ukubhalisa) abanikezi bezikweletu (bemali-mboleko), ama-credit bureaux kanye nabeluleki ngezezikweletu ama-Debt Counsellor;
- ↳ kumele aqaphe kanye nokuphenyisisa izikhalazo;
- ↳ ubhekene nokubika ePhalamende ngokutholakala kwezikweletu (imali-mboleko), indlela izimakethe zezikweletu (zemali-mboleko) ezisebenza ngayo, ukufinyelela izikweletu (imali-mboleko), kanye nezinga abathengi (ababoleki) abangene ngayo ezikweletini;
- ↳ ubhekene nokuqikelela ukulandelwa koMthetho wezezikweletu.

➤ Amandla:

Umlawuli wezezikweletu u-Regulator:

- ↳ uphenyisisa ngokungalandelwa komthetho ngabarejistile (ababhalisile);
- ↳ unikeza amanothisi kwabangalandeli umthetho nenqubo;
- ↳ ushushisa amacala okungalandelwa komthetho phambi kwenkundla ye-Tribunal;

- ↳ udlulisela izikhalazo kwi-Tribunal;
- ↳ ucela abe-Tribunal ukukhipha kwabanye kuhla lwabarejistile (lwababhalisile) abeqa umthetho nenqubo;
- ↳ ubeka izimo nemibandela ngokurejista (ngokubhalisa) kwabafuna ukurejista.

(Isigaba 12)

Ababhekene nemacala ezabathengi kuzwelonke abe-The National Consumer Tribunal

Umthetho usungula nenkundla kazwelonke yezabathengi i-National Consumer Tribunal. I-Tribunal isungulelwe ukukhipha izinqumo ngezindaba ezibhekene nezezikweletu (nezemali-mboleko) lapho kunempikiswano engaxazululeki ngenqubo yomlawuli kwezezikweletu ye-NCR. Inganikeza umyalelo kanye nezijeziso (ama-penalty) afakelwe kuhla olungezansi:

➤ Imiyalelo:

- ↳ I-Tribunal, ngokuhlala kwayo kwelunga elilodwa, noma ngokuhlala kwenkundla yonkana (yabehluleli bamalunga amathathu), ingathatha isinqumo ngokulandelayo:
 - Ngokukhipha kuhla lwabarejistile abathile abarejistile abeqe umthetho nenqubo;
 - Izinto ezidluliselwe kumlawuli wezezikweletu u-Regulator;
 - Ukubekwa kwezijeziso (kwama-penalty) kwabeqa inqubo nomthetho;

- Ukwenziwa kwemiyalelo yezindleko ezintweni ethathe izinqumo kuzo;
 - Ukukhipha imiyalelo yokuvuma (consent orders) lapho khona izinhlangano ezisempikiswaneni zivumelwana ngesixazululo;
 - Ukukhishwa kwemiyalelo yokuvuma (consent orders) lapho khona abathintekayo kwisikweletu bevumelana ngokuhlelwa kabusha kwesikweletu noma imali-mboleko (debt restructuring);
 - Ukukhipha isimemezelo somthetho sokuthi ukuziphatha kothile orejistile (obhalisile) akuvunyelwe uMthetho wezezikweletu;
 - Ukukhipha umyalelo wokuthi othile orejistile akayeke indlela ethile aziphatha ngayo.
- Ama-penalties (izindlela zokujezisa):
- ↳ I-Tribunal ingakhapha isijejiso sokulungiswa kwezinto emahhovisi esaziwa ngele-administrative penalty;
 - ↳ Isijejiso ngeke seqe kwinqinane lika-R1miliyoni noma amaphesente angu-10 **omuntu orejistile (obhalisile)** kwingeniso lakhe lonyaka (kwimali ayithola ngonyaka) noma-ke yikuphi okuyinani eliphezulu.

(Isigaba 150 & 151)

EZINYE IZIHLOKO EZIHAMBELANA NALOKHU:

- Izimpikiswano neziKhalazo (Isahluko 10)



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- **Orejistile (obhalisile)** – kubandakanya abanikezi bezikweletu (bemali-mboleko), abeluleki ngezikweletu (debt counsellors) kanye nama-credit bureau arejiste (abhalise) nomlawuli wezezikweletu u-Regulator.

EZINYE IZIHLOKO EZIHAMBELANA NALOKHU:

- Amalungelo abathengi (Isahluko 2)
- Izindlela zokumaketha nokuthola ngazo amaklayente (Isahluko 4)
- Izindleko (Isahluko 5)
- Ukubuyisela emuva (surrender), ukuphelisa (termination) kanye nokukhokhela isikweletu masishane singakafiki isikhathi okuvunyelwene ngaso (Isahluko 6)



ISAHLUKO 12

ABANYE OKUNGAXHUNYANWA NABO ABAWUSIZO

**Kulesi sahluko uzothola iminingwane yokuxhumana
nezinhlango lapho ongafakelakhona izikhalazo.**

- 1. Inhlango elawula ezezikweletu i-The National Credit Regulator**
 - ixazulula izikhalazo maqondana nezivumelwano zezikweletu, ama credit bureax kanye naBeluleki ngeZikweletu (Debt Counsellors)
Inombolo ehlanganyelwe (Toll share): 0860 627 627
- 2. Ibhodi lamasevisi ezezimali (iFinancial Services Board)**
 - ixazulula izikhalazo eziqondene namasevisi ezezimali ezingewona amabhangi, isibonelo, izikimu zokutshala izimali, abanikezi bemishuwalense, abezikhwama zemihlalaphansi kanye namasosayathi obudlelwane (friendly societies).
Inombolo engakhokhelwa yamahhala (Toll free): 0800 110 443 noma 0800 202 087
IFekisi: (012) 347 0221

- 3. Credit Information Ombudsman (u-Ombudsman wezoLwazi lweZikweletu):**
 - uxazulula izikhalazo zabantu ziqu maqondana nolwazi lwezikweletu
 - Isikhungo seziNgcingo: 0861 662 837 noma 0860 OMBUDS

- 4. Ombudsman for Banking Services (u-Ombudsman wamaSevisi ezamaBhangi)**
 - uxazulula izikhalazo zabantu ziqu maqondana namasevisi kanye nama-product ezamabhangi
 - Ucingo: 0860 800 900 noma 0860 OMBUDS
 - iFekisi: (011) 838 0043

- 5. Debt Collectors Council (Umkhandlu wokuqoqwa kwemali yezikweletu)**
 - uxazulula izikhalazo maqondana nokuqoqwa kwemali yezikweletu
 - Ucingo: (012) 804 9808
 - iFekisi: (012) 841 6238

- 6. Department of Trade and Industry (uMnyango wezoHwebo neZimboni)**
 - Ucingo: (012) 349 9500
 - Isikhungo seziNgcingo: 0861 843 384
 - iFekisi: 0861 843 888

**7. Provincial Consumer Affairs Directorates (Abophiko
loBuqondisi kwezaBathengi kwiSifundazwe (kwiProvinsi)**
- baxazulula izikhalazo lapho khona umthengi abona ukuthi
amalungelo akhe acikelwe phansi

Eastern Cape (eMpuma Kapa)

INombolo yocingo: (040) 609 3663

INombolo yeFekisi: (040) 609 3201

eLimpopo

Ucingo: (015) 291 2863/4/2

iFekisi: (015) 291 2898

eFree State

Ucingo: (051) 400 4852

iFekisi: (051) 400 9609/10

eMpumalanga

Ucingo: (013) 752 3761

iFekisi: (013) 752 3729

eGauteng

Ucingo: (011)355 8008/6

iFekisi: (011) 355 8019

North West (eNyakatho

Ntshonalanga)

Ucingo: (018) 387 7700

iFekisi: (018) 392 5660

eKwa-Zulu Natal

Ucingo: (031) 310 5300

iFekisi: (031) 310 5416