



REPUBLIC OF SOUTH AFRICA

IFOMU I

[uMmiselo 2]

**UXWEBHU OLUNIK' INGCOMBOLO KUMMANGALI OKANYE KUMNTU OWENZ' ISICELO
SOMYALELO WOKUKHUSELWA EGAMENI LOMMANGALI****ISIQENDU 2(2) SOMTHETHO WOKUKHUSELWA KWINTLONDI KA-2011 (UMTHETHO 17 KA-2011)**

1. Olu xwebhu luchaza—
 - (a) uncedo olufumanekayo ngokoMthetho Wokukhuselwa Kwintloni ka-2011;
 - (b) nelungelo lommangali lokuba amangalele ummangalelwa ngolwaphulo-mthetho.
2. Kuza kufunwa ukuba utyikitye olu xwebhu ngenjongo yokuqinisekisa ukuba kwenziwe okufunwa sisiqendu 2(2) soMthetho Wokukhuselwa Kwintloni, kwanokufunwa ngummiselo 2 weMimiselo Yokukhuselwa Kwintloni ka-2013, owathi wenziwa ngokwaloo Mthetho, ondinyanzela ukuba—
 - (a) ndikunike olu xwebhu olufanele ukuba, ukuba kunokwenzeka, lube ngolwimi oluthandwa nguwe;
 - (b) ndikufundele okanye ndicele omnye umntu akufundele olu xwebhu ukuba wena awukwazi ukulufunda;
 - (c) ndikubuze ukuba uyakuqonda na okuqulethwe lolu xwebhu; nondinyanzela ukuba
 - (d) ndicacise nayiphi na indawo kulo ongayiqondiyo.
3. Ummangali (oko kukuthi, umntu ekwenziwa kuye intlondi) unokuthi ngalo naluphi na usuku nangalo naliphi na ixesha, ngendlela emiselweyo, enze isicelo somyalelo wokukhuselwa kwintloni, esenza kwiNkundla YeMantyi ekummandla—
 - (a) ahlala kuwo ummangali ngokusisigxina okanye okwethutyana, ashishina kuwo okanye aphantela kuwo;
 - (b) ahlala kuwo ummangalelwa (oko kukuthi, umntu owenza intlondi) ngokusisigxina okanye okwethutyana, okanye kummandla ashishina kuwo okanye aphantela kuwo; okanye
 - (c) ekummandla esenzeke kuwo isenzo esiyintlondi.
4. Umntu wenza isenzo esiyintlondi ukuba wenza isenzo ngokungqalileyo okanye ngokungqalanga asaziyo okanye amel' ukuba uyasazi ukuba—
 - (a) siyamenzakalisa ummangali okanye simenza akholwe ukuba uza kwenzakaliswa okanye kwenzakaliswe umntu ohlobene naye ngokuthi **kungekho sizathu sivakalayo** amlandele ummangali okanye umntu ohlobene naye, amakhel' umkhanya okanye amsukele, okanye anxibelelane naye ngomlomo okanye ngeendlela ze-elektroniki okanye ngolunye unxibelelwano olujoliswe kummangali okanye kumntu ohlobene naye, kungakhathaliseki ukuba kuthi kulandele incoko okanye kuthunyelwe iileta, iithelegram, iifeksi, ii-imeyile okanye ezinye izinto, zithunyelwa kummangali okanye kumntu ohlobene naye; okanye
 - (b) isenzo eso siba kukuncwaswa ngesondo kommangali okanye komntu ohlobene naye.Ukwenzakalisa kukwenzakalisa ngokwasengqondweni, ngokwasemzimbeni okanye ngokwasemalini.
5. Isicelo somyalelo wokukhuselwa kwintloni sinokwenziwa ngomnye umntu egameni lommangali ukuba umntu onenjongo yokwenz' isicelo somyalelo wokukhuselwa unekhonkco elibalulekileyo elimdibanisa nentlalo-ntle yommangali okanye yomntu ohlobene naye. Kodwa ke eso sicelo masenziwe ngemvume ebhaliweyo yommangali, ngaphandle kwaxa ummangali engumntu, ngokoluvo lwenkundla, ongenakukwazi ukusenza.
6. Nawuphi na umntwana, okanye umntu egameni lomntwana, unokwenz' isicelo enkundleni somyalelo wokukhuselwa.
7. Inkunnda iza kusiqwalasela isicelo sommangali okanye somntu ekuthethwe ngaye kwisiqendu 2(3) soMthetho Wokukhuselwa Kwintloni ka-2011, kwaye ukuba ubungqina bubonisa ukuba—
 - (a) ummangalelwa wenza intlondi okanye wenze intlondi;
 - (b) ummangali okanye umntu ohlobene naye uyenzakala okanye usenokwenzakala ngenxa yeso senzo ukuba awukhutshwa ngoko nangoko umyalelo wokukhuselwa; kananjalo
 - (c) inkuselo emayifunyanwe ngokukhutshwa komyalelo wokukhuselwa isengangafumaneki ukuba kuqale kwaziswe ummangalelwa,inkundla inokuthi ikhuphe umyalelo wokukhuselwa wethutyana wokuzikhusela kummangalelwa.
8. Umyalelo wokukhuselwa wethutyana uqalisa ukusebenza ukususela ekukhutshweni kwawo yinkundla, kananjalo ummangalelwa azisiwe ngokukhutshwa kwawo. Ikopi yesicelo nobungqina obunikiweyo xa bekusenziwa isicelo, ezo zinto ziza kunikwa ummangalelwa kunye nomyalelo wokukhuselwa wethutyana, aze ummangalelwa acelwe ukuba anike izizathu ngomhla wokubuyela enkundleni oxeliweyo kumyalelo, izizathu zokuba kungani umyalelo wokukhuselwa wethutyana ungenakwenziwa ube sisigxina. Inkuselo efumaneka kumyalelo wokukhuselwa wethutyana yeyethutyana kwaye iza kuphelelwa ngomhla wokubuyela enkundleni.

9. Ngomhla wokubuyela enkundleni inkundla iza kuwuphulaphula umcimbi kwaye isengakhupha umyalelo wokukhuselwa osisigxina oya kusebenza ithuba eliyiminyaka emihlanu okanye ithuba eloluliweyo kunelo elinokuthi ligqitywe yinkundla xa athe ummangali wabeka isizathu esivakalayo soko.
10. Ngokusebenzisa umyalelo wokukhuselwa wethutyana okanye osisigxina, inkundla inokuthi imthintele ummangalelwa—
 - (a) angenzi okanye angazami ukwenza intlondi;
 - (b) angasebenzisi uncedo lomnye umntu ekwenzeni intlondi;
 - (c) angenzi nasiphi na esinye isenzo esinokuthi sixelwe kumyalelo wokukhuselwa.
 Inkundla isenokumbekela nayiphi na eminye imiqathango ummangalelwa ekubona kuyimfuneko ukuyibeka ukuze akhuseleke okanye ahlale kakuhle ummangali okanye umntu ohlobene naye.
11. Ngokwesiqendu 10(4) soMthetho Wokukhuselwa Kwintlondi ka-2011, mayingabikho kumyalelo wokukhuselwa idilesi yommangali yasekhaya neyasemsebenzini okanye yomntu ohlobene naye, ngaphandle kokuba imigqaliselo yomyalelo wokukhuselwa ifunisa ukuba mayibekho loo dilesi, kwaye inkundla ingakhupha nayiphi na imiyalelo ukuqinisekisa ukuba kuyenziwa okufunwa ngulo Mthetho.
12. Nanini na xa inkundla ikhupha umyalelo wokukhuselwa wethutyana okanye osisigxina, kuya kukhutshwa isigunyazisi sokubanjwa kummangalelwa, kodwa ukubanjwa kwakhe ngaso kuya kumiswa kude kubonakale ukuba uyasithobela na isalelo, umqathango, okanye imbopheleleko okanye umyalelo owiswe yinkundla ukuze kungenziwa ntlondi kummangali okanye kumntu ohlobene naye. Ukuba ummangalelwa uthi angasithobeli isalelo esithile, umqathango othile, imbopheleleko ethile okanye umyalelo oqulethwe kumyalelo wokukhuselwa, ummangali unokuthi aye epoliseni alinike isigunyazisi sokubanjwa, kunye nenkcazelo ebhaliweyo efungelweyo athi kuyo ummangalelwa uwaphule umyalelo wokukhuselwa, polisa elo eliya kuthi—
 - (a) ukuba kunokwenzeka enzakale ummangali, limbambe ummangalelwa; okanye
 - (b) ukuba azanelanga izizathu zokumbamba ummangalelwa, linike ummangalelwa incwadi ethi makavele enkundleni,
 aphenandle isimangalo solwaphulo-mthetho sokwaphula umyalelo wokukhuselwa.
13. Ndiza kukunika ifomu yesicelo ukuba ufuna ukwenz' isicelo somyalelo wokukhuselwa kwintlondi.
14. Ukongezelela kwisicelo somyalelo wokukhuselwa ukwanelungelo lokummangalela ummangalelwa ngolwaphulo-mthetho ukuba intlondi yakhe ikwasisenzo esikukwaphul' umthetho. Kodwa ke akuyomfuneko ukufak' isimangalo solwaphulo-mthetho ukuze ufumane umyalelo wokukhuselwa.

15. ISILUMKISO

15.1 Kusisenzo esilulwaphulo-mthetho ukuxoka kwinkcazelo ebhaliweyo efungelweyo—

- (a) ukuze ufumane umyalelo wokukhuselwa; okanye
- (b) usithi ummangalelwa waphule umyalelo wokukhuselwa.

15.2 Inkundla isengakhupha umyalelo wokuhlawula iindleko ukuba ifumanisa ukuba omnye wenu wenze akwenzileyo engenasizathu sivakalayo, okanye eqhutywa nje luchuku, okanye wenze ngokungabhadli.



(Krazula le ndawo uze uyigcine kwifayile yenkundla ukuba ummangali okanye umntu owenz' isicelo somyalelo wokukhuselwa egameni lommangali uyaqhubeka nesicelo)

***Cima okungasebenziyo kule meko.**

INombolo Yesicelo:...../20.....

Umhla:.....

Igama nefani kanobhala wenkundla:.....

Igama nefani *yommangali/*yomntu owenz' isicelo somyalelo wokukhuselwa egameni lommangali:

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*Utyikityo/*ubhontsi/*uphawu lommangali/*lomntu owenz' isicelo somyalelo wokukhuselwa egameni lommangali