



REPUBLIC OF SOUTH AFRICA

## IFOROMU 8

### ISAZISO SEMININGWANA ESIYA KUMMANGALI ONGANAMJAMELI OLIGCWETHA

[UmThetholawulo 8]

ISIGABA 4(2) SOMTHETHO WENTURHU YANGEKHAYA, WOMNYAKA WE-1998 (umThetho we-116 womnyaka we-1998)

#### ISAZISO SEMININGWANA NGUMABHALANA WEKHOTHO

1. Isaziswesi sihlathulula—
  - (a) izwelo elitholakala ngokomThetho weNturhu yangeKhaya, womnyaka we-1998; begodu
  - (b) nelungelo lomangali lokuvulela ummangalelwa icala lobulelesi.
2. Uzakukhonjelwa bona utlikitle isaziso esiqinisekisa bonyana sithotjelwe isigaba 4(2) somThetho weNturhu yangeKhaya, womnyaka we-1998, kanye nomthetholawulo 8 wemiThetholawulo yeNturhu yangeKhaya, womnyaka we-2022, owenziwe ngokomThetho loyo, begodu ungikatelela bona—
  - (a) ngilethe isaziso kuwe, nekufanele sibe ngelimi elisemthethweni ozikhethela lona nolizwisisako;
  - (b) ngifunde nofana ngenze bonyana ufundelwa isaziswesi nangabe awukghoni ukufunda isaziswesi;
  - (c) ukuthi ngikubuze bonyana ingakghani ukuzwisisa koke okumumethwe ngaphakathi kwesaziswesi; begodu
  - (d) bengikuhlathululele ngananyana ngiyiphi ingcenywe yesaziswesi ongayizwisisako.
3. Unga—
  - 3.1 faka isibawo somlayo wokuvikela senturhu yangekhaya ngokomthetho, nanyana ngasiphi isikhathi nofana ilanga, eKhotso kaMarhastrada esendaweni—
    - (a) ohlala, ofunda, orhweba nofana oqatjhwe kiyo kwesikhatjhana nofana unomphela;
    - (b) ummangalelwa (umuntu owenze isenzo senturhu yangekhaya) lapho ahlala, afunda, arhweba nofana aqatjhwe khona kwesikhatjhana nofana unomphela; nofana
    - (c) lapho inturhu yangekhaya yenzakalele khona.
  - 3.2 faka isibawo somlayo wokuvikelwa omalungana nomuntu onobudlelwano bekhaya naye—
    - (a) begade utjhade naye ngaphambilini nofana nizatjhadile;
    - (b) nisebudlelwaneni bokuhlala ndawonye, kodwana anikatjhadi;
    - (c) mbelethi womntwanakho;
    - (d) lilunga lomndenakho ngokwengazi (isib. ummakho, ubabakho, ngolamana naye), isihlobo (isib. umma ongasuye weengazi nofana ubaba ongasuye weengazi) nofana ombelekelweko;
    - (e) endimeni yokutjhada, nofana niziinthandani nofana nisebudlelwaneni besintu; nofana
    - (f) nisebudlelwaneni obutjhidelene khulu.
  - 3.3 qatjha igcwetha bonyana likusize. Nangabe angekhe ukghone ukubhadala igcwetha, ungafaka isibawo sokusizwa ngokwezomthetho nofana uthintane nehlangano engasingeyakarhulumende bona ikusize.
4. Ngingakupha iforomu lesibawo nangabe ufuna ukufaka isibawo somlayo. Akunasingo sokuvula icala lomlayo ukuze uthole umlayo wokuvikela.
5. Umuntu wenza isenzo senturhu yangekhaya nangabe umuntu loyo—
  - (a) ukuhlukumeza ngokomzimba;
  - (b) ukuhlukumeza ngokomseme
  - (c) ukubangela ukuhlukumezeka emoyeni, ngamezwi nofana ngokomkhumbulo;
  - (d) ukuhlukumeza ngokomnotho;
  - (e) uyakuthusela;
  - (f) uyakukhahlumeza;
  - (g) ukukhahlumeza ngokomseme;
  - (h) uhlukekumeza isihlobo sakho;

- (i) ukuhlukumeza ngokommoya;
- (j) udala umonakalo wepahlakho;
- (k) uhlukumeza nofaka ubangela ukuhlukunyezwa komuntu omdala;
- (l) unokuziphatha okubandakanya ukukatelelela;
- (m) unokuziphatha okubandakanya ukulawula;
- (n) uliselela umntwana enturhwiki yangekhaya;
- (o) ungena endawenakho ohlala kiyo kwesikhatjhana nofana unomphela ngaphandle kwemvumakho, nekuyindawo ebeningahlali khona nobabili, nofana emsebenzinakho nofana endaweni ofundela kiyo, lapho usebenzela khona nofana lapho ufundela khona ngaphandle kwemvumakho; nofana
- (p) ubandakanyeka kokhunye ukuziphatha kokuthusela, kokusabisa, kokuhlukumeza, okuhlambalazako, okukhubekisako nofana okuthunazako kuwe,

lapho ukuziphathokhu kulimaza nofana kupha ukukholelwa ngokuzwisisakalako ukuthi kungabangela ukulimala.

6. Isibawo somlayo wokuvikela esifakwa malungana nenturhu yangekhaya, omunye umuntu angasifakela ummangali nangabe umuntu loyo ohlose ukufaka isibawo somlayo wokuvikela unekareko ephathekako ekuphathekeni kuhle kwakho. Nanyana kunjalo, isibaweso kufanele siphekelelwe yimvumo etloliweko, ngaphandle kwebujameni lapho ngokuya ngombono wekhotu awukghoni ukupha imvumo.

7. Nanyana ngimuphi umntwana, nofana omunye umuntu angafakela umntwana isibawo somlayo wokuvikela ekhotu.

8. Ikhotu izakutjheja isibawo sakho nofana isibawo osifakelwe ngomunye umuntu, begodu kufanele—

8.1 nangabe ubufakazi busekela iphuzu lamambala—

- (a) lokuthi ummangalelwa wenza nofana wenze isenzo senturhu yangekhaya;
- (b) lokuthi ungalimala nofana kulimala isihlobo sakho ngonobangela wokuziphatha nangabe umlayo wokuvikela awukakhutjhwakho; begodu
- (c) ukuvikela okuza ngomlayo wokuvikela wesikhatjhana kungenzeka kungaba yipumelelo nangabe ummangalelwa unikelwe isaziso sangaphambi kwesibawo;

ikhupha umlayo wokuvikela wesikhatjhana okhutjhelwa ukukhandela ummangalelwa; begodu

8.2 ngemva kwalapho ikuphe umlayo wesikhatjhana—

- (a) ozakuthoma ukusebenza kwaphela ngemva kokusiwa kwawo kummangalelwa (nekufanele kube nguwe obhadala iindleko zalokho, ngaphandle kwalapho unganawo amandla wokwenza njalo); begodu
- (b) uzakusebenza isikhathi esithleko.

9. Umlayo wokuvikela uthoma ukuba namandla kanye nokusebenza ukusukela ngesikhathi okhutjhwakho ngaso yikhotu begodu nalokha lokho okumumethwe ngaphakathi kuqedwa ukunikelwa ummangalelwa. Ikhophi lesibawo kanye nobufakazi obutjhejwe nakufakwa isibawo kuzakusiwa kummangalelwa, ngokuphekelelwa mlayo wokuvikela wesikhatjhana, begodu ummangalelwa uzakukhonjelwa bona aphe unobangela (iinzathu) ngelanga elitshwaywe ngaphakathi komlayo zokuthi kubayini kufanele umlayo wokuvikela wesikhatjhana ungabi ngewamaswaphela. Ukuvikelwa okulethwa mlayo wokuvikela wesikhatjhana kungekwesikhatjhana begodu kuzokuphelelwa isikhathi ngelanga lokulalelwa kwecala ekhotu.

10. Ngelanga lokulalelwa kwecala, ikhotu izakulalela icala begodu ikhuphe nomlayo wokuvikela wamaswaphela nozakusebenza isikhathi esingaziwako, nofana isikhathi esizakubekwa yikhotu ngokuya ngonobangela omuhle oveziweko.

11. Ikhotu ingakhandela ummangalelwa ngokusebenzisa umlayo wokuvikela wesikhatjhana nofana wamaswaphela—

- (a) bona angenzi nofana alinge ukwenza isenzo senturhu yangekhaya;
- (b) bona angafuni isizo komunye umuntu ozomsiza ngokwenza isenzweso;
- (c) bona angangeni endaweni yokuhlala ayabelana nommangali: Kwaphela nangabe ikhotu ithwesa isiqabesi kwaphela nangabe sibonakala kungiso seenrhuluphelo ezingcono kummangalelwa;
- (d) bona angene endaweni ohlala kiyo leyo ebayabelanako;
- (e) bona angene endaweni ehlala ummangali;
- (f) bona angene emsebenzini wommangali nofana endaweni ofundela kiyo;
- (g) bona ukhandele ummangalelwa ohlala lapho ngokujwayelekileko endaweni esisabelo ehlathululwe endimeni (c) ngehla, ekungeneni nofana ekuhlaleni ngaphakathi kwendawo esisabelo yokuhlala nofana engcenyeni yayo;
- (h) ukuveza nofana unikelwa abanye nanyana ngikuphi ukuthintana nge-elektroniki, ngokuya ngokutshwaywe ngaphakathi komlayo wokuvikela; nofana
- (i) bona enze nanyana ngisiphi isenzo esitshwaywe ngaphakathi komlayo wokuvikela.

12. Ikhotho ingabeka eminye imibandela engezelelweko kummangalelwa begodu lokho ikuthatha njengokufanelekileko ekuvikeleni kanye nokuletha ukuphepha, nepilo engcono yommangali.

13. Ngokwesigaba 7(5) somThetho weNturhu yangeKhaya, womnyaka we-1998, isiphande somakhiwo, semsebenzini, esikolweni kanye nemsebenzini sommangali nofana sesihlobo sakhe loyo umlayo wokuvikela ohlobene naye kufanele sisuswe kumlayo wokuvikela, ngaphandle kwalapho imihlobo yemibandela ikatelela ukuthi ifakwe imininingwanana leyo, begodu ikhotho ingakhupha nanyana ngimiphi imilayo eqinisekisa ukuthotjelwa kwesiqalelelo somThetho.

14. Ngaso soke isikhathi ikhotho nayikhupha umlayo wokuvikela wesikhatjhana, kukhutjwa nesigunyazi sokubotjwa kukammangalelwa, kodwana ukutjhiywa ngaphandle kwesigunyazi kuzakulengiswa ngokulawulwa kuthotjelwa kwananyana ngisiphi isiqabo, umbandela, isibopho nofana umlayo obekwe yikhotho ukukhandela izenzo zenturhu yangekhaya kummangali. Nangabe ummangalelwa uphula nanyana ngisiphi seenqabo, umbandela, isibopho nofana umlayo omumethwe ngaphakathi komlayo wokuvikela, ummangali angasa elungeni lamaPholisa weSewula Africa isigunyazi sokubopha, siphekelelwe sitatimende esifungelweko, nekufanele siveze bonyana ummangalelwa uphule umlayo wokuvikela, begodu ipholisa kufanele—

- (a) libophe ummangalelwa khonokho, nangabe kunekghonakalo yokuthi ummangali ulimele nofana angalima ngonobangela wokuphulwa komlayo wokuvikela ophulwe mmangalelwa, nofana
- (b) lise isaziso esitolliweko kummangalelwa sokuthi azokuvela ngaphambi kwekhotho, nangabe ziyathayela iinzathu zokubotjwa kummangalelwa,

azoziphendulela ecaleni athweswe lona lokuphula umlayo wokuvikela.

15.(a) Ungakghona ukufaka iimbawo ezimbili lokha nawufaka isibawo somlayo wokuvikela nofana ngemva kwalapho ungafaka sesaziso sokutjheja ukuphepha, nangabe uhlala ndawonye nommangalelwa. Isibawo sizakudinga bonyana ipholisa linonde likuhlola bona usaphephile, ngomtato begodu nangenyanama bekube sikhathi esibekiweko.

(b) Ngizakupha amaforomu wesibawo bona ufake isibawo somlayo wokuvikela kanye nesaziso sokubekwa ilihlo ukuphepha nangabe uyasifuna, nofana ungazitholela amaforomu la kubunzinzolwazi (tjhunga ku-www.justice.gov.za).

16. Ngaphezu kwesibawo somlayo wokuvikela, unelungelo lokuvulela ummangalelwa icala lobulelesi esitetjhini samapholisa esisendaweni ohlala, ofunda, orweba kiyo nofana lapho uhlukunyezwe khona, nangabe isenzo senturhu silingana necala lobulelesi. Akudingeki bonyana uvule icala lobulelesi nawufuna ukuthola umlayo wokuvikela.

#### 17. ISIYELELISO:

17.1 Kulicala lobulelesi ukwenza isitatimende esimamanga ngaphakathi—

- (a) kwesibawo somlayo wokuvikela;
- (b) kwesibawo sesaziso sokutjheja ukuphepha;
- (c) kwesitatimende esifungelweko esitshwaya bonyana ummangalelwa uphule umlayo wokuvikela.

17.2 Ikhotho ingenza umlayo wokuthi umuntu ekukhulunywa ngaye athwale iindleko nangabe yanelisekile bonyana izenzo zakhe zizele ukusa, ukubanga inturhu nofana ngendlela engazwakaliko.

**(\*Sula nanyana ngikuphi okungakafaneli)**

**Inomboro Yesibawo:** ...../20.....      **Ilanga:** .....

Igama nesibongo sikamabhalana wekhotho: .....

Igama nesibongo \*sommangali/\*somuntu ofakela ummangali isibawo somlayo wokuvikela:

.....  
\*Umtlikitlo/\*umtlhala wakathubharhuru/\*itshwayo likammangali/\*lomuntu ofakela ummangali isibawo somlayo wokuvikela.

## ISIQINISEKISO SOKUFUMANA IFOROMU 8

(Lizakubekwa efayilini yekhotho nangabe ummangali nofana umuntu ofakela ungazimbi isibawo uragela phambili nesibawo)

**(\*Sula nanyana ngikuphi okungakafaneli)**

Inomboro yesibawo: ...../20..... Ilanga: .....

Igama nesibongo \*lommangali/umuntu ofakela ungazimbi isibawo sokuvikela:

.....

Ngiqinisekisa bonyana—

- (a) nginikelwe isaziso seminingwana;
- (b) begade singelimi elisemthethweni nengizikhethela lona;
- (c) \*ngifundelwe sona/ngizifundele sona ngokwami;
- (d) ngibuziwe bonyana ngizwisisa koke na okumumethwe sisaziso; begodu
- (e) nananyana ngiyiphi ingcenywe yesaziso engingayizwisisiko, ngihlathululelwe.

.....  
\*Umtlikitlo/\*umtlhala kathubharhuru/\*itshwayo lommangali/\*womuntu ofakela ummangali isibawo somlayo wokuvikela

Igama nesibongo sikamabhalana wekhotho: .....

.....  
Umtlikitlo

Isitembu sikamabhalana  
wekhotho