

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

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ISEBE LEZOBULUNGISA NOPHULISO LOMGAQO-SISEKO

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IMIGAQO ELAWULA INDLELA YENKUBO YEENKUNDLA ZOMANTYI EMZANTSI AFRIKA

Ibhodi yemigaqo yeenkundla zomthetho phantsi kwecandelo lesi-6 lomthetho webhodi yemigaqo yeenkundla zomthetho, (umthetho 107 ka 1985), ufundwa kunye necandelo 9(6)(a) lomthetho wobunganga beenkundla bokuchophela amatyala loMthetho wolungiso Weenkundla zenqila, wonyaka wama 2008(umthetho 31 wama 2008, ngemvume yo Mphathiswa wezobulungisa nophuhliso lomgaqo-siseko yenze imigaqo kwishedyuli.

ISHEDYULI

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54	Amabango ajoliswe nangawabomdibaniselo wamashishini, umntu oqhuba ishishini ngegama okanye ngesimbo elilinye ngaphandle kwelakhe. Inkampani engadweliswanga, iqumrhu okanye umbutho
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56	Ukubanjwa ngorhaneleko lokuqhusha, izithintelo ukuthimba ibango eliqinisekisiweyo kunye nesithintelo sokungakhutshwa komntu kwindawo engeyoyakhe ngaphandle komthetho
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60A	Inkqubo engekho mqaqweni
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Injongo nokusetyenziswa kwemigaqo

1. (1) Injongo zalemigaqo kukuphuhlisa ukufikelela ezinkundleni nokuqinisekisa ukuba iimbambano ziyasonjululwa ngokomthetho ngokuviwa kwinkundla evulelekileyo eluntwini.

(2) Lemigaqo izakusetyenziswa ukunxulumanisa ukukhawuleziswa kokusonjululwa kweembambano nokunciphisa iindleko.

(3) Ukwenzela ukuphuhlisa ukufikelela ezinkundleni okanye xa kufanelekile ngokweemfuno zokwenza ubulungisa inkundla kwindibano ebizwe phantsi kwecandelo 54(1) lomthetho, ingenza kungabi yomfuneko ukusetyenziswa kwalemigaqo ibonise indlela emakuqhutywe ngayo. enokulandelwa ngamacala akwibango ukunzela ukuba asiqoshelise ismangalo ngendlela ekhawulezileyo nenoqoqosho.

(4) (a) Ngaphandle kweefomu 2, 2A, 2B, 3, 5A 5B ekufuneke zingqamene nemizekelo iifomu Ezikokuqhotyoshelweo 1 ingasetyenziswa ngalomahluko njengoko imeko zifanelekile.

(b) Ukuphumezi le nxalenye yomgaqo akuyi kuba ngokwako sisizathu sokukhathya kwesimangalo, kodwa nakuyiphina inkundla apho kufakelwe ubuxhaka-xhaka bokunxulumanisa ukukhutshwa kweesamana, unobhala wenkundla kamantyi okanye ephakamileyo angala ukukhupha

- (i) Nayiphina isamamna ejongeka njengefomu 2, 2A, 2B okanye 3 kodwa ingavumelani neemfuno ezimiseliweyo ; okanye
- (ii) Nasiphi na isicelo esibhaliweyo nekubhekiswa kuso kwicandelo 59 lomthetho nesiingavumelaniyo nesicelo esiqulathwe kwifomu 5A okanye 5B

(c) Yonke inkqubo yenkundla yokukhutshwa nokunikezela ngeesamana okanye isigunyaziso sokuthinjwa nawo onke amanye amaphepha enkundla okanye iikopi ezimelwe kukunikezelwangaphandle kweencwadi okanye iikopi ezigcinwe njengerekhodi eziincwadi njengobungqina byakuba kwiphepha A4 elikumlinganiselo okuma 210mm ephinaphindwe nge 297mm .

Ingcaciso

2. (1) Kulemigaqo nakwifomu eziqhotyoshelwe kuyo naliphi na igama okanye ibinzana elicacisiweyo emthethweni liyakuba nalongcaciso liyiniweyo, kwaye ngaphandle kokuba umxholo ubonisa ngolunye uhlobo

"ukucela" kuthetha ukwenziwa kwesindululo phambi kwenkundla 'isicelo' sinentsingiselo efanayo

"unobhala wenkundla" lithetha unobhala wenkundla oqeshwe phantsi kwecandelo 13 lomthetho liquka nomncedisi wakhe okwaqeshwe kwangolohlobo

"Umthetho wenkqubo yolwaphulo-mthetho ka 1977" uthetha uMthetho weNkqubo yolwaphulo Mthetho 1977 (Umthetho 51 ka 1977);

"Isigwebo songekhoyo" sithetha isigwebo esiwiswe engekho lowo siwiswa kuye";

"ukunikezela" (ngaphandle kwaxa isamana inikezelwe kwelinye icala kuphela, ngokomgaqo 9) kuthetha ukuyinikezela kunobhala wenkundla ephakamileyo okanye unobhala wenkundla kamantyi nekopi kwelinye icala ngokuyisa buqu, ngokuyiposa ngerejista okanye apho kuvunyelenweyo ngummangali nommangalelwa, okanye kuyalelwe yinkundla, ngefeksi okanye ngembalelwano ye elektroniki (apho ibanga III, isahlulo 2 Lomthetho we Elektroniki, Unxibelelwano norhwebelwano, ka 2002 uyakusebenza kwaye "ukunikezela", ukunikezelwa" no "kunikezela' anentsingiselo efanayo;

"Umthetho woqhawulo-mtshato. 1979" uthetha Uthetho wqhawulo-mtshato wama 70 ka 1979),

"Umthetho we electriniki, unxibelelwano norhwebelwano ka2002" uthetha Umthetho we elektoniki, unxibelelwano norhwebelano Weebhanki ka 165(umthetho 25 ka 2002),

"Ukunikezela ngesibambiso" kuquka ukunikezela ngesibambiso sokuzibophelela kwecala elithile etyaleni okanye umntu ozimisa endaweni yalo okanye ngababini okanye abaninzi abantu;

"Umthetho wezikweliti ka 2005" ubhekisa ku Mthetho wezikweliti ka2005 (Umthetho wama 34 ka 2005) 34 ka 2005),

"isaziso" sithetha isaziso esibhaliweyo

"ityala elimiyo" lithetha ityala apho isamana okanye isaziso se sindululo phambi kwenkundla zikhutshiwe zingeka yekwa okanye sikhatywe nalapho isigwebo singekawiswa okanye singekathatyathwa.

"Ummangali", "mmangalelwa", "Umenzi wesicelo", "Umphenduli wesicelo" ne **"lungu"** ziquka igqwetha okanye igqwetha lejaji abamele elo lungu negosa lalo naliphina ibhunga eligunyazisiweyo lilo ngenjongo

"unobhala wenkundla" lithetha unobhala wenkundla oqeshwe phantsi kwecandelo 13A lomthetho liquka nomncedisi unobhala wenkundla ephakamileyo oqeshe ngolohlobo

"unothimba", lithetha umntu oqeshwe phantsi kwecandelo 2 lomthetho woNothimba ka 1086 (Umthetho 90 ka 1986) no kunye nomntu oqeshwe phantsi kwecandelo 5 necandelo 6 lalomthetho njengonothimba obambeleyo nesandla sikanothimba, ngokulandelelana

"ukusayina" kuquka nokusayina okuqhubele phambili okwenziwe nge elektroniki njengoko kucacisiwe kwisahluko I, II noIII zomthetho i Elektroniki, Unxibelelwano norhwebelwano ka 2002 oku kukwanjalo ekusayinini, ukusayina nesayiniweyo

"Umthetho" ubhekisa kumthetho weNkundla Zikamantyi ka 1944 (umthetho 32 ka 1944),

(2) UMgqibelo, iCawe okanye iintsuku zeholide azithathwa njengenxalenye yeentsuku ezibalwayo ngokwalemigaqo, ngaphandle kokuba kuboniswe ngolunye uhlobo

(3) Yonke imigama iyakubalwa ngokweyona ndlela imfutshane ikhoyo ngokuxhomekeke kwimeko

Imisebenzi namaxesha omsebenzi oonobhala beenkundla eziphakamileyo nezikamantyi

3. (1) Unobhala wenkundla ephakamileyo uyakusayina (ngesandla okanye ngomatshini okanye.ifeksi) zonke Lo nkqubo yenkundla njengoko inokwenziwa nangubani na onelungelo kuzo, okanye ngesicelo salo naliphi na ilungu ezonkcukacha bezifunwa kulo emva kokubuyiswa ngunothimba.

(2) Uxwebhu lokuqala olufakiweyo kwityala okanye nasiphi na isicelo esingaphathele kwityala elimiyo liyakunombolwa ngunobhala wenkundla ephakamileyo okanye unobhala wenkundla kamantyi ngenani elilandela unyaka olufakwe ngawo

(3) Lonke uxwebhu olunikezelweyo okanye olusiweyo kuvavanyo-tyala okanye isicelo ekubhekiswa kuso kwinxalenye yomgaqo (2) okanye nakuyiphi na imbambano ekuqhubeleni phambili esosicelo okanye isimangalo luyakuphawulwa ngenombolo efanelekileyo lelolungu liyisayo kwaye aluyi kwamkelwa ngunobhala wenkundla ephakamileyo okanye owenkundla kamantyi de lube lunombolwe.

(4) Onke amaphepha aselwe ukunikezelwa kunobhala wenkundla ephakamileyo okanye unobhala wenkundla kamantyi akuba phantsi kwenombolo yesimangalo okanye isicelo eso.

(5) Iikopi zamaphepha ekubhekiswa kuzo kumgaqo 3(4) zingenziwa nangubanin na phambi konobhala wenkundla ephakamileyo okanye owenkundla kamantyi. enkundleni.

(6) Unobhala wenkundla ephakamileyo okanye unobhala wenkundla kamantyi unoxanduva lokwazisa ngento ebhaliweyo

(a) Ukwamkelwa kwesigwebo ngummangalelwa phambi kokunikezelwa kwaso nasiphi na isaziso senjongo yokuzithethelela kummangalelwa

(b) Inkcazo yenjongo yokuzithethelela engagqibelelanga efakwe ngummangalelwa ongamelwanga liggwetha nalapho eso saziso singagqibelelanga njengoko kuyimfuneko kumgaqo 12(2) (a) kunye

(c) nesicelo sokugwetyelwa esaliweyo

(7) (a) Unobhala wenkundla ephakamileyo okanye unobhala wenkundla kamantyi uyakuphawula kwikopi eqinisekisiweyo yesigwebo ngokucelwa naliliphi na ilungu ethe lokopi yanikezelwa kulo.

(i) ezo nkukacha zaso nasiphi na esinye isigwebo salo nkundla okanye nayiphi na enye inkundla, ekhankanya lo nkundla kulo Meko ; kunye

(ii) naziphi na iindleko ezenziwe emva kokuwisa kwesigwebo neziluxanduva lalowo ungagwetyelwanga.

(b) Eyesibini okanye eyongezelelweyo neqinisekisiweyo ikopi yesigwebo ingakhutshwa ngokuthi umceli anikezele ngenkcazo efungelweyo ecacisa ngokulahleka kwekopi yesigwebo afuna ukuba ibuyekezwe.

(8) Unobhala wenkundla ephakamileyo okanye owenkundla kamantyi angawancedisa amacala kwimbambano ngokuwacacisela ngalemigaqo nangokunika uncedo olongezelekileyo nolunokukufuneka ngokwaneleyo ngokwecandelo 9(6) (b) (ii) lomthetho ohlonyelweyo wenkundla yenqila wobunganga bokuchophela amatyala Wonyaka 2008 (umthetho 31 wonyaka 2008).

(9) Unobhala wenkundla ephakamileyo uyakugcina

(a) irejista eyakubizwa ngokuba yirejista yamatyala oqhawulo-mitshato, yaye eyakufaka kuyo

(i) inani lezimangalo na

(ii) namagama amalungu achaphazelekayo ; no

(b) Iuhlu lwemihla ngemihla yawo onke amatyala athe afakwa kwirejista yamatyala oqhawulo-mitshato.

(10) Nayiphi na into efanele ukwenziwa okanye isaziso esifanele ukusayinwa ngu nobhala wenkundla ephakamileyo okanye owenkundla kamantyi phantsi kwalemigaqo ingenziwa okanye isayinwe lilungu elivavanya amatyala, ukuba elolungu alizukubhala nkcazelo ifungelweyo, nkukacha mayela netyala elo, okanye inqubo yesimangalo yalo naliphi icala kwimbambano icala okanye libale uluhlu lweendleko.

(11) Xa ithe inkundala yohlwaya nokuba ngubani ngokuyalela ukuba enze intlawulo, kunyanzelekile ukuba lontlawulo yenziwe kunobhala wenkundla ephakamileyo okanye kowenkundla kamantyi.

(12) Ngokungaphandle koMgqibelo, iCawe kunye neentsuku zeholide, ii ofisi zikanobhala wenkundla ephakamileyo nekamantyi ziyakuvula nentsimbi yesi 8:00 ukuya kweyoku 13:00 zibuye zivule kweye si 14:00 malanga ukuya kweye 16:00, malanga njalo, ukwenzela ukukhutshwa okanye ukunikezelwa kwayo nayiphi na incwadi, engaphandle kwesaziso se njongo yokuphikisa isimangalo, iifosi ziyakuvula ukusukela ngentsimi yesi 8:00 ukuya 13:00, zibuye zivule ngeyesi 14:00 ukuya kweyesi 15:00, njalo : kuxhomekeke ekubeni unobhala wenkundla Angathi kwiimeko ezizodwa akhuphe, amkele iincwadi nangaliphi na ixesha, kwaye uyakwenza njalo xa eyalelwe Ngumantyi.

Izicelo ngokwamacandelo 57 no 58 omthetho

4.(1)(a) Incwadi yesinyanzelo ekubhekiswa kuyo kumacandelo 57 no 58 omthetho iyakuqulatha iinkcukacha mayela nohlobo nobungakanani bemali yebango.

(b) Apho eyona mbandi yembambano isisivumelwano ngentlawulo yetyala ngokomthetho kazwelonke wezikweliti wonyaka ka 2005, incwadi yesinyanzelo ekubhekiswa kuyo kwicandelo 58 lalomthetho kufuneka inyathele kwiziquletho zamacandelo 129 no 130 omthetho wezikweliti kazwelonke Ka2005, kwaye itsho ukuba zonke ezi ziquletho zithotyelwe

(2) Isicelo esibhaliweyo ekubhekiswa kuso kwicandelo 59 lalomthetho siyakuthunyelwa kunobhala wenkundla ephakamileyo okanye owenkundla kamantyi ngokwe ndlela yefomu 5A okanye 5B ngokokuxhomekeka, zixhaswa yingxelo efungelweyo equlethe obo bungqina bunokuthi bufaneleke ukubonisa ukuba zonke iimfuno zomthetho zifizekisiwe.

(3) Ukuvumelana nesigwebo ngokwecandelo 58 lalomthetho kuyakusayinwa ngummangalelwa namangqina amabini amagama ayakubhalwa ngokupheleleyo neeadresi neenombolo zeminxeba kufuneka zibhaliwe nazo.

(4) Imigaqo 12 (6), (6A) no (7) iyasebenza kwisicelo sesigwebo ngokwamacandelo 57 no 58 alomthetho .

Iisamana

5.(1) Wonke ubani onyanzeliso ibango komnye angalenza ngesamana eyodwa okanye eneenkcukacha kwiofisi kanobhala wenkundla ephakamileyo okanye kamantyi zibhalelwe kunothimba zimcela ukuba azise ummangalelwa phakathi kwezinye izinto, ukuba , ukuba uyaliphika ityala enqwenela ukluzithethelela uya kuthi phakathi kwezinye izinto, ukuba ummangalelwa uyaliphika ibango kwaye enqwenela ukuliphikisa, uya

(a) kwithuba elikhankanyiweyo kwisamana anike isaziso senjongo yokuzithethelela, kwaye

(b) emva kokufizekisa umhlathi (a), ukuba isamana iquka iinkcukacha zebango, kuma 20 emihla. emvakokunika esosaziso, ukunikezela ngependulo (nebango eliphikisana nelommangali, okanye isithintelo okanye isicelo sokukhatywa kwetyala.

(2)(a)Kulo lonke ityala apho ibango lingesosinyanzelo sokuhlulwa imali ecacileyo iisamama zosoloko zidityaniswe neenkcukacha zebango kananjalo kwifomu 2B yesongezelelo esincanyathiseleyo njengo 1, apho isamana iyakuxonyezelelwa ingxelo yeenkcukacha ekuqanyelelwe ngazo ngummangali uku-xhasa ibango lakhe, nengxelo eyakungqamana nomgaqo 6.

(b) Apho ibango okanye isinyanzeliso sisesemali ecacileyo isamana ingayisamana eyodwa efana nekwifomu 2 yokuxokonyezelelweyo.

(3) (a)(i) Yonke isamana iyakusayinwa ligqwetha lomangali ibonise iadresi yee ofisi zalo Ezikumgama we15km ukusuka kwinkundla esifakwa kuyo isimangalo, i adresi yalo yeposi ukuba ikho, iinombolo zefeksi, kunye ne emeyili adresi

(ii) Ukuba ummangali akamelwanga ligqwetha iisamama ziyakusayinwa ngummangali oyakuthi afakela iadresi yendawo ahlala kuyo engekude kuma 15km ukusuka kwinkundla apho

amangele khona nalapho ayakufumana khona amaphepha nezaziso ezinxulumene nesimangalo kunye ne adresi yakhe yeposi, kunye nefeksi ne Imeyli adresi, apho zikhoyo.

(iii) Emva kokufezekiswa kwemihlathana (i) no (ii) iisamana zingasayinwa zikhutshwe ngunobhala wenkundla ephakamileyo nowekamantyi kwaye ziyakubonisa umhla ezikhutshwe ngawo ngunobhala wenkundla ephakamileyo nowenkundla kamantyi ; kananjalo nenombolo eyabelwe esosimangalo.

(b) Ummangali angabonisa kwiisamana ukuba ukulungele ukufumana amaphepha anxulumene netyala nazo zonke izaziso kwisimangalo nangayiphina indlela ngaphandle kokuziswa kwindawo ahlala kuyo, nangokuposwa, ukuba kunjalo kufuneka achaze indlela ayikhetshayo yokuziswa kwalomaphepha enkundla.

(c) Ukuba ummangalelwa uyazithethelela kwisimangalo kufuneka xa acelwa ngummangali ngenzwadi ebhaliweyo, ase imvume ebhaliweyo, okanye unikezelo ngamacala omabini amaphepha nezaziso ezilandela isimangalo nge feksi okanye i imeyili.

(d) Ukuba mumangali uyala okanye angakwazi ukusa imvume ebhaliweyo njengoko kumisiwe kumhlathi (c), inkundla nge sicelo sommangali ingayinika lomvume ngokwemimiselo yeendleko , okanye ngokwendlela enobulungisa okanye efanelekileyo ngokweemeko.

(4) Zonke iisamana ziyzkukhankanya isi4 sonyaka 110),

(a) Ifani namagama okanye unobumba wommangalelwa ngegama awaziwa ngalo ngummangali indawo ahlala kuyo ummangalelwa okanye indawo aliqhubela kuyo ishishini nento ayenzayo ukuziphilisa, apho yaziwayo ngummangali i adresi yengqesho, ukuba ummangalelwa unyanzeliswa ngokommeli wequmrhu, isikhundla akuso neshishini lomangali, ukuba ummangali umele iqumrhu isikhundla akuso.

(5) Zonke iisamana ziyakuquka -

(a) ifomu yokuvemelana nesigwebo

(b) ifomu yokuzithethelela

(c) isaziso esitsalela ingqwalasela yommangalelwa kwimimiselo yecandelo 109 lalomthetho

(d) isaziso esitsalela ingqwalasela yommangalelwa kwimiselo yamcandelo 57, 58 65A kunye no 65D omthetho kwezomeko apho isimangalo sisekelwe kwityala ekubhekiswa kulo kwicandelo 55 lomthetho.

(6) Isamana iyakuqulatha kwakhona -

(a) apho ummangalelwa akhankanywe phantsi kwamandla enkundla okuchophela ityala ewafumene ngokwecandelo 28(1) (d) umthetho uqulathe isiphakamiso sokuba yonke imbangi yebango yenzeke kwisithili okanye kwinqila uze ubeke inkcukacha ezixhasa esosiphakamiso.

(b) akhankanywe phantsi kobunganga benkundla bokuchophela ityala ewafumene ngokwecandelo 28(1) apho umthetho uqulathe isiphakamiso sokuba izakhiwo ezichaphazelekayo zimi kwisithili okanye kwinqila kwaye.

(c) ubonise ukuncama inxalenye yebango phantsi kwecandelo 38 lomthetho kunye naluphi na lomthetho.

(7) Apho ummangali akhupha isamana eyodwa kwibango elilawulwa ngumthetho losamana ingaqulatha isiphakamiso sokungathobeli mthetho, kodwa isiphakamiso, ukuba sikhona kufuneka sibhengeze inkcukacha ngokuzelayo zoko kuthobela :

Kuxhomeke ekubeni eyona mbangi yembambano isisivumelwano esiphantsi komthetho kazwelonke wezikweliti ka 2005, Ummangalelwa ofuna ukugwetyelwa phantsi kwecandelo 58 lomthetho kufuneka anyathele ngamnye kwimimiselo efanelekileyo wamcandelo 129 no 130 omthetho kazwelonke wezikweliti ka 2005, achaze ukuba ummiselo ngamnye ufezekisiwe.

(8) Isamana yerenti phantsi kwecandelo 31 lomthetho iyakuba kwifomu eyenzelwe oko kwisixomezelelo 1,

ifomu3.

(9) Apho ummangali amangalela ibambela kufuneka akhankanye igama, idilesi, nengcaciso yomntu owayemelwe ngalomhla wokumelwa kwakunye nosuku lwesivumelwano sokumelana.

(10) Isamana ekufunwa kuyo umyalelo ukuvezwa kwesakhiwo esithinjiweyo nesilikhaya lomangalelwa kufuneka iqulathe isaziso njengalefome ilandelayo :

"Ingqwalsela yommangalelwa itsalelwa kwicandelo 26(1) lomgaqo-siseko woMzantsi Afrika onika nabani na ilungelo lokuba nokukwazi ukwakhelwa indlu efanelekileyo Ukuba ummangalelwa ubonisa ukuba ibango lokukhutshwa kwakhe lichaphazela ilungelo lakhe lokubanendlela yokuhlala kwindlu ephucukileyo kuluxanduva lwakhe ukuba abeke ubungqina obuxhasa oko phambi kwenkundla"

(11) Ukuba nalphi na ilungu kwimbambano liyasilela ukufezekisa nawuphi na ummiselo walomgaqo, losamana iyakuthatyathwa njengenamakhwiniba apho elinye icala liyakubanelungelo lokuthatha amanyathelo ngokomgaqo 60A.

Imigaqo ephathelene nengxoxo yembambano ngokubanzi

6. (1) Onke amphepha apthelene nembambano ayakusayinwa ligqwetha okanye lelelungu ukuba alimelwanga.

(2) Isihloko sesosimangalo esicacisa amalungu kwimbambano nenombolo eyabelwe kulombambano ngunobhala wenkundla ephakamileyo okanye owenkundla kamantyi iyakubonakala phezulu kwiphepha ngalinye eliphathele kulombambano Apho amalungu kwimbambano maninzi okanye isihloko saside kwaye ushunqulelo lunokwenzeka ngokufanelekileyo liyakushunqulelwa ngokunjalo.

(3) Yonke inkcukacha ngokuphathelele kwimbambano iyakwahlulwa ngokwemihlathi (kuquka imihlathana) eyakunombolwa ngokulandelelanayo kwaye umhlathi uqulathe isiphakamiso esicacileyo nesisondele kangangoko.

(4) Yonke inkcukacha ngokuphathelele kwimbambano iyakuqulatha inkcazo ecacileyo nemfutshane ngemiba ebalulekileyo nephathelele kwimbambano abambebele kuzo ummangaliukubonisa ibango lakhe ukuzithethelela okanye ukuphendula naziphi na iinkcukacha zembambano, ngokuxhomekeka ngokwaneleyo ukwenzela ukuba ilungu eliphikisana naye likwazi ukuphendula lowo.

(5) Xa ilungu eliphikisana neenkukacha zembambano okanye umba othile kwinkcukacha ezidlulileyo zembambano zelinye icala aliyikukwenza oko ngendlela ephephayo koko liyakuphendulo ngokomxholo.

(6) Iilingu lembambano elithembele kwisivumelwano kwinkcukacha zalo zembambano kufuneka licacise ukuba sibhaliwe na okanye senziwa ngomlomo eso sivumelwano. Nini, phi kwaye ingubani owngena kuso, kwaye ukuba sibhaliwe ikopi yaso okanye inxalenye yaso athembele ngayo kwinkcukacha kufuneka iqhotyoshelwe.

(7) Akuyikuba yimfuneko ukuchaza iimeko apho migatya elikhankanyiweyo liyakuqikelelwa.

(8) Ilungu lembambano elbanga ulwahlulo, unikezelo okanye ukoxuthwa kweempahla kwinkqubo yoqhawulo- mtshato kumtshato ongaphandle kokudityaniswa kweempahla, liyakunika iinkcukacha zezizathu elibanga ilungelo lalo kolo lwahlulo, unikezelo okanye

(9) Ummangali obanga umonakalo uyakuzicwangcisa ngohlobo oluyakwenza ummangalelwa akwazi kangangoko ukubala ubungakanani balomonakalo. ummangali obanga umonakalo wokwenzakala kufuneka anike iinkcukacha zomhla wakhe wokuzalwa , uhlobo nobungakanani bomenzakalo, okubangelwe ngumenzakalo kunye nexesha lokungakwazi kuzenzela nto nekubangwa ukuba kubangele umonakalo noya kuthi kangangoko anakho ngokwahlukileyo achaze ixabiso lentlawulo elibangwayo ku 8

- (a) iinkcukacha yeendleko zonyango nesibhedlela nezinye iintlawulo ezinxulumeneyo nendlela ezibalwe ngayo
- (b) lintlungu nokungcungcutheka kuchazwa ukuba zezethutyana na okanye zezigqibeleleyo nokuba ngowuphiumenzakalo ozenzileyo
- (c) ukulimala okumayela ne
 - (i) nenzuzo yomvuzo(echaza umvuzo omlahlekeleyo ukuzakuma ngoku

nokuba ufikelele njani na kulomali nelahleko eqikelelweyo yexa eloizayo nohlobo lomsebenzi anokukwazi ukuwenza ummangali kwixa elizayo , kunye

(ii) nokukwazi ukonwabela izinto zokuzigcoba ebomini (enika iinkcukacha echaza kananjalo ukuba ukulimala ukulimala oko kokwethutya na okanye pkwesigxina) ; kunye

(d) nokutshintshika komzimba, nenkcazelo ezeleyo ngoko nengcaciso yokuba ingaba kokomzuzwana okanye okupheleleyo.

(10) Ummangali obanga umonakalo obangelwe kukufa komnye umntu kufuneka achaze umhla wokuzalwa komfi kananjalo naye nawuphina obanga umonakalo ngenxa yokufa.

(11) Ilungu lembambano elithembele kwisivumelwano esilawulwa ngumthetho liyakuchaza uhlobo nobungakanani bokufezekisa kweolinye ilungu ne mimiselo enxulumene nalomthetho.

(12) Apho ummangali amangalela ibambela kufuneka akhankanye igama, idilesi, nengcaciso yomntu owayemelwe ngalomhla wokumelwa kwakunye nosuku lwesivumelwano sokumelana.

(13) Ukuba nalphi na ilungu kwimbambano liyasilela ukufezekisa nawuphi na ummiselo walomgaqo, losamana iyakuthatyathwa njengenamakhwiniba apho elinye icala liyakubanelungelo lokuthatha amanyathelo ngokomgaqo 60A.

Ukutshintshwa komsila wengwe

7. (1) Samana ingalungiswa ngummangali ngokwemimiselo yalomgaqo phambi kokuba ithunyelwe kummangalelwa njengoko ebonaKufanelekile.

(2) Naluphina utshintsho okanye ulungiso lwesamana phambi kokuthunyelwa kwayo kummangalelwa phambi okanye emva kokukhutshwa phambi kokuba inikelwe iyakusayinwa ngokufutshane ngunobhala wenkundla ephakamileyokanye owenkundla kamantyi kweyona samana, de ibe isayinwe ngoluhlobo, olotshintsho okanye ulungiso aluyi kuyichaphazela imbambano.

(3) (a) Xa igama lokuqala okanye unobumba engenguye okany igama lipelwe ngendlela engeyiyo okanye onke amagama okuqala ommangalelwa ebonisiwe kwisamana kwaye igama lokuqala okanye unobumba okanye igama lokuqala lilungile okanye lipelwe kakuhle okanye onke amagama okuqala ommangalelwa anikezelwe ngumntu ezinikelwe kuye iisamana kwayo elogama lokuqala okanye unobumba okanye igama lokuqala elipelwe ngokufanelekileyo, igama lokuqala liboniswa kwincwadi ezisayiniweyo ngunothimba okanye amagama okuqala kammangalelwa abonisiwe kanjalo, unobhala wenkundla ephakamileyo okanye ekamantyi ngesicelo sommangali angathi ngaphandle kokwazisa ummangali afakelele lento igama nonobumba kwiisamamana elilelomangali olungiso luya luyakuqwalaselwa njengolwenziwe phambi kokunikezela ngesamana

(b) Umgaqo 55A uyakusebenza kutshintsho lwesamamano emva kokunikela ngayo.

Unothimba wenkundla

8. (1) Iisamana namanye amaphepha enkundla anxulumene nazo akusiwa ngunothimba ngaphandle kokuba lemigaqo ilungiselelwe enye indlela.

(2) Iincwadi zenkundla zakunikezelwa ngaphandle kokulibazisa okungenasizathu kwaye unothimba kulo lonke ityala apho kunokulwisana nonothimba mayela nomsebenzi wakhe wokuhambisa iincwadi zenkundla okanye ukuthimba unegunya lokubiza naliphi na ilungu lamapolisa oMzantsi Afrika njengoko lisekelwe kuMthetho Wamapolisa wonyaka 1995(umthetho umthetho unombolo 1995 ka 68. Ukuba aze kumncedisa .

(3) Unothimba ogunyaziswe ngokunikezela ngezinye iincwadi zenkundla ezingaphandle kweesamana uyakwazisa

(a) unobhala wenkundla ephakamileyo okanye owenkundla kamantyi kunye nommangali ukuba incwadi zenkundla zinikezelwe okanye kuthinjiwe, ebonisa nomhla nedlela ezenziwe ngayo ezizinto aze abuyisele lombhalo kunobhala wenkundla ephakamileyo okanye ekamantyi.

(b) okanye abuyisele inkcazo kummangali ebonisa ukuba akakwazanga ukunikezela

ngeencwadi zenkundla okanye ukuthimba anike isizathu soko, abuyisele ezoncwadi kummangali agcine,

irekhodi yezonwadi.

(4) Xa iisamana zinikezelwe kunothimba ukuba azise kummangalelwa, umgaqwana ophantsi komgaqo (3) uyasetyenziswa Kuxhomekeke ekubeni ngokuxhomekeke ekubeni oonobhala beenkundla anbazukwaziswa nokubonakalisa ukuhanjiswa kweesamana kuyakubuyiselwa kummangali owenze ibango.

(5) Nakuyiphina inkundla apho igosa laseburhulumenteni liqeshwe njengonothimba ingxelo eliyenza ngelikwenzileyo ngeencwadi zenkundla ebelizihambisa iyakuthathwa ngokuba ibilunikezelo olufanelekileyo ukuba ezoncwadi zenkundla zibekwe kwindawo efanele oko nebekelwe igqwetha lalomntu unebango kwiofisi kanothimba

(6) Emva kokunikezela okanye ukuzama ukunikezela ngeencwadi zenkundla isaziso okanye naliphi iphepha lenkundla unothimba Okwi ofisi yaseburhulumenteni, uyakucacisa intlanganisela yentlawulo yakhe kuqobo nakwiikopi zesamana emva koko intlawulo yakhe ngokwahlukileyo kwincwadi ebonisa ukunikezelwa kweesamani.

(7) uMlawuli-jikelele wesebe lezobulungisa uyakupapasha kwiGazethi ngesaziso igama layo nayiphina inkundla unothimba oligosa likarhulumente othe waqeshwa kuyo.

Unikezelo lwesamana, izaziso namanye amaphepha enkundla

9. (1) Icala kwimbambano elifuna ukunikezelelwa iincwadi zenkundla , izaziso namanye amphepha ngunothimba liyakunika unothimba iincwadi zenkundla zoqobo okanye ikopi zalenkqubo eziqinisekisiweyo, isaziso, kunye neekopi ezininzi kangangoko kukho abantu abamelwe kukunikwa ezo ncwadi Oonobhala beenkundla zombini banokucelwa ngesicelo esbhaliweyo ukuba banikezele ngeencwadi zenkundla ezimele ukunikezelwa kunothimba.

(2) (a) Ngele kokuba kuqulathwe kumhlathi (b) okanye u nikezelo ngeposi okanye umyalelo wenkundla, incwadi zenkundla , izaziso kunye namanye amaphepha enkundla azinakunikezelwa ngomhla weCawe okanye weholide

(b) isithintelo, incwadi egunyazisa ukubanjwa, Incwadi egunyazisa ukuthinjwa kwendlu ngokwecandelo 30bis lomthetho zingaphunyezwa nangaluphi usuku, nangayiphi iyure nakuyiphi indawo

(3) Zonke iincwadi zenkundla eziphantsi kwemimiselo yalomgaqo ziyakunikezelwa kumntu ochaphazelekayo ngokunikezela ikopi kuye okanye ngenye yezindlela zilandelayo:

- (a) kulomntu buqu okanye kumntu ommeleyo ngokusemthethweni Kuxhomekeke ekubeni lomntu engekakafikeleli ebuntwini obudala, okanye akakwazi ukuba nobutyala ngokomthetho, iincwadi zenkundla ziyakunikezelwa kummeli wakhe, umgcini okanye ikhankatha elikhethwe yinkundla nabanye abkwimeko yalowo ungekafikeleli ebuntwini obudala nongakwaziyo ukuzenzela nto kwezomthetho.
- (b) kwindawo yokuhlala okanye yokuqhuba ishishini yalomntu, mmeli, mgcini ikhankatha okanye onjengomntu Umntu okhangeleka engekho nganeno kweshumi elinesithandathu leminyaka nokhangeleka ehlala okanye eqeshwe apho Kuxhomekeke ekubeni Kuxhomekeke ekubeni injongo zalomhlathi, xa isakhiwo, esisesinye ngaphandle kwehotele, indawo yokuhlala eqeshisayo, ihostele, Isakhiwo sokuhlala esifanayo, esihlala abantu abangaphezulu komnto omnye okanye usapho, indawo Yokuqhubela ishishini" ithetha esosahlulo sesakhiwo esihlala lo mntu kufuneka iincwadi zenkundla Zinikezelwe kuye.
- (c) kwindawo yokuhlala okanye yokuqhuba ishishini yalomntu, mmeli, mgcini ikhankatha okanye onjengomntu Okhangeleka engekho nganeno kwel6 leminyaka nokhangeleka enobunganga kunaye, xa engekho Lo mntu unobunganga , kumntu okhangeleka engekho nganeno kwe 16 leminyaka ubudala waye Ephethe kulondawo yakhe yomsebenzi
- (d) ukuba umntu ofanelwe kukunikwa iincwadi zenkundla ukhethe indawo ezinokuswa kuyo, ngokushiya apho ikopi, kulondawo ikhethiweyo
- (e) kwimeko yeshishini okanye inkampani ngokusa kushiye ikopi kumqeshwa wayo

onoxanduva kwiofisi zayo Ezibhalisiweyo okanye eyona ndawo iqhebela kuyo ushishino lwayo ekummandla wenkundla, okanye ukuba akukho mqeshwa uzimisele ukuthabatha oloxanduva , ngokuyincamathisela kowona mnyango usetyenziswa yilo ofisi okanye Ishishini, oknye ngayo nayiphina indlela esmthethweni

- (f) ukuba ummangali okanye ummeli wakhe unike imiyalelo ebhaliweyo kunothimba ukuba anikezele iincwadi zenkundla ngerejista, iincwadi zenkundla ziyakuba zinikelwe kummangalelwa ngolohlobo. Kuxhomekek ekubeni umthetheleli wamatyala othumele enkundleni phantsi kwamacandelo 86(7) (c) okanye 86(8) (b) omthetho kazwelonke wezikweliti angenza ukuba olothumelo Luthunyelwe ngeposi eqinisekisiweyo okanye ngesandla
- (g) kwimeko yoMphathiswa, isekela loMphathiswa okanye iNkulumbuso yephondo, kumabanga abo eofisi Ulawulo lwephondo, kwiofisi yegqwetha lombuso ePitoli, okanye kwiofisi elisebe layo nesebenza kumandla wenkundla apho iincwadi ekufuneka zinikezelwe, ziphuma khona Kuye nawuphina ummeli okanye igqwethat eligunyazisiweyo ngokubhaliweyo ukuba lithabathe iincwadi zenkundla zalomntu Ziziswe kuyengayo nangayiphina indlela emiselwe kwimigaqo
- (i) apho umaspala okanye iqumrhu kufuneka linikwe iincwadi zenkundla , kunobhala wedolophu okanye isekela lakhe okanye Usodolophu walomaspala okanye unobhalana okanye naliphi na igosa elifanayo okanye ilungu lbhodi okanye ikomiti Yeloqumrhu, hngayo nayiphina indlela emisweyo emthethweni.
- (j) Apho umntu ofanelwe kukunikezelwa iincwadi zenkundla eziqalisa ityala sele emelwe ligqwetha Elibhaliweyo looncwadi inganikezelwa kweologqwetha ngummangali:

Kuxhomekeke ekubeni apho unikezelo solwenziwe ngendlela emiswe kwimihlathi (b), (c), (e) okanye (g), unothimba uya Kuboniisa kumaphepha awabuyisayo igama lomntu enikezelwe kuye nebanga Lomntu akulo mayela nomntu, iqumrhu, ishishini okanye umzi ochaphazeleka zezoncwadi apho olonikezelolwenziwengndlela emiselwe kwimihlathi (b),(c), (d) okanye (f), inkundla Ukuba kukho isizathu sokuthandabuza ukuba iincwadi zenkundla zinikezelwe kumntu ochaphazelekayo, kwaye apho kungekho bungqina banelisayo ingabuthatha ngobungekhoyo Kuxhomekeke kwakhona ekubeni ngokuphathelele kumgaqophantsi komgaqo 9 unikezelo lwazo naziphi iincwadi zenkundla Apho kufakwe isimngalo soqhawulo-mtshatoziyakunikezelwa kuphela ngunothimba kummangalelwa buqu.

(4)(a) Unothimba uyakubonisa iincwadi zenkundla kumntu ochaphazelekayo xa athe wafuna oko okanye likopi eziqinisekisiweyo zazo.

(b) unothimba okanye omnye umntu onikezela ngeencwadi zenkundla okanye amaphepha anxulumene nazo uyaucacisa uhlobo neziqulatho zazo kulomntu zinikezelwa kuye Nochaphazelekayo waye eyakuyibonisa lo nto kwinkcazo efungelweyo ayakubuya nayo ebonisa ukuba Ukwenzile oko.

(5) Apho umntu omelwe kukunikwa iincwadi zenkundla agcina indawo yakhe yokuhlala okanye indawo yoshishino ivaliwe ngoko imthintela unothimba ekunikezeleni ngencwadi zenkundla, kuyakwanela ukuncamathisela ikopi kulona cango okanye olokhuseleko lwalo ndawo yokuhlala, okanye yoshishino okanye ukufaka ikopi kwibhokisi yeposi yalondawo yokuhlala okanye yoshishino.

(6) Unikezelo lwesamana zongenelelo apho ibango lenziwa kwindlu enxulumene nebango eliphantsi kwenkqubo yenkundla ingenziwa Kwigqwetha, ukuba likhona elelungu ekufuneka linikezelwe iincwadi .

(7) Apho abantu ababini okanye ngaphezulu kufunekwa benikwe iincwadi zenkundla ziyakunikezelwa kumntu ngamnye ngaphandle

- (a) kwakwindibaniselwano yeshishini apho iincwadi ziyakusiwa kwiofisi okanye kwindawo yoshishino lwalondibaniselwano yeshishini okanye ukuba ayikho kulo naliphi na ilungu lalondibaniselwano ngayo nayiphina indlela emiselweyo kulomgaqo
- (b) Apho abantu ababina nangaphezulu bamangalelwe kwibanga labo lokuba ngabagcini belifa elitshonileyo, abacebisi babantu neenkampani ezitshonileyo abameli beenkampani, ababi-mafa, abagcini babantu abangenakuzenzela nto

ngokwasemthethweni, abameli babantwana, xa iincwadi zenkundla zinokusiwa nakbani na indlela emiselweyo kulomgaqo

- (c) Xa ingumbutho, inkampani engabhaliswanga iqela, iqumrhu, icaweiziko loluntu, iqumrhu loluntu iinwadi zisiwa kwiofisi okanye kwindawo yeshishini. ukuba azikho kumhlali ngaphambili okanye unobhala okanye naliphi ilungu elifana nabo ngayo nayiphi na Indlela emiselweyo kulomgaqo.

(8) Ukunikezelwa kwesupina kwingqina kungenziwa ngexesha elaneleyo phambi kokuba liye enkundleni ngayo nayiphina indlela indlela emiselweyo kulomgaqo.

(9)(a) Unikezelo lwaso nasiphina isaziso, isicelo, inkcazelo okanye elinye iphepha elingakhutshwanga yinkundlaingenziwa ngokusiwa ngesandla kwiadresi enikwe kwisamana okanye isaziso sokuzithethelela, ngokuxhomekeka kwimeko, okanye ngokulithumela ngeposi eqinisekisiweyo Kuxhomekeke kwimigaqo 5 no 13 ukunikezelwa kwezonzwadi, isaziso nesicelo Inkcazo okanye elinye iphepha zinganikezelwa ngokuzithumela ngefeksi okanye imeyili kwifeksi okanye i imeyili adresi enikezelwe kwisamana okanye isaziso senjongo yokuzithethelela.

(b) Iadresi yokunikezela iincwadi zenkundla , eyeposi, ifeksi imeyili ngokufuneka kumhlathi (a) zingatshintshwa ngokunikezelwa kwesaziso seadresi entsha . Emva koko iincwadi zenkundla zinganikezelwa njengoko kulungiselelwe kulomhlathi kuleadresi intsha.

(c) (i) Ukuthumela ngeposi eqinisekisiwey phantsi kwalomgaqo ungaphantsi kuyakuthathwa ngokuba inikezelwe ngentsimbi ye-10h00 kusasa ngomhla wesine emva komhla wokuphawulwa eposini ekufikeni kwayo

(ii) Isahluko III, Icandelo 2 lomthetho we elektroniki, unxibelelwano norhwebelwano ka 2002 unikezelo lweencwadi zenkundla nge feksi okanye i emeyili .

(d) Unikezelo lweencwadi zenkundla ngokwalomgaqo ungaphantsi kufuneka lwenziwe ngunothimba. Page 11 of 138

(10) Ngokuxhomekeke kumgaqo we10apho inkundla yanelisekileyo ukuba unikezelo alunakwenzeka nangayiphi na indlela emiselwe kulomgaqokwaye isimangalo sikummandla wayo ingawisa umyalelo ovumela ukuba unikezelo lwenziwe ngumntu ngokwendleal ekuyalelwe ngayo kulomyalelo .

(11) Apho unikezelo lwecala elinye lomylelo omemezela ukuba ummangalelwa abonise isizathu ngexesha elichaziweyo okanye ngommiselo womylelo iisamana zomngeneleli ziyakunikelwa nakuliphi na icala, unikezelo lwalomyalelo wecala elinye okanye iisamana zomngenelelo ziyakunikezelwa -

(a) apho ilungu ekufuneka kunikezelwe kulo incwadi zenkundla lingurhulumente kufuneka ubuncinane iintsuku ezi 20; *okanye*

(b) apho elinye ilungu kufuneka kunikezelwe iincwadi zenkundla kulo, ubuncinane zintsuku ezi 10 phambi kwexesha elibekiweyo kwisicelo somylelo okanye isamana yomngeneleli yokuvela kwelolungu

(12) Ngaphandle kwalapho kulungiselelweyo isaziso saso nasiphi na isicelo enkundleni siyakunikezelwa

(a) apho ilungu ekufuneka inikelwe kulo ingumbuso okanye isicaka sawo kwibakala leofisi ubuncinane zintsuku ezingama 20, okanye

(b) apho ilelinye naliphi na ilungu, ubuncinane zintsuku ezili 10, phambi kosuku olumiselwe uvavanyo lwesicelo kodwa inkundla ingalinciphisa eloxesha ngokwesizathu esibonisiweyo

(13)(a) Ngaphandle kokuba kwenziwe amanye amalungiselelo apho kufuneka kuthunyelwe isimangalo, esosimangalo siyakunikezelwa ngu nothimba ngokufaka ikopi kwimvulophu ayithumele ngenzwadi eqinisekisiweyo kwidilesi yelungu enikezelwa kulo oku kwenza isiqinisekiso sokufunyanwa kwesaziso sesisicelo ngulowo sibhekiswe kuye njengoko kulungiselelwe kummiselo 44(5) wemimiselo epapashwe phantsi kwesaziso sika rhulumente R550 we 14 April 1960.

(b) Ifomu egcwalisiweyo njengoko kulungiselelwe kummiselo 44(8) wemimiselo ekhankanywe ngentla iyakuba bubungqina obaneleyo obubonisa ukwazisa ngokufumana ngenjongo zalemigaqo.

(c) Ukuba akukho siqinisekiso sokufunyanwa kwencwadi zenkundla, unothimba uyakuyitsho lonto kwingxelo

abuya nayo

(d) Nayiphi na kwezincwadi iyakuba nemvulophu eshicilelweyo okanye ebhalwe ngomatshini ngalendlela ilandelayo

" Le ncwadi mayingaphindi ifakwe idilesi Ukuba ayithunyelwanga kuma____20____entsuku, le ncwadi mayibuyiselwe ku nothimba wenkundla kamantyi yase_____"

(14) Unikezelo ngencwadi zenkundla okanye nawaphi na amaphepha anxulumene nazo kumanye amazwe luyakwenziwa -

a) nguye nabani na ngokwesiqinisekiso

- (i) intloko yayo nayiphi na iofisi kanozakuzaku woMzantsi Afrika, umntu okulawulo okanye icandelo lobuchule leofisi karhulumente elikwi ofisi ekumazwe angaphesheya yoMzantsi Afrika imishini engaphesheya okanye iofisi yorhwebo engaphesheya
- (ii) naliphi na igosa elimele uMzantsi Afrika nelenza inkqubo yonikezelo yonikezelo ngeencwadi zenkundla endaweni yeriphabliki kwelolizwe
- (iii) naliphi na igosa elimele elolizwe elikwiriphabliki, okanye
- (iv) naliphi na igosa elisayina endaweni yentloko yesebe elisebenza nge ngolawulo lobulungisa kwelolizwe neligunyaziswe ngumthetho welolizwe ukuba linikezele ngezonzwadi okanye

(b) nguye nabani ekubhekiswe kuye kumhlathana (i) okanye (ii) womhlathi (a) womthetho welolizwe omvumela ukuba anikezele ngezonzwadi okanye ukuba akukho mthetho kwelolizwe othintela olonikezelo neziphathamandla zelolizwe azinasithintelo kulonto.

(15) Unikezelo lazo naziphi iincwadi zenkundla okanye naliphi iphepha elinxulumene nazo e Australia, Botswana, Finland, France, hong Kong naseLosotho , Malawi, New Zealand, Spain, Swaziland, the United Kingdom of Great Britain ne Northern Ireland kunye neZimbabwe, nangona kukho inxalenye yomgaqo (14), inganikezelwa naligqwetha, ummeli, igqwetha elifungisiweyo okanye nelinye igosa lomthetho kwelolizwe linxulumene noku ogunyazisiweyo phantsi komthetho welolizwe ukunikezela ngeencwadi zenkundla okanye amaphepha anxulumene nazo linxulumene noku ogunyazisiweyo phantsi komthetho welolizwe ukunikezela ngeencwadi zenkundla okanye amaphepha anxulumene nazo.

(16)(a) Naziphina iincwadi zenkundla ekufuneka zinikezelwe kwelinye ilizwe kufuneka ziguqulelwe ngokufungelweyo kulwimi lwasemthethweni lelolizw okanye inxalenye yelolizwe apho miincwadi zenkundla okanye amaphepha angqamene nawo azakunikezelwa khona kunye ne kopi eqinisekisiweyo yeencwadi zenkundla nologuqulo.

(b) Naziphi na incwadi zenkundla okanye okanye iphepha elinxulumene nazo njengoko kumisiwe kumgaqo ophantsi we (14) ziyakunikezelwa kunobhala wekundla ephakmileyo nekamantyi njengoko kuyakwenzeka.

(c) Nayiphi na inkqubo yenkundla okanye iincwadi ezinikelwe kunobhala wenkundla ephakamileyo okanye ekamantyi, ngokuxhomekeka phantsi komhlathi (b) iyakusiwa nguye kunye noguqulo lolwimi ekubhekiswa kulo kumhlathi (a)kuMlawuli jikelelewesebe lemicimbi yangaphandle nonxibelelwano okanye kulondawo iboniswa nguMlawuli jikelele wemicimbi yangaphandle nonxibelelwano ukunikezela ngeencwadi zenkundla kumazwe angaphesheya achaphazelekayo nonobhala wenkundla nowenkundla kamantyi bayakuzanelisa ngokuba incwadi zenkundla zinika ithuba elaneleyo ukuba iincwadi zenkundla zinikezelwe ngexesha elifaneleyo.

(17) Kufuneka unikezelo luqinisekise -

(a) apho unikezelo lweencwadi zenkundla lwenziweyo ngunothimba, ngokubonakalisa ngokubhala kwiincwadi azakuzibuyiseka koonobhala benkundla okanye

(b) apho iincwadi zinganikezelwanga ngunothimba okanye ngokommiselo womgaqo ongaphantsi we14 okanye 15, ngenkcazo efungelweyo yomntu onikezele ngezonzwadi zenkundla okanye apho zinikezelwe ligqwetha okanye ilungu labasebenzi bakarhulumente weRiphabliki, ulawulo lalo naliphi na iphondo okanye Umphathiswa okanye Inkulumbuso yephondo okanye naliphi na igosa lalorhulumented olkanye ulawulo kwibakala lakhe njengoko ngokubonisa insithi

esayiniweyo yoko

(17A)(a) iphepha eliqinisekisa ukunikezelwa kweencwadi zenkundla ziyakuthi zidibene neezoncwadi zinikezelweyookanye nephepha elinxumeneyo ngaphandle kokulibazisa linikezelwe kumntu ezanikezela ngokwesicelo sakhe iincwadi zenkundla

(b) Umntu ezikezelwe ngenxa yakhe iincwadi zenkundla uyakunikezela ngencwadi ebonisa ubungqina bonikezelo egameni lo lalomntu onikezele ngeencwadi zenkundla kunye nonobhala wenkundla ephakamileyo xa

- (i) xa esibekela umhla wovavanyo isimangalo
- (ii) Ukuba ifikelela kuye eyokuba ummangalelwa uzakuzithethelela kwisimangalo
- (iii) unobhala wenkundla ephakamileyo ucela ukunikezela ngeencwadi zenkundla
- (iv) igunya lakhe lokumela elinye lirhoxisiwe nangayiphi na indlela lamacale kwimbambano, ukuba uligqwetha indlela

(18) unikezelo ngencwadi zenkundla okanye nawaphi na amaphepha anxulumene nazo kumanye amazwe luyakwenziwa -

(a) ngesiqinisekiso somntu obenikezela ngeencwadi zenkundla ngokomgaqo ongaphantsi ko 14 (a) okanye 15 anikezele iincwadi zenkundla okanye amaphepha anxulumeneyo nokuba iincwadi zenkundla ekuthethwa ngazo zi zinikezelwe njengoko kufuneka ngokomthetho weloLizwe nobonisa indlela nomhla wonikezelo lweencwadi zenkundla Phantsi komqathango wokuba isiqinisekiso somntu ekubhekiswa kuye kumgaqo ophantsi ko(15) iyakuqinisekiswa

okanye

(b) iincwadi zenkundla okanye iphepha ekubhekiswa kuzo zinikezelwe nguye ibonisa indlela nomhla wokunikezelwa kwazo ingqinisisa ukuba umthetho welolizwe uyamvumela kuba anikezele ngeencwadi zenkundla okanye akukho mthetho kwelolizwe othintela olonikezelo kwaye iziphathamandla zelolizwe azinasithintelo kulonto.

(19) Nanini na apho iincwadi zenkundla zinikezelweyo kwiRiphabliki ngunothimba ngaphandle kommandla wenkundla ezikhutshwe kuyo wanikezelwa, uphawu lalonthimba ekubuyiseni ubungqina ayiyikufuna kuqinisekiswa

(20) Nanini na apho inkundla inganelisekiyo kwindlela ezinikezelwe ngayo iincwadi zayo ingayalela lomanyathelo makathatyathwe njengoko ibona kufanelekile.

(21) Nanini na xa isicelo sokunikezelwa kweencwadi zenkundla kwiriphabliki zembambano okanye isaziso sifunyenwe embusweni kwisithili okanye kwinkundla engaphandle kweRiphabliki nezithunyelwe kunobhala wenkundla ephakamileyo okanye owenkundla kamantyi kuxhomekekile ngokwe mthetho osebenzayo, unobhala wenkundla okanye owenkundla kamantyi uyakuyisa kunothimba okanye nawuphi umntu owonyulwe ngumantyi wenkundla ezikhutshwe kuyo iincwadi okanye isindululo

(a) iikopi ezimbini zeencwadi zenkundla okanye iisamana zomntu ongaziwayo apho akhoyo ezimele ukunikezelwa; kunye

(b) neekopi ezimbini zokuguqulela kololwimi ikuba lolunye ulwimi ngaphandle kwesiNgesi.

(22) Ukunikezelwa kweemncwadi zenkundla ngokomgaqo ophantsi ko (21) kuyakuphunyezwa ngokusa kumntu omelwe kukunikwa ezoncwadi okanye isindululo emasinikezelwe nekopi enye yoguqulo lolwimi ukuba ikhona ngokomgaqo.

(23) Emva kokuba zinikelwe iincwadi njengoko kulungiselelwe kumgaqo ophantsi ko(22) unothimba okanye umntu onyulelwe ukwenza oko okanye isibhengezo siyakubutyiselwa kunobhala wenkundla ophakamileyo okanye owenkundla kamantyiobandakanyekayo ikopi yesiqinisekiso sonikezelo neyesibhengezo ngokudityanisiweyo

(a) isiqinisekiso sonikezelo esiyakwenziwa ngengxelo efunyelweyo phambi komantyi, igosa lezobulungisa okanye igosa eligunyaziselwe izifungo ngulomntu ebonisa ukuba unikezelo lwenziwe laqinisekiswa. Apho unikezelo lwenziwe ngunothimba ngesiqinisekiso kunye nogximpfizo lwalo ofisi okanye apho unikezelo lwenziwe ngumntu owonyulwe ngumantyi

wenkundla ebandakanyekayo, ngesiqinisekiso kunye nogximfizo lweofisi kanobhala wenkundla ephakamileyo nekamantyi ebandakanyekayo nee

(b) nkukacha zeendleko zokunikezela ngezonzwadi zenkundla.

(24) iinkukacha zeendleko zokunikezela ngeencwadi zenkundla phantsi komgaqo (21) ziyakunikezelwa kwigosa elibala iindleko lenkundla ebandakanyekayo, eliyakuqinisekisa ukungqamana kwezondleko okanye naziphi na imali ezihlawulelwa ukunikezela iincwadi zenkundla.

(25) unobhala wenkundla ephakamileyo okanye ekamantyi ebandakanyekayo uyakuthi emva kokuba kuqwalaselwe iinkukacha zembambano okanye isibhengezo, abuyele kumlawuli jikelele wesebe lezobulingasa

(a) isicelo sonikezelo ekubhekiswa kuso kwinxalenyemgaqo (21),

(b) isiqinisekiso sonikezelo kunye nesiqinisekiso ngoko fomu 46 yokuhlonyelweyo 1 saze satyibekwa ngesityibeko senkundla leyo ukuze sisetyenziswe ngaphandle kolawulo lwalonkundla, kunye

(c) iinkukacha zeendleko ezinxulumene nonikezelo kunye nesiqinisekiso okanye ikopi yaso eqinisekisa ukungqamana nezondleko Isaziso esikhutshelwa umntu ongaziwayo apho akhona yinkundla kunye nonikezelo oluthunyelwa ngaphandle.

Isaziso ekhutshelwa umntu ongaziwayo apho akhona yinkundla ne samana ethunyelwa kumanye amazwe nesaziso

10. (1) (a) Akukho lunikezelo lwencwadi zenkundla luyakugunyaziswa ngaphandle kwemvume yenkundla yeRiphabliki

(b) ukuba unikezelo lwencwadi alukwazi kuqhubeka ngokomgaqo 9 okanye ukuba unikezelo lwencwadi okanye iphepha elingqamene nalo kufuneka lunikezelwe ngaphandle kweriphabliki, umntu ofuna ukufumana imvume yokunikezela angenza isicelo saloomvume kwigosa elichophele ityala eliyakuthi lisiqwalasele isicelo eso ngaphandle kokuhlala kwenkundla

(2) (a) nawuphina umntu ofuna ukufumana imvume kwiimeko ezikhankanywe kwinxalenyemgaqo (1)(b) uyakwenza isicelo kwi nkundla ebeka ngokucacileyo uhlobo nomyinge webango lakhe, izizathu esisekelwe kuzo nalapho inkundla inamandla okumamela ibango kunye nendlela yokunikezelwa kwencwadi zenkundla leyo kucelwa ukuba yenze isigunyaziso Kuxhomekeke ekubeni ukuba ngaba unikezelo olo lolunye ngaphandle kolwenziwa ngqo isicelo eso siya kuchaza indawo yokugqibela umntu lowo ofanele ukunikwa ezonzwadi aziwa ekuyo kunye nemibuzo eyenziwa ukuqinisekisa apho akhoyo

(b) Kwesosicelo inkundla iyakwenza umyalelo ngonikezelo lwencwadi njengoko kufanelekile yaye iyakuyalela ukuba ixesha apho isaziso senjongo yokuzithethelela siyakunikwa okanye elinye inyathelo eliyakuthatyathwa ngumntu lowo unikezelwa ezonzwadi

(c) Apho unikezelo lwenziwa ngokupapasha luyalelweyo lungafana nofomu 4 wesihlomelo 1, ogunyaziswe kwaye eshicilelwe ngu ngunobhala wenkundla ephakamileyo okanye owekamantyi

(3) Nabani na ofuna imvume yokunikezela ngeencwadi zenkundla ngaphakathi okanye ngaphandle kweriphabliki ngaphandle kwaleyo apho inkqubo iqaliweyo angakwazi ukwenza isicelo semvume ngokwenzalenywe yomgaqo (2) okanye acele nakuluphi uvavanyo apho inkundla ichophela isicelo eso, apho kungekho maphepha afuna ukungeniswa ukuxhasa esosicelo, yaye inkundla iyakwenza isakufumana inkcazelo enokuyifumana kwiqumrhu lamagqwetha okanye eyakunikelwa ngalondlela njengoko iyifuna kwaye yenze loomyalelo njengoko kufanelekile. kugwetyelwa kommangali ngokwesivumelwano.

Ukugwetyelwa kommangali ngokwesivumelwano sommangalelwa

11. (1) ngaphandle kwesimangalo somnyinyiva ngokomthetho woqhawulo mitshato ka 1979 okanye ukupheliswe komtshato ummangalelwa uyakuthi phambi kokuthumela isaziso senjongo yokuzithethelela, avume isigwebo

(a) ngokutyikitya kwifomu yesivumelwano ephawulwe kuqobo samani

(b) ngokunikezela ikopi yesamani enikezelwe kuye kunobhala wenkundla ephakamileyo okanye ekamantyi kunye nefomu yesivumelwano ephawulwe ngokutyikitywa nguye

(c) ngokunikezela kunobhala kunobhala wenkundla ephakamileyo okanye ekamantyi isivumelwano kwifomu efanayo etyikitywe nguye ngamangqina amabini anamagama achazwe ngokuzeleyo needilesi kunye neenombolo zeminxeba nazo zibhaliwe .

(2) apho ummangalelwa avuma isigwebo njengoko kumisiwe kwinxalenye yomgaqo (1) phambi kokuba imiyalelo yonikezelo zincwadi zenkundla yenziwe kunothimba akuyikuba yimfuneko ukunikezela ngeesamani, kwaye ummangalelwa akayi kuhlawuliswa intlawulo yokunikezela .

(3) ngokuxhomekeke kwimimiselo yecandelo 58 lomthetho ummangalelwa ovumayo ngokwenxalenye yomgaqo (1) phambi kokuphela kwexesha lokunikezelwa kwesaziso senjongo yokuzithethelela akayi kuhlawuliswa intlawulo yesigwebo.

(4) ummangalelwa angathi emva kokunikezela ngesaziso senjongo yokuzithethelela ngaphandle kwesimangalo somyalelo ngokomthetho woqhawulo-mtshato ka 1979, okanye ukupheliswa komtshato, ukuvumela isigwebo ngokunikezela ngesivumelwano esifana nesikwifomu ephawulwe kwisamani ngolohlobo isivumelwano siyakutyikitywa ngummangalelwa okanye igqwetha lakhe.

(5) (a) ukuba isivumelwano sommangalelwa sesemali encinane kunaleyo ibangwa kwisamani anganikezela ngesaziso senjongo yokuzithethelela okanye aqhubeke nokuzithethelela ngokwentsalela yombango

(b) nangona kunesigwebo esisekwe kwisivumelwano njengakumhlathi (a) isimangalo singaqhubekela esinxulumene nentsalela yebango, kwaye iyakuba sisimangalo saloontsalela kuzo zonke iimeko ezilandelayo

(6) xa ethe ummangalelwa wavumela isigwebo, unobhala wenkundla ephakamileyo okanye kamantyi uyakufaka isigwebongokwesivumelwano sommangalelwa esixhomekeke kwicandelo 58 lomthetho no mgaqo 12(5), (6) no (7), Kuxhomeke apho esosivumelwano sesigwebo si siqulathwe kwingcaciso yommangalelwa, unobhala wenkundla ephakamileyo okanye ekamantyi uyakuyithumela kwinkundla kwaye inkundla iya kusebenzisa amandla ayo ngokomgaqo.

Ukugwetyelwa kommangali ngenxa yokusilela kommangalelwa ukuvela enkundleni ngosuku lwetyala

12. (1) (a) ukuba ummangalelwa usilele ukunikezela isaziso senjongo yokuzithethelela kwixesha ebelimiswe kwisamani okanye phambi kokufakwa kwesicelo esilungiselelwe kulomhlathi, kwaye engavumelananga nesigwebo, ummangali angafaka isicelo esibhaliweyo kunobhala wenkundla ephakamileyo okanye wenkundla kamantyi esifana nofumu 5 wesihlomelo 1 (iikopi ezimbini nesoqobo) iisamani nesiqinisekiso sokunikezelwa kwazo, sesigwebo sommangalelwa sayo -

- (i) nayiphi na inxalenye yemali engadluli leyo ibangwa kwiisamani okanye olunye uncedo olucelwayo
- (ii) iindleko zesimangalo ne
- (iii) nzala kumyinge ochazwe kwisamani ngosuku lwentlawulo okanye ukuba akukho myinge uchaziweyo kumyinge omisiweyo kwicandelo 1(2) lomthetho wemyinge emisiweyo yenzala ka 1975 (umthetho 55 wonyaka 1975)

(b) (i) ukuba ummangalelwa unikezele ngesaziso senjongo yokuzithethelela wasilela ukunikezela ngengcaciso kwixesha Elimisiweyo phantsi komgaqo 17 okanye phakathi kwexesha elongezelelweyo, ummangali anganikezela ngesaziso esibhaliweyo kummangalelwa ukuba anikezele ngempendulo kwiintsuku ezi 5 emva kokufumana eso saziso, kwaye, ekusileleni kwakhe Ukunikezela ngempendulo kweloxesha okanye elo longezelelweyo njengoko kunokuvunyelwana ngamacala omabini, uyakuba usilele ukufezekisa umthetho, kananjalo athintelwe.

- (ii) Xa ummangali efezekise imimiselo yomhlathana (i) angafaka kwiofisi kanobhala wenkundla ephakamileyo okanye ekamantyi isicelo esibhaliweyo sesigwebo ngohlobo olufanayo nalapho ummangalelwa asileleyo ukunikezela ngesaziso senjongo yokuzithethelela kunobhala wenkundla ephakamileyo okanye kamantyi sokuphikisa isimangalo.

(c) xa ummangalelwa esilele ukunikezela ngesaziso sokuzithethelela okanye enikezele ngesosaziso kodwa wasilela ukunikezela nge ngcaciso kwixesha elichaziweyo kwisaziso esinikezelwe kuye phantsi komhlathi (b) kwaye ummangalelwa ethe kwisimangalo wafaka isicelo sokugwetyelwa, unobhala wenkundla ephakamileyo

okanye ekamantyi uyakusiqwalasela isicelo ngokwemimiselo yenxalenye yemigaqo

(2), (3), (4), (5), (6), (6A) no (7) azise umangali ngesiphumo sesicelo ngokubuyisela ikopi yaso ephawulweyo ngokweziphumo zomhla waso

(d) xa ummangalelwa enikezele ngesaziso senjongo yokuzithethelela kodwa wasilela ukunikezela ngengcaciso kwixesha elimisiweyo kwi saziso esinikezelwe kuye ngomhlathi (b) kwaye unobhala wenkundla ephakamileyo okanye ekamantyi efake isigwebo ngokwe sicelo sommangali, iindleko ziyakuqwalaselwa ngokungathi ibisisimangalo esiphikiswayo.

(e) ukuba iisamana zoqobo azinakunikezelwa kunye nesicelo sokugwetyelwa ngokweemfuno zomhlathi (a) ummangali -

- (i) anganikezelai kopi yeesamana kunobhala wenkundla ephakamileyo okanye ekamantyi kunye nengxelo etyikityiweyo efunyenwe kunothimba,
- (ii) anikezela ngxelo efungelweyo kunye neencwadi ezikhankanywe kumhlathi (i) nenika izizathu zokungafumaneki koqobo lweesamana nengxelo yokunikezela ngazo Kuxhomekekekubeni kwizimangalo zoqhawulo-mtshato umgaqo 22(5) uyasebenza

(2) (a) Ukuba kunobhala wenkundla ephakamileyo nakowenkundla kamantyi kubonakala ngathi ummangalelwa uneenjongo zoku zithethelela kwisimangalo kodwa isaziso sakhe sinesiphene ngohlobo lokuba

- (i) Singakhange sinekezelwe ngokufanelekileyo okanye
- (ii) Singakhange sityikitywe ngokufanelekileyo okanye
- (iii) Asibonisi ngokufaneleyo idilesi yomntu osityikityayo okanye idilesi ebekelwe ukunikezela incwadi zenkundla njengoko kufuneka kumgaqo
- (iv) Sibonisa naziphi na ezoziphene ezibini okanye ngaphezulu okanye nayiphi na ifomu enesiphene akayi kufaka sigwebo sichasane nommangalelwa ngaphandle kokuba ummangali unikezele ngesaziso esibhaliweyo kummangali emmema ukuba anikezele ngesicelo seenjongo zokuzithethelela kwifomu efanelekileyo kwiintsuku ezi 5 emva kokufumana esosaziso.

(b) Isaziso esilungiselelwe kwinxenye yomgaqo (2) (a).siyakudandalazisa indlela abonisa izizathu sokuphikisa ibango lommangali. sinesiphene ngayo.

(c) Ekusileleni kommangalelwa ukunikezela isaziso seenjongo zokuzithethelela njengoko kumisiwe kumhlathi (a), ummangalelwa angafaka isicelo esibhaliweyo sesicelo sesigwebo apho asilele khona kunobhala wenkundla ephakamileyo okanye owenkundla kamantyi Kuxhomekeke ekubeni kwizimangalo zoqhawulo-mtshato umgaqo 22(5) uyasebenza.

(3) Isigwebo sokusilela ukuvela enkundleni asiyikufakwa kwisimangalo apho isamana inikezelwe ngencwadi eqinisekisiweyo, ngaphandle kokuba isaziso sokuzifumana ekubhekiswa kuso kumgaqo9(13)(a) sinikezelwe kunothimba kunye kunye nesiqinisekiso sonikezelo-zincwadi.

(3A) Xa ibango lililetyala okanye imali eqingqiweyo kwaye ummangalelwa esilele ukunika isaziso seenjongo zo kuzithethelela okanye xa ethe wanikezela ngesaziso okuzithethelela, kodwa wasilela ukunikezela ngengcaciso kwixesha elimisiweyo kwisaziso esinikezelwe phantsi kenxalenye yomgaqo (1)(b)(i)kwaye ummangali kuzo zozibini ezozimangalo ufake isicelo sokugwetyelwa kunobhala wenkundla ephakamileyo okanye owenkundla kamantyi angamgwebela ummangali ngokuxhomekeke kwimimiselo yenxalenye yemigaqo (2), (4),(6) and (6A) okanye asidlulisele enkundleni ngokwenxalenye yomgaqo (7).

(4) Unobhala wenkundla ephakamileyo okanye owenkundla kamantyi uyakudlulisela enkundleni nasiphina isicelo sokugwetyelwa kwibango lemali engaqingqwanga aze ummangalelwa anike ubungqina obuthethwayo okanye obubhaliweyo nobufungelweyo enkundleni bohlobo nobungakanani bebango apho inkundla iyakubala imali emele ukuzuzwa ngummangalelwa ukuze iwise isigwebo esifanelekileyo.

(5) Unobhala wenkundla ephakamileyo okanye ekamantyi uyakudlulisela enkundleni nasiphi na isicelo sokugwetyelwa kwibango elisekelezwe nakuyiphi na imbangi yembambano enentsusa okanye esekelezwe kwisivumelwano esilawulwa ngumthetho kazwelonke wezikweliti, umthetho we 1980(Umthetho 55 ka 1975), 75 ka 1980, kwaye inkundla iyakuwisa esosigwebo isibona sifanelekile.

(6) Ukuba isimangalo sikwiphepha elibonisa imali eqingqiweyo okanye nasiphi isivumelwano esibhaliweyo ummangali uyakunikezela ngobo bungqinakunye nesicelo sokugwetyelwa ngenxa yokusilela kommangalelwa ukunikezela ngesaziso seenjongo zokuzithethelela okanye ingcaciso ngesizathu sokuzithethelela anikezele ngoqobo lwelophepha okanye lwesivumelwano esibhaliweyo okanye ingxelo efungelweyo enika izingathu eza nelisayo enkundleni okanye kunobhala wenkundla ephakamileyo okanye wenkundla kamantyi. njengoko kufanelekile, ukuba kutheni kunganikezelwanga ngoqobo lweencwadi enkundleni .

(6A) Ukuba ibango lisekelezwe nakuyiphi imbangi yembambano ebangelwa okanye elawulwa ngumthetho, ngako ummangali kunye nesicelo sokugwetyelwa uyakunikezela ngobungqina obuqinisekisa ukuthobela imimiselo yalomthetho ngokwanelisa kamantyi.

(7) Unobhala wenkundla ephakamileyo okanye owenkundla kamantyi uyakudlulisela enkundleni nasiphina isicelo sokugwetyelwa ize inkundla -

- (a) Ukubaisicelo sokugwetyelwa esifunwayo, sifuna ukuba ummangali anike obobungqina buhaliweyo okanye ngomlomo ukuxhasa ibango lakhe njengoko kubonakala kuyimfuneko.
- (b) Ukuba isigwebo ngesivumelwano sifunwe, amemezele ummangali ukuba avelise ubungqina obanelisa inkundla ukuba isivumelwano sityikityiwe ngummangalelwa kwaye sisivumelwano sesigwebo esiceliweyo.
- (c) inike isigwebo phantsi kwesicelo sommangali okanye sobuninzi bebango njengoko bubonisiwe ngokuya nelisayo ;
- (d) inike isigwebo ngokwesivumelwano sommangalelwa ;
- (e) okanye yale ukunika isigwebo
- (f) yenze loomyalelo njengoko kufanelekile.

(8)Xa omnyokanye abamangalelwa abaliqela kwisimangalo bevumela isigwebo kodwa basilele ukunikezela ngesaziso senjongo ykuzithethelela okanye uku ukunikezela ngengcaciso yesizathu sokuzithethelela, isigwebo singawiswa kwaye ummangalelwa angaqhubeka nesosigwebo ngaphandle kokphunckana nelungelo lakhe lokuqhubela phambili isimangalo ngakomnye ummangalelwa okanye abamangalelwa.

(9) Isigwebo siyakuwiswa ngokubhalwa kumqulu woko.

Isaziso senjongo yokuphikisa

13. (1) Ummangalelwa kuso sonke isimangalo sembambano uyakunikwa ishumi leentsuku emva kokunikwa iisamana ezo aya kuthi anikezele ngesaziso seenjongo zokuzithethelela, ngokwakhe okanye ngegqwetha Kuxhomekeke ekubeni iintsuku phakathi komhla we 16 kuDisemba nowe 15 kuJanuari, zombini zingaqukwanga , ziyzkubalwa kwixesha elivunyelweyo lokunikezelwa kwesaziso seenjongo zoku zithethelela

(2) Kwisimangalo esijoliswe kuMphathiswa, isekela lakhe, iNkulumbuso yephondon, igosa okanye umqeshwa kaRhulumente, kwelobakala lokubangumkhonzi kaRhulumente Umbuso okanye ulawulo lwephondo, ixesha elivunyelweyo lesaziso seenjongo zokuzithethelela aliyi kuba ngaphantsi kweentsuku ezingama 20 ngaphandle kokuba inkundla igunyazise ixesha elifutshane.

(3) (a) Xa ommangalelwa enikezela ngesaziso senjongo yokuzithethelela, uyakunika idilesi yakhe epheleleyo yalapho ahlala khona okanye idilesi yasemsebenzini, eyeposi xa ikhona, ifeksi kunye neimeyili, abonise kananjalo kwaye akhethe apho idilesi eyeyona anokunikezela kuyo zonke iincwadi zenkundla ezinxulumene nesosimangalo nonikezelo lwazo kwidilesi enikezelwe oko neyeyona ifanelekileyo, ngaphandle kwalapho kunomyalelo okanye indlela esisigxina yokunikezela kwenkundla efunekayo Kuxhomekeke ekubeni idilesi enikwe ngummangalelwa kwisaziso seenjongo zokuzithethelela iyakuba kumgama oli oli 15 km ukusuka enkundleni.

(b) Ummangalelwa uyakubonis kwisaziso sokuzithethelela ukuba ukulungele na ukufumana zoke iincwadi zenkundla nazo zonke izaziso kwisimangalo nangayiphina indlela ngaphandle kokuziswa kwindawo ahlala kuyo, nangokuposwa, ukuba kunjalo kufuneka achaze loondlela ayikhethayo yokufumana lombalelwano.

(c) Ukuba ummangalelwa uyazithethelela kwisimangalo kufuneka xa acelwa ngummangali ngencwadi ebhaliweyo, ase imvume ebhaliweyo, okanye unikezelo ngamacala omabini amaphepha nezaziso ezilandela isimangalo nge feksi okanye i imeyili.

(d) Ukuba ummangali uyala okanya asilelel ukunikezela imvume ebhaliweyo njengoko kulungiselelwe kumhlathi Page 17 of 138

(c), inkundla ngesicelo sicelo sommangali ingayinika lomvume ngokwemimiselo yeendleko , okanye ngokwendlela enobulungisa okanye efanelekileyo

(4) Naliphi icala kwibango aliya kuthathwa ngokuba livumemelene namandla enkundla okuchophela ityala kuphela ngokunikezela ngesaziso senjongo yokuzithethelela okanye okanye ukungangqali okanye iziphene kwinkqubo.

(5) Nangona kunenxalenye yemigaqo (1) no (2) isaziso seenjongo zokuzithethelela singanikezelwa nasemva kokuphela kwexesha elimiswe kwiisamana okanye elimiswe kwinxenye yomgaqo (2), phambi kokuba isigwebo ngokusilela kommangalelwa siwisiwe Kuxhomekeke ekubeni Ummangalelwa uyakuba nelungelo kwiindleko ukuba isaziso seenjongo zokuzithethelela sasinikezelwe emva kokuba ummangalelwa efake ukugwetyelwa kommangali ngenxa yokusilela kommangalelwa ukuvela enkundleni ngosuku lwetyala Isicelo sommangali sokugwetyelwa apho akholelwa ukuba isizathu sokuzithethelela kommangalelwa asinasihlahla.

Ukugwetyelwa kommangali apho izizathu zommangalelwa zingena sihlahla

14.(1) Apho ummangalelwa anikezele ngesaziso seenjongo zokuzithethelela, ummangali angenza isicelo isicelo sokugwetyelwa apho akholelwa ukuba isizathu sokuzithethelela kommangalelwa asinasihlahla. kulo ngalinye ibango kwiisamana kuphela nje

- (a) kwincwadi ebonisa isixa semali ebangwayo ecacisiweyo.
- (b) imali enokubaleka kwinkcukacha ezibhaliweyo.
- (c) ukunikezelwa kweempahla ezichaziweyo
- (d) ukukhutshwa endaweni.

zidibene nayiphina enye intlawulo inzala kunye neendleko.

(2) Ummangali uyakuthi kwiintsuku ezili 15 emva komhla wonikezelo lwesaziso seenjongo zokuzithethelela, anike isaziso sesicelo sokugwetyelwa apho akholelwa ukuba isizathu sokuzithethelela kommangalelwa asinasihlahla kunye nengxelo efungelwe nguye okanye nguye nawuphi na omnye umntu onokufunga ngokuqinisekileyo kwinyaniso eqinisekisa imbangi yembambano nemali, ukuba ikhona, ebangwayo kwaye ichaza nokuba ngokweembono zakhe akukho kuzithethelela kunesihlahla kwisimangalo kwaye isaziso senjongo yokuzithethelela inikezelwe nje ngenjongo yokulibazisa Ukuba ibango lisekwe kwincwadi ebango elicacileyo enekopi eyakuqhotyoshelwa kulongxelo nesaziso sesicelo isicelo sommangali sokugwetyelwa apho akholelwa ukuba isizathu sokuzithethelela kommangalelwa asinasihlahla. siyakuchaza ukuba isicelo siyakubekelwa ukuviwa yinkundla ngomhla ochaziweyo kwisaziso nongekho ngaphantsi kwentsukuezili 10 ukususela kumhla wo kunikezelwa kwaso

(3) Kwakuviwa isicelo isicelo sommangali sokugwetyelwa apho akholelwa ukuba isizathu sokuzithethelela kommangalelwa asinasihlahla ummangalelwa.

- (a) anikele ngesibambiso esanelisa unobhala wenkundla ephakamileyo nowekamantyi ngaso nasiphi na isigwebo kubandakanya neendleko ezinokunikwa okanye
- (b) anelise inkundla ngengxelo efungelweyo (neyakunikezelwa phambi kwemin'emaqanda ngalomini yoviwo lwesimangalo usuku esiyakuviwa ngalo isicelo) okanye ngemvume yenkundla ngobungqina bomlomo wa khe okanye nawuphi na umntu onokufuka ngokuqinisekileyo ukuba ummangalelwa uzakuzithethelela ngokunyanisekileyo kwisimangalo, kwaye loo ngxelo ifungelweyo okanye ubungqina buzakubonisa ngokuzelelo uhlobo nezizathu zoku zithethelela kunye nobungqina obuqinisekileyo aqamelele ngabo.

(4) Akukho bungqina buyakunikwa ngummangali ngaphandle kobungengxelo efungelweyo ekubhekiswa okanye kwinxenye yomgaqo (2), okanye naliphi na icala kwisimangalo libuze ngokuphikisa nawuphi na umntu onika ubungqina ngomlomo okanye ingxelo efungelweyo Kuxhomekeke ekubeni inkundla ingabeka nakubani onika ubungqina bomlomo lo mibuzo njengoka ibona kulungile.

(5) Ukuba ummangali akafumani sibambiso, okanye anelise inkundla njengoko kumisiwe kwinxalenye yomgaqo

(3), inkundla inganika isigwebo sommangali.

(6) Ukuba ekuveni isicelo esenziwe phantsi kwalomgaqo kubonakala ukuba

- (a) nawuphi na ummangalelwa unelungelo ukuzithethelela kwaye nawuphi na omne ummangalelwa akanalo elolungelo; okanye
- (b) oko kokuba ummangalelwa enelungelo lokuzithethelela njenge nxe nye yebango, inkundla iyaku
 - (i) nika ummangalelwa ilungelo lokuzithethelela anelungelo lalo iwise isigwebo
 - (ii) inike ummangalelwa imvume yokubhena kwinxalenye yebango ize inike isigwebo nga Kuye kwintsalela yebango, ngaphandle kokuba intsalela ibihlawulwe kummangali okanye

yenze yomibini imiyalelo elungiselelwe kwimihlathana (i) no (ii)

(7) Ukuba ummangalelwa ufumana isibambiso okanye anelise inkundla njengoko kulungiselelwe kwinxenye yomgaqo (3), inkundla iyakunika imvume yokuzithethelela kwaye isimangalo siyakuqhubeka ngokungathi akhange kube nasicelo sokugwetyelwa apho ummangali akholelwa ukuba isizathu sokuzithethelela kummangalelwa asinasihlahla.

(8) Imvume yokuzithethelela inganikwa ngokungena mqobo okanye ngokuxhomekeke kulomiqathango ngokokhuseleko ukunikezelwa, ixesha lokunikezela ngeencwadi zenkundla okanye ngohlobo inkundla ibona kufanelkile.

(9) Apho unikezeko ngesibhengezo sifunekayo kulemigaqo nenkundla xa inika imvume yokuzithethelela ngokwalomgaqo ayenzanga myalelo wokunikezela eso sibhengezo kwixesha elikhankanyiweyo, eso sibhengezo siyakunikezelwa kwiintsuku ezili 15 zomhla wemvume yokuzithethelela inikiwe.

(10) Inkudla ingathi xa isiva isicelo sommangali sokugwetyelwa apho akholelwa ukuba isizathu sokuzithethelela kummangalelwa asinasihlahla.yenze umyalelo mayela neendleko njengoko ibona kufanele Kuxhomekeke ekubeni ukuba

(a) Ummangalelwa wenza isicelo phantsi kwalomgaqo, apho isimangalo singekho kwimimiselo yenxenywe yomgaqo (1) okanye apho ummangali, kwimbono yenkundla , aziyo ukuba ummangalelwa uxhomekeke kwingxoxo eno kumnika ilungelo lemvume yokuzithethelela, inkundla inganika umyalelo wokuba isimangalo simiswe de ummangali ahlawule iindleko zommangalelwa kwaye ingayalela ngokunjalo ukuba ezondleko zibalelwe phakathi kwegqwetha nomqeshi walo

(b) Apho isicelo sommangali sokugwetyelwa apho akholelwa ukuba isizathu sokuzithethelela kummangalelwa asinasihlahla.saliwe nalapho inkundla emva kovavanyo lwesicelo igwebela ummangali njengoko ecelile , nemkundla ifumene ukubaisicelo sommangali sokugwetyelwa apho akholelwa ukuba isizathu sokuzithethelela kummangalelwa asinasihlahla.besimelwe ukuba sibe siwisiwe ukuba ummangalelwa ebengenzanga isicelo sokuzithethelela ebesingenasihlahla ngokokwayo, inkundla inga yalela ukuba kuhlawulwe iindleko zommangali zesimangalo zibalwe njengeendleko phakathi kwegqwetha nomqeshi walo .

Isigwebo sethutyana

14A (1)Apho nabani na anokubizelwa ekunkundleni azokuphendula kwisimangalo esenziwe kumyalele wenkundla wethutyana eqalwe ngendlela yeesamana ngokwendlela ka fome 2A wokuqhotyoshelwe njengol, ixelela lomntu ukuba ahlawule imali ebangwayo ukuba uyasilela ukuhlawula avele buqu okanye igqwetha lakhe ngomhla ochazw kwezosamana ezingekho ngaphantsi kwentsuku ezili 10 emva kokunikela kuye ezosamana esamkela okanye ephika ukubanobutyala

(2) Iisamana ezilungiselelwe kwinxalenye yomgaqo (1) iyakukhutshwa ngunobhala wenkundla ephakamileyo nowekamantyi nomgaqo 5 uyakusebenza ngokotshintsho olufanelekileyo

(3) Iikopi zeencwadi elesekelwe phezu kwzo ibanngo ziyakuqhotyoshelwe kwiisamana zinikezelwe kunye nazo

(4) Ummangali uyakbeka umhla wokuviwa kwesicelo sesigwebo sethutyana ongayikuba ngaphaya kwemihla emithathu phambi komhla esiyakuviwa ngawo

(5) (a) Ngomhla okhankanywe kwiisamana wesigwebo sethutyana ummangalelwa angavela buqu okanye igwetha lakhe avume okanye achase ubutyala okanye angathi phambi kweentsuku ezintathu phambi kosuku apho axelelwe ukuba avele enkundleni, anikezele nge affidavit ebonisa izizathu zokuba achase ubutyala

(b) Apho anikezele ngengxelo efungelweyo ngokomhlathi (a)ummangali uyakunikwa ithuba elaneleyo lokuphendula.

(6) Ukuba mhla kuviwa isicelo sesigwebo sethutyana ummngalelwa avume ubutyala okanye ebekhe wanikezela kunobhla wenkundla evuma ubutyala apho kutyikitye yena ngokwakhe ngokungqinelwa ligqwetha elimmeleyo hayi elimele yena hayi hayi elimele elinye elinye icala okanye ukuba akangqinelwanga ingxelo efungelweyo, Inkundla ingawisa esona sigwebo ngakuye

(7) Inkundla ingeva ubungqina obuthethwa ngomlomo bokuqinisekiswa kokutyikityatya kuka mmangalelwa okanye leyo yommeli wakhe incwadi elisekwe kuyo ibango elikwisisicelo sesigwebo sethutyana okanye kumandla ommeli wommangalelwa

(8) (a) Ukuba inkundla isalile isigwebo sethutyana ingayalela ummangalelwa ukuba anikezele ngengcaciso kwixesha elikhankanyiweyo kwaye yenze lomyalelo weendleko zetyala njengoko ibona kufanelekile.

(b) Xa umyalelo olungiselelwe kumhlathi (a) wenziwe imimiselo yalemigaqo njengempikiswano kwisimangalo nokuqhubela phambili namanyathelo ovavanyo lwezimangalo, notshintsho olufanelekileyo lwenkcukacha ayakusetyenziswa.

(9) Ummangali uya uyakunikezela ngesibambiso sembuyekezo kummangalelwa ngokwanelisa unobhala wenkundla ephakamileyo nowenkundla kamantyi elinganiswe nentlwulo yomyalelo wesigwebo sethutyana

(10) Nawuphi na umntu ogwetyelwe ngesigwebo sethutyana angangena kuphela kwesona simangalo xa ahlawule imali yesigwebo sethutyana neendleko, okanye ukuba ummangali esilele ukunikezela isibambiso ngokwenxenywe yomgaqo(9)

(11)(a)Ummangalelwa onelungelo nonqwenela ukungenelela kwesona simangalo uyakuthi kwiinyanga ezimbini emva kokuwisa kwesigwebo sethutyana Anikezele ngesaziso seenjongo zoko anikezele impendulo kwi 10 leentsuku emva koko.

(b) Ukusilela ukunikezela ngesaziso okanye impendulo ezilingiselelwe kumhlathi (a) isigwebo sethutyana siyakwenziwa esigqibelelyo isibambisa sommangali siyakukhululwa.

Isibhengezo

15.(1) Kuzo zonke izimangalo apho umangali anikezele ngesamana elula nommangalelwa wanikezela ngesaziso seenjongo zokuzithethelela ummangali uyakuthi kwiintsuku ezili 15 emva komhla wonikezelo lwesaziso seenjongo zokuzithethelela, anikeisaziso sesicelo.

(2) Isibhengezo phantsi kwenxalenye yomgaqo (1) siyakubonisa udidi lebango, izigqibo zomthetho ayakuthi ummangali abenelungelo lokugqiba kwinkcukacha ezikhankanywe apho nesingxengxezo sokubangwayo

(3) apho ummangali afuna ukugwetyelwa kwinxalenye yamabango asekelezwe phezu kwenkcukacha ezahlukeneyo, loo mabango kunye nenkcukacha ziyakuchazwa ngokwahlukahlukeneyo

(4) ummangali usilele ukunikezela kwixesha elimisiweyo phantsi kwenxalenye yomgaqo (1) okanye kwixesha elongezelelweyo elamkelekileyo, ummangali anganikezela isaziso esibhaliweyo esixelela ummangali ukuba anikezele ngesibhengezo kwisithuba sentsuku ezi 5 isiqenisekiso sokufumana eso saziso nokusilela kukammangali ukunikezela ngesibhengezo kwixesha okanye kwelongezelelweyo njengoko kuvunyelwene ngamacala omabini, ummangali uyakuba usilele ngokunikezela esosibhengezo kwaye ngoko abe walelwe

(5) apho ummangali alelweyo ukunikezela ngesibhengezo ummangalelwa angafaka isaziso elungiselela ukuviwa kwesicelo sesaziso ngaphantsi kweentsuku ezi 10 kummangali osileleyo acele ukukhululwa kwisimangalo okanye emva kokunika ubungqina isigwebo kwaye inkundla ingenza lomyalelo njengoko ibona kufanelekile .

Iinkcukacha ezithe vetshe

16. (1) Ngokuphathelele kwinxalenye yomgaqo (2) (3) no (4) iinkcukacha ezithe vetshe aziyikufunwa

(2) (a) Emva kokuvalwa kweempendulo naliphi na iqela lingathi zingagqithanga iintsuku ezingama 20 phambi kwetyala, linikezele ngesaziso esicela kuphela ezo nkcukacha njengoko zifunekayo ukulungiselela ukuba alungiselele ityala.

(b) Isicelo esibalulwe kumhlathi (a) siyakuthotyelwa kwiintsuku ezi 10 emva kokusifumana

(3) Isicelo seenkcukacha ezithe vetshe zetyala impendulo yoko iyakutyikitywa ligqwetha okanye elocala lingamelwanga lilo.

(4) Ukuba elocala licelwe ngokomgaqo ukuba linikezele ngeenkcukacha liyasilela ukunikezela ngazo ngexesha okanye kokwaneleyo icala elizicelileyo lingacela umyalelo enkundleni wonikezelo okanye ukuchithwa kwesimangalo okanye ukwaliwa kwesicelo sokuzithethelela, apho inkundla iyakuthatha isigqibo ecinga ukuba sifanelekile.

(5) Inkundla iyakuthi ekugqibeleni kovavanyo-tyala ngokokwayo iqwalasele ukuba iinkcukacha ezithe vetshe ingaba zazifuneka ngenene ize izikhabe zonke iindleko ezisekwe kwisicelo ebesingafuneki okanye impendulo okanye zombini, kwaye ingayalela ukuba naliphi na icala lihlawule iindleko zalo zichithwe ngokomlinganiselo wegqwetha nomqeshi walo kungenjalo.

Impendulo

17. (1) Xa ummangalelwa ethe wanikezela ngesaziso senjongo zokuzithethelela, uyakuthi phakathi kweentsuku ezingama 20 emva kwesinikezelo sesibhengezo okanye kwiintsuku ezingama 20 emva kwesinikezelo sesosaziso sesamani embaxa anikezele impendulo ngaphandle okanye kwebango eliphikisayo okanye isithintelo kunye okanye ngaphandle kwesicelo sokusikhaba .

(2) Ummangalelwa uyakuthi kwimpendulo avume okanye achase okanye amkele okanye aphephe zonke iinkcukacha ezibekiweyo kwinxalenye yeesamani embaxa okanye isibhengezo okanye achaze ukuba zeziphi na iinkcukacha azamkelayo nakuliphi ibakala kwaye acacise kakuhle onke amabakala aqamele ngawo.

(3) (a) Zonke izityholo kwisamani embaxa okanye isibhengezo esingakhankanywanga kwimpendulo ezakuphikwa okanye ivunywe iyakuthathwa ngokuba yamkelekile.

(b) Ukuba nayiphi na ingcaciso okanye isiqenisekiso sokuphika siyafuneka, siyakuchazwa kwimpendulo

(4) (a) Ukuba nangasiphina isizathu kwibango eliphikisayo ummangalelwa ubanga ukuba ekuwiseni kwesigwebo kwelobango ibango lomangali liyakucinywa mhlawumbi lonke okanye inxalenye yalo, ummangalelwa kwimpendulo angabhekisa kwelobango liphikisayo okanye acele ukuba isigwebo kwelobango okanye inxalenye yalo licinywe lelobango liphikisayo, lirhoxiselwe umhla wesigwebo kwibango eliphikisayo.

(b) Ukubangaba uthe wenza isicelo sokurhoxiswa njengoko kumhlathi (a) isigwebo kwibango siyakuphelela okanye ibeyinxalenye sirhoxiswe ngaphandle kokuba inkundla kwisicelo sakhe nawuphi na umntu onomdla, kungenjalo iyalele, kodwa ukuba akukho mpikiso inkundla ingawisa isigwebo malunga nenxalenye yebango ngokungathi ibingakhange icinywe, ngokungathi ummangalelwa usilele ukunikezela impendulo yelobango okanye ngesicelo saliphi na icala yenze lomyalelo icinga ukuba ufanelekile .

(5) (a) Apho kunikezelwe ngentlawulo njengenxalenye yebango impendulo iyakucacisa ezozinto ummangali azibangayo nezibhekiselelwe kwintlawulo

(b) Impendulo yentlawulo ayiyikwamkeleka ngaphandle kokuba kukho isibambiso esibhekiselelwe kwintlawulo leyo kuyo akholwe yiyo ummangali ekunikezelweni kwempendulo ukuba akukahlawulwa okanye kubanjiswe kummangali naloo mali ibanjiswiweyo iyakuhlulwa kummangali kuphela ngokomyalelo wenkundla okanye kwisivumelwano esibhaliweyo phakathi kwamacala omabini

(c) Isithembiso sentlawulo emva kwesimangalo siyakuthetha ukuvuma ukuhlawula iindleko zommangali ukuya kumhla wesithembiso eso ngaphandle kokuba isithembiso eso sibuye sarhoxiswa ngexesha laso kwaye siyakuqinisekiswa ngaphandle kwesibambiso sentlawulo ezo ndleko ezinokubalwa

(6) Ukuba ummangali uyasilele ukufezekisa amabakala enxalenye yomgaqo (2), (3) no (5) isivumelwano siyakuthathwa ngokuba asilandelanga mgaqo linesiphene kwaye elinye icala liyakuvumeleka ukuba lenze ngokomgaqo 60A.

Isithembiso ukuhlawula

18.(1) (a) Kuso nasiphi na isimangalo apho isixa semali sibangwayo, yodwa okanye nasiphi na isingxengxezo, ummangalelwa nangaliphi ixesha ngaphandle kwesibophelelo okanye ngaphandle koxanduva angenza isithembiso sokuhlawula ummangali esibhaliweyo.

(b) Isithembiso sokuhlawula ibango lomangali liyakutyikitywa ngummangalelwa okanye igqwetha lakhe ukuba igqwetha eligunyaziswe ngokubhaliweyo

(2) (a) Apho ummangali abanga ukwenziwa kwento kummangalelwa, ummangalelwa angathembisa ngaphandle kwesibophelelo okanye uxanduva ukwenza oko

(b) kwimeko yesithembiso esilungiselelwe kumhlathi (a) ummangalelwa ngaphandle kokuba isenzo kufuneka senziwe nguye ngokwakhe, uyakusebenzisa amandla angenakujikwa egqwethaegunyazisa ukwenziwa kwalonto ayakuthi ayinikezele ku kunobhala wenkundla ephakamileyo kunye nesithembiso

(3) Naliphi na icala kwisimangalo eliyakuthi liyalelwe ukunikela kwintlawulo yelinye icala kwesosimangalo liyaku ba nobutyala okanye naliphina icala lesithathu ekufunwa kulo isingxengxezo nelibangwa ngokomgaqo 28A, lingenza isithembiso sentlawulo ngokungenasibophelelo okanye koxanduva

(a) lenze isithembiso esibhaliweyo kwelinye icala sokunikela mhlawumbi imali eqingqiweyo okanye inxalenye yayo eya ekuhlawuleni imali apho ummangali angabanelungelo kwesosimangalo okanye

(b) anikezele ngesibambiso esibhaliweyo kwelocala, imimiselo eyakudweliswa kwisithembiso sentlawulo.

(4) Omnye wabamangalelwa kwakunye necala lesithathu ekubangwa kulo isingxengxezo angathembisa ngokubhaliweyo okanye ngaphandle koxanduva ngendlela yokuhlawula ibango lomangali okanye ummangalelwa okanye ngokwenza lonto ibangwa ngummangali okanye ummangalelwa.

(5) Isaziso saso nasiphi na isithembiso okanye intlawulo ngokwemimiselo yalomgaqo iyakunikezelwa kuwo onke amacala kwisimangalo yaye siyakuchaza -

(a) ukuba esosithembiso asinasibophelelo okanye singaphandle koxanduva, njengesithembiso sentlawulo

(b) nokuba sikhathshwa sisithembiso sokuhlawula zonke iindleko okanye inxalenye yazo zelocala besenziwe kulo isithembiso okanye intlawulo kwaye siyakuxhomekeka kwezomeko njengoko zikhankanyiwe

(c) nokuba esosithembiso okanye intlawulo zenziwe ngendlela yokuhlawula ibango kunye neendleko okanye ibango kuphela kwaye

(d) nokuba ummangalelwa uyabuphika ubutyala bokuhlawula iindleko okanye inxalenye yazo apho izizathu zokukuphika ziyakufuneka nesimangalo singabekelwa umhla kumba weendleko kuphela.

(6) Ummangali okanye icala ekubhekiswa kulo kwinxalenye yomgaqo (3) kwiintsuku ezili 15 emva kokufumana isaziso ekubhekiswe kuso kwinxalenye yomgaqo (5) okanye emva koko ngesivumelwano esibhaliweyo sommangali kunye necala lesithathu, okanye umyalelo wenkundla kwezomeko zinokuqwaleselwa ngobulingisa, amkele nasiphi na isithembiso okanye intlawulo, apho unobhala wenkundla ephakamileyo okanye ekamantyi ayakuthi ezanelisile iimfuno zalinxalenye yalemigaqo zifezekisiwe, uyakunikezela ngesigunyaziso segqwetha ekubhekiswa kuso kwinxalenye yomgaqo (2) ku mmangali okanye igqwetha lakhe .

(7) Kumba wokusilela ukuhlawula okanye ukwenza kwiintsuku ezi 10 emva konikezelo lwesaziso sokwamkela isithembiso okanye intlawulo icala elinelungelo kwintlawulo okanye ukwenziwa kwento,lingabhalela icala elo lisileleyo ukuhlawula okanye ukwenza isaziso kwiintsuku ezi 5 licela kunobhala wenkundla ephakamileyo okanye ekamantyi ukuba inkundla inike isigwebo ngokwesithembiso okanye intlawulo kwane ndleko zesicelo.

(8) Ukuba isaziso sokwamkela isithembiso okanye intlawulo ngokwenxenywe yomgaqo (6) okanye isaziso ngokwenxenywe yomgaqo (7) kufuneka sinikezelwe kwidilesi eyahlukileyo kwibhokisi yaseposini okanye indawo ekuqokelelwa kuyo iposi, kwi 15 km ukusuka kwi ofisi ka nobhala wekundla ephakamileyo okanye

ekamantyi apho esosaziso kufuneka sinikezelwe.

(9) Ukuba isithembiso okanye intlawulo eyamkelwe ngokwalomgaqo ayikhankanywanga njengeyanelisa ibango lomngali kunye neendleko icala esenzelwe kulo singenza isicelo somyalelo weendleko enkundleni kwiintsuku ezingadlulanga ezi 5.

(10) Akukho sithembiso okanye ntlawulo ngokwalomgaqo eyenziwe ngaphandle kokandaba eyakuboniswa enkundleni ngaphambi kwesigwebo enikezelweyo, ngaphandle kokubhekisa kweso sithembiso okanye intlawulo eyakuboniswa kuyo nayiphi na ifayile kwiofisi kanobhala wenkundla ephakamileyo okanye kamantyi equlethe amaphepha enkundla kwelityala.

(11) Umba wokuba isithembiso okanye intlawulo ekubhekiswa kulomgaqo yenziwe ungakhankanywa kwisaziso senkundla emva kokuwiswa kwesigwebo njengokunxulumene nombala weendleko.

(12) Ukuba inkundla iwise isigwebo kumba weendleko ingaqwalasela isithembiso okanye intlawulo ngokwalomgaqo yaye yaziswa kunobhala wenkundla ephakamileyo ngokubhaliweyo kwiintsuku ezi 5 emva komhla wesigwebo, umba weendleko uyakuqwalasela ngokutsha ngokunxulumene nesithembiso kunye nentlawulo ngaphandle kokuba kwinxalenye yalomgaqo equlathiweyo iyakuchaphazela isigqibo senkundla ekunikeleni ngeendleko.

(13) Naliphi na icala elithi ngokunxamnye nalomgaqo okanye buqu okanye nangawuphi na umntu olimeleyo elibhentsisa isithembiso okanye intlawulo ngokwemiqathango yalo mgaqo kamantyi okanye inkundla iyakubonandaba lokwenza iindleko zinekezelwe kuye nangona ekusimangalo

(14) Lomgaqo uyakufakwa apho kukho imfuneko yotshintsho apho kucelwe isibonelelo okanye ibango eliphikisayo okanye ngokomgaqo 28A

Intlawulo yexeshana

18A. (1) kwisimangalo apho kubangwa umonakalo ngokwenzakalisa okanye ukufa komntu, umngali uyakuthi nangaliphi na ixesha emva kokuphela kwe xesha lokunikezelwa kwesaziso seenjongo sokuzithethelela enze isicelo enkundleni somyalelo wokunyanzelisa umngalelwa enze intlawulo yethutyana ngokwesicelo eso seendleko zamachiza nokuphelelwa ngumvuzo ngenxa yokukhubazeka oko okanye ukufa komntu

(2) Ngokomgaqo 55 isicelo esikwingxelo efungelweyo siyakuqulatha umyinge womonakalo ngokwinxalenye yomgaqo (1) elilbango kunye namabakala esicelo eso kunye neencwadi ezibonakalisa oko okanye eziqinisekisiweyo apho umngali aqamele ngaso iyakuhamba nencwadi efungelweyo

(3) nangona ukuvunyelwa okanye ukwaliwa kwesicelo sethutyana izozicelo zilolohlobo zingaziswa ngaphambili xa kubonakaliswe isizathu

(4) Ukuba ekumanyalweni kwesicelo sentlawulo sethutyana inkundla yanelisekile ukuba

(a) umngalelwa lowo umyalelo wenkundla ufunwayo uvumile ngokubhaliweyo isimangalo somngali umonakalo; okanye

(b) umngali ufumene isigwebo ngokuchasene nomngalelwa ngomonakalo oseza kuqingqwa, inkundla iyakuyalela njengoko ifuna kodwa ilandela-inxalenye mgaqo (5) iyalelel umngalelwa ahlawule okwexeshana loomali njengoko ifuna, loo mali ayiyikuba ngaphezulu komlinganiselo womonakalo apho inkundla iyakubona kufanelekile ukuze kuhlululwe iindleko zomngali ibandakanye indima yokungakhathali yomngalelwa, ulinganiso okanye ibango elichasene nelomngali

(5) Akukho myalelo uyakwenziwa phantsi kwinxalenye yomgaqo (4) ngaphandle kokuba kubonakala ukuba umngalelwa ukhuselekile kwibango lomngali okanye unendlela ezisemandleni akhe zokumenza akwazi ukwenza loontlawulo.

(6) Umyinge wayo nayiphi na intlawulo oyalelweyo uyakuhlululwa ngokupheleleyo ngumngali ngaphandle kokuba inkundla iyalele ngenye indlela.

(7) Apho isicelo senziweyo phantsi kwinxalenye yomgaqo (1), Inkundla ingamisela inkqubo yokuphathwa kwesimangalo ukuya phambili ingakumbi ingayalela uvavanyo olukhawulezileyo lwetyala

(8) Umba wokuba umyalelo wenziwe phantsi kwinxalenye yomgaqo (4) awuyi kuphendulwa kwaye kungayi

kubakho kubhentsiswa kwnkqubo yesicelo

Inkundla kuvavanyo okanye kuvavanyo lwemibuzo okanye imiba enxulumene nomyinge womonakalo ide loomibuzo okanye loomiba igqitywe.

(9) isimangalo apho intlawulo yethutyana okanye umyalelo wentlawulo wenziweyo, isimangalo asiyi asiyikuyekwa okanye ibango lirhoxiswe ngaphandle kwemvume yenkundla .

(10) ukuba umyalelo wentlawulo yethutyana wenziwe okanye loo ntlawulo yenziwe, inkundla xa isenza isenza umyalelo wokugqibela okanye xa inika ummangalelwa imvume yokunqumamisa isimangalo sakhe okanye ukurhoxis ibango phantsi kwenxalenye yomgaqo (9) okanye nayiphi na inkqubo kwisicelo salo naliphi na icala yenze umyalelo ngokwentlawulo yethutyana inkundla enokuyalela ngobulungisa kwaye inkundla ingayalela ngokukodwa ukuba

(a) ummangalelwa ahlawule zonke okanye inxalenye yentlawulo yethutyana

(b) intlawulo itshintshwe okanye ichithwe okanye

(c) intlawulo eyenziwe nangowuphi na ummangalelwa ukuhlangabezana nenxalenye yayo nayiphi na intlawulo yethutyana apho ummangalelwa ayenzileyo unelungelo lokuyibanga ngendlela yegalelo okanye imbuyekezo okanye kuncedo okanye isibonelelo esayamene nebango lommangali

(11) imimiselo yalomgaqo iyakusebenza ngokuxhomekeke kutshintsho kuwo onke amabango achasene nawommangali

Izithintelo kunye nezicelo zokurhoxiswa kwetyala

19.(1) Apho ibango lingacacanga kwaye lihlanzisa okanye lingenabungqina bufanele ukumelana nesimangalo okanye ngokuxhomekeka kwicala elichasene nebango lingathi kwixesha elivunyelwe ukunikezela nangayiphi na incwadi emayelana netyala anikezele ngesicelo sokubukula oko kwaye angabeka usuku lovavanyo ngokumgaqo 55 (1)(j) : Kuxhomekeke ekubeni apho icala elithile linenjongo yokuphakamisa isibukulo sokuba impendulo imfiliba kwaye iyahlazisa, elocala liyakuthi kwisithuba esivumelekileyo njengoko kutshiwo kwisaziso ochasene nalo ithuba lokuguzula imbangi yesikhalo kwiintsuku ezingama 15 Kuxhomekeke ekubeni icala elichasayo liyakuthi kwiintsuku ezi 10 ukususela kumhla eyafunyanwa ngawo okanye ukusukela kumhla apho impendulo ilindelekileyo yokunikezelwa kwenkcaso

(2) Apho nayiphi na impikiswano iqulathe ubungqina obuchaphazela isidima obunentiyo okanye obungangqamenanga nebango, icala elichasayo lingenza isicelo kwi sithuba esivumelekileyo ukunikezela nayiphi na impikiswano elandelayo, angacela ukuba isimangalo sikhatywe kananjalo abeke esosicelo alungiselele uvavanyo ngokomgaqo 55(1)(j), kodwa inkundla ayiyikuwisa sigwebo ngaphandle kokuba yanelisekile ukuba ummangali anga angaphatheki kakubi kwindlela yebango okanye ukuzithethelela xa engagwetyelwanga

(3) Naninina xa isicelo sokukhatywa kwesicelo kwibango, izizathu esisekelwe phezu kwazo isicelo sokuchaswa kufneka zikhankanywe ngokucacileyo

(4) Nanini na apho isicelo sokuchaswa kwesicelo okanye isicelo sokukhatywa senziweyo, akuyikufuneka impendulo impendulo yempendulo okanye naliphi iphepha elinxulumene nebango.

Amabango achasayo

20. 1 (a) Ummangalelwa ofaka ibango elichasayo uyakulifaka kunye nempendulo yakhe kwelikammangali ecacisa amabakala alo ngokomgaqo 6 no15 ngaphandle kokuba ummangalelwa uyavuma, okanye ukuba uyala, inkundla ivumela ukuba inikezelwe ngemva kwexesha eliqingqiweyo

(b) Ibango elichasa elommangali liyakubekwa kwiphepha elahlukileyo okanye kwinxalenye yephepha eliquathe impendulo kodwa ibenesihloko "Ibango elichasene nelommangalelwa"kanjalo akuyibayimfuneko ukuphinda amagama okanye ingcaciso zabamangali nabamangalelwa kwi nkqubo yophikiso

(2) Ukuba ummangalelwa unelungelo lokumangalela omnye umntu nommangali nokuba ngokuhlangeneyo okanye ngamnye ngamnye ngokwahlukeneyo okanye ngokutshintsha-tshintshana umangalelwa uyakuthi ngemvume yenkundla aqhubeke neso isimangalo ngendlela yebango lokuphikisana nommangali kunye nawuphina umntu ngalondlela inkundla ithe yalelela ngayo

(3) Ummangali othe wanikwa ilungelo lokuphikisa ibango njengoko kumisiwe kwi nxalenye yomgaqo (2)

uyakongezelela kwisihloko sempundulo yommangali esinye isihloko esingquielanayo nento ebinokuba sisihloko salo naliphi na ibango elifakwe ngummangalelwa ngokuchasene namanye amacaia yenza ukuba abe nebango eliphikisana nelommangali, kunye nazo zonke impikiswano kwibango liyakubanesosihloko, ngokubhekisele kwiziqulatho zomgaqo 6(2).

(4) Ummangali angakwazi ukuliphikisa ibango elo ngokuxhomekeke kwibango okanye ukuzithethelela ukophikisana nokommangalelwa

(5) Ummangalelwa onikezela ibango eliphikisayo angakwenza oko ngesaziso phakathi kwentsuku eziyi5 ngapha koko enze isiscelo enkundleni eyakwenza isaziso sokuba ibango eliphikisayo lingaphezulu lwebango elinokwenziwa kulo nkundla okanye ngaphantsi kwebakala 47 womthetho lo

(6) Apho inkundla ifumanisa ukuba ibango elo liphikisayo lingaphezu mandla okuchophela kwayo ityala ummangali kwintsuku ezi 5, emva kwesigqibo ummangali uyakwenza isicelo sokuhlehlisa isimangalo

(7) Ukuba okho sicelo sokuhlehlisa isimangalo esenziweyo, okanye esichithiweyo, inkundla eyakuthi ngesicelo esenziwe ngummangali okanye kungenjalo ngesindululo sayo inkundla ilichithe ibango eliphikisa elommangali elichazwe ngokubangaphezulu ngokudlala amandla enkundla, ngaphandle kokuba ummangali uya kuthi atyeshela inxalenye yebango elaneleyo ukuzisa inkundla ibe namandla okuchophela ngaphantsi kwecandelo 38 lomthetho

(8) Ukuba ummangalelwa uthe watyeshela amanye amabakali alomgaqo, ibango eliphikisayo liyakuthatyathwa linesiphene kwaye elinye icala liyakuvumeleka ukuba lenze ngokomgaqo 60A.

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Impendulo yempendulo yommangalelwa nempendulo kwisimangalo esiphikisana nesimangalo sommangalelwa

21. (1) Kwintsuku ezili 15 emva kokunikezelwa kwempendulo kummangali ngokoimiselelo wenxalenye yomgaqo (2), ummangali apho kuyimfuneko uyakunikezela impendulo kwimpendulo yommangalelwa nakwimpendulo ephikisana nebango, impendulo ehambisana nomgaqo 17.

(2) Akukho mpendulo yempendulo okanye inxalenye yempikiswano elandelayo eyakuba yindibaniso nje yemiba okanye impikiso engenasihlahla impikiswano iyakufuneka nebango elo liyakuthathwa njengelidibanisiweyo kwaye impikiswano iyakuvalwa ngokomgaqo 21A(b)

(3) (a) Apho isicelo okanye impikiswano iyakubayimfuneko, ubani angalidibanisa ibango elo kwizithyolo zangaphambili kwimpendulo.

(b) Kangangokuba ubani engakhange aveze ingcaciso ngezithyolo kwiimpendulo okanye kwezinye impendulo, ukudityaniswa kwebango luyakuthatyathwa njengesiphikisana nazo zonke izithyolo ezibekiweyo kwimpendulo apho imiba edityanisiweyo.

(4) Ummngaili ophikisana nesimangalo eso uyakuthi ngokomxholo wenxalenye mgaqo(2) phakathi kwentsuku eziyi 10 emva kokunikezela nge mpendulo ephikisayo anikezele ngempendulo ephikisana nempendulo.

(5) Inkqubo yembambano eyongezelelweyo

(a) iyakuthi phantsi kwemiqathango notshintsho ngokuxhomekeke kwinxalenye mgaqo(2) inikezelwe ngabachaphazelekayo ophakathi kwentsuku eziyi10 emva kokunizelaw kwempendulo ezidlulileyo zinikezelwe ngubani lowo ochasayo kwaye

(b) iyakubizwa ngamagama lawo baziwa ngawo ngokwesiko elaziwayo.

Ukuvalwa kwe nkqubo yembambano

21A. Inkqubo yembambano iyakuthatyathwa njengevaliweyo ukuba

(a) Ubani udibanise amabakal ngaphandle kokwenza isithyolo esitsha kwaye engongezanga ezinye inkqubo mbambano.

(b) Usuku lokugqibela oluvumelekileyo lokunikezela impendulo yommngali ephikisa impendulo yomangalelwa sele iphelelwe ingakhange inikezelwe.

- (c) Abachaphazelekayo bayavuma ngokubhaliweyo ukuba inkqubo mpikiswano ivaliwe kwaye neso sivumelwano sifakiwe kunobhala wenkundla okanye nowenkundla kaMantyi.
- (d) Ummngali nommangalelwa abavumelani xakuvalwa inkqubo mpikiswano, kwaye inkundla iyakuthi emva kwesicelo salobani ize izivale ke ngoko.

Ukumiselwa komhla wokuthethwa kwetyala

22. (1) Uvavanyo lwesimangalo luyakuxhomekeka kunikezelo ngummangali emva kokuba inkqubo inkqubo yembambano ivaliwe isaziso sosuku lovavanyo okanye olubekiweyo ngunobhala wenkundla ephakamileyo okanye wenkundla kamntyi Ukuba ngaba ummngali uthe phakathi kwentsuku eziyi 15 emva kokuba inkqubo yembambano ivaliwe anikezele ngesaziso sovavanyo lwetyala, ummangalelwa angakwenza oko .

(2) Ukunikezelwa kwesaziso sovavanyo lwetyala ngokwakwayo isebenze njengesimiselo sochophelo tyala ngaxesha linye xa kukho ibbango eliphikisayo ngummngalelwa

(3) Unikezelo lwesaziso sovavanyo lwetyala luyakwaziswa malunga nentsuku ezi ngama 20 phambi kokuvunywa kosuku olo.

(4) Ekufumaneni isicelo somhla wovavanyo tyala ngunobhala wenkundla ephakamileyo okanye kamantyi uyakukhupha ifayile ayise kamantyi ukuze umantyi aqwalasele ukuba ingxoxo ephambi ketyala ngokwecandelo 54 lomthetho iyafuneka na Kuxhomekeke ekubeni umhla wovavanyo tyala uyakusekwa kwi ntsuku ezili 10 emva kokufumana isicelo somhal wetyala.

(5) Kumatyal oqhawulo mtshato nangomna nayiphina into kulomgaqo iqulathiwe, unobhala wenkundla ephakamileyo uyakuthi akufumamna isicelo sommangali esibhaliweyo aseke isimangalo eso sivavanywe bgexesha nendawo ngokomhla oyakwaziswa ngunobhal wenkundla ephakamileyo ukuba ummangali

- (a) usilele ukunikezela ngesaziso senjomngo zokuzithethelela okanye
- (b) usilele ukunikezela ngempendulo emva kokufumana isaziso ngokommiselo womgaqo 12(1)(b) okanye
- (c) isaziso esibhaliweyo esinikezelwe kummangali nonobhala wenkundla ephakamileyo okanye kamantyi ophikisana nesimangalo kodwa akukho saziso sesosicelo okanye ukusekwa komhla wovavanyo uyakufuneka unikezelwe kummangalelwa

(6) Xa isimangalo soqhawulo mtshao singaphikiswa simisiwe isimangalo singaqhutyelwa kwenye inkundla nangona ubungqina bunikiwe.

Ukuvezwa kwamaxwebhu anxulumene netyala

23. (1)(a) Naliphina icala isimangalo elingafuna elinye icala ngesicelo esibhaliweyo libonise incwadi ezithile ezinxulumene nesimangalo kwintsuku ezingama 20 zonke incwadi noshicilelo lone elektroniki noledijithali nezinye intlobo zoshicilelo olunxulumene nayiphi into ekubangiswana ngayo isimangalo nokuba yilombambano okanye evuka phakathi kwabo bafuna kuvezwe ubungqina necal ekulindeleke ukuba liveze okanye okanye hayi obusoloko okanye ngexesha elithile buphethwe okanye kuphantsi kwelo cala.

(b) Isaziso ngokomhlathi (a) asiyikunikezelwa phambi kokuvalwa kwenkqubo yembambano ngaphandle kwemvume kamantyi.

(2) (a) Lowo kufuneka avelise incwadi ezithile uyakuthi kwintsuku eziyi 20 kweloxesha libekiweyo ngokomyalelo lowo wenkundla enze uveliso zincwadi ngengxelo efungelweyo efana no Fomu 13 okuqhutyeshelweyo ku 1 elichaza ngokwahlukileyo

- (i) Iwencukacha zencwzdi kunye nesishicilelo kunye ne elektroniki okanye idijithali okanye ezinyee indlela zoshicilelo ezokulowo unazo okanye lowo uyabe emmele ngaphandle kwezinye incwadi okanye ushicilelo olukhankanyiweyo apha ngasentla (b)
- (ii) ezo zincwadi no Ishicilelo lwe elektroniki okanye lwe dijithali okanye naziphina ifomu zendlela zoshicilelo malunga nalomababala onokuwaphikisa abonise okanye aveze kwaye
- (iii) ezo zincwadi no Ishicilelo lwe elektroniki okanye lwe dijithali okanye naziphina ifomu zendlela zoshicilelo malunga ummeli wayenazo kodwa akasenazo ngomhla abhala ingxelo efungelweyo.

(b) Incwadi iyakuthatyathwa njengepheleleyo ukuba ichaziwe njengexalenye yencwadi ezibaluliweyo ngokwesimo sayo, ayakube ityikityiwe kwaye yanombolwa ngokulandelanayo ngulowo uphikisana nesimangalo

(c) Ubungqina obufakiweyo ngamangqina ukuze buhakamiswe inkqubo, uqhakamshelwano phakathi kwamagqwetha nabantu ababameleyo kunye naphakathikwegqwetha neqwetha lenkundla ephakamileyo, inkqubo yembambano, ingxelo efungelweyo kunye nesibhengezo sesimangalo siyakutyeshelwa kwi nkukacha.

(3) Ukuba ubani ukholelwa ukuba kukhona ezinye inwadi okanye ushicilelo, elektroniki okanye idijithali okanye naluphi uhlobo lokushicilela oluveziweyo njengoko kubekiwe kumgaqo okanye kwi nkukacha zencwadi kubandakanya ikopi okanye ushicilelo nge elektroniki okanye lwe dijithali okanye enye yendlela yo shicilelo eyakuthi ibandakanye lowo mntu, lowo ungaphambili uyakunika isaziso esimyalela ukuba enze okokuba incwadi ezo zivavanywe ngokomgaqo nxalenye (6) okanye afunge phakathi kwentsuku eziyi 10 apho ezo ncwadi zizakube zikuye okanye achaze ukuba ziyakufumaneka phi okanye achaze londawo ayazi zikuyo

(4) Incwadi okanye isishicilelo, ngeelektroniki okanye ngedijithali okanye enye indlela engachazwanga ngokomgaqo ayisayi kunikezelwa ngaphandle kwemvume yenkundla eyakuthi ivumelane nayo okanye ngokokubona kwenkundla, iyakusetyenzisa ukuliungiselela ityala ngubani lowo owayenyanzelekile kodwa wasilela ukuyiveza, kuxhomekeke ekubeni naliphi nja elinye icala lingayisebenzisa lo ncwadi okanye iteyiphu, elektroniki, dijithali okanye ezinye iintlobo zoshicilelo.

(5) (a) Apho i Road Accident Fund njengoko ichaziwe kumthetho ka 1996 wengxowa-mali yeengozi zendlela (Umthetho 56 wonyaka we 1996, ulihlakani kulo Naliphi na ibango ngenxa yeziqulatho zomthetho, nanaliphi na icala apho lingafumana ilungelo lokunikezelwa kweencwadi njengoko kumisiwe kumhlathi (d) Ngokuchsene nomqhubi okanye umnini, njengoko kucacisiwe kulomthetho, walonqwelo.

(b) Umhlathi (a) uyakusebenza ngokuxhomekeke kutshintsho apho kufanelekileyo kumqhubi wenqwelo enomntu ongumnini wayo, umbuso, urhulumente okanye iqela labantu ekubhekiswa kubo kuMthetho wengxowa yeengozi zendlela womnyaka ka, 1996

(c) Apho ummangali amangala njengombambeli, ummangalelwa, kunotshintsho olufanelekileyo apho kuyimfuneko uyakuba namalungelo afanayo nalawo ambambeleyo phantsi kwalomgaqo wonikelayo.

(d) Icala elifuna kuvezwe ubungqina ngokweziqulatho zomhlathi (a), (b) okanye (c) lakwenza isaziso ngokuka fomu 14 okuqhutyoshelweyo 1.

(6) (a) Naliphina icala nangaliphina ixesha linganyanzelisa ngokwenza isicelo ngokufana nofomu 15 wokuqhutyoshelweyo 1 ukuba naliphi na icala elenze uveliso lobungqina ukuba lenze nayiphi incwadi, ushicilelo, ielektroniki, idijithali nabuphi na obunye ubungqina obuvelisiw ngokwemimiselo yenxalenye Yemigaqo (2) no (3) (b) Isaziso esilungiselelwe kumhlathi (a) siyakufuna ukuba elocala lisinikiweyo linikezele kwiintsuku ezintlanu isaziso esifanayo nofomu 15A wokuqhutyoshelweyo 1, echaza ixesha kwi 15 leentsuku ukususela ukunikezelwa kwesaziso xa incwadi, ushicilelo, ielektroniki, idijithali nabuphi na obunye ubungqina zinokuhlolwa kwiofisi yalo okanye igqwetha lalo ukuba akamelwanga ligqwetha, kwindawo efanelekileyo ekhankanywe kwisaziso, okanye kumba wenwadi zebhanka okanye ezinye iincwadi zamatyala okanye iincwadi ezisetyenziswa rhoqo kurhwebo, kushishino, kwindawo yokuzigcina.

(7) (a) Icala elifumana isaziso esifana nofomu 15A wokuqhutyoshelweyo 1 okuchazwe kwinxenye yomgaqo (6) (b) liyakuvumeleka ngeloxesha elikhankanywe ngaphakathi, kwaye kwiintsuku ezintlanu emva koko ngamaxesha esqhelo okusebenza nagaluphi na olunye okanye ngaphezulu lwezantsuku uku hlola loo ncadi okanye ushicilelo, ielektroniki, idijithali okanye olunye uhlobo loshicilelo neekopi okanye imibhalo ekotshiweyo yazo.

(b) Ukusilela kwecala elithile ukuveza nayiphi na kwincwadi, ushicilelo, idijithali okanye olunye uhlobo lokushicilela olufunelwa ukuhlolwa liyakwalelwa ukusebenzisa obo bungqina ngovavanyo-tyala, ngaphandle kokuba ngezizathu ezibambekayo elizibonisayo inkudla iyakuvumela ukusetyenziswa kwabo.

(8) Ukuba naliphi na icala liyasilela ukuveza ubungqina njengoko kutshiwo okanye, linikezelwe isaziso phantsi kwenxalenye yomgaqo (6) (a), liyaphuthelwa ukunika isaziso sexesha lokuhlola njengoko kulungiselelwe kwinxenye yomgaqo (6) (b) okanye liyasilela ukunika ithuba lokuhlola njengoko kufuneka kwinxenye yomgaqo, elocala lilangazelela ukuvezelwa okanye uhlolo lingenza isicelo enkundleni, enokuyalela ukuphunyezwa kwalomgaqo, ekwakuthi ukungathotyelwa kwawo inkundla ilikhabe ibango

okanye ukuzithethelela ingasiwaso.

(9) Naliphina icala kwisimangalo linganika isaziso emva kokovalwa nkqubo yempikiswano kwisimangalo nakuliphi na icala ukuba licacise ngokubhaliweyo iinkcukacha zemihla namacala okanye naziphi na iincwadi okanye ushicilelo, ielektroniki, dijithali okanye nolunye uhlobo loshicilelo olujongiswe ekusetyenzisweni kuvavanyo-tyala lwe simangalo egameni lelocala isaziso besinikezelwe kulo, kwaye icala elifumene esosaziso kwithuba elingekho ngaphantsi kweentsuku ezili 15 phambi ko suku lovavanyo-tyala linikezele ngesaziso.

(a) licacisa ngemihla yalo namacala ayinxalenye yalo nomxholo ezingawo ezoncwadi, ushicilelo, iielektroniki iidijithali okanye ezinye iintlobo zoshicilelo ezikugcino lelocala; okanye

(b) zichaza ezonkcukacha njengoko kunokufuneka libonise nayiphi na kwezo ncwadi ushicilelo, ielektroniki, dijithali okanye uhlobo loshicilelo olungekho lugcinweni lalo, kwangoko linikezela ngegama nedile dilesi yomntu eziselugcinweni lakhe ezizinto zikhankanywe ngasentla ziquka naluphi na olunye ushicilelo.

(10) (a) Naliphi na icala eliphakamisa ukungqinisisa ngayo nayiphi na into ebhaliweyo, eshicilelweyo, ekwi elektroniki, idijithali okanye naluphi na uhlobo loshicilelo etyaleni linga nika isaziso kulo naliphi na elinye icala licela ukuba kwintsuku ezilishumi emva kokufumana isaziso lamkele ukuba loncwadi okanye ushicilelo, i elektroniki, idijithali okanye olunye uhlobo loshicilelo lwalenziwe ngendlela efanelekileyo kwaye luyilento lubonisa luyiyo

(b) Ukuba icala elithile lifumana isaziso phantsi komhlathi (a) alisamkeli kwixesha elikhankanyiweyo njengoko kufuneka emthethweni, ngoko kuba elocala linike isaziso liyakubanelungelo ekuvelisweni kwencwadi, ushicilelo, dijithali okanye olunye uhlobo loshicilelo okukhankanywe kuvavanyo-tyala ngaphandle kokuqinisekiswa ngesinye isiqinisekiso, ukuba iyaphikwa, loncwadi okanye ushicilelo, ielektroniki, dijithali okanye olunye uhlobo loshicilelo yincwadi okanye ushicilelo, i elektroniki, idijithali okanye olunye uhlobo loshicilelo ekubhekiswa kulo kwisaziso nesosaziso sasinikezelwe

(c) Ukuba icala elifumene isaziso phantsi komhlathi (a) lithi incwadi okanye ushicilelo ielektroniki, idijithali okanye olunye uhlobo ki loshicilelo alwamkelwanga njengoko kuyimfuneko, lo nto iyakuqinisekiswa licala elinikezela ngesaziso phambi klokuba libenelungelo lokuzisebenzisa kuvavanyo-tyala, kodwa icala elinga mkeliyo lingayalelwa ukuba lihlawule iindleko zokuqinisekisa.

(11) (a) Naliphina icala lingalnika elinye elenze unikezelo lwencwadi okanye ushicilelo, ielektroniki, dijitali okanye olunye uhlobo loshicilelo isaziso sokunikezela ukuvavanywa lwetyala uqobo lwezoncwadi okanye ushicilelo, i elektroniki, idijithali okanye olunye uhlobo loshicilelo. ezingakhuselekanga iincwadi okanye ushicilelo, i elektroniki, idijithali okanye olunye uhlobo loshicilelo ezikugcino lwelinye icala.

(b) isaziso phantsi komhlathi (a) siyakunikezelwa ubuncinane iintsuku nezintlanu phambi kovavanyo-tyala kodwa ukuba inkundla iyavuma siyakunikwa ngexesha lokuvavanywa kwetyala

(c) Ukuba nasiphi na isaziso esenziwe phantsi komhlathi (a) sinikiwe icala elisinikayo lingafuna icala ebesinikwe kulo ncwadi okanye ushicilelo, i elektroniki, idijithali okanye olunye uhlobo loshicilelo liveze okunikezela ngencwadi leyo okanye into ngaphandle kokubiza amangqina, eyakwamkelwa ngokungathi ibinikezelwe nenxenye yobungqina lelocala besinikezelwe kulo isaziso.

(12) Inkundla ingathi ngexesha layo nayiphina lenkqubo yenze umyalelo wokuba naliphina icala liveze phantsi kwesifungo incwadi okanye ushicilelo olukugcino lwalo nolunxulumene nawo nawuphina umbuzokulonkqubo njengoko inkundla ibona kuyimfuneko, kwaye inkundla ingathatha isigqibo ngalo ncwadi okanye ushicilelo, i elektroniki, idijithali okanye olunye uhlobo loshicilelo, xa zithe zavezwa njengokuba ibona kufanelekile

(13) (a) Naliphina icala kuyo nayiphina inkqubo nagaliphina ixesha phambi kovavanyo-tyala linganikezela ngesaziso esifana nesikufomu 15B woku qhotyoshelweyo, kulo naliphina icala apho kukho into esingisele kwimpendulo, okanye ingxelo efungelweyo yalo, nenxulumene nencwadi okanye ushicilelo. Ielektroniki, idijithali, okanye olunye uhlobo loshicilelo lokuvezela ukuzihlolela looncwadi okanye ushicilelo, i elektroniki, idijithali okanye olunye uhlobo loshicilelo nokulivumela ukuba lenze ikopi okanye umbhalo oqulqthwe kubungqina bezozinto.

(b) Naliphina icala elisilelayo ukufezekisa ngesaziso phantsi komhlathi (a) aliye kusebenzisa ncwadi, okanye ushicilelo, ielektroniki, dijithali okanye naliphina uhlobo loshicilelo kulo nkqubo ngaphandle kwemvume

yenkundla ngaphandle kokuba naliphina icala lingayisebenzisa loo ncwadi okanye ushicilelo, i elektroniki, idijithali okanye olunye uhlobo loshicilelo.

(14) Imimiselo yalomgaqo ephathelele ekuvezweni ngokotshintsho oloyimfuneko nolufanelekileyo iyakusetyenziswa, kangoko inkundla iyakwalathisa kwi zicelo.

(15) Emva kokuba isaziso sokuzithethelela sifakiwe, naliphi na icala kwisimangalo ukwenzela inkqubo, lifune ukuba naliphi na elinye icala linikezele ngeencwadi, ushicilelo ielektroniki, idijithali okanye olunye uhlobo loshicilelo olukugcino lwelo cala olunxulumeneyo nombamba ofanelekileyo kwisimangalo livumele ikopi okanye umbhalo wayo ukuba wenziwe.

(16) Ukwenzela iinjongo zalomgaqo ushicilelo luquka ushicilelo lwesandi, ifilim, iteyiphu yemagnethiki, irekhodi okanye nayiphina eye into ekunokhutshwa izinto ezibonkalayo kuyo.

Uxilongo, uhlobo lwezointo, ubungqina bengcali nokunikezela ngobungqina ngendlela yayo nayiphina iplani, umzobo, into eyakhiwe ngesandla emilise njengeyokwenene okanye foto

24. (1) Ngophathelele kulomgaqo naliphina icala kwinkqubo yesimangalo apho ibango lentlawulo yomonakalo okanye imbuyekezo ekuthiwa yenziwe kukwenzakala inokufuna elocala lenza ibango lentlawulo yomonakalo okanye imbuyekezoyo ekuthiwa yeyokwenzakala nonemeko yempiyo ephathelele ekuphononongweni kwelo bango lentlawulo yomonakalo okanye imbuyekezo ekuthiwa yenziwe kukwenzakala linikezele ngengxelo kagqirha obhalisiweyo.

(2) (a) Naliphi na icala elifuna elinye linikezele ngengxelo yoxilongo elungiselelwe kwinxenye yomgaqo (1) liyakunikezela ngesaziso esifuna ingcaciso ngohlobo loxilongo olufunekayo, umntu okanye abantu oluyakwenziwa ngabo, indawo apho luyakwenziwa khona nomhla ongekho ngaphantsi kweentsuku ezili 15 ukusuka kumhla wesosaziso nexesha ekufuneka ukuba oloxilongo luyakwenzeka kwaye lufuna ukuba elocala lizinikezelele uxilongo kulondawo, umhla nexesha.

(b) Isaziso ekubhekiselelwe kuso kumhlathi (a) siyakukhankanya ukuba elinye icala linganogqirha walo olicebisayo ngexesha loloxilongo, kwaye luyakukhatshwa yintlawulo eyenzelwa inkcitho yezinto ezibhadlileyo ezinokusetyenziswa lelinye icala ekuhameleni oloxilongo.

(c) Inani lemali yenkcitho ekubhekiswa kuyo kumhlathi (b) iyakunikezelwa ngokomlinganiselo ngokungatho lomntu ebelingina kwibango lembambano phambi kwenkundla Kuxhomekeke ekubeni

- (i) ukuba elinye icala alikwazi ngokwasempilweni ukuya koloxilongo ngokwalo imali eyakuhlulwa kuye iyakuquka neendeko zokuhamba ngenqwelo kwaye apho kuyimfuneko iindleko ezibhadlileyo zomntu omnedayo
- (ii) apho elinye icala liyakudliwa imali yomvuzo ngexesha lokungabikho kwalo emsebenzini okanye ngokungaphezulu kwinkcitho yakhe kumlinganiselo wengqina kwibango abenelungelo lokufumana imali engedluli kuma R75 ngosuku endaweni yomvuzo wakhe okanye enye imbuyekezo anokudliwa yona
- (iii) nayiphi na imali ehlawulwe lelinye icala ngokomgaqo wenxalenye yalomgaqo iyakuthatyathwa njengeendleko kwityala, ngaphandle kokuba inkundla iyalela ngolunye uhlobo

(3) (a) Naliphi na icala elifumana isaziso ekubhekiswa kuso kwinxenye yomgaqo (2) (a) kwintsuku ezili 10 zokunikezelwa kwaso, liyakwazisa ngokubhaliweyo nohlobo nezizathu zayo nayiphi na inkcaso elinikuba nayo mayela

- (i) nohlobo olucetyisiweyo loxilongo
- (i) umntu okanye abantu oluyakwenziwa ngabo uxilongo
- (iii) indawo, umhla okanye ixesha loxilongo ne
- (iv) mali yeendleko enikezelweyo kuye

kwaye ngkungaphaya.

- (aa) kwinkcaso yakhe yendawo, umhla okanye ixesha loxilongo, ecebisa enye enye indawo, usuku okanye ixesha loxilongo okanye
- (bb) apho inkcaso yakhe iba kwimali elingana nenkcitho enikezelweyo, anikezele

iinkcukacha zalomali inyukileyo njengoko efuna

(b) Ukuba icala elamkela isaziso ekubhekiswa kulo kwinxalenye yomgaqo (2) (a) alinikezeli nkcaso kwixesha ekubhekiswe kulo ku mlathi (a), liyakuthatyathwa ngokuba liyavuma kuxilongo ngokwemimiselo ebekwe lelocala linike Isaziso.

(c) Ukuba icala elamkela inkcaso linembono yokuba lonkcaso okanye inxalenye yayo ayinasihlahla angenza isicelo enkundleni ukuba imisele imiqathango elinokwenziwa phantsi kwayo uxilongo, ukuba ikho

(4) Naliphi na icala kwinkqubo yesimangalo ekubhekiswa kulo kwinxalenye yomgaqo (1), lingathi mnangfaliphi ixesha ngesaziso linyanzelise ukuba icala elibanga ibango intlawulo yomonakalo okanye imbuyekezo ekubhekiswe kuyo, ukuba linikezele ngeekopi zoko ngokwesicelo, kangangoko linakho ukwenza elocala likhankanyiweyo kwintsuku ezili 15 inkcazo kagqirha, ingxelo yesibhedlele, ifoto yeeksreyi okanye nayiphi na incwadi enengcombolo yohlobo olufanayo nolunxulumene nobalo lwezo ndleko zomonakalo okanye imbuyekezo.

(5) Ukuba kubonakala ngathi naluphi na uxilongo olwenziwe ngemvumelwano phakathi kwamcala okanye ekufezekiseni isaziso ngokwalomgaqo okanye nasiphi na isigqibo esithathwe yinkundla phantsi kwenxalenye yomgaqo (3) wokuba naluphi na uxilongo olungaphaya nguye nawuphi na ugqirha lufanelekile okanye luyimfuneko ukwenzela ukufumana ingcombolo ezeleyo ngezinto ezinxulumene nobalo lwelobango lentlawulo yomonakalo okanye imbuyekezo , naliphina icala linganyanzelisa uxilongo lwesibini nolokugqibela ngokwe mimiselo yalomgaqo.

(5A) Ukuba naliphi icala libanga intlawulo yomonakalo obangelwe kukufa komnye umntu, uyakuzinikela kugqirha ukuba axilongwe njengokommiselo walomgaqo ukuba oloxilongo luceliwe kwaye kusithiwa impilo yakhe inxulumene nokuphononongwa komonakalo.

(6) Ukuba kukhangeleka ngathi imo okanye imeko yayo natoni nayiphi na indalo iyathatheka okanye ayithatheki.inxulumene kwisigqibo sayo nayiphi na into esematheni kwibango , naliphi na icala nakwesiphi na isigaba, kwintsuku ezili 15 phambi kovavanyo lwetyala, linike isaziso esinyanzelisa elocala liqamelele kubukho balomo kunye nemeko into okanye onalonto kuye okanye phantsi kgcino lwakhe ayinkezele ukuba ihlolwe okanye ixilongwe kwaye kwesosaziso linga nyanzelisa ukuba elocala linikele ngalonto okanye inxalelenye yayo eyaneleyo ukuba ihlolwe okanye ixilongwe kwi xesha elingedlulanga kwiintsuku ezili 10 emva kokufumana isaziso.

(7) (a) Icala elicelwe phantsi kwenxalenye yomgaqo (6) ukuba anikezele ngento ukuba ihlolwe okanye ixilongwe lingacela elocala lenz esosicelo ukuba licacise uhlobo lohlobo okanye uxilongo olo iyakunikezelwa lona lonto kwayeakayi kubopheleleka ukuba anikezele ngalonto ukuba ucinga ukuba angadleleleka ngokubonakalayo ngenxa yoko nento enokuyibanga kulonto

(b) Kwimeko yayo nayiphina imbambano nokuba ingokuba into kunikezelwe ngayo ukuba ihlolwe okanye ixilongwe, omabini amacala angenza isicelo enkundleni esikhankanya ukuba uhlobo okanye uxilongo belufunwa lwaza lwaliwa nenkundla ingenza umyalelo njengoko ibona kufanelekile.

(8) Naliphi na icala elenza ukubauxilongo okanye uhlobo novavanyo lwenziwe phantsi kwenxalenye yomgaqo (1) okanye (6) liyakwenza

(a) ukuba umntu owenza uxilongo okanye uhlobo novavanyo anike ingxelo ezeleyonebhaliweyo yeziphumo zoloxilongo, uhlobo kunye novavanyo, ngokokuxhomekeka kwemeko, neembono anokuthi abenazo ngoko kuyo nyiphi na into enxulumene nalo.

(b) emva kokufumana loongxelo lakuba liyicelile , linike elinye icala ikopi epheleleyo yayo,kwaye

(c) iizithhwalele kulo iindleko zokwenza naluphina oloxilongo okanye uhlobo okanye uvavanyo kwaye ezondleko ziyakuqukwa kwiindleko zelocala.

(9) Akukho mntu, ngaphandle komyalelo wenkundla okanye isivumelwano sawo onke amacala kwibango, oyakuba nelungelo lokub iza njengengqina nawuphi umntu azokunika ubungqina njengengcaphephe kuyo nayiphi na into apho ubungqina bengqinq eliyingcaphephe bunokwamkelwa ngaphandle kokuba okanye uya

(a) ngaphandle kokuba kwisithuba esingekho ngaphantsi kwentsuku ezili 15 unikezela ngesaziso seenjongo zokwenza njalo kwakhona.

(b) kwisithuba esingekho ngaphantsi kokuvavanywa kwetyala phambi anikezele ngesihwankathelo sezombono nezizathu zazo.

(10) (a) Akukho cala kwisimangalo, ngaphandle kokuvumelana kwawo onke amacala kwisimangalo okanye ngemvume yewkundla eliyakuba nelungelo lokunikezela ngobungqina, nayiphi na iplani, umzobo, into eyakhiweyo efana neyokwenene okanye ifoto ngaphandle kokuba akayi ngaphantsi kweentsuku ezili 10 phambi kovavanyo lwetyala enike onke amacala isaziso senjongo yakhe yokwenza oko.

(b) Isaziso phantsi komhlathi (a) siyakuchaza ukuba onke amacala amkela esosicelo ayakubanelungelolokuhlola loplani, umzobo into engumanekiso oqingqiweyo wenye into okanye ifoto kwaye kuyakufuneka elocala kwiintsuku ezi 5 zokufumana esosaziso, atsho ukuba unayo na inkcaso ku loplani, umzobo, umfanekiso wenye into oqingqiweyo okanye ifoto ukuba zamkelwe njengobungqina ngaphandle kokuqinisekiswa.

(c) Ukuba icala elifumene isaziso phantsi komhlathi (a) liyasilela kwithuba elibekiweyo kwisaziso ukutsho ukuba liya zichasa na okanye liyazamkela kubungqina iiplani, umzobo, umfanekiso wenye into oqingqiweyo okanye ifoto ekubhekiswa kuzo kwisaziso, lo plani, umzobo, umfanekiso oqingqiweyo wenye into okanye ifoto, njengoko kunokwenzeka, ziyakwamkelwa kubungqina nje ngokuziveza ngaphandle kobungqina obungaphaya bazo.

(d) Ukuba elocala lifumene isaziso phantsi komhlathi (a) liyachasa ukwamkelwa kobungqina bezoplani, umfanekiso wenye into oqingqiweyo okanye ifoto, loo plani umzobo, umfanekiso oqingqiweyo wenye into, njengoko kunokwenzeka, ingqinisekiswa kuvavanyo letyala kunye necala elifumene isaziso lingayalelwa ukuba lihlawule iindleko zoloqinisekiso.

Inkqubo yovavanyo lokuqoshelisa imiba ethile phambi kokuviwa kwetyala

25. (1) Isicelo esibhaliweyo ekubhekiswa kuso kwicandelo 54 (1) lomthetho siyakwenziwa kubini kunobhala wenkundla ephakamileyo okanye owenkundla kamantyi ecela ukuba inkundla ibize ingxoxo ephambi kwetyala neyakubonisa ngokubanzi izinto ekufanelekileyo ukuba zishukuxwe kuloongxoxo.

(2) Unobhala wenkundla kamantyi okanye owekamantyi uyakubeka isicelo ekubhekiswa kusokwinxalenye yomgaqo phambi komphathi wenkundla oyakugqiba ukubiza ingxoxo, ayalele unobhala wenkundla ephakamileyo okanye owenkudla kamantyi akhuphe iincwadi ezifanelekileyo.

(3) Inkqubo efuna ukuhlalelwa ngamacala okanye amagqwetha awo kwingxoxo ephambi kokuviwa kwetyala iyakuba ngencwadi esayinwe ngunobhala wenkundla ephakamileyo okanye ekamantyi, nekopi yesicelo, ukuba ikhona, ekubhekiswa kuyo kwinxalenye yomgaqo (1), ncwadi leyo eyakunikelwa ngesandla okanye incwadi eqinisekisiweyo ubuncinane kwintsuku ezili 10 phambi komhla omiselwe ingxoxo leyo.

Isupina, imibuzo elindele ukuphendulwa kwinkqubo yenkundla kunye nomntu/abantu abagunyaziswe yinkundla ukuba baye kuthabatha ubungqina kwingqina elingafuni okanye elingakwazi kuza enkundleni

26. (1) Icala elifuna ukuba omnye umntu eze kunika ubungqina kuvavanyo, angathi ngokwelungelo ngaphandle kwayo nayiphi na inkqubo liyakufuna ukuba kukhutshwe isupina kwiofisi kanobhala wenkundla ephakamileyo nekamantyi ukwenzela esi sizathi, eyakuthi nganye iqulathe amagama abantu abangekho ngapohezu kwesine, unikezelo lazo kuye nabani obhalwe kuzo ziya kunikezelwa ngunothimba ngendlela emiselwe ngumgaqo 9, nokukhutshwa kwazo elongqina liyakuphendula ngokukufomu 24.

(2) (a) Apho ubungqina bakhe nawuphi umntubuyakuthathwa yikhomishini phambi komkhomishinari ongaphakathi kwi Riphabliki lomntu angasupinwa ukuba avele phambi kwalomkhomishinari ukuza kunika ubungqina ngokungathi kukuvavanyo-tyala

(b) Kubungqina obuthathwe phambi kwe khomishini, lonkqubo iyakubangwa licala elifuna kuze ama ngqina kwaye ziyakukhutshwa ngumkhomishinari

(3) Ukuba naliphi ingqina linencwadi, okanye isivumelwano ebhaliweyo okanye into icala elifuna ukuza kwakhe ukuba ivezwe kubungqina, isupina iyakukhankanya loncwadi okanye into licele ukuba ayinikezele enkundleni ngomhla wetyala.

(4) Ziyakunikelwa kunothimba kunye neekopi ezininzi zesupina kangangoko kukho amangqina ayakubizelwa enkundleni kunye nesixa semali eliyakuthi icala ingqina elibizelwa lona licinga ukuba unobhala uyakuhlawula okanye enze isithembiso kulo mangqina okuwahlawula imali yawo yokuza kunika ubungqina.

(5) Inkundla ingabeka bucala unikezelo lwayo nayiphi na isupina ukuba kukhangeleka ngathi ingqina lalinikwe ithuba elaneleyo lokulenza livele ngokwesupina.

Ukurhoxiswa, ukuchithwa kwetyala nentlawulo yebango

27. (1) Apho iisamana zinga nikezelwanga okanye ixesha lokuzinikezela inganelanga okanye ukunikezelwa kwesaziso seenjongo zokuzithethelela liphelile kwaye kwaye kungekho esosaziso esinikezelweyo, ummangali angarhoxisa iisamana ngesaziso kunobhala wenkundla ephakamileyo okanye ekamantyi

(2) Ngaphandle kokuqulathwe yinxalenye *yomgaqo* (1), ummangalelwa okanye owenza isicelo efuna ukurhoxisa ibango okanye isicelo esinxamnye nawo onke amacala elotyala uyakunikezelz ngesaziso sokurhoxisa esifana nofomu 6 okokuqhotyeshelweyo 1.

(3) Naliphi na icala elinikwe isaziso sokurhoxisa ityala lingenza isicelo kwintsuku ezingama 20 emva koko enkundleni lifuna umyalelo wokuba icala elo lirhoxayo lihlawule iindleko zomenzi wesicelo okanye isicelo eso sirhoxiswayo, kuquka nezondleko zihlawulwe ngesosicelo: Kuxhomekeke ekubeni apho ummangali okanye umenzi wesicelo kwisaziso sokurhoxa equka isivumelwano sentlawulo yeendleko eso sivumelwano siya kuba ngamandla omyalelo wenkundla kwaye unobhala wenkundla ephakamileyo okanye wenkundla kamantyi uyakubal iindleko ngesicelo somangalélwa.

(4) Naliphi na icala kwityala ngokunikezela ngesaziso soko lingayeka inxenywe yebango elibekiweyo, isicelo sokubekela bucala okanye ukuzithethelela okuphakanyiswe nguye kwaye eso saziso siyakuthathelwa ingqalelo xa kubalwa iindleko.

(5) Ukuba nakuyiphi na inkqubo yokusonjululwa kwebango okanye isivumelwano sokumisa okanye ukurhoxiswa, igqwetha lomangali okanye umenzi wesicelo uyakwazisa unobhalawenkunda ephakamileyo nowenkundla kamantyi namanye amacala kwityala ngokunikezela isazaziso ngokufaneleyo

(6) Isicelo singenziwa enkundleni lilo naliphi icala nangaliphi ixesha emva kokunikezela isaziso sokuzithethelela kwaye phambi kwe sigwebo ukuze kuhalwe imimiselo yaso nasiphina isisombululo sebango ngaphandle kokungena kwesigwebo ekugqitywe kuso ngamacala onke etyala Kuxhomekeke ekubeni ukuba imimiselo yesisombululo iquka oko, inkundla ingenza eso sisombululo umyalelo wenkundla.

(7) Isicelo ekubhekiswa kuso kwinxalenye yomgaqo (6) siyakuba kwisaziso, ngaphandle kwaxa isicelo senziwe enkundleni ngexesha lokuviwa kwayo nayiphi na inkqubo kwisimangalo apho elinye icala limelweyo okanye xa kukho ingxelo yokuzikhupha ebhaliweyo (enokubandakanya kwingxelo yemimiselo yentlawulo) lelocala lesaziso sesicelo sinikezelwe enkundleni.

(8) Ekuviweni kwesicelo ekubhekiswa kuso kwinxalenye yomgaqo (6) umenzi wesicelo uyakufaka inkcazelo yemimiselo yesisombululo esityikitywe ngawo onke amacala abandakanyekayo kwisimangalo kwaye, ukuba akukho kuchasa kwenziwe naliliphi na icala, inkundla iyakubhala ukuba isimangalo sisonjululwe ngokwemimiselo edweliswe kwinkcazo kwaye ngoko zonke ezinye iinkqubo zesimangalo njengoko zilungiselelwe kwinxalenye yomgaqo (9) no (10), ziyarhoxiswa

(9) (a) Xa imimiselo yesivumelwano sesisombululo eyayibhalwe ngokwemimiselo yenxalenye yomgaqo (6) ilungiselela ukuzalisekiswa kwixa elizayo lilo naliphi na icala kwimbambano ngokwemiqathango emisiweyo nalomiqathango ingafezekiswanga lelocala libandakanyekayo, elinye icala lingenza isicelo nangaliphi ixesha ngokwenz isaziso kuwo onke amacala anomdla ecela kungeniswe isigwebo ngokwemiqathango yesivumelwano sesisombululo.

(b) Isicelo ekubhekiswa kuso kwinxalenye yomgaqo siyakuba kwisaziso esiya kwicala ekuthiwa usilele, enika iinkcukacha zo ko kusilela kukammangalelwa ngokwemimiselo yesivumelwano sessombululo

(10) Emva kokuva amacala echaphazelekayo kwisicelo ekubhekiswa kuso kwinxalenye yomgaqo(9) inkundla inga

- (a) sichitha isicelo
- (b) igwebele umenzi wesicelo njengoko kucacisiwe kwimimiselo yesivumelwano sesisombululo
- (c) isichithe isivumelwano sesisombululo inike umkhombandlela ngendlela eliyakuqhutywa ngayo ityala njengoko kufanelekile, okanye
- (d) yenze lomyalelo njengoko ibona kufanelekile

Ungenelelo, ukongezelelwa kwabamangalelwa nokudibanisa amatyala.

28. (1) Inkundla ngesicelo esenziwe ngumntuofuna ukungenelela kuyo nayiphina inkqubo yembambano

nonomdla kuyo inga mnika ilungelo lokungenelela ngokwemiqathango njengoko ibona kufanelekile.

(2) Inkundla ngesicelo esenziweyo lilo naliphi icala kwinkqubo yembambano ingayalela ukuba omnye umntu adityaniswe ngkommangali okanye umenzi wesicelo okanye ummangalelwa ngokwalomiqathango njengoko ibona kulungile.

(3) Ummangali angngenelela kwimbangi eziliqela zembambano kwisimangalo esinye kwaye inkundla ingathi ekupheleni kwetyala yenze lomyalelo zendleko ezibibonakala zinobulungisa

(4) Apho bekukho intlanganisela yeembali zembambano okanye eyamacala, inkundla ngesicelo esenziwe naliliphi icala nagaliphi na ixesha ingayalela ukwahlulwa kovavanyo tyala ukuba lubanjwe kwezinye iimbangi zembambano okanye zonke okanye amanye amcala kwaye inkundla kweso sicelo ingenza lomyalelo njengoko ibona kulungile.

(5) Apho kuyalelwe ukohlulwa kwamatyala kwaye kubonakala enkundleni kunobulula ukwenza lonto, ngokwesicelo esenziweyo naliphina icala kweso sicelo emva kokwenza isicelokuwo onke amacala anomdla. Inkundla ingenza ummyalelo oqokelela ezo zimangalo,apho

(b)iziqulatho zalomgaqo ziyakusebenza ngokotshintsho olufunekayo ngokumalunga nesimangalo esidityanisiweyo, kwaye

(c)inkundla ingenza umyalelo ebona ufanelekile malunga nenkqubo engaphaya kwaye inganika, isigwebo esinye esiqoshelisa zonke imbambano kwesosimangalo

Inkqubo yokuquka ummangalelwa wesithathu

28A. (1) Apho icala nakuyiphi na inkqubo yesimangalo libanga -

- (a) komnye umntu ongeyoxaleny kwisimangalo (kulomgaqo ebizwa ngokuba li'cala lesithathu) elocala li nelungelo kuso nasiphi na isibonelelo esibangwa kulo, kwigalelo oknye ukukhululwa kwelo cala lesithathu.
- (b) nawuphi naumbuzo okanye umba kwisimangalo sifana ngokwaneleyo nombuzo okanye umba oye wavuka okanye oyakuvuka phakathi kelo cala kunye necala lesithathu, kwaye kufuneka ungaqwalaselwe kuphela phakathi kwelo cala necala lesithathu koko phakathi kwamacala onke kodwa naphakathi kwamanye amacala necala lesithathu okanye phakathi kwawo nawaphina kuwo,

elo cala lingakhupha isaziso secala lesithathu, efanayo no fomu 43 wokuqhotyoshelweyo u 1, isaziso esiyakunikezelwa ngu nothimba.

(2) (a) Isaziso secala lesithathu siyakukhankanya imo nezizathu zebango lelocala liyikhuphileyo, umbuzo okanye umba omelwe kukuqwalaselwa, naso nasiphi na isibonelelo, okanye imbuyekezo ebongzwayo.

(b) Ngokumayela nengxelo yebango elibhekiswe kwicala lesithathu isaziso nawo nawuphina umbuzo okanye umba onxulumeneyo ngokubkhekiselele kwindlela ekutshintshiselwana ngempikiswano enkundleni imigaqo kunye neesamana ziyakusebenza.

(3) (a) Isaziso secala lesithathu, kunye nekopi yazo zonke incwadi zempikiswano kwimbambano ezinikezelwe kwisimangalo ukuya kumhla wonikezelo ngazo, ziyaku nikezelwa kwicala lesithathu ikopi engaphandle kweecwadi zempikiswano kwisimangalo zinikezelwe kwiofisi kanobhala wenkundla okanye owenkundla kamantyi nakuwo onke amacala kwisimangalo ezo phambi kokuvalwa kwempikiswano kweso simangalo.neencwadi zotshintsha- tshintshwano olonxulumene nesimangalo eso.

(b) Emva kokuvalwa kwenkqubo yotshintshiselwano ngobungqina , isaziso secala lesithathu kwisimanalo singanikezelwa kuphela ngemvume yenkundla.

(4) Ukuba icala lesithathu lineenjongo zokuphikisa ibango elibekwe kwisaziso salo liyakunikezela ngesaziso sokuzithethelela , ngokungathi kukwiisamamn, ngokukhawuleza emva kokufumana eso saziso icala elinikezele ngesaziso kwicala lesithathu liyakwazisa onke amanye amacala ngokunjalo.

(5) Icalalesithathu liyakuthi emva kokufumana isaziso sokubandakanyeka kwisimangalo libe yinxalelnye yesimangalo, kwaye ukuba linikezela ngesaziso sokuzithethelela, liyakunikwa zonke iincwadi zempikiswano linikwe isaziso sazo zonke ezinye izimangalo njengenxalelnye yesimangalo,

(6) Icala lesithathu linga -

- (a) phendula okanye lichase ibango kwicala lesithathu ngesaziso ngokungathi belingummangalelwa kwisimangalo, kwaye
- (b) ngokunikezela ngempenulo okanye nayiphi incwadi yokuphikisa ubutyala kwibango lecala elikhuphe isaziso kuso nasiphi isizathu nangona isizathu sesiphakanyisiwe kwisaziso lelocala.

Kuxhomekekile ukuba icala lesithathu aliyikubanalungelo lokwenza ibango elichasene nelo lamanye amacala kweso simangalo ngaphandle kweliphikisana nelalowo ukhuphe isaziso kulo liyakuvunyelwa nje ukuya apho linokuba nelungelo kuphela njengoko anokwenza ngokwemimiselo yomgaqo 20.

(7) Imigaqo ephathelele ekunikezeleni ngempikiswano kwisimangalo iyakuqhuba necala lesithathu ngoluhlobo lulandelayo:

- (a) Ngokubhekiselele kwingcaciso yecala lesithathu kwibango lelocala likhuphe isaziso , elocala likhuphe isaziso liyakuthathwa njengommangali necala lesithathu njengommangalelwa kwaye
- (b) Kangangoko impendulo yecala lesithathu ibhekisele kwibango lomangali iyakuthathwa njengommanga lelwa nomangali uyakunikezela ngempikiswano njengoko kumiselwe kwimigaqo.

(8) (a) Apho icala kwisimangalo esiphikisana nelinye icala (apho elocala liba lilo ngenxa yebango lalo eliphikisana nelinye icala okanye icala lesithathu ngesaziso salo esinikezelweyo okanye ngayo nayiphina indlela) ibango ekubhekiselwe kulo kwinxalenye yomgaqo (1), linganikezela kwelocala isaziso secala lesithathu ngokweziqulatho zalomgaqo

(b) Ngaphandle njekokuba kungekho sazi seenjongo zokuzithethelela siyakufuneka inkqubo efanayo iyakulandelwa phakathi kwamacala kwisimangalo kwisaziso ekubhekiswa kuso kumhlathi (a) kwaye siyakuxhomekeka kumalungelo noxanduva olufanayo ngokungathi elocala beku nikezelwe kulo isaziso secala lesithathu ngokommiselo wenxalenye yomgaqo (1)

(9) Naliphina icala elifakelelwe kanjalo ngesaziso secala lesithathu lingenza isicelo enkundleni nnangaliphi ixesha licela ukwahlulwa kovavanyo lwazo zonke izinto ezivuka ngenxa yesaziso secala lesithathu kwisimangalo nenkundla ingatho kweso sicelo inike lomyalelo iwubona ufanelekile , obandakanya umyalelo wokwahlula ukuviwa kwesimangalo nokuphononogwa kwawo nawuphi na umba ngokomqathango wokuba kwisigqibo kuyo nayiphi na enye into evuke kwisimangalo phakathi kummangalelwa kunye nomangali okanye phakathi kwawo nawuphi na amanye amacala siyalibophelela icala lesithathu.

(10) Apho inkundla ithaht isigqibo ngokuphathelele kubutyala bomangalelwa nalo naliphi na icala lesithathu kunye nobelaboba mangalelwa bahlawula uxanduva lwabo kummangali leesixa semali esipheleleyo okanye ngaphezu kwesabelo salo esilungele lona sesixa semali esifunyenwe sifanelwe kukuhlawulwa kummangali, naliphi na kulomacala elihlawulayo lingenza ibango kubanye abamangalelwa ukuba babuyise lomali inkudla iyifumene ifanele ukuhlawulwa kwelocala lihlawule ummangali

Uvavanyo-tyala

29.(1) Ngaphandle kokuba inkudla iyalela ngenye indlela, uvavanyo lwetyala luyakuqhutyelwa enkundleni apho isamana zazikhutshwe khona.

(2) Ingqina elingeyonxalenye yesimangalo lingayalelwa yinkundla -

- (a) ukuba liphume enkundleni bude bude buyafunwa ubungqina balo okanye bude bude bunikelwe enkundleni ubungqina balo.
- (b) lihlale enkundleni emva kokuba linike ubungqina balo de lube uvavanyo lwetyala lunqunyanyisiwe okanye lumisiwe.

(3) Inkundla phambi kwenkqubo yokuviwa kobungqina , iyakufuna amacala kwityala achaze ngokufutshane imiba yebango okanye imibuzo enxulumene nomthethoekuphikiswana ngayo kwaye ingabhalwa

(4) Ukuba nasiphina isimangalo esiphambi kwenkundla kucaca ukuba inkundla ngokwayo ukuba kukho umbuzo onxulumene nomthetho okanye ubuqu bebango onokugqitywa phambi kwabo nabuphina ubungqina buthathwe ngokwahlukileyo kuwo nawuphi na omnye umbuzo, inkundla ingathatha isigqibo esisombulula lo mbuzo ngalondlela inokufaneleka yaye ingayalela ukuba yonke inkqubo inqunyanyiswe ude umbuzo ube usonjululwe nenkundla

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iyakuthi ngesicelo salo naliphi na icala yenze lo myalelo ngaphandle kokuba kukhangeleka ngathi lombuzo awunakugqitywa ngokwahlukeneyo.

(5) Ukuba umbuzo oyimbambano ngowomthetho kwaye namacala kwisimangalo ayavumelana ngobuqu bezinto ezikubungqina, ezozinto avumelana ngazo ziyakwamkelwa enkundleni ngobungqina obuthethwayo okanye obubhaliweyo, ngamacala nobufakwe kwincwadi yenkundla . Isigwebo singanikwa ngabo ngaphandle kobungqina oongezelelweyo

(6) Xa imibuzo yomthetho nezobuqu bento ziphakayiswa kwisimangalo esinye nenkundla inembono yokuba isimangalo singa sonjululwakumbuzo ophathelele kumthetho kuphela, inkundla ingafuna ukuba amacala axoxe ngalo mibuzo kuphela athathe izigqibo ngayo phambi kokuthatha ubungqina kwimiba yobuqu bezinto kwaye ingathabatha isigqibo esipheleleyo ngaphandle kokuxukusha imiba yobunto bobungqina

(7)(a) Ukuba kwimpikiswano uxanduva lokuqinisekisa ubungqina sikummangali okanye uyakunik ubungqina kuqala

(b) Ukuba ukwala ukuthabatha isigqibo akumiselwanga emva kokuba ummangali enike ubungqina , ummangalelwa uyakunika obakhe ubungqina obakhe ubungqina

(8) Apho kwiincwadi zempikiswano uxanduva lokuqinisekisa ubungqina obububo lukummangalelwa, ummangalelwa uyakuqala anike ubungqina, kwaye ukuba kuyimfuneko ukuba ummangali uyakunika obakhe ubungqina

(9) (a) Apho uxanduva lokubonisa ubunyani bobungqina okanye imiba emininzi ikummangali kwaye ukubonisa ubunyani kwezinye lukummangalelwa ummangali uyakuqala abize obakhe ubungqina kuyo nayiphi na imiba apho avale elakhe icala lokunika ubungqinakwaye ummangalelwa uyakubiza ubungqina bakhe kuyo yonke imiba.

(b) Ukuba ummangali akabubizanga ubungqina bakhe (ngaphandle kobo kufaneleke ukuba ngobakhe kwezozinto zifuna ukubonisa ubunyani bobungqina kuye) kwimiba efuna ubungqina apho ummangalelwa , ayakuba nelungelo lokwenza oko emva kokuba ummangalelwa evale icala lakhe lokunika ubungqina, kodwa ukuba ubuze ubungqina ,

(10) Kwimeko yembamabano becala elinoxanduva lokulokubonisa ubunyani bobungqina, inkundla iyakuyalela elocala kufuneka linike kuqala ubungqina.

(11) Naliphi na icala ngemvume yenkundla linga nika ubungqina obongezelelweyo nangaliphi na ixesha phambi kokuwisa kwesigwebo kodwa lomvume ayiyikunikezelwa ukuba enkundleni kubonakala ngokungathi obo bungqina bebugcinwe ngabom ngaphandle kokuba bekufanele.

(12) Inkundla uvavanyo olongezelelweyo .

(13) Naliphi na ingqina lingavavanywa yinkundla nangamacala akwimbambano

(14) Emva kokuba ubungqina bunikiwe ngamacala omabini, icala elinike ubungqina kuqala lingaqala lingxengxeze ukuba inkundla iligwebele lizithethelele enkundleni nelinye emva koko, elo liqale lanika ubungqina lingaphendula

(15) Apho inkundla igunyazise ubungqina balo naliphi na ingqina eliyakunikwa imibuzo ebhaliweyo efanele ukuphendulwa, loombuzo iyakunikezelwa kwintsuku ezi 4 zomyalelo kunye nemibuzo yemibuzo kwiintsuku ezi 5 emva koko.

Irekhodi yenkqubo yamatyala embambano

30. (1) Imizuzu yenkqubo ebhaliweyo iyakwenziwa kwangoko

- (a) nasiphi na isigwebo esinikwe yinkundla;
- (b) nabuphi na ubungqina obunikwe ngomlomo enkundleni;
- (c) nayiphi na inkcaso eyenziweyo nakubuphi na ubungqina obuthathiweyo okanye obunikelweyo kwaye
- (d) inkqubo yenkundla ngokubanzi, iquka ukubhalwa kwalo naluphi na uhlobo

Iwendawo.

(2) Inkundia iyakuphawula incwadi nganye enikezelwe njengobungqina ithi kanjalo ilubhale olophawulo encwadini.

(3) Imizuzu kunye neempawu zingenziwa ngunobhala wenkundla ephakamileyo okanye owenkundla kamantyi, ngaphandle kokuba ilungiselelwe kwinxalenye yomgaqo (4) ligosa eliphethe inkundla.

(4) Lidilesi zawo onke amacala, ubungqina obuthethwayo, nayiphina inkcaso okanye ukuphikisa okwenziwe kwinkqubo yezigqibo kunye nesigwebo senkundla nayo nayiphi na inxalenye yenkqubo yokuviwa kwesimangalo ingabhalwa ngokufutshane (kwakhona kulomgaqo ekubhekiswe kuyo njengemibhalo yesandla esifutshane) igama negama okanye ngendlela echazayo okanye ebhalwe ngomatshini, ielektroniki okanye idijithali.

(5) (a) Wonke ubani oqashelwe ukubhala ngesandla esifutshane okanye ukubhala ngomatshini imibhalo ethatyathwe ngomnye umntu uyakuthathwa ngokuba uligosa lenkundla kwaye phambi kokuba enze umsebenzi wakhe wokubhala uyakufungiswa okanye ukuvuma ukuthetha inyaniso phambi kwegosa eliphethe inkundla kwifomu elandelayo:

'Mna____, ndiyafunga/ndivuma ngokuqinisekisa ukuba ndiyakubhala ngesandla esifutshane ngokuchanekileyo

ngamandla am apheleleyo ndenze ukuba yonke into ebhaliweyo ngomatshini, ielektroniki okanye idijithali, ngohlobo endiyalelwe ngalo ngumphathi wenkundla kule inkqubo nakuliphi na elinye ityala apho ndinokuqeshwa njengegosa lenkundla kwaye ngokufanayo xa kuye kwafuneka ukuba ndenze njalo ndibhale kangangoko ndinokwenza nayiphi na eminye imibhalo ebithathwe naliliphi na igosa lenkundla okanye nebibhalwe ngomatshini ielektroniki okanye idijithali'

(b) eso sifungo okanye ukuvuma siyakwenziwa ngendlela emiselwe ukuthatha isifungo okanye ukuvuma.

(6) (a) Imibhalo yesandla esifutshane ethathwe ngokwalomgaqo iyakuqinisekiswa njengefezekileyo ngesandla esifutshane sombhali nengeniswe nombhalo wetyala ngunobhala wenkundla ephakamileyo okanye ekamantyi

(b) Ngokuxhomekeke kwiziququlatho zenxalenye yomgaqo (7), akukho mbhalo wesandla esifutshane ngokwalomgaqo oyakubhalwa ngaphandle komyalelo wegosa eliphethe inkundla.

(c) Ukukotshwa ngomatshini wombhalo wesandla esifutshane owenziwe ngokomhlathi uyakuqinisekiswa njengefezekileyo owenziwe nguloomntu ingeniswe kunye nombhalo wenkqubo.

(7) (a) Nakuliphi na ityala apho ukukotshwa kombhalo kwakungayalelwanga ngokwenxalenye yomgaqo (6) nawuphi na umntu angenza isicelo ngokufaka isaziso kunobhala wenkundla ephakamileyo okanye ekamantyi sokukotshwa kombhalo wesandla esifutshane othatyathwe ngokwenxalenye yomgaqo (4) kwaye ahlawulele inkqubo eyenziwe ngomatshini, ielektroniki okanye idijithali intlawulo epheleleyo njengoko bekumiselwe ngokwesigqibo phakathi isivumelwano phakathi komenzi kunye nombuso sokubhala.

(b) Ikopi enye yombhalo okotshiweyo wesandla esifutshane obhekiswe kumhlathi (a) uyakunikelwa simahla kuloomntu owenziwe ngesicelo sakhe

(c) Uqobo lwekopi yawo nawuphi na umbhalo wesandla esifutshane ekubhekiswa kuwo kumhlathi (a) uyakuqinisekiswa njengefezekileyo ngumntu owenzayo kwaye uyakungeniswa kunye nombhalo wenkqubo wetyala.

(d) Isixa semali esaneleyo ukuhlawula intlawulo efanelekileyo phantsi komhlathi (a) iyakubekwa bucala kunobhala wenkundla ephakamileyo okanye ekamantyi ngaphambili

(8) Phantsi kweziququlatho zenxalenye yomgaqo (11) nawuphi na umbhalo wesandla esifutshane kunye nokotshiweyo kwawo kwaqinisekiswa njengokufezekileyo Kuyakuthatyathwa njengokufezekileyo kwenziwe inxalenye yombhalo wenkqubo ophethweyo.

(9) Phantsi kwenxenywe yomgaqo (7)(b), ikopi yawo nawuphi na umbhalo okotshiweyo owenziwe ngaxeshanye nombhalo okotshiweyo wenkqubo owenziwe ngomatshini, ielektroniki okanye idijithali unganikezelwa ngokwesicelo kunobhala wenkundla ephakamileyo okanye owekamantyi nakuwuphi na umntu ekuhlawulweni kwendleko epheleleyo yawo njengoko kumiselwe kwisivumelwano phakathi kombhali nombuso, apho ikopi yombhalo okotshiweyo ekubhekiswa kuyo kwinxalenye yomgaqo (6) no (7).

(10) Nayiphi na intsingiselo kulomgaqo yombhalo wesandla esifutshane okanye okukotshiweyo kwaloombhalo okanye ikopi yoko kukotshiweyo kwalombhalo okanye kuye nawuphi na umntu oqeshelwe ukubhala okanye umntu okopa loomibhalo uyakuthathwa naye njengo mngqinisi kumbhalo wenkqubo owenziwe ngomatshini, elektroniki okanye idijithali, kokukotshiweyo kombhalo okanye kushicilelwa ko mbhalo okanye ikopi yoloshicilelo, kumntu oqeshelwe ukwenza ushicilelo ngomatshini, elektroniki nedijithali, okanye kumntu oshicilela loombhalo njengoko kunokwenzeka.

(11) Naliphi na icala lingathi zingaphelanga iintsuku ezili 10 emva kwesigwebo okanye apho inkqubo ibhalwe ngesandla esifutshane okanye ngomatshini, elektroniki okanye idijithali kwiintsuku ezi 10 emva kokwaziswa ngunobhala wenkundla ephakamileyo okanye ekamantyi ukuba i ushicilelo lombhalo wesandla esifutshane okanye somatshini, elektroniki okanye idijithali kugqityiwe enze isicelo enkundleni sokulungisa iimpazamo kwimizuzu yaloonkqubo okanye kushicilelo lombhalo wesandla esifutshane okanye umbhalo womatshini, elektroniki okanye idijithali yaye inkundla ingalungisa naziphi na iimpazamo.

(12) Ukuba phambi kokuviwa kwesicelo, onke amacala abandakanyekayo angenisa isivumelwano solungiso olubangwayo akukho ndleko yesosicelo eyakuvunyelwa, ngapha koko iindleko ziyakuba kwisigqibo senkundla.

Ukumisela ithutyana nokumisela ityala omnye umhla

31. (1) Uvavanyo lwesimangalo okanye ukuviwa kwesicelo okanye ibango lungarhoxiswa okanye limiselwe usuku oluzayo ngesivumelwano sawo onke amacala okanye yinkundla, ngokwesicelo okanye ngokwesindululo sayo.

(2) Apho ukumisela ithutyana okanye ukumisela ityala omnye umhla lenzelwe umhla ongachazwanga, naliphi na icala linganikezela ngesicelo sokubuyisela kunye nokubeka umhla Wesimangalo, isicelo okanye imbambano ukwenzela uvavanyo okanye ukuviwa kusuku nje okanye olumisiweyo ngunobhala wenkundla ephakamileyo okanye ekamantyi ingabi ngaphambi kweentsuku ezili 10 emva kokunikezelwa kwesosaziso.

(3) Nakuphi na ukumisela ithutyana okanye nokumisela ityala omnye umhla kuya kuba kwezozigqibo zeendleko okanye loomacala angavumelana njengoko inkundla inokuyalela.

Ukungaveli enkundleni, ukurhoxiswa nokuchithwa kwetyala

32. (1) Ukuba ummangali okanye umenzi wesicelo akaveli ngexesha elimiselwe uvavanyo okanye isimangalo okanye ukuviwa kwesicelo, Isimangalo okanye isicelo singakhatywa kunye neendleko.

(2) Ukuba ummangalelwa okanye umphenduli kwisicelo uyasilela ukuvela, isigwebo (esingedlulanga kwisicelo) singavunyelwa neendleko, emva kokucwaninga obobungqina, bunikwe ngomlomo okanye ngengxelo ebhaliweyo njengoko inkundla inokubona kuyimfuneko.

(3) Ukurhoxiswa okanye ukukhatywa kwesimangalo okanye isigqibo sokunganiki sigwebo asiyikuba kukuzithethelela kuso nasiphi na isimangalo esilandelayo, kodwa ukuba apho esosimangalo silandelayo sifakelwa kwa ibango elinye okanye ngokukhulu imbangi yembambano efanayo phambi kokuhlululwa kweendleko ezivunyelwe kurhoxiso okanye ukukhatywa okanye isigqibo sokunganiki sigwebo, inkundla ingathi ngokwesicelo esifakiweyo njengoko ibona kuyimfuneko kwaye ukuba ezondleko zibaliwe nentlawulo yazo yabangwa iyalele ukumiswa kwesosimangalo silandelayo ide intlawulo yeendleko yenziwe kwaye ummangali ahlawule iindleko zesosicelo.

Iindleko

33.(1) ekuwiseni isigwebo okanye ekunikeneni umyalelo kubandakanya nokumisela ithutyana okanye ulungiso, inkundla ingavumela ezondleko njengoko ibona kuyimfuneko.

(2) Iindleko zaso nasiphi na isicelo okanye umyalelo okanye umba ophakanyiswe kwimpikiswano unga (a)

- (a) vunyelwa yinkundla nangona kunesigwebo sesimangalo ,okanye
- (b) wenziwe intlawulo kwisimangalo ,okanye
- (c) umiselwe ukuqwalaselwa nokugqityezelwa kwesimangalo,

kodwa ukuba akukho myalelo wenziweyo ngezondleko uyakuba ziindleko kwisimangalo.

(3) ngaphandle kokuba inkundla kwisizathu esibonisiweyo ingayalela ngenye indlela iindleko zomyalelo

wethutyana aziyikubalwa kude kugqitywe Ityala, yaye elocala linganikezela kuphela ngengxelo enye yetyala yokuba ibalwe nebandakanya isigwebo okanye nayiphi na indlela eligqitywe ngayo ityala.

(4) Apho isigwebo okanye umyalelo wentlawulo yeendleko wenziwe kwababini okanye abangaphezulu abantu, ngaphandle kunobunye ubungqina obubonisayo iyakuba kwabobantu ngokwahlukeneyo nangokudibeneyo.

(5) (a) kwinkundla yesithiii amatyala embambano, umlinganiselo wentlawulo wamagqwetha phakathi kwecala nelinye uya

- (i) kubekwa kuluhlu A lokuqhotyoshelweyo 2 ngokokuhlangene nenkcitho efanelekileyo,
- (ii) ngokumalunga nenkqubo phantsi kwecandelo 65, 65A ukuya ku 65M, ngokuqukanisa no 72 lomthetho nazo zonke izinto ezinxulumene nazo ezozibekwe kwisahluko I no II ngokulandelelana zoluhlu B lokuqhotyoshelweyo
- (iii) ngokumalunga nenkqubo phantsi kwecandelo 74 no 74 ukuya ku 74W, ngokudibeneyo omthetho nazo zonke izinto ezinxulumene nazo ezozibekwe kwisahluko III woluhlu B lokuqhotyoshelweyo.

(b) umlinganiselo wentlawulo ekubhekiswa kuwo kumhlathi (a) (iii) wenxalenye yalomgaqo uyakuba ngumlinganiselo ngokunjalo wentlawulo eyakuthatyathwa phakathi kwegqwetha nomqeshi walo ngokumalunga nenkqubo phantsi kwecandelo 74 no 74A ukuya ku 74W, ngokudibeneyo womthetho.

(c) kwinkundla yenqila yembambano, iquka neyoqhawulo mtshato okanye eyezemithshato, umlinganiselo wentlawulo ofanele ukuthatyathwa ligqwetha phakathi kwecala necala iyakuba yileyo ibekwe kuluhlu A lokuqhotyoshelweyo 2 ngokungaphezu kwenkcitho efanelekileyo, umlinganiselo C woluhlu A lokuqhotyoshelweyo 2 lusetyenziswe : Ngokuxhomekeke ekubeni uluhlu olusetyenziswayo lwentlawulo lakuthatyathwa ngamagqwetha njengoluphakathi kwecala necala kumatyala embambano anexabiso lemali elikumandla okuchotshelwa kwamatyala eenkundla zesithili iyakuba ngalawo aqulathwe kumhlathi (a) wenxalenye yalomgaqo, nangona loomabango efakwe kwinkundla yenqila.

(6) Ngaphandle kwalapho kuvelwe kwinkundla yoluntu ngaphandle kwegqwetha lejaji, intlawulo ngokwenxalenye yomgaqo (5) iyakuvunyelwa nokuba umsebenzi

wenziwe ligqwetha okanye unobhala walo, kodwa ngaphandle kwalapho intlawulo ekubhekiswa kuyo kumhlathi 13 weziqulatho phantsi koluhlu A lokuqhotyoshelweyo 2, luvunyelwe kuphela njengomsebenzi apho loontlawulo ibibekelwe bucala kwaye yenziwe ngokufanelekileyo.

(7) Umantyi owongamele inkqubo yetyala lembambano ethatha ixesha lekota yeyure okanye ngaphezulu, uyaku phawula kumbhalo wenkqubo ngosuku ngalunye -

- (a) ixesha lomhla eyaqala ngawo inkqubo yaze yaphela ngawo
- (b) ixesha lomhla wokuqala nokugqitywa kokumiswa ngalomhla.

(8) Inkundla ngesicelo esenziweyo ngokukhawulezileyo emva kokunika isigwebo kuso sonke isimangalo esiphikiswayo okanye isicelo esi

- (a) quka nawuphi na umbuzo womthetho onzima okanye wobungqina obubonwayo
- (b) ummangali wenza amabango amabini okanye ngaphezulu angengomabango angamanye; okanye
- (c) ibango lommangalelwa liyimfitshimfitshi okanyeliyacaphukisa ;okanye
- (d) iindleko zichithwe ngendlela efanelekileyo kwaye endaweni yezondleko akukho siqulatho siphathelelene naso kule migaqo ivumele iindleko kuwo nawuphi na umlinganiselo ophezulu kunalowo weendleko zetyala ebeziya kubalwa ,

Kuxhomekeke ekubeni inkundla inkundla inike umyalelo kwindlela yobalo lwezondleko njengoko kuyimfuneko.

(9) Xa kufanelekile nakuyiphi na inkqubo yesimangalo ukuba icala elithile lisebenzisa iinkonzo zegqwetha elingelilo lesithili inkundla ngobungqina, kwaye ukuba iindleko zivunyelwe ingayalela ukuba ezondleko

eziquka ukuhamba ezifanelekileyo ezohambo nezokuziphilisa zelogqwetha njengoko kugqibe inkundla : iyalela ukuba ucwaningo lwezondleko lwenziwe elubalweni ngunobhala wenkundla ephakamileyo okanye owenkundla kamantyi.

(10) Apho inkundla inembono yokuba ekuviweni kwetyala, elocala zivunyelwe kulo iindleko lichithe ixesha ngokungeyomfuneko okanye ngokuphathele kwizintoezinganxulumenanga nebango, inkundla ingatsala inxalenye yemali yokuviwa kwembambano ehlawuleka kwi gqwetha okanye igqwetha lakhe lejaji.

(11) Inkundla ingayalela ukuba zonke iindleko zetyala (kuquka neendleko zalo naliphi na ibango eliphikisayo). Lihlawulwe ngamacala ngezozixa njengoko inokuyalela.

(12) Apho inkundla ikholelwa ukuba inkcitho yenziwe ngokungafanelekanga ngenxa yokusilela kwecala eliphimeleleyo etyaleni uku thabatha indlela engeyiyifinyezile inkqubo yehlisa iindleko, iyakuvumela kuphela ezondleko ngezi ngezichithiwe ukuba elocala belilandele loondlela.

(13) Apho iindleko eziphikisayo neziphikisa eziphikisayo zivunyiwe kumacala ahlukahlukeneyo, unobhala wenkundla ephakamileyo nekamantyi anga bala ngokuxhomekeke kuwo nawuphi na umyalelo owenziwe yinkundla, avumele icala ngalinye ukuba linikezele ngengxelo yeendleko kwiindleko zonke nakwintlawulo ezichithiweyo ekuphikiseni ibango eliphikisayo neliphikisa eliphikisayo, nokuphikisa ibango eliphikisayo neliphikisayo, ngokulandelelana, ukuze avumele icala eliphumeleleyo inxalenye yemali yentlawulo ngokokuvunyelwa yinkundla.

(14) (a) Iindleko zokukhutshwa kwencwadi egunyazisa ukudliwa okanye ukubamba, apho zimelwe kukuhlawulwa licala lencwadi isigunyaziso likhutshelwe lona zibalwe ngunobhala wenkundla ephakamileyo okanye wenkundla kamantyi ngaphandle kwesaziso sifakelelwe kwincwadi yesigunyaziso.

(b) Ixabiso emalihlawulwe ngoyalelwe yinkundla kwinkqubo yesimangalo phantsi kwecandelo 65 okanye 65A ukuya ku 65M kudibene okanye 72 wo mthetho liyakufakelelwa ngokugwetyelweyo okanye igqwetha lakhe ngemva kwencwadi yenkqubo ekhutshiweyo phantsi kwalomacandelo abalwe ngunobhala wenkundla ephakamileyo phambi kokukhutshwa.

(c) Unobhala wenkundla ephakamileyo okanye ekamantyi angala ukukhupha iincwadi kwecandelo 65 okanye 65A ukuya ku 65M ngokuqukeneyo no 72 womthetho apho iindleko zingafakelelwanga okanye zifakelelweyo kodwa ngokuchasene noluhlu lwamaxabiso.

(15) Apho iindleko okanye inkcitho ivunyiweyo kulo naliphi na icala yinkundla, ngenye indlela engesosigwebo ngokusilela kommangalelwa emva kokunikezelwa kwesaziso senjongo yokuzithethelela okanye ukuvuma kommangalelwa ukugwetywa phambi kokuphela kwexesha lesosaziso icala elivunyelwe ukufumana ezondleko liyakunikezela ngengxelo yezondleko okanye inkcitho linike ubuncinane isaziso seentsuku ezi 5 lokubalwa kwixesha leyure eliyakumiswa (ngokubanzi nangokukodwa) ngunobhala wenkundla ephakamileyo okanye ekamantyi kwaye angaquka kulongxelo ezontlawulo zinokuba bezenziwe ngokufanelekileyo nangokokuko nezenziwe nguye.

(16) emva kwenxalenye yomgaqo (15) ziqulunqwe kunye nonobhala wenkundla ephakamileyo nowenkundla kamantyi, uyakubala avumele iindleko ezifanelekileyo nenkcitho: Kuxhomekeke ekubeni intlawulo yamangqina ayiyi kuvunyelwa elubalweni ngaphandle kokuba zilungiselelwe.

(17) (a) apho ngaphezulu kwesinye esineni sengxelo (ngaphandle kwenkcitho) sibaliwe, icala elinikezele sengxelo aliyi kuvunyelwa iindleko zobalo.

(b) Apho icala ingxelo yeendleko zinikezelwa kulo lenza isithembiso esibhaliweyo sokuhlawula ezondleko kwaye esosithembiso saliwe, icala elinikezela ngengxelo yeendleko aliyikuvunyelwa naziphi na iindleko zobalo ukuba ingxelo leyo ibaliwe yakwimali encinci kunaleyo iyithenjisiweyo.

(18) Apho ingxelo yeendleko ephakathi kwegqwetha nomqeshi walo kufunwa ukuba ibalwe, olo balo luyakwenziwa ubuncinane kwiintsuku ezi 5 salo kwigqwetha okanye umqeshi walo, nokuba ityala limile okanye hayi : kuxhomekeke nangona iziqulatho zenxalenye yomgaqo (3), ingxelo yeendloko phakathi iziqulathogqwetha nomqeshi walo ingabalwa nangaliphi na ixesha emva kokupheliswa kwengunya.

(19) Apho ubutyala beendleko buqwalaselwe ngaphandle kwesigwebo senkundla ngokweziqukatho zalemigaqo okanye ngokwe sithembiso esibhalwe ngokwemimiselo yomgaqo 27(8) ezondleko ziyakubalwa ngunobhala wenkundla ephakamileyo okanye owenkundla kamantyi njengoko zivunyelwe yinkundla.

(20) Ekusileleni kwecala elithile ukunika isaziso sokubala, ukuvela ngexesha elimisiweyo lokubala, loo ngxelo yendleko ingabalwa ngaphandle kwalo kodwa elocala aliyikuvunyelwa naziphi na iindleko zobalo.

(21) Ukuba icala elithile livumela ukuhlawula iindleko zeline, unobhala wenkundla ephakamileyo okanye ekamantyi uyakuthi xa kungekho myalelo wenkundla, abale ezondleko ngokungathi ziyalelwe yinkundla.

(22) iVAT ingadityaniswa kuzo zonke iindleko, intlawulo, imbuyekezo kunye noluhlu lwamaxabiso apho i VAT ihlawulwayo.

Intlawulo kanothimba, unobhala wenkundla ephakamileyo okanye unobhala wenkundla kamantyi

34. (1) Imirhumo neentlawulo ezifanele ukuthathwa ngunothimba oligosa elikwinkonzo karhulumente iyakuba zezo zimiselwe kwisahluko 1 so Luhlu C lokuqhotyoshiweyo 2 kwaye apho omnye unothimba abo bamiselwe kwisahluko II soluhlu nokuqhotyoshelweyo

(2) Yonke ingxelo yomrhumo okanye yentlawulo eziswe ngunothimba iyakuqlatha oku kulandelayo : "Ungafuna ukuba le ngxelo iphononongwe kwaye iqinisekise phambi kwentlawulo".

(3) (a) Naliphi na icala elinomdla lingafaka isaziso esibhaliweyo licela ingxelo yomrhumo okanye intlawulo ebangwe ngunothimba okanye ehlawulwe kuye ukuba iphononongwe ngunobhala wenkundla ephakamileyo nekamantyi , kwaye liye kolophononongo.

(b) Emva kokuphononongwa ekubhekiswa kuko kumhlathi (a) unothimba uyakuqinisekisa ngokwaneliseka kukwanela luphononongo kunobhala wenkundla ephakamileyo okanye ekamantyi lwamabango akhe entlawulo.

(c) Umrhumo wokuhlalela uphononongo lwengxelo yeendleko

- (i) kunothimba ukuba umrhumo okanye intlawulo yakhe ibango lentlawulo liphononongiwe laza ladeluliswa ngokupheleleyo, njenogko kuvunyelwe kuluhlu C, kwaye
- (ii) kwicala elinomdla nelichaphazelekayo ukuba umrhumo okanye intlawulo kanothimba iphononongiwe kodwa ayadeluliswa ngokupheleleyo ngoko ngokomlinganiselo nje nomrhumo ovunyelweyo kunothimba phantsi kwenxalenye yomhlathi (i)

Ukuhlolwa kophononongo lwengxelo yetyala

35. (1) Naliphi na icala elinomdla lingezisa phambi kwegosa eliphethe inkundla kuma 15 eentsuku emva kolwazi lwalo ukwenzela ukuba luhlolwe;

- (a) iindleko nenkcitho ebangwayo kwisimangalo esinga phikiswayo
- (b) ucwaningo lweendleko nenkcitho ngunobhala wenkundla ephakamileyo nekamantyi
- (d) uphononongo lweendleko ezivunyelweyo nakusiphi na isimangalo okanye ityala ngunobhala wenkundla ephakamileyo okanye kamantyi; okanye
- (e) uphononongo lwayo nayiphina imirhumo okanye amabango entlawulo kanothimba ngunobhala wenkundla ephakamileyo okanye kamantyi.

(2) Ukuhlolwa ngokommiselo wenxalenye yomgaqo (1) luyakuba kwisaziso seentsuku ezili 10 kwicala elinelungelo lokusifumana okanye elinoxanduva lokuhlawula ezo ndleko kunye nenkcitho okanye kunothimba njengoko imeko isitsho.

(3) Naliphi na icala elinganelisekanga sisigwebo segosa eliphethe inkundla ngayo nayiphina ingongoma okanye inxalenye yayo eyayiphikisiwe ngaphambili Unobhala wenkundla ephakamileyo okanye ekamantyi angathi emva kwesaziso kwelinye icala esikwintsuku ezili 10 emva kwesigqibo acele igosa eliphethe inkundla Ukuba lichaze ityala lisenzela isigwebo ngenjongo zokufumana isigqibo sejajai, ityala eliya kuquka zonke izigqibo zobuni Kuxhomekeke ekubeni akukho tyala liyakuchazwa ngaphandle kwemvume yomphathi wenkundla apho izixa zemali zizonke angazivumanga Okanye azivumileyo, ngokulandelelana, zingaphantsi kwama R1000

(4) Naliphi na icala linganikezela ngeziphakamiso zalo ezibhaliweyo kwintsuku ezili 10 emva kokuba igosa eliphethe inkundla lichaze ngetyala ngokommiselo wenxalenye yomgaqo (3) Kwigosa eliphethe inkundla.

(5) Igosa eliphethe inkundla liyakulibeka ityala kunye neziphakamiso ezibhaliweyo ezinikezelweyo kunye nengxelo yakhekwisithuba esinge esinganeno kwentsuku ezili 15 emva kokufumana ezo ziphakamiso , phambi kwejaji yezibheno enoku -

- (a) enokugqibq umba kwityala neziphakamiso ezinikezelweyo, kunye naluphi na ulwazi anokulufunakumphathi wenkundla okanye
- (b) athathe isgqibo sokuba eve amacala okanye amagqwetha awo ngaphandle kwenkundla okanye
- (c) athumele ityala ukuba liyekuwiwa enkundleni yezibheno

(6) Ijaji okanye inkundla eva ityala ngokommiselo wenxalenye yomgaqo (5) ingenz lo myalelo njengoko ibona kufanelekile, ukuka Umyalelelo wokuba icala elingaphumelelanga liyakuhlawula kwicala eliphikisayo isixa semali esiqingqwe yijaji okanye inkundla njengeendeko.

Iincwadi ezigunyaziswe yinkundla

36. (1) Inkqubo yokuphunyezwa kwaso nasiphi isigwebo sentlwulo yemali, ukunikezelwa kweempahla, nokuna zezthwalekayo okanye izinto ezinga thwalekiyo, okanye ukukhutshwa kwisakhiwo ziyakuba ngephepha elityikitywe ngunobhala wenkundla ephakamileyo okanye owenkundla kamantyi libhalelwe ku nothimba

(2) Inkqubo ekhutshwe phantsi kwenxalenye yomgaqo (1) ingabangwa nguye nawuphi na umntuogwetyelweyo Ukuba eso sigwebo asikaphunyezwa , miswa okanye sirhoxiswe.

(3) Inkqubo ekhutshwe phantsi kenxalenye yomgaqo (1) ingarhoxiswa okanye imiswe ngesaziso nagaliphi na ixesha emva kokuhlulwa iindleko ezichithiweyo Kunothimba lelocala libange kulonkqubo kuxhomekeke ekubeni iscelo esibhaliweyo senziwe ixesha nexesha lelo cala ukumisa ukuthimba ngalonkqubo okwexweshela elingelide kunenyanga aliyikuthatyathwa nje ngokumiswa.

(4) Naluphina utshintsho kwinkqubo olukhutshwe phantsi kwenxalenye yomgaqo (1) iyakuphawulwa ngunobhala wenkundla ephakamileyo okanye owenkundla kamantyi phambi kokuba ikhutshwe nguye.

(5) Unobhala wenkundla ephakamileyo okanye owenkundla kamantyi uyakuphinda akhuphe inkqubo ngokwesicelo secala elinelungelo kulo phantsi kwenxalenye yomgaqo(1) .Ngaphandle kokuba inkundla iyalele olophindo lokukhupha.

(6) Nayiphi na inkqubo ekhutshiweyo phantsi kwenxalenye yomgaqo (1) iyakuba yengalungelanga kusetyenziswa ukuba umntu okhankanywe kuyo ngongenguye oyinxalenye yenkqubo, kodwa loo nkqubo aiyiyikuba yengalunganga kuphela ngenxa yokubhalwa kwegama lomntu ngendlela engeyiyo okanye impazamo ngomhla.

(7) Ngaphandle kwalapho isigwebo siwiswe ngesivumelwano okanye ukusilela komnye ukwenza lo nto ebemele ukuyenza ngexesha elithile, inkqubo yokufezekiswa kwesigwebo ayi kukhutshwa gaphandle kwemvume yenkundla esicelo senziwe ngexesha inkundla ibisiwisa isigwebo, phambi komhla olandela lowo isigwebo Siwiswe ngawo

Ezesisibini nezinye izigunyaziso okanye imiyalelo yoxhuzulo lomvuzo

37. (1) Apho nayiphi na incwadi okanye umyalelo wokuxhuzulwa komvuzo okanye owokutsala nyanga nenyanga emvuzweni zilahlwe okanye azaziwa indawo ezibekwe kuyo, ngesicelo secala elinomdla emva kokunika kwalo isaziso nakuwuphi na umntu inkundla ingagunyazisa ukuba kukhutshwe eyesibini okanye engaphaya incwadi incwadi yesigunyaziso okanye umyalelelo woxhuzulo lomvuzo okanye owokutsala nyanga nenyanga emvuzweni, ngokweemeko, kulomimiselo njengoko inkundla inoku misa yenze lo myalelo ngeendleko njengoko ibona kufanelekile.

(2) Isaziso sesicelo ngokwenxalenye yomgaqo (1) asiyi kuba ngaphantsi keentsuku ezi 5 zesaziso saye siyakuchaza izizathu zesicelo.

(3) inxalenye yemigaqo (1) to (60, yomgaqo 36 iyakusebenza ngotshintsho olululo nolufanelekileyo kuyo nayiphi na incwadi yesigunyaziso okanye umyalelo woxhuzulo lomvuzo okanye owokutsala nyanga nenyanga emvuzweni okanye uxhuzulo-mvuzo olugunyaziswe yinkundla ngokwemimiselo yenxalenye yomgaqo (1) kwaye ngokungaphaya icwadi egunyaziswayo okanye umyalelo wokuxhuzulwa komvuzo yafakelelwa ngokulandelayo :

"Le ncwadi yesibibini okanye engaphaya incwadi yesigunyaziso____(cacisa uhlobo lwencwadi yesigunyaziso)umyalelo wokuxhuzulwa komvuzo okanye owokutsala emvuzweni inyanga nenyanga (ngokwe Meko) yayiyalelwe yinkundla ngomhla____kwaye le ithatha indawo yayo nayiphi na enye incwadi yesigunyaziso____Isigunyaziso sokuthimba okanye umyalelo wokuxhuzulwa komvuzo (ngokwemeko) endaweni yaleyo ibikhutshiwe okanye ephinde yakhutshwa"

(4) (a) Xa incwadi yesigunyaziso okanye umyalelo woxhuzulo mvuzo okanye ukutsala nyanga nenyanga emvuzweni ethathelwe indawo yincwadi yesigunyazisi okanye umyalelo woxhuzulo-mvuzo okanye owokutsala inyanga nenyanga emvuzweni okutshwe ngokommiselo wenxalenye yomgaqo (1) ubakhona iyakukhawuleziswa

Irhoxiswe ngunobhalla wenkundla ephakamileyo okanye owenkundla kamantyi ngokuphawula ngokungxabalazisa imigca emibini kubuso bephepha :

"Irhoxisiwe. "incwadi yesigunyaziso entsha____(cacisa uhlobo lwencwadi yesigunyaziso) okanye umyalelo wokuxhuzulwa komvuzo okanye owokutsala emvuzweni inyanga nenyanga (ngokwe (ngokwemeko) ingakhutshwa ngokomyalelo wenkundla walomhla____-".

(b) Uphawu ngokomhlathi (a) luyakutyikitywa lufakwe umhla ngunobhalla wenkundla ephakamileyo okanye wenkundla kamantyi.

(5) Umba wokuba incwadi yesigunyaziso yesibini okanye engaphaya okanye umyalelo woxhuzulo-mvuzo okanye owokutsala inyanga nenyanga emvuzweni umyalelo ukhuthsiwe kwaye nomhla Nesixa semali siyakuphawulwa kumbhalo wetyala ngunobhalla wenkundla ephakamileyo okanye wenkundla kamantyi.

Isibambiso sokugwetyelwa kommangali

38. (1) Apho unothimba athandabuzayo ngobunyani bokuthimba okanye ukuthimba okucetywayo, angafuna Ukuba icala elibangayo kwinkqubo yothimbo linikezele ngesibambiso ukumkhulula.

(2) Ngaphandle kokuba isamana yokuqala isimangalo seyinikezelwe kummangalelwa buqu okanye unikezele ngesaziso Senjongo zokuzithethelela okanye isaziso sokuthimba sesinikezelwe kuye buqu:

(a) Ukuba nayiphi na impahla ebam,bekayo nengabambekiyo ,uthinjiwe kwinkqubo yothimbo, umntu ogwetyelweyo uyakuthi, ubuncinane Kwintsuku ezililo phambi kosuku olumiselwe ukuthengiswa kwezompahla anikezele ngesibambiso esanelisa unothimba Ukwenzela intlawulo yalowo ugwetyelweyo ukuba umyalelo wokuthinjwa ubekelwe bucala kuso nasiphi na isixa semali apho umntu obethinjelwa ngokomthetho enokuba nelungelo lokubuyiselwa ngogwetyelweyo kumonakalo obangelwe Lolo thimbo okanye nayiphi na enye into elandela lona ; kwaye ukuba ngaba isibambiso asinikezelwanga Sizakuphelelwa : Ngaphandle kokuba umthinjwa angathi ngophawu olubonisa oko Kwincwadi yesigunyaziso sokuthinjwa ukungasetyenziswa kwesibambiso phantsi kwalo mgaqo ; okanye

(b) Ukuba iimali ezifunyenwe ngunothimba phantsi nakoluphi na uhlobo lothimbo ngoikungaphaya kenzuzo yentengiso Yempahla ezithinjiweyo kuthimbo apho isibambiso sasinikezelwe phantsi Komhlathi (a) , ezo mali zaiyi kuhlululwa kogwetyelweyo de abe unikezele nsibambiso Sokubuyekeza intlawulo ephetheleyo efunyenwe ngunothimba ukuba uthimbo lungabekelwa bucala emva koko Ngaphandle kokuba othinjiweyo angavumela ngokutyikitya ukuba kunganikelwa ngesosibambiso.

(3) Umrhumo omisiweyo wesibambiso onikezelwa phantsi kwalo mgaqo uyakuthi ngaphandle kokuphonongwa uhlawuleke njengenxalenye yendleko zokuthimba

(4) Naliphi na iqhina lokumela omnye okanye incwadi yesibambiso enikezelwe phantsi kwalo mgaqo ingabangwa ngumthinjwa ngaphandle Kokudlulisela ezoncwadi kuye

(5) Lo mgaqo awuyi kulichaphazela icala elibanga kwinkqubo yothimbo okanye xa ogwetyelweyo engu Mphathiswa,isekela Lo Mphathiswa okanye iNkulumboso yePhondo, kwinqanaba lakhe lobugosa, umbuos okanye iphondo.

Imimiselo ngokuphathelele kwisigunyaziso ngokubanzi

39. (1) Ngaphandle komyalelo wenkundla iindleko nenkcitho yokukhutshwa kwesigunyaziso nokurhafelwa kothimbo iyakuba Yintlawulo yokuqala kwinzuzo efunyenwe ekuthengisweni kwempahla ezithinjweyo kwaye ukuba lo nzozi ayonelanga ziyakufunyanwa kogwetyiweyo njenge ndleko ezivunyelwe yinkundla.

(2) (a) Kuxhomekeke kwizinto ezikhoyo ezithimbekayo phambi kothimbo, zonke iincwadi zesigunyaziso sokuthimba ezinikezelwe kunothimba oyalelwe kummandla othile okanye nawuphi na unothimba osenkundleni ngomhla okanye ngaphambi kwalowo uphambi komhla wentengiso yempahla ezithinjweyo uyakwenza umyinge wokwahlulwa kwenzuzo yempahla ezithengisiweyo.

(b) Unothimba owenza intengiso kufuneka kwintsuku ezingekho ngaphantsi kweshumi phambi komhla wentengiso athumele ikopi yesaziso sentengiso kubo bonke onothimba abanyulelwe lo mmandla apho ayalelwe ukuqhuba intengiso yempahla ezithunjweyo.

(c) Unothimba oqhuba intengiso uyakwamkela kubo bonke onothimba abanyuliweyo lo mmandla okanye nawuphina omnye unothimba isiqinisekiso esidwelise nayiphi na impahla ethinjweyo nebonisa uluhlu lwabantu abatyalwayo phantsi kwencwadi yesigunyaziso esikwabo nothimba.

(3) (a) Ukurhoxiswa kokuthimba kuyakwenziwa ngencwadi etyikitywe ngunothimba kwincwadi egunyazisa uthimbo ukuba uthimbo lurhoxisiwe, ixele ixesha nomhla wokubhalwa kwalo ncwadi.

(b) Unothimba uyakunikezela ngesaziso esibhaliweyo sokurhoxiswa kothimbo nexesha nomhla wothimbo umtyalwa mali, ogwetyiweyo, bonke onothimba abanyulelwe lo mmandla okanye nawuphi na unothimba onikezele ngesiqinisekiso Ekubhekiswa kuso kwinxalenye yomgaqo (2) (c) naye nawuphi na omnye umntu onebango kwimpahla ezithinjweyo obelifake kuye : Ngaphandle kokuba lo mpahla iyakukhululelwa isithuba senyanga ezine ekuthinjweni ukuba isiqinisekiso ekubhekiswa kuso kwinxalenye yomgaqo (2) (c) okanye incwadi egunyazisa ukuthimba efakwe phantsi kwinxalenye yomgaqo (2) ihleli isezandleni zikanothimba.

(4) Ukuba ngaba nayiphi na impahla ethinjweyo ibangwa naliliphi na icala lesithathu njengempahla yalo okanye naliphi na icala lesithathu lenza ibango kwinzuzo yokuthengiswa kwempahla ezithinjweyo, unothimba, phantsi komgaqo (5), uyakuwuwqwalasela lo mba njengoko kummiselwe kumgaqo 44.

(5) Nangona kunebango kwiimpahla ekubhekiswa kuzo kwinxalenye yomgaqo (4) licala lesithathu unothimba uyakuyithimba loo mpahla mokanye ukuba akakenzi njalo akakenzi njalo impahla iyakuhlala iphantsi kothimbo ilindele isiphumo senkqubo engenelelayo yebango ngaphandle kokuba likhululwe msinyane ekuthinjweni kwempahla ngomyalelo wenkundla okanye ngahaya koko, nomgaqo 41 (7) iyakusebenza notshintsho olufaneleyo njengoko kuqhotyoshelweyo.

(6) (a) Ekusongweni kwentengiso yeempahla ezithinjweyo, nokuba ziyathwaleka okanye azithwaleki, unothimba uyakuthimba Abuyise iphepha elibonisa iinkcukacha zeempahla ezithengisiweyo, ixbiswe ezithengiswe, kwaye , apho aziwayo amagama kunye needilesi zabathengi kunye nengxelo yokwahlulwa kwenzuzowaye eyakuthumela ikopi yelophepha kubo bonke abanye onothimba abanyulelwe lommandla abanikezele ngesiqinisekiso ekubhekiselwe kuzo kwinxalenye yomgaqo (2) (c)

(b) Apho incwadi egunyazisa ukuthinjwa kweempahla ifakiweyo kunothimba oqhuba intengiso yeempahla ezithinjweyonguye nawuphi na omnye unothimba kwinxalenye yomgaqo , unothimba oqhuba intengiso yeempahla ezithinjweyo uyakwenza intlawulo ngokwengelo yokwahlula kuye nawuphi na unothimba onikezele ngesiqinisekiso ekubhekiselelwe kuso kwinxalenye yomgaqo 92) (c) ingokunhekiselele kwintengiso.

(c) Intlawulo ngokwengxelo yolwabiwo iyakwenziwa kuphela emva kokuba ingxelo leyo yolwabiwo ilelele ukuhlolwa ithuba leentsuku ezi 15 emva kokuba unothimba ofake incwadi yothengiso lweempahla nonothimba oqhuba intengiso yeempahla ezithinjweyo, efumene ikopi yengxelo yolwabiwo

(7) Akukho nothimba okanye mntu endaweni kanothimba oyakuthenga nayiphi na impahla enokunikezelwa ukubs ithengiswe kuye yena okanye nawuphina omnye umntu.

Isigunyaziso sokuthimba indibaniselwano

40. (1) Apho ogwetyiweyo adibaniselene nomye kwiqumrhu nesigwebo simlahlile okanye iyeyetyala elahlukileyo Angathi emva kwesazisiesiya kogwetyiweyo nakwi shishini lakhe, apho eya kunyula unothimba njengo mamkeli weencwadi oyakwamkela ehlawuleka ogwetyiweyo kwizinto zakhe ezikwishishini elidibeneyo.

(2) Ukunyulwa kukanothimba phantsi kwinxalenye yomgaqo 1 luyakuhlala lunjalo de kube ityala

lommangali lihlawuliwe, lusebenza njengothimbo lwezinto zommzngalelwa kwishishini lomdibaniso akulo ummangalelwa okwishishini elingumdibaniso weempahla nommangali onyule kanjalo uyakwazisa bonke abanye onothimba abanyuliweyo kuloommandla wolonyulo.

(3) Apho isigwebo singqale kwishishini, impahla yomdibaniso weshishini iyakuqala ithinjwe kangangoko isaziwa ngogwetyelweyo phambi kokuba isigwebo singqaliswe kwiimpahla zelungu ngalinye lalomdibaniso weshishini.

Isigunyaziso sokuthimba iimpahla ethalekayo

41. (1) (a) Phambi kokufumana incwadi emgunyazisa ukuba arhafele uthimbo lweempahla ezithwalekayo alungise indawo yokuhlala, indawo yomsebenzi okanye ishishini logwetyiweyo okanye enye indawo eyalathwe ngogwetyelweyo apho iimpahla ezithwalekayo ziya kuthinjwa ngokukhawuleza xa iimeko zivuma, nalapho abanga intlawulo yetyala lesigwebo neendleko okanye afune ukuba loompahla ithwalekayo yolathwenjengoko loo nothimba engabona yanele ukufezekisa incwadi yesigunyaziso sokuthimba kwaye ukuba esisicelo sokugqibela sifezekisiwe unothimba uyakwenza uluhlu noqikelelo-xabiso lwalompahla.

(b) Ukuba impahla eyalathiweyo phantsi komhlathi (a) yanele ukukhawulelana nencwadi yesigunyaziso, unothimba Uyakuqhubeka nokwenza uluhlu kunye noqikelelo-xabiso lweempahla ezaneleyo ngangoko zalathwayo kwinxalenye yofezekiso Lwencwadi yesigunyaziso sokuthimba.

(c) ukuba ogwetyiweyo akazalathi iimpahla njengoko kufuneka phantsi kwenxalenye yomgaqo (1), unothimba uyakwenza uluhlu ngokukhawuleza lweempahla ezaneleyo zogwetyiweyo njengoko ecinga ukuba zanele ukufezekisa incwadi yesigunyaziso sokuthimba seempahla ezithwalekayo njengoko ziyakufunyanwa njengenxalenye yokuphumeza incwadi yesigunyaziso.

(d) Ukuba owetyiweyo uhlawula ityala lesigwebo neendleko, okanye inxalenye yalo, unothimba uyakuphawula isixa semali esihlawulweyo nomhla wentlawulo kuqobo lwencwadi egunyazisa ukuthimba, phawu olo oluya kutyikitywa nguye kunye nogwetyiweyo okanye omele ogwetyiweyo.

(2) Kangangoko kuyimfuneko kwincwadi egunyazisa ukuthinjwa kweempahla ekubhekiswa kuyo kwinxalenye yomgaqo (1), unothimba angavula naluphi na ucango kuso nasiphi na Isakhiwo, okanye lwayo nayiphina impahla yendlu, kwaye ukuba ukuyivula kuyaliwa okanye akukho mntu apho omele umntu ekhutshelwe yena loo ncwadi igunyazisa ukuthinjwa kweempahla, Unothimba angasebenzisa amandla ukuba kuyimfuneko.

(3) Unothimba uyakubonisa ngoqobo lwencwadi yesigunyaziso sokuthimaba iimpahla waye eyakunikezela kogwetyiweyo okanye ashiye apho kwisakhiwo Ikopi yayo.

(4) Xa iimfuno zalomgaqo ziphunyeziwe ngunothimba, iimpahla ebezifakwe kuluhlu lokuthinjwa nguye ziyakuthatyathwa njengezithinjwe yinkundla.

(5) Unothimba uyakunikezela ngekopi yoluhlu lweempahla ezithinjweyo phantsi kwalomgaqo, netyikitywe nguye kothinjweyo okanye ayishiye kwisakhiwo, ikopi eyakube iquka isaziso sothimbo.

(6) Apho izinto neencwadi zifunyenweyo zaqhotyoshelwa, inani neentlobo zazo ziyakukhankanywa kuluhlu kwaye naluphi na uhlobo okanye iinwadi ziyakutywinwa zithatyathelwe kwi ofisi kanothimba apho ziyakugcinwa ngokukhuselekileyo.

(7) (a) Ogwetyelweyo okanye igqwetha lakhe apho iimpahla ezithwalekayo, ezingaphandle kwezinto okanye iincwadi, zithinjweyo, emva kokwazisa ngolothimbo uyakuyalela unothimba ngokubhaliweyo, ukuba iimpahla ziyakususelwa kwindawo ekhuselekileyo okanye zishiywe elugcinweni logwetyiweyo okanye kugcin lomnye umntu ome endaweni kanothimba kuxhomekeke ekubeni ogwetyelweyo okanye igqwetha lakhe ngokwanelisa unobhala wenkundla ephakamileyo okanye owenkundla kamantyi, oyakuphawula ukuvuma kwakhe kwincwadi equlathe imiyalelo yokunqwenela ukususa ngokukhawuleza ekukhutshweni kwencwadi egunyazisa ukuthinjwa kweempahla, ayalele unothimba ngokubhaliweyo ukuba asuse ngokukhawuleza kogwetyiweyo zonke izinto ogwetyelweyo akholelwa ukuba zikogwetyiweyo.

(b) Ukuba akukho myalelo phantsi komhlathi (a), unothimba uyakuzishiya iimpahla ezithwalekayo, ngaphandle kwezinto okanye iincwadi, kwisakhiwo kugcino lwalomntu zithinjwe kuye.

(c) Apho unothimba ayalelwe ukuba athathe iimpahla, uyakwenza njalo ngaphandle kokulibazisa kwaye uyakuzishiya okwethutyana kugcino lomntu oyakuzigcina Egameni lakhe.

(d) Nawuphina umntu ezigciniswe kuye iimpahla ezithinjiweyo akayi kuzisebenzisa okanye aziqashie okanye abolekise ngazo okanye avumele ukuba zisetyenziswe, kubolekiswa ngazo okanye enze nayiphi na into eyakuhlisa ixabiso such kwaye ukuba iimpahla ezithinjiweyo zenze naiphi na ingeniso okanye inzala, umgcini wazo unoxanduva lwalongeniso okanye Inzala ngendlela anoxanduva lwempahla ngayo.

(e) Ukuba umntu ezibekwe elugcinweni lwakhe iimpahla ezithwalekayo ezithinjiweyo, ongaphandle kogwetyiweyo, uyasilela ukwenza umsebenzi wakhe akayi kuba nalungelo lakufumana nayiphi na intlawulo yokugcina iimpahla.

(f) (i) Ngaphandle kokuba umyalelo wenkundla uvelisiwe kunothimba ugunyazisa ukuba athabathele kuye agcine iimpahla ephantsi kokuthinjwakwixesha elongezelelweyo elibekwe kulomyalelo, unothimba, ukuba intengiso yezo akulindelekanga ukuba zitheniswe. azikhulule ekuthinjweni. Naziphi na iimpahla ezigcinwe ithuba elidlule iinyanga ezine.

(ii) Ukuba lo myalelo wenziwa ngesicelo esenziwa licala elinye , lo myalelo awusayi kuqinisekiswa.

(iii) Apho ummangali efaka ibango longenelelo kunothimba ngokmgaqo 44, ithuba lee nyanga ezine. ekubhekiswa kuzo kumhlathi (i) liyakuxhonywa ukusukela kumhla ummangali anikezela ngenxelo yakhe efungelweyo kunothimba kude kube kuthatyathwe isigqibo sebango longenelelo, kuquka ukuhlolwa okanye ukubhena Ibango longenelelo.

(8) (a) Nayiphi na impahla ethwalekayo ethengiswe kwinkqubo yothimbbo yenkundla iyakuthengiswa kuluntu ngokubanzi ngemalingunothimba othimbe iimpahla phantsi kwenxalenye yomgaqo (7) (b), ngemvume kamantyi, ngumthengisi okanye omnye umntu owonyulwe ngunothimba, koyena mthengi uneqashiso eliphezulu kufutshane kangangoko kulandawo zazithinjwe kuyo okanye apho zazi thathwe khona njengoko londawo inokuba nokuyilungela intengiso.

(b) Ogwetyelweyo emva kokudlana iindlebe nonothimba , uyakulungisa isaziso sentengiso anikezele ngeekopi ezimbini zesosaziso ku nothimaba kwixesha elaneleyo ukwenza ukuba ikopi enye incanyathiselwe kwithuba elingekho ngaphantsi kwe 10 leentsuku phambi komhla wonyulo ololungiselela intengiso kwi bhodi yezazisookanye ucango lwenkundla okanye esinye isakhiwo soluntu apho inkudla ihlala khona nenye apho ikufutshane ngokwaneleyo apho lo ntengiso iyakuqhutyelwa khona.

(c) Ukuba kwimbono kanothimba ixabiso leempahla ezithinjiweyo liyawadlula ama R5000 uyakubonisa kwiphendaba lasekuhlaleni elijikeleza kwingingqi efuna ukuba ogwetyelweyo apapashe isaziso sentengiso kwiphapha-ndaba kwiintsuku ezingedlulanga kwezili 10phambi komhla wonyulo lwentengiso ngaphezulu ukufezekiswa komhlathi (b) kwaye anikezele kuye Ikopi yelophepha apho kukhutshwe khona isaziso phambi kosuku kunolo lwandulela usuku lentengiso

(9) Usuku olunyulelwe intengiso yeemahla ezithinjiweyo aluyi kuba ngaphantsi kweentsuku ezili 15 emva kothimbo Kuxhomekeke ekubeni apho iimpahla ezithinjiweyo zisonakal msinyane , okanye gemvume yogwetyiweyo, inkundla kwisicelo esifakiweyo, ingathoba naliphi ithuba ekubhekiselwe kulo kwinxalenye yomgaqo okanye inxalenye yomgaqo (8) ukuya kuma kumgtangatho okanye kulomimiselo njengoko ebona kufanelekile.

(10) Intengiso yeempahla ezithinjiweyo iyakumiswa xa ithe imali eyaneleyo ifunyenwe yokwanelisa inwadi egunyazisa ukuthengiswa kweempahla ezithinjiweyo Kunye nayo nayiphi incwadi yesigunyaziso kumgaqo 39 (2) neendleko zentengiso.

(11) (a) Ukuba uthe unothimba wanentsalela emva kokwaneliswa kwebango logwetyelweyo nazo zonke incwadi zesigunyaziso zoku thimba ezifakwe kuye ngomhla ophambi kosuku olwandulela umhla wentengiso kwaye zonke iindleko ziyakuhlulwa kothinjelweyo ukuba uyafumaneka okanye uakuyihlawula enundleni loo ntsalela

(b) Intsalela ehlawulwe enkundleni phantsi komhlathi (a), ukuba ayinikezelwanga kwiintsuku ezintathu, iyakuhlulwa kuvimba wombuso emva kwesiziso seenyanga ezintathu salonjongo sinikiwe nkubantu ababandakanyekayo, emva kokuba nasiphi iscelo sembuyekezo yalo ntsalela siyakuthunyelwa kwingxowa kavimba wombuso ngulomntu.

Isigunyaziso sokuthimba iimpahla (siyaqhubeka)

42.(1) Apho impahla ethinjiweyo iqashisiwe okanye incwadi yolwananiselwano, okanye incwadi yesithembiso, isibophelelo okanye esinye isibambiso ntlawulo-mali

- (a) uthimbo aluyi kugqibelela de sibe isaziso esiya koqeshisileyo, oqeshileyo okanye umntu onobutyala kwincwadi yonaniselwano okanye esinye isibambiso, ngokuxhomekeka kwemeko ;kanye
- (b) uthimbo aluyikuba lologqibelelyo ngaphandle kwaye ide ibe incwadi ebandakanyekayo ithatyathelwe elugcinweni lukanothimba kwaye isaziso apho kukho isivumelwano sokuqeshisa esibhalisiweyo okanye esokuzibophelela sinikezelwe kunobhala wezivumelwano obandakanyekayo.

(2) apho impahla ethwalekayo kufuneka ithinjwe ililungelo lalowo kufuneka ethinjwe kwimpahla ebanjisiweyo, eqeshisiweyo okanye ethengiswe phantsi komqathango oxhonyiweyo kumntu wesithathu okanye ngumntu wesithathu okanye iphantso kolawulo okanye ugcino lomntu wesithathu

- (a) Uthimbo luyakufezekiswa ngunothimba ngokunikezela kulowo uthinjelwayo incwadi yomyalelom ogunyazisa ukuthimba nakulomntu wesithathu Isaziso sokuthimba nekopi yencwadi egunyazisa uthimbo, unikezelo oluyakufezekiswa ngokungathi Eso saziso yusamana Kowa apho unikezelo lungenakufezekiswa ngayo nayiphi na indlela emisiweyo Inkundla ingenz umyalelo ovbumela ukuba unikezelo luphunyezwe ngendlela ekhankanywe kumyalelo lowo ;kwaye
- (b) Unothimba , ngokuvelisa uqobo lwaloncwadi igunyazisa ukuthimba konesibambiso, umqeshisi, umqeshi umthengi, umthengisi okanye omnye umntu wesithathu angangena kwizakhiwo apho loo mpahla ikhoyo enze uluhlu noqikelelo-xabiso lezo mpahla .

(3) Indlela yokuthimba iimpahla phantsi kwecandelo 3)(2) lomthetho iyakuba nye, ngokotshintsho oluyimfuneko, kunye naleyo yokuthimba yokuthimba ngokudliwa

Isigunyaziso sokuthimba iimpahla ethwalekayo

43. (1) incwadi egunyazisa ukuba kuthinjwe izinto ezingathwalekiyo iyakuqulatha inkcazo ezeleyo negqibelelyo yemeko nendawo ekuyo loo nto (kuquka nedilesi)yayo ukwenzela ukuba ibonaklale yaziwe ngonothimba ,yaye iyaku khatshwa lulwazi olwaneleyo ukwenzela ukuba unothimba afezekise iziqulatho zenxalenye yomgaqo (2)

(2) (a) Indlela yokuthinjwa kwento engathwalekiyo iyakuba sisaziso ngunothimba esiyakunikezelwa ngendlela efanayo naleyo yokunikezelwa kwesamana kunye nekopi yencwadi egunyazisa ukuthimba koyalelwe ukuba athinjwe yinkundla njengomnini walonto, nakunobhala wezivumelwano Elinye igosa eligunyaziswe ukubhalisa ezo zinto zingathwalekiyo, kubo bonke abantu abanezibambiso ezibhalisiweyo (ngaphandle kwalowo kuthinjelwa intlawulo yakhe) ezibhaliswe kulonto kulayalelwe ukuba itrhinjwe, ukuba loonto ukugcino lomnye umntu ongeguye oyalelwe ukuba athinjwe Ekuyalelwe ukuba athinjwe, nakogcine loonto, nakumaspala eme kummandla wakhe.

(b) Ixesha lokuthimba longezelelwe njengoko kutshiwo kwicandelo 66(5) lomthethon, isaziso sololongezelelo lexesha siyakunikezedlwa kubantu ekubhekiswa kubo kumhlathi (a) ngendlela ekubhekisw kuyo kulomhlathi.

(c) Ukuba uthimbo lwento engathwalekiyo luyaphelelwa phantsi kwecandelo 66(4) okanyeicandelo 66 (5) lomthetho unobhala uyakwazisa abantu abanelungelo lokufumana isaziso ngokwemimiselo yomhlathi (a) ukuba olothembo luphelelwe.

(3) Emva kokuba kuthinjwe into engathwalekjiyo unthimba uyakuqinisekisaabhale ukuba lo nto inalo naliphi na Ibango elingaphezu kwelalowo kuthinjelwa ityala lakhe, ukuba kunjalo, uyakwazisa lowo kuthinjelwa ukutyalwa kwakhe ubukhobelo bango ukwenzela ukuba lowo ukhankanywe mva anike isaziso phantsi kwecandelo (66) (2) womthetho.

(4) Unothimba ngokwenz isaziso esinikezwe ngendlela efana naleyo ikwiisamana, angafuna ukuba lowo kuyalelwe ukuba athinjwe ukuba anikezele kuye zonke lincwadi ezikuye okanye phantsi kolawulo olunxulumene nangayiphi na kwitayitile kwinto engathwalekiyo Into engenakuthwalwa.

(5) Apho into engenakuthwalwa ime kwisithili esisesinye ngaphandle kwesi inkundla ibinike isigwebo ngayo,

icala elifuna kuthinjwe liyakunikezela incwadi egunyazis oko kunothimba wenkundla ekwisithili apho into imiyo Oyakuqhubeka athimbe lonto ngendlela emiselweyo kulomgaqo

(6) (a) Unothimba uyakunyula umhla nendawo yentengiso yento engathwalekiyo suku olo ngaphandle Kwemvume eyodwa yenkundla , lungayi kuba ngaphantsi kwenyanga emva kokunikesela ngesaziso sothimbo

(b) Ekuyalelwe ukuba kuthinjwe iimpahla ngenxa yetyala lakhe uyakuthi emva kokudlana iindlebe nonothimba , alungise isaziso sentngiso esiquka inkcazo emfutshane yento engathwalekiyo nendawo eme kuyo, umhla, ixesha nendawo yokubambela intengisokunye nemeko yayo anikezele kunothimba iikopi ezininzi kangangoko njengoko aya kuzifuna

(c) Lowo kuyalelwe ukuthinjwa ngenxa yakhe uyakupapasha isaziso asilungisileyo ngokwemimiselo yomhalathi (b) kanye kwipepha-ndaba elbhaliweyo kwi Audit Bureau Circulations yoMzantsi Afrika kwisithili apho izinto ezingathwalekiyo zimiyo nakwi ncwadi-nzaziso karhumente kungabi ngaphantsi kweentsulu ezintlanu nagaphezulu kwe 15 daysphambi komhla wentengiso anike unothimba ngesandla okanye ifeks, nekopi enye yesaziso ngasinye esipapashiweyo kwipepha-ndabanakwincwadi yezaziso zikazrhulumente, ngokulandlelana okanye , apho incwadi yezaziso inombolo yencwadi yezaziso karhulumente apho isaziso sasifakwe khona.

(d) Unothimba owenza intengiso kufuneka kwintsuku ezingekho ngaphantsi kweshumi phambi komhla wentengiso yento engathwalekiyo athumele ikopi yesaziso sentengiso esilungiswe phantsi komhlathi (b) kuye wonke ekuthinjelwaukuhlawula ibango lakhe nofake incwadi egunyazisa ukuthinjwa kwento engathwalekiyo kuyo wonke ubani obanjiswe lonto ngemali liqumrho loko nonedilesi efumanekayo

(e) Unothimba uyakuncamathisela ikopi enye yesaziso kwiintsuku ezilushumi phambi komhla owonyulelwe intengiso yento engathwalekiyo kwibhodi ye zaziso okanye ucango lwenkundla okanye esinye isakhiwo soluntu apho inkudla ihlala khona nenye apho ikufutshane ngokwaneleyo apho lo ntengiso iyakuqhutyelwa khona.

(7) (a) Imiqathango yentengiso yentengiso yezinto ezingathwalekiyo ezithinjweyo iyakulungiselelwa ngogwetyelweyo kwaye iya, phakathi kwezine izinto kulungiselela ukuhlawulwa kwenzala ngumthengi kwixabiso lentengo ukususela kumhal wentngiso yalonto ithinjweyo kumhla wentlawulo yexabiso lentengo.

(b) Ogwetyelweyo uyakuthi singadlulanga iintsuku ezingama 20 phambi konyulo losuku lwentengiso kuthimbo lwemihlaba uyakunikezela ngeekopi ezimbini zemiqathango yentengiso kunothimba nenye kumntu ngamnye onelungelo kwisaziso se ntengiso

(c) Naliphi na icala elinomdla liyakuthi zingadlulanga iintsuku ezingama 15 phambi konyulo losuku lwentengiso kuthimbo lwemihlaba kwisaziso see yure ezingama 24 kwabobantu njengoko befumene iikopi zemiqathango yentengiso nakogwetyelweyo, lenze isicelo kwigosa eliphethe inkundla solungiso lwalo miqathango yentengiso nelo gosa linganika umyalelo njengoko libona kufanelekile

(8) Ogwetyelweyo anganyula igqwetha lokuguqula ubunini bemihlaba ukulungiselela ukunikezelwa komhlaba othengisiweyo.

(9) (a) ogwetyelweyo okanye nawuphi na umntu onomdla kwintengiso yomhlaba ezayo nefanelekileyo angenza isaziso asinikezele kunothimba zingadlulanga iintsuku ezingama 15 emva kothimbo, kodwa ngokuxhomekeke kwiziqulatho ezilapha zifuna ukuba loomhlaba uthengiswe ngumthengisi kumaqashiso kwindlela eqhelekileyo yoshishino kwaye kwesosaziso anganyula umthengisi lowo wamaqashiso.

(b) (i) apho kwisaziso phantsi komhlathi (a) sinikwa nanguwuphi na umntu ongaphandle kogwetyelweyo, eso saziso siyakukhatshwa sisixa semali esanele ukuquka iindleko zentengiso ngumthengisi kumaqashiso kushishino oluqhelekileyo, kwaye ekusileleni ukuhlawula esosixa esosaziso asiyikuba lulutho.

(ii) isaziso phantsi komhlathi (a) siyakuphelelwa ukuba unikezelo lomthengisi kumaqashiso alufumaneki.

(iii) ukuba emva kokwaneliswa kwebango logwetyelweyo kwaye zonke iincwadi zesigunyaziso sentengiso zinikezelwe kunothimba ngomhla okanyephambi komhla ophambi komhla wentengiso kwaye zonke iindleko kukho uchatha kwinzuzo yalontengiso yomhlaba, esosixa semali siyakubuyiselwa ngosifakileyo, kodwa ukuba akukho chatha esosixa siyakuthi kangangoko simele ngokufanelekileyo, sisetyenziswe ekuhlawuleni intlawulo nenkcitho yomthengisi wamaqashiso.

(c) Ukuba izasiso ezibini nangaphezulu phantsi komhlathi (a) zinikiwe, esokuqala siyakuba kwindawo yokuqala.

(10) intengiso yomhlaba kwinkqubo yothimbo iyakuba yintengiso yamaqashiso kawonke-wonke engenaxabiso limiselweyo nomhlaba ngokuxhomekeke kwiziqukatho zecandelo 66(2) lomthetho neminye imiqathango yentengiso uyakuthengiswa koyena unike iqashiso eliphezulu.

(11) Intengiso yomhlaba kwinkqubo yothimbo iyakubanjelwa kwindawo ebonaka ifanelekile ngunothimba okanye ngesizathu esibonisway, Loo ndawo inokwalathwa yimantyi.

(12) Apho umhlaba umi kwisithili esisesinye ngaphandle kwesi inkundla ibinike isigwebo ngawo, intengiso yawo Wo iyakuqhutywa ngunothimba wenkundla yesithili apho umi ngendlela ebekiweyo kulomgaqo.

(13) Unothimba uyakunikezela ngomhlaba othengisiweyo kumthengi akuhlawula ixabiso lentengiso kwaye ekufezekiseni imiqathango yentengiso kwaye ngesosizathu enze nantoni na efanelekileyo ukufezekisa ubhaliso lwe nikezelo, kwaye yonke into eyenziwe ngolohlobo nguye iyakuba yenyanyisekileyo nesemthethweni ngokungathi ungumnini womhlaba.

(14) (a) Ngokuxhomekeke kumhlathi (b) , zonke iimali zexabiso lentengiso yomhlaba othengiswe kwinkqubo yothimbo iyaku hlawulwa kunothimba wenkundla , hayi kogwetyelweyo okanye nawuphi na omnye umntu endaweni yakhe, kwaye unothimba uya kuyigcina lo mali kwingxowa eyodw lude uguqule bunini lube lunikezelwe kumthengi.

(b) Unothimba uyakuthi ngokukhawuleza emva kwentengiso yomhlaba kwinkqubo yothimbo alungise ngokulandelana nje ngoko kulungiselelwe kulomgaqo, ingxelo lokwahlula imali yentengiso efunyenweyo kwaye longxelo iyakubekwa kwiofisi yakhe ngabantu abanomdla ukuze ihlolwe ngabantu abanomdla kwisithuba seentsuku ezili 15 emva komhla wentengiso , ngaphandle kokuba abo bantu baxelela Unothimba phambi kokuphela kwethuba ngokubhaliweyo ukuba abanankcaso kulongxelo , kwaye ikopi yayo iyakunikezelwa kunobhala wenkundla ephakamileyo okanye owekamantyi nakuyo nawuphi na omnye unothimba onikezele ngesiqinisekiso ekubhekiswe kuso kumgaqo 39 (2) (c).

(c) Emva koxhuzulo lweendleko zentengiso kwinkqubo yothimbo, kwimali yentengiso oku kulandelayo kuyakuba ngumyalelo wolandelelwano :

- (i) Ibango labantu abatyala imali ngokokulandelelana kogwetyiweyo ngokomthetho wolandelelwano lwabo.
- (ii) ibango logwetyelweyo kwinxenye yesigwebo kunye neendleko namabango abanye abagwetyelweyo abafake iincwadi ezigunyazisa intengiso ngokomgaqo 39(2) kunye neendleko kwaye
- (iii) amabango abantu abatyala imali nabanelungelo kwinzuzo ephuma kwintengiso yalomhlaba ngokushiyana kwelungelo lembuyekezo.

(d) Nawuphi na umntu onomdla kwingxelo eyenziwe phantsi komhlathi (b) eliyichasayo liyakuthi kwisithuba seentsuku ezili 10 emva kokuphela kwexesha elikhankanywe kumhlathi (b) anike isaziso ngokubhaliweyo kunothimba, unobala wenkundla ephakamileyo nowenkundla kamantyinabo bonke abantu abanomdla kwiinkcukacha zenkcaso yakhe kwinkcaso, izizathu zenkcaso yakhe azisuswanga kwintsuku ezili 15 emva kokuphela kwexesha lokuqala elikhankanyiweyo, lizise loo ngxelo phambi kenkundla uphengululo ;

(e) uphononongo phantsi komhlathi (d) luyakuba kwisaziso seentsuku ezi5 Kuxhomekeke ekubeni eso saziso sinikezelwe kwiintsuku ezingama 20 emva kokuphela kwethuba eliziintsuku ezili 15 elichazwe kulamhlathi, inkcaso iyakuthathwa njengerhoxisiweyo.

(f) Inkundla xa isenza uphononongo ingeva ingeva ithathe isigqibo ngomba okwimbambano ngendlela ekhawulezileyo emva koko lqinisekise ingxelo yolwabiwo okanye yenze lomyalelo njengoko iwubona ufanelekile.

(g) Ukuba-

- (i) akukho sicelo sifakiweyo siphikisayo kwiicebo lokwahlula ilifa; okanye
- (ii) abantu abanomdla babonisa ukungqinelana nalongxelo okanye
- (iii) inkcaso ifakiweyo kulongxelo nesaziso ngoko mmiselo kumhlathi (e)

- (iv) Inxelo ilungiswe okanye iqinisekiswa kuphononongo unothimba uyakuhlulwa iimali ezigcinwe ngunothimba kwingxowa yabucala phantsi komhlathi (a) ngokwe ngxelo yolwabiwo kwaye inzuzo iyakuhlulwa kothinjiweyo ngokuxhomekeke kwicandelo 71 lomthetho, ukuba unokufumaneka. Kuxhomekeke ekubeni ukuba unothimba ligosa likarhulumente kwaye uqinisekisiwe ukuba
- (aa) akukho nkcaso efakiweyo mayelana nengxelo yolwabiwo okanye
 - (bb) bonke abantu abanomdla baxelele unothimba ukuba abana nkcaso
 - (cc) isikhalazo esichasene nalongxelo sifakiwe nesaziso ngokommiselo womhlathi (e) asikhangela sinikezelwe
 - (dd) ingxelo ilungisiwe ngokomyalelo wenkundla okanye ingqinisiwe kuphengululo ;

Esosixa semali siyakuhlulwa ngunothimba pkanye nawuphi na umntu ogunyaziswe nguye ngokumayela nengxelo yolwabiwo.

(h) Umgao 41 (11) ngokuxhomekeke kwicandelo 71 lomthetho , ngokotshintsho olofanelekileyo uyakusebenza kuyo nayiphi na inzuzo engahlulwanga kumntu othinjiweyo phantsi komhlathi (g)

(15) Unobhala xa azisa ngengxelo yothimbo phantsi komgao 8(3) (a) kananjalo ebonisa indlela into esenziwe yona eso sixa semali Sifunyenwe nguye nesaziso kunobhala wenkundla ephakamileyo okanye owenkundla kamantyi siyakuxhaswa nge phepha elibonisa ukufumana Isixa semali esihlawulwe nguye

Ukunyanzelisa umyalelo wenkundla kwimbambano yamazwe angaphandle

43A. (1) Nanini na apho ikopi eqinisekisiweyo yesigwebo ekubhekiswa kuyo kwicandelo 3(1) lomthetho wokunyanzeliswa kezigwebo zangaphandle kwelizwe wonyaka ka 1988 (Umthetho 32 ka 1988) inikezelwe unobhala wenkundla ephakamileyo okanye inkundla kamantyi uyaku bhalisa eso sigwebo ngokusifakela inombolo elandelayo yalonyaka sifakwe ngawo nagokubhala ii nkukacha eso ekubhekiswe kuzo kumhlathi (a), (b) (c) welocandelo kuqweqwe laso.

(2) Ogwetyelweyo enekopi yesigwebo eqinisekisiweyo nekubhekiswa kuyo kwinxalenye yomgao (1)

- (a) uyakunikezela ngengxelo efungelweyo eyenziwe nguye okanye omnye umntu onokuqinisekisa I emiba ilandelayo - exela ukuba
 - (i) isixa-imali esiyinzala ehlawulekayo, umlinganiselo ofanelekileyo kunye nendlela imali eyinzala ebalwe ngayo, kwaye
 - (ii) Nokuba kukho nasiphi na isixa semali esihlawulwe ngogwetyiweyo oko kwawiswa isigwebo, kwaye ukuba kunjalo. Ukuba loomali itsaliwe kwimali eyinkunzi yetyala lesa sigwebo esuka kwinzala okanye kwiindleko
- (b) ukuba nayiphi na imali ehlawuleka phantsi kwesigwebo iboniswa ngokwemali engeyiyo yalapha kweli lizwe, anikezele ngesiqinisekiso esikhutshwe yibhanki ebhalisiweyo phantsi kwecandelo 4 lomthetho weebhanki ka 1965 (umthetho 23 ka 1965, esichaza umlinganiselo walomali ngalomini yesigwebo

(3) Isaziso esikhutshwe phantsi kwecandelo 3(2) lomthetho wokunyanzeliswa kwezigwebo ezikhutshwe kumanye amazwe ka 188 (umthetho 32 ka 1988), uya kuqulatha -

- (a) inombolo elandelayo njengoko kubhekiswa kwinxalenye yomhlathi (10)
- (b) umhla esabhaliswa ngawo isigwebo
- (c) intsalela yemali etyalwayo kwisigwebo
- (d) Indleko ezibaliweyo ezazinikwe yinkundla yelizwe eliboniswa kwisigwebo eso.
- (e) inzala ukuba ikho, ekufuneka ihlawulwe ngokomthetho okanye umyalelo wenkundla emiselweyo ngokwelo lizwe. Kwimali ekufuneka ihlawulekile phantsi

kwesigwebo ukuya kuma ngexesha lobhaliso lwesigwebo.

- (f) iindleko ezifanelekileyo ezimayela nobhaliso lwesigwebo kuquka neendleko zoku zokufuman ikopi eqinisekisiweyo yesigwebo
- (g) amagama amacala esinmangalo afanelekileyo (h) igama lenkundla apho isigwebo sawiswa khona

Amabango abangeneleli

44. (1) (a) Apho icala lesithathu (ukususela apha ekubhekiswa kulo njengomenzi wesicelo oneempahla eziselugcinweni lwakhe apho ababibini nangaphezulu(ukusukela apha ababizwa njengababangi) benza amabango kowenza Isicelo angamangala ngendlela emiselweyo njengakwinkcukacha ekokuqhotyoshelwyo 1, apho anyanzelisa ukuba ababangi bachaze uhlobo neenkukacha zamabzngo abo aqinisekise ukuba loo matyala kufuneka eviwe kwathatyathwa isigqibo ngawo.

(b) Ukuba iimpahla ezo zibandakanya nemali, ummangalelwa xa esenza umbango ngesamana uyakuhlawula lo mali enkundleni.

(c) Ummangalelwa uyakuqhoboshela iisamana ezikhankanywe kumhlathi (a) kwingxelo efungelweyo enika ezinkcukacha :

- (i) akabangi nzala kubuqu besinmangalo esidala imbambano ngaphandle kwentlawulo okanye iindleko
- (ii) akanagumgedle nabanye abanamabango, kwaye
- (iii) kwiimpahla ezizezinye ngaphandle kwemali ehlawulwe enkundleni phantsi kwimimiselo yomhlathi

(b) ukulungele ukukwenza lo nto ithi inkundla makayenze ngeempahla ezithinjiweyo.

(2) (a) Apho umntu ongaphandle kogwetyiweyo (ubizwa njengombangi eva koku) wenza naliphi na Ibango kwinto ezithinjiwe ngunothimba kwinkqubo yokuphunyezwa kwesigwebo senkundla okanye apho lo mbingi enza ibango kwinzuzo yalonto ithinjiweyo yaza yathengiswa ekuphunyezweni kwesigwebo senkundla unobhala wenkundla ephakamileyo eyakucela kulomntu wenza ibango ukuba afake ingxelo efungelweyo ikiwikipi ezintathu kwintsuku ezili 10 ukususela kumhla apho elobango lenziwe ngawo, enika

- (i) enika iincukacha zakhe ezizeleyo : amagama apheleleyo, inombolo yesazizi, nomsebenzi wakhe
- (ii) idilesi ahlala kuyo okanye awenza kuyo ushishino umntu owenza ibango
- (iii) Uhlobo nezizathu zebango lakhe lixhaswa nabubuphi na ubungqina obufanelekileyo.

(b) (i) Kwiintsuku ezili 5 emva komhla elenziwe ngawo ibango unothimba uyakwazisa ogwetyelweyo nabo bonke abanye onothimba abanyulelwe lommandla abanikezele ngeziqinisekiso ekubhekiselwe kuzo kumgaqo 39 (2) (c)

- (ii) Ngaxeshanye nesaziso ekubhekiselelwe kuso kwinxalenye yomhlathi (i), unothimba uyakunikezela ngekopi yengxelo fungelweyo yowenza ibango kogwetyelweyo.

(c) (i) Ogwetyelweyoyakuthi kwintsuku ezili 10 efumene isaziso sokwenza ibango kunye nengxelo efungelweyo, azise unothimba ngokubhaliweyo ukuba uyalivuma na okanye uyalikhaba ibango lobangayo.

- (ii) Ukuba ogwetyelweyo unika unothimba isaziso kwisithuba esikhankanywe kumhlathi (i) ukuba uyalivuma ibango. akayikuba nabutyala bakuhlawula iindeko, intawulo okanye inkcithoechithiweyo emva koko kwaye unothimba angarhoxa ekugcineni iimpahla ezibangwayo

(3) (a) Ukuba ogwetyelweyo unika unothimba isaziso sokuba uyalichasa ibango , unothimba kwiintsuku ezili 10 ukusukela kumhla weso sisicelo uyakulungisa akhuphe iisamana kwifomu emiselwe eso sizathu kokuqhotyoshelwyo 1 ecela obangayo kunye nogwetyelweyo ukuba bavele kosuku olukhankanyweyo

kwiisamana kuzokuboniswana ngebango lalowo ubandakanyekayo apho liyakuhlalutywa.

(b) Unothimba uyakwazisa abanye oonothimba abanyulelwe lommandla abanikezele ngeziqinisekiso ekubhekiselwe kuzo kumgaqo 39 (2) (c) ngosuku olukhankanyiweyo' kwiisamana ekubangwa ngazo phantsi komhlathi (a) kunye nangesigwebo senkundla.

(c) Unobhala wenkundla ephakamileyo okanye owenkundla kamantyi uyakutyikitya akhuphe iisamana.

(4) Ukuba lomntu unebango akaveli ukuya kuxoxa ngokweesamana eze ngazo ibango phantsi kwalomgaqo okanye avele koko masilele okanye ale Ukufezekisa imiqathangoyawo nawuphi na umyalelo owenziwe yinkundla emva kokubela kwakhe, inkundla ingenza umyalelo omalelayo yena nabanye abantu abanebango emva kokokwenza naliphi na ibangoelimalayela nentsusa yembambano ekubhekiselelwe kuyo kwiisamana ezichasene nomenzi wesicelo okanye unothimba.

(5) Ukuba nawuphi na umntu owenza ibango phantsi kwalomgaqo uyavela ezekuxoxa ngokweesamana ekwenziwa ngazokulomgaqo, inkundla

- (a) ingamyalela ukuba achaze, ngomlomo okanye ngokubhaliweyo phantsi kwesifungo okanye nangaluphi na uhlobo , njengoko inkundla inokubona kuyimfuneko achaze uhlobo neenkucukacha zebango lakhe ;
- (b) iyalele ukuba imiba eyimbambano iyakushukuxwa ngomhla oyakumiselwa oko kwaye ukuba nawuphi na umntu owenza ibango ngolenza njengokokubhekiswa kwinxalenye yomgaqo 1, umyalelo womntu owenza ibango uyakuba ngummangali kunye nommangalelwa mayela novavanyo-tyala okanye
- (c) eve izinto ezikwimbambano ngendlea yangoko nangoko.

(6) apho imiba ekwimbambano iviweyo, nokuba ngoko nagoko okanye ngenye indlela, iziqulatho zomgaqo 29 ngokumayela novavanyo lwesimangalo ziyakusebenza notshintsho olufanelekileyo apho lufunekayo.

(7) inkundla ingenz lomyalelo onxulumene nenkcitho yenkqubo yothimbo kwinkqubo yesimangalo songenelelo ebangelwe libango leendleko ezichithiweyo ngumntu owenza isicelo okanye unothimba njengoko ibona kuyimfuneko.

Uphando lwemeko yezemali zolahlwe lityala

45. (1) Isaziso ekubhekiswa kuso kwicandelo 65A lomthetho esimema olahlwe lityala okanye ukuba olahlwe lityala liqumrhu Umntu, umphathi okanye igosa leloqumrhu njengommeli walo naye siqu avele enkundleni kwiofisi zejaji njengokufanayo no fomu 40 okuqhotyoshelweyo 1 ebonisa umhla wesigwebo okanye umyalelo, imali yesosigwebo, intsalela yemali iphelele, inzala, iindleko nengqokelela yentlawulo ummangalelwa aqinisekise ngokuyihlawula phantsi kwecandelo 57(1) (c) lomthetho ngokwakumhla wokukhutshwa okanye ukuphinda kukhutshwe esosaziso yaye iyakuxhaswa ngengxelo efunyelweyo okanye (h) Ingxelo efunyelweyo okanye isiqinisekiso sogwetyelweyo okanye igqwetha lakhe ekhankanya u 36 sonyaka 110),

- (a) umhla wesigwebo okanye umhla wokuphela kwexesha elixhonyiweyo phantsi kwecandelo 48(e)
- (b) yokuba isigwebo okanye umyalelo uhleli ungaphunyezwa kwisithuba seentsuku ezili 10 ukusukela kumhla Esawiswa ngawo okanye ekwakufuneka sihlawulwe ngawo okanye ukuphelelwa kokuxhonywa ngokwecandelo 48 (e) womlithetho.
- (c) apho olahlwe lityala asileleyo ukuphumeza isigwebo okanye umyalelo ekubhekiswa kuwo kwi kwicandelo 65A1 lomthetho, isixs semali esemva ngaso nentsalela ngomhla ekwa khutshwa ngayo isaziso.
- (d) sokuba olahlwe lityala ebexelwe ngencwadi eqinisekisiweyo nge mimiselo yomyalelo okanye (a) umhla wesigwebo okanye umhla wokuphela kwexesha elixhonyiweyo phantsi kwecandelo 48 (e) lomthetho njengoko kuyakwenzeka, kwaye ukuba ixesha leentsukuezili 10 liphelile oko usuku usuku incwadi yaposwayo ;

(2) Isaziso ekubhekiswa kuso kwinxalenye yomgaqo (1) iyakukhankanya okuyakwenzeka xa ubani ethe wasilela ukuvela enkundleni ngomhla obekiweyo ye yophando.

(3) Naluphi na utshintsho kwisaziso ekubhekiswa kuso kwinxalenye yomgaqo (1) okanye kwincadi egunyazia ukubanjwa phantsi kwecandelo 65A6 lomthetho luyaku phawulwa ngombhalo ngogwetyelweyo okanye igqwetha lakhe nangunobhala wenkundla ephakamileyo okanye owenkundla kamantyi phambi kokukhutshwa okanye ukuphinda ukukhutshwa.

(4) Xa isigwebo okanye umyalelo ekubhekiswa kuwo kwicandelo 65A(1) lomthetho sinikiwe siwisiwe kuyo nayiphi na inkundla eyenye kunalokundla yesithili apho uphando lubanjelw khona, unobhala wenkundla ephakamileyo okanye owenkundla kamantyi ayiyikukhupha sicelo de kube kufakwe kuye Ikopi yesigwebo okanye umyalelo wenkundla lonkundla iyenye iqinisekisiweyo ngunobhala wenkundla ephakamileyo okanye okekamantyi.

(5) (a) Xa olahlwe lityala ebanjiwe weziswa phambi kwenkundla engeyiyo leya ibigunyazise incwadi yokuba abnjwe, unobhala walokundla okanye ekamantyi uyakuvula ifayile, ayabele inombolo ayinikele kunye nencwadi leyo egunyaziswa ukubanjwa kolahlwe lityala kulokundla

(b) Xa inkundla ekubhekiswa kuyo kumhlathi (a) ithumela ityala phantsi kwecandelo 65A(11) lomthetho kwinkundla egunyazise incwadi yokubamba, unobhala wenkundla ephakamileyo okanye oweka mantyi uyakuthumela uqobo lwaloncwadi yesigunyaziso sokubamba kunye neekopi eziqinisekisiweyo zemizuzu kunye nenkqubo ngaphandle kokulibazisa kwakunye nomyalelo wenkundla woko kulokundla yayikhuphe umyalelo wokuba olahlwe lityala abanjwe.

(c) Ukuba yinkundla apho inkqubo yokuyiwa kwesimangalo phantsi kwecandelo 65A(10) (b) okanye 65 (11) apho silindele ukuviwa khona isimangalo asiyokundla egunyazise Incwadi yokuba olahlwe lityala abanjwe phantsi kwecandelo 65A(6), unobhala wenkundla ephakamileyo okanye ekamantyi uyakwazisa unobhala walokundla ngomnxeba , okanye ngombhalo wefaksi ukuvele kogwetyelweyo, umlawuli okanye igosa phambi kwenkundla leyo waye eyakwazisa ogwetyelweyo okanye igqwetha lakhe ngomnxeba okanye ngombhalo wefaksi ngokunjalo : Kuxhomekeke ekubeni linkcukacha zokwazisa ngomnxeba ezibhaliweyo neziqinisekiso zokuthunyelwa kwimbhalo ngefaksi zigciniwe kwifayili kwifayile efanelekileyo yesimngalo eso

(6) Iziqulatho zomgaqo 55 ziyakusebenza notshintsho olufanelekileyo apho lufunekayo kwisicelo ekubhekiswa kuso kwicandelo 65A (3) lomthetho.

(7) isithembiso esibhaliweyo ekubhekiswa kuso kwicandelo 65 lomthetho siyakuba yingxelo efunjelweyo okanye ingxelo eqisekisiweyo yokunika ubungqina obunyanisekileyo obudandalazisa

- (a) Amagama azeleyo ogwetyelweyo, idilesi yendawo ahlala kuyo naqhubela kuyo ishishini lakhe
- (b) Igama nedilesi yomqeshi wakhe
- (c) Isimo sakhe sokutshata okanye ukungatshati
- (d) Inani labaxho=mekeke kuye, iminyaka yabo nokuzalana kwakhe nabo ;
- (e) Izinto namatyala akhe
- (f) Ingeniso yakhe yevki/nyanga iquka eyeqabane lakhe nabaxhomekeke kuye nenkcitho :
- (g) inani lemyalelo yoxhuzulo lomvuzo okanye eminye imiyalelo yenkundla anayo okanye nendibanisela yemali emelwe kukuhlawulwa phantsi kwayo. ne
- (h) sithembiso nemihla ecetyiweyo yentlawulo ngezavenge

(8) Incwadi yesigunyaziso phantsi kwecandelo 65A(8)(B) lomthetho iyakufana no fomu 40B wokuqhotyoshelweyo 1.

Ukuxhuzulwa komvuzo ngokomyalelo woxhuzulo-mvuzo

46. (1) Xa umyalelo woxhuzulo-mvuzo okhutshwe ngogwetyelweyo kwenye inkundla ngaphandle kwaleyo Isigwebo okanye umyalelo wawufunyenwe khona , ikopi eqinisekisiweyo yesigwebo okanye umyalelo ochasene nolahlwe lityala uyakukhapha ingxelo efunjelweyo okanye ingxelo eqinisekisiweyo bokuba ubungqina obunikiweyo buyinyaniso okanye isiqinisekiso ekubhekiselelwe kuso kwicandelo 65J(2) (b) lomthetho.

(2) Umyalelo woxhuzulo-mvuzo uyakukhutshwa kwifomu emiselweyo kokuqhotyoshelweyo 1,ingufomu 38, kwaye iyakuqulatha ulwazi olwaneleyo ukwenza otsalelwa nyanga nenyanga imali emvuzweni ukumazi ogwetyelweyo, kuquka inombolo yesazisi okanye eyengqesho umhla wokuzalwa wolahlwe lityala

Umyalelo wokuxhuzulwa kwetyala kumvuzo wolahlwe liyala

47. (1) Isicelo sokuxhuzulwa kwetyala emvuzweni siyakuxhaswa yingxelo efungelweyo okanye ingxelo eqinisekisa ukuba ubungqina obubhaliweyo yinyaniso ngotalwayo okanye isiqinisekiso ligqwetha lakhe sikhankanya ukuba

(i) igwebele otyalwa imali

(ii) yenze umyalelo wentlawulo yetyala ekubhekiselelwe kuyo kwicandelo 55 lomthetho neendleko kwi ngokwezavenge ezicacisiweyo ;

(b) isigwebo okanye umyalelo ekubhekiselwe kuwo kwinxalenye yomgaqo (1) (a) awukaphunyezwa, sikhankanya iimali ezingekahlawulwa phantsi kwaso ;

(c)Oyalelwe ukutsalalelwa ityala nyanga nenyanga emvuzweni, uqhubela ishishini lakhe kwisithili senkundla ekhankanya idilesi yalomntu ugetyelwe ukuxhuzulelwa ityala emvuzweni ilityala elingahlawulekanga ngoku okanye kwixa elizayo; okanye

(d)Elikhulayo kutsalo mvuzo inyanga nenyanga kolahlw nee lityala mali yoko.

(2) Ngaphandle kokuba isecelo somyalelo wokukutsalwa kwetyala nyanga nenyanga emvuzweni sibhekiswe enkundleni nenike isigwebo okanye umyalelo ekubhekiswa kuyo kwinxalenye yomgaqo (1) (a), Ikopi eqinisekisiweyo yesigwebo okanye umyalelo ochasene nolahlwe lityala iyakukhapha ingxelo efungelweyo okanye ingxelo eqinisekisa ukuthetha inyaniso okanye isiqinisekiso ekubhekiselwe kuso kwinxalenye yomgaqo (1)

(3)Inkcukacha eyaneleyo ebandakanya inombolo yesazisi okanye eyomqeshwa okaye umhla wokuzalwa wolahlwe lityala uyakunikezelwa kumyalelo wokutsalwa nyanga nenyanga kwemali emvuzweni ukwenzela ukuba onikwe lomyalelo akwazi ukumazi olahlwe lityala

(4) Kwisicelo esenziwe phantsi kwalomgaqo inkundla ingafuna obobungqina bongezelelekileyo njengoko ibina kufanelekile.

(5) Kwisicelo phantsi kwaomgaqo inkundla ingayalela lowo ugwetyelwe ukuttsalelwa imali emvuzweni ukuba ahlawule kogwetyelweyo okanye igqwetha lakheilimali eyanele ityala ngoku okanye kwixa elizayo okanye elityalwa yena okanye ngenxa yakhe kolahlwe lityala kangangokuba inokwanela ukwanelisa isigwebo, kunye neendleko zenkqubo yesicelo sokuyalela ukutsalwa kwemali emvuzweni kuquka neendleko zokunikezelwa kwecwadi ezazisa ngomhla wamatyala okanye ukusilela koko Intlawulo yokubela phambi kwenkundla kumhla oyakukhankanywa kumyalelo abonise isizathu sokuba kutheni na engenakuyalelwa ukuba ahlawule elotyala.

(6) Unobhala wenkundla ephakamileyo okanye owekamantyi uyakuqaphela kumyafelo ngaphambili owenziwe phantsi kwenxalenye yomgaqo(5) ngalomhla yenziwa ngawo.

(7) Umyalelo owenziwe phantsi kwenxalenye yomgaqo 5 iyakunikezelwa koyalelwe ukuba axhuzulelwe imali emvuzweni wakhe nakolahlwe lityala neyakusebenza nje ngokuthatyathwa kwetyala kwizandla zoyalelwe ukuba atsalelwe imali emvuzweni.

(8) Olahlwe lityala noyalelwe ukuba atsalelwe imali emvuzweni angavela phambi kwenkundla ngomhla obekelwe bucala ukuviwa kwesicelo, kodwa akanakubuza ukufaneleka kwesigwebo isicelo eso esisekelwe phezu kwaso.

(9) Ukuba lowo ugwetyelwe ukuxhuzulelwa imali emvuzweni wakhe akabbuphiki ubutyala bakhe kolahlwe lityala okanye uthi balinganise ubutyala nolahlwe lityala okanye ityala ekufuneka lihlawulekile lelesimangalo somnye umntu okanye ukuba akayi kuvela ukuza kubonisa isizathu njengoko kufuneka kwinxalenye yomgaqo (5), inkundla ingayalela omelwe kukuxhuzulelwa imali kumvuzo wakhe ukuba ahlawule ityala (okanye Inxalenye yayo njengoko inkundla inokumisela) kogwetyelweyo okanye igqwetha lakhe kwiintsuku ezimiselweyo kumyalelo, kwaye oyalelwe ukuba axhuzulelwe imali emvuzweni asilele ukuhlawula, uxhuzulo olulungele isixa semali esihlanganisa neendleko solothimbo ungakhutshwa ungqaliswe koyalelwe ukuxhuzulelwa umvuzo. imigaqo 36 ukuya ku 43 ngokudibeneyo notshintsho olufanelekileyo apho

lufunekayo iyasebenza kuthombo phantsi kwenxalenye yomgaqo

(10) Ukuna oyalelwe ukuxhuzulelwa imali kumvuzo wakhe uyawaphika amatyala akhe okanye uthi unesinye isizathu sokungahlawuli, unetyala elilingana nelo analo ogwetyelweyo kuye ebenokuba nesimangalo esiphikisa eso sogwetyelweyo ukuba ogwetyelweyo ebemmangalele, inkundla Ingayalela omelwe kukuxhuzulelwa imali ukuba achaze, ngobungqina obunikwa ngomlomo okanye obubhaliweyo phantsi kwesifungo okanye nan gayiphi na indlela, njengoko inkundla inokubona kuyimfuneko, iinkcukacha zetyala elo nezesizathu sokuba azibone engenabutyala kweso simangalo kwaye ingeva okanye iphonononge izinto ezikwimpikiswano ngendlela yesishwankathelo okanye iyalele ukuba:

(a) ezozinto kubangiswana ngazo ziyakuviwa phantso kwenkqubo yesiqhelo yenkundla ;kwaye

(b) ukulungiselela olo vavanyo letyala ogwetyelweyo uyakuba ngummangali oyalelwe ukuba xhuzulelwe imali emvuzweni uyakuba ngummangalelwa, okanye noku tshintsha tshintshana

(11) Ukuba lowo uyalelwe ukuxhuzulelwa imali emvuzweni uthi ityala lelomnye umntu okanye lixhomekeke kwibango lomnye umntu inkundla ingalolula Ixesha lokuchaza isizathu sokuba isigwebo okanye umyalelo ungeziwa ogqibeleleyo iyalele omnye umntu lowo ukuba avele enkundleni achaze uhlobo neenkukacha zebango lakhe kwaye nokuba aligcine okanye Anikezele ngalo ibango lakhe, angawuphatha lo mcimbi njengokungathi ogwetyelweyo nomnye umntu lowo babenebango kwisimangalo esingenelelayo Phantsi komgaqo 44.

(12) Ukuba olahlwe lityala uthi isigwebo sifezekisiwe okanye ngenxa yesinye isizathu asisebenzi kuye Okanye oyalelwe ukuba kuxhuzulwe emvuzweni wakhe akanabutyala kuye inkundla ingasiva isimangalo eso ngoko nagoko.

(13) Emva kokuva amacala omabini okanye elinye lawo elithe lavela, inkundla inga

- (a) ingayalela ukuba oyalelwe ukuba axhuzulelwe imali ahlawule ngokwenxalenye yomgaqo (9);
- (b) declare the claim of any person to the debt attached to be barred;(b)iyalele ukuba ibango lakhe nawuphi na umntu kwityala elimelwe kukuthinjwa lithintelwe ;
- (c) sichitha isicelo
- (d) yenze loomyalelo njengoko kufanelekile.

Imiyalelo yokuthatyathwa kolawulo

48. (1) Lowo utyalwa imali phantsi kwecandelo 74F(3) lomthetho, onqwenela ukuphikisa naliphi na ityala elidweliswe kumyalelo wokuthatyathwa kolawulo okanye iwindlela umyalelo obeka ngayo indlela yokuhlawula uyakwenza njalo kwintsuku ezingama 20 emva kokunikwa komyalelo nomyalelo ufikile kuye.

(2) Lowo utyalwa imali phantsi kwecandelo 74G(10) lomthetho, onqwenela ukuphikisa naliphi na ityala elidweliswe kumyalelo wokuthatyathwa kolawulo okanye kwiintsuku ezili 15 emva kokufumana ikopi yomyalelo wolawulo azise ulawuli ngokubhaliweyo ngempikiswani yakhe inkcaso kunye nezizathu ezo aqamelele ngazo kwimpikiswano yaskhe.

(3) Kwisimangalo ekubhekiswa kuso kwinxalenye yomgaqo (2) umlawuli uyakufumana umhla ofaneleyo kunobhala wenkundla ephakamileyo okanye ekamantyi kunye nexesha lokuviwa kweziphikiso yionkundla uyakwazisa otyalwayo ekubhekiswa kuye kumgaqo (2) otyala imali kunye namphi na otyalwa imali obandakanyekayo , yolosuku nexesha

(4) Umlawuli angabamba imali engedlulanga kuma 25 ekhulwini emali eqokelelelwe ukuqinisekisa ubukho bentlawulo yeendleko anokuthi azichithe phantsi kwecandelo 74 (1) (b) lomthetho, phambi kokwenza ulwahlulo ekubhekiswa kulo kwelocandelo imali engedlulanga kuma 25 ekhulwini emali eqokelelelwe ukuqinisekisa ukuhlawuleka kweendleko anokuthi azichithe ukuba otyala imali uyasilela ukuhlawula okanye anyamalale. Kuxhomekeke ekubeni isixa semali esikumlawuli nesibekelwe esisizathu ngexesha elithile asiyi kugqitha isixa esingangama R600

(5) Ukuba umlawuli uligosa eliqashwe ngurhulumente imbuyekezo ekubhekiswa kuyo kwicandelo 74L lomthetho iyakuwela kurhulumente.

Ukurhoxiswa nokutshintshwa kwemiyalelo yenkundla

49. (1) Icala kwinkqubo yesimangalo apho isigwebo sinikwa ngokusilela kommangalelwa ukuhlawula okanye ukuvela enkundleni siwisiweyo, okanye nawuphi na umntu ochatshazelwa sesosigwebo, anga angathi kwiintsuku ezingama 20 emva kokwazi ngesigwebo anikezele isicelo enkundleni ngesaziso kuwo onke amacala kweso simangalo kwinkqubo apho acela ukurhoxiswa okanye ukutshintshwa kwesigwebo kwaye inkundla ingathi kwisizathu esibonisiweyo. ikuba yanelisekile ukuba kukho isizathu esilungileyo, isirhoxise okanye isthinshe isigwebo eso phantsi kwemiqathango eyibona ilungile Kuxhomekeke ekubeni isithuba seentsuku ezingama 20 asiyikusebenza kwisicelo sokurhoxiswa okanye ukutshintshwa komyalelo wenkundla esifakwe ngokwenxalenye yomgaqo (5).

(2) Kuyakuqikelelwa ukuba umenzi wesicelo ebenolwazi lwesigwebo kwiintsuku ezilishumi emva kosuku esiwiswe ngalo, ngaphandle kokuba umenzi wesicelo ubunisa ngolunye uhlobo.

(3) Apho isicelo sokurhoxiswa kwesigwebo esiwiswe ngokusilela kokuhlawula kommangalelwa ngexesha elimisiweyo nokusilela kwakhe ukuvela enkundleni senziwa ngummangalelwa ngokuchasene nalomntu ugwetyiweyo Nonqwenela ukusichasa esosicelo, kufuneka sixhaswe kwinkqubo yokusiva ngengxelo efungelweyo nebeka izizathu zokusilela kommangalelwa ukuza enkundleni okanye ukungahlawuli kunye nezizathu zakhe zokuchasa ibango.

(4) Apho isicelo sokurhoxiswa kwesigwebo esiwiswe ngokusilela kokuhlawula kommangalelwa ngexesha elimisiweyo nokusilela kwakhe ukuvela enkundleni senziwa ngummangalelwa ngokuchasene nalomntu ugwetyiweyo unganqweneli kuyichasa inkqubo, owenza isicelo kufuneka anelise inkundla ukuba akasilelanga ngabom okanye umyalelo wenkundla ufezekisiwe, okanye amalungiselelo okufezekisa umyalelo wenkundla, kwisithuba esifanelekileyo emva kokuba ewuthathele ingqalelo okanye ewazile.

(5) (a) Apho ummangali ogwetyelweyo ngokungaveli kommangalelwa enkundleni, uvumelene ngokubhaliweyo nesigwebo ukuba sirhoxiswe okanye sitshintshwe, ngummangali okanye ummangalelwa lowo isigwebo besiwiswe ngokuchasene naye, okanye nawuphi na omnye umntu ochatshazelwa siso angathi ngokunika onke amacala akulonkqubo isaziso esenza isicelo enkundleni sokurhoxiswa komyalelo sicelo eso esiyakukhatshwa bubungqina obubhaliweyo bommangali apho avumela ukuxhoxiswa okanye ukutshintshwa komyalelo wenkundla.

(b) Isicelo ekubhekiswa kuso kumhlathi (a) singenziwa nangaliphi na ixesha emva kokuba ummangali evumile ngokubhaliweyo ukuba umyalelo wenkundla urhoxiswe okanye utshintshwe.

(6) Apho isicelo sokurhoxiswa okanye ukutshintshwa komyalelo wenkundla onikwe ngenxa yokusilela kommangalelwa ukuvela enkundleni senziwe nanguwuphi na umntu ongaphandle kwalowo wenza isicelo kubhekiswa kuye kwinxalenye yomgaqo (3), (4), okanye (5), isicelo kufuneka sixhaswengengxelo efungelweyo ibeka izizathu zokuba kutheni umenzi wesicelo efuna ukurhoxiswa okanye utshintshwe umyalelo wenkundla.

(7) Zonke izicelo zokurhoxiswa okanye ukutshintshwa kwemyalelo yenkundla engaphandle kwenikwe ngenxa yokusilela kommangalelwa ukuza enkundleni kufuneka zinikezelwe ngesaziso kuwo onke amcala, zixhaswa yingxelo efungelweyo ebeka izizathu enz isicelo phezu kwazo umenzi wesicelo nafuna ukurhoxiswa kwesigwebo okanye ukutshintshwa kwaso phezu kwazo kwaye inkundla inga wurhoxisa umyalelo wayo ukuba yanelisekile ukuba kukho isizathu esifanelekileyo sokwenza oko.

(8) Apho ukurhoxiswa okanye ukutshintshwa komyalelo wenkundla ufunwe ngesizathu sokuba bubuvuvu kwasekuqaleni okanye ngobuqhinga okanye ngempazamo, isicelo kufuneka sinikezelwe kwisithuba sonyaka omnye emva kokuba umenzi wesicelo efumene ulwazi ngobo buvuvu, ubuqhinga okanye impazamo.

(9) Umantyi ozilungisa ngokwakhe iimpazamo komyalelo wenkundla ngokwecandelo 36 (1) (c) lomthetho uya kuwaxelela onke amacala kwelotyala o/o lungiso ngembalelwano.

Izibheno nokuthunyelwa kwamatyala kwiinkundla zikamantyi

50. (1) Apho isibheno sixhomekeke kumantyi singaphakanyiswa ngokunikezela ngesaziso soko kwiintsuku ezilishumi emva komhla kwesigwebo ekubhenwa kuso.

(2) Isaziso sesibheno siyakucacisa ngokufutshane nokucacileyo izizathu zesibheno.

(3) Icala eliphakamisa isibheno siyakusifaka kwiintsuku ezingama 20 emva kokuphakamisa eso sibheno.

(4) Ukuviwa kwesibheno kuya kuxhomekeka ekunikezelweni kwesaziso somhla wokuviwa kwaso ngofaka isibheno ngomhla ovunye ngunobhala wenkundla ephakamileyo okanye owekamantyi

(5) Isaziso somhla wovavanyo ekubhekiswa kuwo kwinxalenye yomgaqo (4) siyakunikezelwa ubuncinane kwiintsuku ezilishumi phambi komhla wovavanyo.

(6) Nangaliphi na ixesha emva kokunikezelwa ngesaziso sesibheno kodwa kungekudala kunikezaelwe ngomhla wovavanyo umntu owenza isibheno uyakuqinisekisa ukuba Inkqubo ebhaliweyo ebangele ukuba kukhutshwe umyalelo wenkundla okanye ikopi yayo eqinisekisiweyo inikezelwe kunobhala wenkundla kamantyi okanye isigwebo ekubhenwa kuso.

(7) kuxhomekeke kwiziququlatho zawo nawuphi na omnye umthetho olawula inkquboyenkundla kwizibheno, inkundla inganikezela kwelocala ukuba linikezele ubungqina obuthethwayo kuvavanyo lwesibheno okanye liqhubeke novavanyo lonke okanye inxalenye

(8) Inkundla inganika naliphi na icala umyalelo wokuhlululwa kweendleko ezichithwe kwisibheno, lindleko ezo ziyakubalwa kulomlinganiselo weendleko ezimiselwe izimangalo enkundleni njengoko inkundla iyalela.

(9) Iisamamana okanye incwadi yokuqala ekhutshiweyo kwityala elidluliselwe enkundleni phantsi komgaqo 39 (22) wemigaqo elawula indlela yenkqubo yovavanyo lwezimangalo yeenkundla zamaphondo nezesithili zenkundla ephakamileyo yoMzantsi Afrika iyakuma nje Samana eqalisa isimangalo kwinkundla apho elotyala lidluliselwe khona kwaye liakuxhomekeka nakuliphi na ilungelo anokuba nalo lokuchasa, iththwe njengesamana yokwenene, ekhutshwe phantsi kwemigaqo nayo nayiphi na into eyenziweyo okanye umyalelo onikwe enkundleni apho elityala lidlulisiweyo netyala eliyakuqhubeka apho kwi nqanaba elilandela elo lalimisiwe phambi kokudluliswa.

(10) lindleko zetyala phambi kokudluliselwa kwenye inkundla ngokwemimiselo yenxalenye yomgaqo (9) ngaphandle kokuba inkundla iyalela ngokwahlukileyo iyakuba ziindleko zetyala elo.

Izibheno kumatyala embambano

51.(1) Ngokwesicelo esibhaliweyo lilo naliphi na icala kwiintsuku ezili 10 emva kwesigwebo naphambi kokuphakamisa isibheno igosa eliphethe inkundla liya kunikezela kunobhala wenkundla okanye owekamantyi isigwebo esibhaliweyo esyakuba yinxalenye yokubhaliweyo mayela nesosimangalo kwiintsuku ezili 15, nokuyakubonisa

(a) ubungqina obububo okanye obufumaniseke buqinisekisiwe kwaye

(b) izizathu zakhe zesigwebo

(2) Unobhala wenkundla ephakamileyo okanye owenkundla kamantyi uyakuthi akufumana isiqinisekiso sentlawulo kwigosa eliphethe inkundla lwesigwebo ngokubhaliweyo asinikezele kwelocala licela ikopi yeso sigwebo waye eyakutyikitya imizuzu yoqobo yenkqubo ebhaliweyo yenkundla kunye nomhla lo kopi yomyalelo wenkundla yanikezelwayo

(3) Isibheno singaphakanyiswa kwiintsuku ezingama 20 emva komhla wesigwebo ekubhenye ngokuchasene naso okanye kwiintsuku engama 20 emva kokuba unobhala wenkundla ephakamileyo okanyeekamantyi enikezele ngekopi yesigwebo esibhaliweyo kwicala elenza isicelo soko, aliphi na ixesha eliyakuba lide.

(4) Isibheno siyakuphakanyiswa ngokunikezelwa kwesaziso, kwaye, ngaphandle kokuba inkundla yesibheno iyalele ngolunye uhlobo, ngokunikezelwa kwesibambiso seendleko zommangalelwa zokubhena esikwisithuba se R1000 ; Kuxhomekeke ekubeni esosibambiso asiyi kufuneka kwityala elibandakanya umbuso okanye ngaphandle kokuba inkundla iyalela ngolunye uhlobo, kumntu ofumana uncedo lukarhulumente phantsi kwebhodi yomthetho kwindleko zokuvavanywa kwetyala .

(5) Intlawulo eyenziwe enkundleni phantsi kwenxalenye yomgaqo (4) nebihleli ingahlawulekanga kwisithuba esidlulileyo kuma shumi amathathu eminyaka ingahlawulwa kwingxowa yombuso kuvimba wombuso emva kwesaziso seenyanga ezintathu salonjongo sinikiwe kubantu ababandakanyekayo, emva kokuba lomaqela abandakanyekayo angenza izicelo zokubuyekezwa imali ehlawulwe kulovimba.

(6) Isibheno esichasene nesalowo ufake esakhe siyakwenziwa ngokunikezelwa kwesaziso kwiintsuku ezili 10 emva kokunikezelwa kwesaziso sokubhena.

(7) Isaziso sesibheno okanye esesibheno esichasene naso siyakukhankanya

(a) ukuba isibheno sikuso sonke isigwebo okanye inxalenye yaso, kwaye ukuba yinxalenye kuphela yeyiphi kwaye

- (b) izizathu zesibheno, ezikhankanya ukufunyaniswa kobungqina obuthe ngqo oknaye obomthetho ekubhenwa ngokuchasene nabo.

(8) (a) Ekunikezelweni kwesaziso sesibheno umphathi wenkundla obandakanyekayo uyakuthi kwiintsuku ezili 15 emva koko anikezele kunobhala wenkundla okanye owenkundla kamantyi inkcazelo ebhaliweyo ebonisa (kangangoko kunokuba yimfuneko mayela nasiphi na isigwebo esibhaliweyo esininkezelwe nguye)

- (i) ubungqina obububo okanye obufumaniseke buqinisekisiwe waye
- (ii) izizathu ezenze ukuba afikelele kwisigqibo asithathileyo ekufumaniseni ubungqina obubonakalayo obucaciswe kwisaziso sesi bheno njengoko kubhenwe ngokuchasene naso, kwaye
- (iii) izizathu zakhe zokunika isigqibo kumbuzo omayela nomthetho okanye wokwamkela okanye ukuchasa nabuphi na ubungqina o bukhankanyiweyo njengoko kubhenwe ngokuchasene.

(b) nenkcazo ekubhekiswa kuyo kumhlathi (a) iyakuba yinxalenye yenkqubo ebhaliweyo.

(c) Lomgaqo uyakusebenza kwakhona kangangoko kufuneka kwisibheno esichasayo

(9) Icala eliphakamisa isibheno okanye isibheno esichasene naso liyakusenza kweloxesha liyakumiswa ngumgaqo we nkundla yezibheno kwaye, ekusileleni kokwenziwa kwaso okanye esichasene naso siyakuthatyathwa njengesiphelelweyo, ngaphandle kokuba inkundla yezibheno ibona kufanelekile ukwenza umyalelo ongaphaya koko.

(10) Ngokuxhomekeke kumgaqo 50 wemigaqo elawula ukuphathwa kwenkqubo yeenkundla ezahlukeneyo zephondo nezesithili ze nkundla ephakamileyo yoMzantsi Afrika, unobhala wenkundla ephakamileyo nowekamantyi kwiintsuku ezili 15 efumene isaziso sesibheno sibekelwe ukuviwa ngomhla othile, uyakuthumela kunobhala wenkundla yezibheno umbhalo wenkubo yenkundla oqinisekisiweyo.

(11) (a) Ummangalelwa onqwenela ukushiya sonke okanye inxalenye yesigwebo ekubhenwe ngokuchasene naso angakwenza oko ngokunikezela nge saziso esibhaliweyo echaza ukuba uyasiyeka sonke na isigwebo okanye inxalenye yaso nje, ukuba yinxalenye yeyiphi.

(b) Sonke isaziso sokuyeka isigwebo phantsi komhlathi (a) siyakuba yinxalenye yombhalo wenkqubo yenkundla.

(12) Apho amacala onke avumelanayo phantsi kwecandelo 82 lomthetho ukuba isigqibo senkundla siyakuba sesigqibeleleyo, naliphi na icala linga uxwebho lwesosivumelwano kunobhala wenkundla ephakamileyo okanye owenkundla kamantyi, kwaye oloxwebhu luyakuba yinxalenye yombhalo wenkqubo yenkundla kwesosimangalo.

Ukumelwa kommangali nommangalelwa

52. (1) (a) Umntu oyinxalenye kwinkqubo yesimangalo angafaka achase ade ayise esiphelweni inkqubo yenkundla ngokwakhe okanye Ngokuthethe lelwa ligqwetha.

(b) Umaspala, inkampani okanye naliphi iqumrhu ekwenzeni oko lingasebenzisa igosa elinyulelwe oko.

(c) Indibaniselwano yeshishini okanye iqela labantu elinxulumene ngenjongo emanyeneyo lingasebenzisa elinye lamalungu elinyulelwe oko.

(d) Akukho mntu unyulwe phantsi kwemihlathi (a), (b) okanye u(c) ongaphandle kwegqwetha uyakubanelungelo lokubuyekizwa iindleko zoko ngaphandle kwembuyekizo yenkcitho yakhe.

(2) Akuyi kuba yimfuneko yakhe nawuphi na umntu ukufaka incwadi egunyazisa igqwetha , kodwa isigunyaziso sakhe nawuphi na umntu omele icala elithile singachaswa lilo naliphi na icala kwiintsuku ezili 10 emva kokuthatha ingqalelo yokuba loo mntu umele okanye ngemvume yenkundla ngesizathu esifanelekileyo esibonisiweyo nangaliphi na ithuba phambi kwesigwebo kwaye lomnto apho akanakuthi ngaphandle kwemvume yenkundla amele omnye and abe uyanelisile inkundla ukuba unesigunyaziso sokwenza oko nenkundla inganqumama novavanyo lwetyala okanye isimangalo okanye isicelo ukwenzela ukuba enze ngokunjalo. Kuxhomekeke ekubeni akukho sigunyaziso segqwetha siyakufuneka kwigqwetha lombuso, isekela lalo okanye umncedisi wawo okanye naliphi igqwetha okanye isekela lalo Elinesigunyaziso esibhaliweyo ligqwetha lombuso okanye isekela lalo kulo naliphi na ityala apho gqwetha lombuso okanye

isekela lalo limele oko.

(3) Ukuba elinye lamacala kwisimangalo liyafa okanye lingakwazi ukuqhubela phambili nesimangalo, isimangalo eso siyakunqunyanyiswa de kube lelo lixa apho umabi-lifa, umgcini wezinto zomnye umntu okanye omnye umntu onesigunyaziso onyuliweyo kwindawo yakhe de oko kungakwazi ukuqhubela phambili nesimangalo kuthothe.

(4) Apho umabi wamafa, umgcini wezinto zomnye umntu, ummeli womntu ongaphantsi kwelungule lokuziqhubela inkqubo yomthethookanye omnye umntu onesigunyaziso anyulelwe loo mntu uswelekileyo okanye ungakwazi kuqhubela phambili nenkqubo inkundla ingayalelo lo mntu unyuliweyo ngokwesicelo ukuba eme endaweni yalowo ungakwaziyo ukuzimela.

Abenzi zicelo abamelwe simahla

53. (1) (a) Nawuphi na umntu onqwenela ukumangala okanye ukuchasa isimangalo njengomelwe simahla angenza isicelo enkundleni ngesaziso kwelinye icala elimangalelwayo okanye kummangali, njengoko kunokwenzeka, imvume yokwenza oko.

(b) owenza isicelo ukuyakunikezela ngesaziso ekubhekiswa kuso kumhalthi (a) ingxelo efungelweyo eyenziwe nguye ebonisa ngokuzeleyo Izizathu zesimangalo okanye ukusichasa apho anenjongo yokungqiyama ngeenkukacha zakhe.

(2) Unobhala wenkundla ephakamileyo okanye ekamantyi ngesicelo sowenza isicelo enkundleni nonqwenela ukumangalela okanye achasane nesimangalo njenomceli wasimahla nkwenza oko Ngokomyalelo wegosa eliphethe inkundla, uyakubhala isicelo esifanelekileyo nengxelo efungelweyo, nagona ibango okanye ixabiso letyala elikwimbambano lidlula amaR100 kwaye akukho ntlawulo iyakwenziwa ngowenza isicelo soloncedo.

(3) Inkundla kwisicelo esenziweyo sokumangalela okanye ukuchasa isimangalo njengommangali omelwe simahla, ingabuza owenza isicelo.

- (a) phantsi kwesifungo mayela nelungelo lakhe lesimangalo okanye ukuchasa isimanalo kwangukunjalo ukungakwazi ukuzihlawulela ;
- (b) ifune ukuba umenzi wesicelo ukuba abize ubungqina obuthe vetshe ngokumalunga nombuzo ; okanye
- (c) iibhekise esosicelo egqwetheni ukuba lisiphonononge linekezele ngegxelo emalunga nokugakwazi ukuzihlawulela komenzi wesicelo kwayeunaso na isizathu sokufaka isimangalo ngokwenkangeleko yeemeko okanye unawo na umhlaba wokuchasa isimangalo, nagayiphina indlela.

(4) Ukuba inkundla yanelisekile ukuba umenzi wesicelo ekubhekiswa kuye kwinxalenye yomgaqo (1) ubungqina bubonisa ukuba isimangalo sakhe okanye ukuchasa kwakhe isimangalo kunesihlahla kwaye akanayo indlela yokukwazi ukuhlawula iindleko zesimangalo, intlawulo yenkundla kunye nentlawulo kanothimba kwaye enge nakho kwixesha elaneleyo ukuthabatha ezozixa kumvuzo wakhe , inkundla ingenza umyalelo wokuba

- (a) inkqubo yenkundla ikhutshwe ikunikezelwe ngayo simahla kumenzi wesicelo esingaphandle kweso sembuyekezo yentlawulo eyenziwe ngunothimba ;
- (b) igqwetha liqashelwe ukumela lo menzi wesicelo, okanye Page 55 of 138
- (c) unobhala wenkundla ephakamileyo okanye ekamantyi, ngaphandle kwentlawwulo abhale incwadi,

iingxelo ezifungelweyo, izaziso nezinye lincwadi njengoko kunokufuneka ukufezekisa lemigaqo.

(5) Ukuba ummangali omelwe ligqwetha simahla ugwetyelwe kwindleko ngokuchasene nomphikisayo emva kokubalwa kwengxelo yeendleko uyakuba nelungelo yokubandakanya abange ezondleko, zegqwetha lakhe kwakunye neendleko zenkundla nezikanothimba wenkundla ezinikezelweyo kwaye ukuba ubanga inkuzi yemali, inzala yayo okanye iindleko uyakuqala ahlawule alungise ngokulingana ezondleko, umrhumo nentalwulo.

(6) Ukuba ummangali omelwa simahla akaphumeleli okanye ubanga kwisigwebo okanye kwicala lakhe akukho ntlawulo iyakuthathwa kuye ligqwetha elinyulelwe ukummela. Egqwetheni lakhe eliqeshelwe ukuvula endaweni yakhe.

(7) Umyalelo owenziwe phantsi kwalomgaqo (b) angathi ngesicelo nangaliphi na ixesha phambi kwesigwebo nanguwuphina umntu ochaphazelekayo, iphononongwe kwaye unqunyanyiswe okanye utshjintshwe yinkundla ngesizathu esivakalayo esibonisiweyo.

(8) Akukho nto equlathwe ngulomgaqo eyakuthintela inkundla ekuthandeni kwayo, ekuthumeleni ummangali omelwa simahla kwi ziko elimlungeleyo lowo umelwa simahla kwindawo yengcebiso yomthetho imthumelela uncedo nangaliphi na ixesha.

Amabango ajoliswe nangwabomdibaniselo wamashishini, umntu oqhuba ishishini ngegama okanye ngesimbo elilelinye ngaphandle kwelakhe. Inkampani engadweliswanga, iqumrhu okanye umbutho

54. (1) (a) Nabaphi na abantu ababini nangaphezu ababangayo okanye okanye kubangw kuba njenfonobusiness kungabangwa kubo oknye kubangwe kubo egameni lenkampani bengamalungu endibaniselwano yeshishini ngexesha lokwenzeka kebango.

(b) Nakuyiphi na imeko ekubhekiswa kuyo kumhlathi (a) naliphi na icala lingafuna inkcazelo ngamagama neendawo abantu ababe yinxalenye yendibaniselwani loshishino amagama neendawo zabantu ababe yinxalenye yendibaniselwani yoshishino ngexesha lokwenzeka kwebango nababengamalungu.olo shishino.

(2) Icala elifumana isaziso ngokommiselo wenxalenye yomgaqo (1) (a) liyakuthi kwiintsuku ezili 10 emva kokufumana isaziso eso lise inkcazelo efunekayo

(3) Xa amagama amahakani ebonisiwe isimangtalo siyakuqhubeka ngendlela enye kawye neziphumo ezifanayo kuzo zonke iimeko kuyakulandela ngokungathi lo mahlakanie ebebizwe ngamagama kwiisamana, kodwa inkqubo yovavayo-tyala iyakuqhuba egameni loshishino.

(4) Nawuphi na umntu oqhuba ishishini ngegama okanye isimbo elingelilo lakhe okanye esingesiso sakhe angamangala okanye amangalelwe ngelogama okanye eso simbo ngokungathi lilona gama loshishino olo okanye gama lalo, kangangoko uhlobo lwetyala ivuma, Zonke iziqulatho zalomgaqo eziphathelele kwinkqubo yovavanyo lwetyala echasene noshishino iyakusebenza.

(5) Iziqulatho zalomgaqo nazo phantsi kotshintsho olufanelekileyo apho lufunekayo, ziya kusebenza kwinkamani engabhaliswanga ngekwemigaqo yeenkampani,

(6) Xa isimangalo sifakwe lishishini okanye ngokuchasene nalo okanye ngumntu oqhuba ushishino ngegama okanye isimbo esingesosakheokanye ngouchasene nenkampani engadweliswanga ngokomthetho weenkampani, umqela okanye umbutho egameni loshishino okanye elogama okanye isimbo okanye egameni lenkampani, umqela okanye umbutho, njengoko kunjalo, inkundla ingathi ngokwesicelo se linye icala kwisimangalo esenziwe nangaliphi na ixesha phambi okanye emva kwesigwebo kwisaziso kumntu ekuthiwa ulihlakani kweloshishini okanye umntu oqhuba ushishino, okanye ilungu lalonkampani, umqela okanye umbutho, ebonisa lomntu njengehlakani okanye umntu oqhuba ushishino okanye ilungu, njengoko iimeko zinjalo, kwaye esenza lo myalelo Iziqulatho zenxalenye yomgaqo (3) ziyakusebenza ukuba igama lalomntu libonisiwe kwinkcazelo enikezelweyo njengoko kumiselwe kwinxalenye yomgaqo (2).

Izicelo

55. (1) (a) Nasiphi na isicelo siyakuziswa ngesaziso sesindululo esixhaswe ngengxelo efungelweyo mayela nemiba ummangali aqmelele ngayo ukufuna isibonelelo.

(b) Isaziso sesindululo kufuneka sijoliswe kwicala okanye amacala elichasene nawo ibango ekufunwa isibonelelo salo nakunobhala wenkundla ephakamileyo oanye owenkundla kamantyi

(c) Apho kuyimfuneko okanye kufanelekileyo ukunika nawphi na umntu isaziso sesicelo, isaziso sesindululo kufuneka naso sibhalelwe sinikezelwe kulomntu.

(d) Isaziso sesindululo phambi kwenkundla kuso sonke iosicelo esisesinye kuneso siziswe licala elinye siyakufana nomzekelo kafomu 1 wokuqhotyoshelweyo 1 kwaye likopi zesaziso, kunye kunye nako konke okuqhotyoshelwe kuzo, siyakunikezelwakulo naliphi na icala ekufanele ukuba sinikezelwe kulo

(e)Kwisaziso sesindululo phambi kwenkundla umenzi wesicelo:

- (i) uyakunikezela ngedilesi ahlala kuyo ekumgama wama 15 km ukusuka kwi ofisi kanobhala wenkundla ephakamileyo okanye ekamantyi Isaziso nonilezelo lwazo zonkeiincwadi kulonkqubo ziyakwamkelwa ;

- (ii) zikhankanye idilesi yeposi yomntu owenza isicelo, ifeks, idilesi ye elektroniki xa zikhona
- (iii) abeke usuku olungekho ngaphantsi kweentsuku ezi 5 emva kokunikezelwa kwazo kummangalelwa ngomhla okanye ngaphambi kwawo lo mmangalelwakufuka azise ummangali ngokubhaliweyokuba unenjongo yokusiphikisa eso sicelo okanye hayi achaze ukuba esosaziso sinikiwe isicelo siyaku bekelwa ukuviwa ngomhla chaziweyo, ongekho ngaphantsi keentsuku ezili 10 emva konikezelo kummangalelwa ngesaziso.

(f) Ukuba ummangalelwa akamazisi owenza isicelo ngomhla okanye phambi komhla okhankanyelwe eso sizathu kwisaziso, Azise umenzi wesicelo ngeenjongo zakhe zokusichasa isicelo, lowo wenza isicelo angasibeka isimangalo kuluhlu lamatyala ayakuviwa ngalomini ngokunika unobhala wenkundla ephakamileyo okanye ekamantyi Isazisosoku bekuela ukuviwa kwetyala iintsuku ezi 5 phambi kosuku apho umenzi wesicelo ayak kuviwa.

(g) Naliphi na icala eliphikisa ukunikezelwa komyalelo ofunwe kwisaziso sesindululo phambi kwenkundla liya:

- (i) kwixesha elikhankanyiweyo kwisaziso, elinika umenzi isaziso esibhaliweyo, ukuba uneenjongo zokusichasa eso Sicelo, kwaye, kweso saziso anike idilesi kuma 15 km ukusuka kwiofisi kanobhala wenundla ephakamileyo okanye ekamantyi apho ayakwamkela isaziso amkele nezinye incadi zenkundla eziphathelele nesicelo kwakunye Nedilesi yeposi, ifeks, idilesi ye elektroniki xa zikhona
- (ii) kwiintsuku ezili 10 zokwazisa umntu owenza isicelo ngeenjongo zakhe zoku chasa isicelo, anikezele ngengxelo yakhe efungelweyo ukuba ikho, kunye nayiphi na incwadi enxulumene nesosicelo, kwaye
- (iii) apho aneenjongo zokuphakamisa imibuzo mayela nemobuzo yomthetho kuphela , anikezele ngesaziso seenjongo zokwenza njalo, kweloxesha Likhankanywe kwinxalenye yomgaqo (ii), ibeka lomibuzo.

(h) Kwiintsuku ezili 10 lonikezelo lwengxelo efungelweyo neencwadi ekubhekiselelwe kuzi kumhlathi (g) ii), umntu owenza isicelo anganikezela ngengxelo ephendulayo efungelweyo.

(i) Inkundla ingavumela ukunikezelwa ngeengxelo ezongezelelekileyo ezifungelweyo.

- (j) (i) Apho kungafakwanga ngxelo ifungelweyo iphendulayo okanye saziso ngokomhlathi (g) (iii), zinikezelweyo kwixesha ekubhekiselelwe kulo kumhlathi (g) (iii) umntu owenza isicelo angenz isicelo kunobhala wenkundla ephakamileyo okanye eyenkundla kamantyi ukuba amisele umhla wokuviwa kwesicelo.
 - (ii) Apho ingxelo efungelweyo inikezelweyo umenzi wesicelo angenza isicelo sokubekelwa bucala komhla wokuviwa kwe kwesicelo kwiintsuku ezi 5 zokunikezelwa kwengxelo yakhe ephendulayo, okanye xa kungekhongxelo iphendulayo, enikezelweyo, Kwiintsuku ezi 5 zokuphela kwexesha ekubhekiswa kulo kumhlathi (h) nalapho esosaziso sinikezelwe kumenzi wesicelo angacelela oko kubekelwa bucala kweentsuku ezi 5 emva kokunikezelwa kweso saziso.
 - (iii) Ukuba umenzi wesicelo uyasilela ukwenza isicelo kwixesha elilungiselelwe kumhlathi (ii), ummangalelwa angenza njalo ngokukhawuleza ukuphela kwalo.
 - (iv) Isaziso esibhaliweyo sosuku olubekelwe bucala ngunobhala wenkundla ephakamileyo nekamantyi iyakunikezelwa ngumenzi wesicelo okanye Ummangalelwa, njengoko iimeko zisitsho, kwicala eliphikisayp kungedlulanga iintsuku ezilishumi phambi komhla obekelwe bucala ukuva isicelo eso.
- (k) (i) Apho isicelo singena kugqitywa ngokupheleleyo kwiingxelo efungelweyo inkundla ingsikhaba isicelo okanye inike lo myalelo iwubona ufanelekile ngembono yokuqinisekisa isigqibo esiphuthumayo nesinobulungisa.
- (ii) Inkundla ingayalela ngokukodwa, ngaphandle kokuchaphazela ububanzi bomhlathi (i) ukuviwa kobungqina obuthethwayo kwimiba ethile ngejongo yokusombulula

naliphi iqhina kwizinto ezamkeleke njegoko zinjalo kwaye kwelocala inkundla ingayalela nawuphi umenzi wesifungo avele buqu okanye anike lo mntu imvume kulo mntu okanye omnye ukuba abizelwe ukuba avele enkundleni azokubuzwa kwaye abuzwe njengengqina ngobo bungqina abunikileyo okanye inkundla ingasidlulisela kuvavanyo eso sicelo nemiyalelo ephathelele kubungqina bempikiswano okanye Ingcaciso yemiba ethile, Okanye ngolunye uhlobo.

(2) (a) Naliphi na icala kuyo nayiphi na inkqubo yesicelo lingeza nesicelo esichasana neso siphambi kwenkundla akanye lingenelele kwelinye icala kumgangatho olinganayo Nowokwamkeleka ukuba icala elinqwenwla ukufaka eso sicelo sichasayo okanye ukusingenelela beingummangalelwa kwisimangalo kwaye Amanye amacala kwisicelo ayengamacala kwisimangalo.

(b) Amaxesha amisiweyo ngokumalunga nezicelo ayakusebenza ngokotshintsho olufanelekileyo apho lufunekayo ukuchasana nezicelo Kuxhomekeke ekubeni Inkundla kwisizathu esifanelekileyo esiboniswayo ikumise ukuviwa kwesicelo.

(3) (a) Akukho sicelo apho kufunwa isibonelelo kwelinye icala siyakunikwa ingqwalasela ngokuviwa kwecala elinye, ngaphandle kokuba inkundla yanelisekile ukuba -

- (i) ukunikezela ngesaziso kwelinye icala ekucelwa umyalelo ngokuchasene nalo kuya kusiphanzisa isizathu sesicelo ; okanye
- (ii) iqondo lokungxamiseka likhulu kangokuba liyakuthethelela ukwenza ngaphandle kwesaziso

(b) isaziso sesindululo phambi kwenkundla kuso sonke iosicelo esisesinye kuneso siziswe licala elinye siyakufana nomzekelo kafomu 1 wokuqhotyoshelweyo 1 kwaye

(c) Nawuphi na umyalelo owenziwe ngokuchasene necala elithile kwisicelo esinecala elinye uyakuba ngowethutyana waye uyakumema elinye icala elo unikwe ngokuchasene nalo ukuba livele phambi kwenkundla ngosuku olukhankanyiweyo ukuza kubonisa isizathu esinokwenza ukuba inkundla ingawenzi ogqibeleleyo lo myalelo

(d) Nawuphi na umntu onikwe ngokuchasene naye umyalelo wecala elinye angalindela iminie nyempendulo ekunikezelweni engekho nganeno kweyure ezingama 24 Isaziso.

(e) ikopi yawo nawuphi umyalelo owenziwe kwicala elinye kwingxelo efungelweyo, ukuba ikho,eyenzelwa phezu kwayo iyakunikezelwa kummangalelwa lowo.

(f) Apho kuboniswe isizathu esivakalayo esichasene nomyalelo wenkundla owenziwe ngokwesicelo esenziwe licala elinye, inkundla ingayalela umenzi wesicelo okanye ummangalelwa okanye owenze ingxelo efungelweyo abebizelwe ukunika ubungqina ngayo okanye ukubuzwa kobo bungqina abunike ngayo.

(g) Nawuphi na umyalelo wenkundla owenziwe kwisicelo secala elinye ungenziwa ogqibeleleyo, ubekelwe bucala okanye utshintshwe yinkundla ngenxa yesizathu esiphathekayo esinikiweyo ngulomntu uchaphazelekayo nguwo kwaye ngalo mimiselo zeendleko njengoko inkundla inikubona kufanelekile.

(h) Izicelo zecala elinye zingaviwa ngaphandle kwenkundla.

(4) (a) Izicelo zempikiswano nezinye izicelo ezinxulumene neqkubo emiyo yesimangalo kufuneka ifakwe ngesaziso ixhaswe yingxelo efungelweyo ukuba ubungqina bezinto ezisisiqhelo kufuneka bubekwe phambi kwenkundla , nesicelo sibekelwe umhla wovavanyo ngesaziso.

(b) Izicelo zokufaka izimangalo enkundleni okanye izikhokelo ngenkqubo okanye unikezelo ngeencwadi zasenkundleni zingenziwa ngezicelo ezzenziwa licala elinye apho ukunikezelwa kwesaziso seso sicelo singafanelekanga okanye singafunekiyiyo.

(5) (a) Ukuba inkundla yanelisekile ukuba isimangalo singxamisekile ingenza umyalelo ongazizi so iifomu nonikezelo ngeencwadi zenkundla olulungiselelwe kule Migaqo kwaye ingasiqoshelisa isimangalo kweloxesha nendawo ngokwalonkqubo (eyakuthi kangangoko Kukwazeka ngowemimiselo yalemigaqo) njengoko ikundla ibona kufanelekile.

(b) Isicelo esifakwe njengesingxamisekileyo enkundleni kufuneka sixhaswe ngengxelo efungelweyo ebonisa ngokupheleleyo nokwaneleyo iimeko aqamelele ngazo ummangali ezibonisa ukungxamiseka kwesicelo nezizathu ezenza ukuba abange ukuba akanakunikwa Isibonelelo esifanelekileyo kuvavanyo lwesimangalo

Iwesiqhelo.

(c) Umntu onikwe ngokuchasene naye umyalelo wenkundla ekhona okanye engekho kwisicelo mesikhawulezileyo angafaka isaziso sosuku lokuphindwa kuvavanye umyalelo wenkundla .

(6) Nakusiphi na isicelo esibhekiswe kuMphathiswa isekela lakhe, Inku Baphathiswa YePhondo Igosa okanye umqeshwa kaRhulumente, buqu okanye njengomqeshwa, umbuso okanye ulawulo lwePhondo, amaxesha ngokulandelelana ekubhekiswa kuwo kwinxalenye yomgaqo (1) (e), okanye Umhla wempendulo, awuyi kuba ngaphantsi kweentsuku ezili15 emva konikezelo ngesaziso sesindululo phambi kwenkundla, okanye imini yempendulo, njengoko kunokwenzeka, Ngaphandle kokuba inkundla igunyazise ixesha elifutshane.

(7) Inkundla , emva kokuva isicelo , nokuba siziswe licala elinye okanye nangayiphi na indlela ingenz umyalelo kuso(ngokungaphandle kweendleko ukuba zikhona) kodwa inike imvume kowenza isicelo ukuba asenze ngokutsha isicelo kwakulomaphapha ongozelelwe ngengxelo efungelweyo njengoko kunokufuneka.

(8) (a) Imizuzu yawo nawuphi na umyalelo ofunekayo ekunikezeleno okanye ukuthimba uyakumiswa lelocala linelungelo loko kwayeyakuvunywa ityikitywe ngunobhala wenkundla ephakamileyo mokanye owenkundla kamantyi.

(b) Iikopi zemizuzu ekubhekiswa kuyo kumhlathi (a) yombhalo nonikezelo iyakwenziwa licala eliboniswa kulomhlathi Nekopi yombhalo oyakugcinwa iyakutyikitywa ngunobhala wenkundla ephakamileyo okanye owenkunlda kamantyi

(c) imigaqo 41 no 42 kangangoko kuyimfuneko ekufezekisweni komyalelo ophantsi kwalomgaqo uyakusebenza notshintsho olufanelekileyo apho lufunekayo kolokuthimbo.

(9) (a) Inkundla ingayalela ukuba kikhutshwe kwizicelo ngengxelo efungelweyo nasiphi na isicelo esilhlazo, esingcunguthekisayo okanye esingenanto yakwenza nebango, ngomyalelo ofanelekileyo ngokweendleko, ziquka neendleko zegqwetha kunye nomqeshi walo.

(b) Inkundla ayiyi kusivumela isicelo ekubhekiswa kuso kumhlathi (a) ngaphandle kokuba yanelisekile ukuba umenzi wesicelo uyakudleleleka kwityala lakhe ukuba isicelo sakhe asivunywanga.

Iinkcukacha ezitshintshiweyo kwiincwadi zenkundla

55A. (1) Naliphi na icala elinqwenela ukulungisa iincwadi ezingaphandle kwengxelo efungelweyo, ezinikezelwe mayela nayo nayiphi na inkqubo Liyakwazisa onke amcala ngeenjongo zalo zokulungisa kwaye linikezele ngeenkukacha zolo lungiso.

(2) Isaziso ekubhekiselwe kuso kwinxalenye yomgaqo (1) iyakukukhankanya oko ngaphandle kokuba inkcaso ebhaliweyo kolungiso olucetywayo lunikezelwe kwiintsuku ezili 10 zokunikezelwa kwesaziso sokulungisa, ulungiso luyakwenziwa.

(3) Inkcaso kulungiso olucetywayo iyakubonisa ngokufutshane nokucacileyo izizathu esekwe phezu kwazo inkcaso leyo

(4) Ukuba inkcaso evumelanayo nenxalenye yomgaqo (3) inikezelwe kwisithuba ekubhekiswa kuso kwinxalenye yomgaqo (2), icala elinqwenela ukwenza izilungiso, lingafaka isicelo semvume yoko kwiintsuku ezili 10.

(5) Ukuba akukho nkcaso inikezelweyo njengoko kulindelekile kwinxalenye yomgaqo (4) naliphi na icala elifumene isaziso sollungiso olucetywayo liyakuthatyathwa ngokuba liluvumele ulungiso kwaye icala elinike isaziso solungiso olucetywayo lingenza ulungiso kwiintsuku ezilishumi emva kokuphela kwexesha elikhankanywe kwinxalenye yomgaqo (2) njengoko kulindelekile kwinxalenye yomgaqo (7).

(6) Ngaphandle kokuba inkundla iyalela ngenye indlela , isilungiso esigunyazisiweyo ngumyalelo wenkundla asiyi kwenziwa emva kweentsuku ezili 10 emva kolo gunyaziso.

(7) Ngaphandle kokuba inkundla iyalela ngenye indlela, icala elivumelekileyo ukulungisa liyakwenza njalo ngokunikezela iphepha ngalinye kwifomu yalo yezilungiso.

(8) Naliphi na *icala* elichaphazelekayo lulungiso lingathi kwiintsuku ezili 15 emva kokuba ulungiso lwenziwe okanye eloxesha linokumiswa yinkundla lenze ulungiso olulandelayo kwincwadi efakwe lilo enkundleni , kwaye lingathabatha anyathelo alindelekileyo kumgaqo 19.

(9) Icala elinika isaziso solungiso phantsi kwenxalenye yomgaqo (1), ngaphandle kokuba inkundla iyalela ngolunye uhlobo, liyakuba noxanduva lokuhlulwa iindleko ezibangelwe kwelinye icala.

(10) Nokuba kukho nasiphi na isithintelo kulomgaqo inkundla inganika imvume yokulungisa naytiphina incwadi nangaliphi na ithuba phambi kwesigwebo phantsi kwalo miqathango kwiindleko okanye eminye imiba njengoko ibona kuyimfuneko.

Ukubanjwa ngorhaneleko lokuqhwesha, izithintelo ukuthimba ibango eliqinisekisiweyo kunye nesithintelo sokungakhutshwa komntu kwindawo engeyoyakhe ngaphandle komthetho

56. (1) Isicelo esiya enkundleni somyalelo wokubamba ngokukrokrela ukuba ubani nangabaleka, esokuthintela okanye esesinyanzeliso sokungakhutshwa endaweni siyakwenziwa phantsi komgaqo 55

(2) Sonke isicelo ekubhekiswa kuso kwinxalenye yomgaqo (1) iyakukhatshwa yingxelo efungelweyo edandalazisa ubungqina isicelo ese nziwa phezu kwabo nohlobo lomyalelo ocelwayo

(3) Inkundla phambi kokunika umyalelo kwisicelo ekubhekiswa kuso kwinxalenye yomgaqo (1), ingafuna ukuba umenzi wesiceli anikezele ngesibambiso sayo nayiphina ilahleko enokwenzeka ngenxa yomyalelo enokuwunika kwaye ingafuna obo bungqina bongezelelweyo njengoko ibona kufanelekile.

(4) Umyalelo owenziwe ngesicelo secala elivele lodwa elicela ukubanjwa kobani ngokukrokrela ukuba angaqhwesha uyakufuna ummangalelwa abonise isizathu esichasene nase sicelo kwixesha eliboniswe kulo myalelo, oluyakuba ngumhla wokuqala after kokuwufumana kwakhe.

(5) Ngosuku lwempendulo umyalelo owenziwe licala eiolodwa wokubanjwa kukabni ngokukrelwa ukuba angaqhwesha unga lindelwa ngummangalelwakwi 12 leeyure kwisaziso esiya kumenzi wesicelo.

(6) Ngaphandle kokuba inkundla yenza umyalelo ongomnye, umyalelo wokubamba apho ubani akrokreleka ukuba angaqhwesha okanye owokuthimba iimpahla uyakurhoxiswa ngokwawo ekunikezelweni kwesibambiso esinikezelwe ngummangalelwa kunothimba esilingana nemali umyalelo omalunga nayo uku neendleko.

(7) Isibambiso ekubhekiswa kuso kwinxalenye yomgaqo (6) singanikezelwa ukwenzela ukungqamana nesiphumo sesimangalo esifakiweyo okanye esizakufakwa , kwaye esiyakunxulunyaniswa nenxalenye yomyalelo kuphela ngummangalelwa kwaye kwesithuba uyakufezekisa umyalelo ngokwalonxalenye kuphela.

Ukuthimba into ngenjongo zokwenza ukuba inkundla ibe nobunganga bokuchophela ityala

57. (1) Nasiphi na isicelo esiya enkundleni ekucelwa kuso umyalelo wokuthinjwa kwendlu phantsi kwecandelo 30bis womthetho ungenziwa ngesicelo secala elinye.

(2) (a) Nasiphi na isicelo somyalelo wokuthinjwa komhlaba phantsi kwecandelo 30 bis womthetho siyakuxhaswa ngengxelo efungelweyo apho kukhankanywa-

- (i) igama , idilesi, umsebenzi nedawo yokuhlala kowenza isicelo;
- (ii) igama , ukuba iyaziwa idilesi, umsebenzi nedawo yokuhlala kammangalelwa ;
- (iii) imali yebango okanye ixabiso lento eyimbangqi yembambano nemiba ekucacileyo kuyo ukuba isimangalo esizakufakwa ngokuchasene nommangalelwa inkundla inobunganga bokusivavanya kwaye ukuthimba kuyimfuneko.
- (iv) nokuba ukuthimba kwenzelwa ukunika inkundla ubunganga bokuchophela ityala okanye obokubuninisekisa obo bunganga.
- (v) iinkcukacha zomhlaba, kuquka ubunini, ixabiso kunye nedawo ome kuyo ;
- (vi) nobo bungqina bunokubayimfuneko ukwenzela ukufumana umyalelo wenkundla ; kunye
- (vii) nemiqathango yomyalelo eceliweyo.

(b) ingxelo efungelweyo nelindeleke kumhlathi (a) iyakwenziwa ngumenzi wesicelo okanye, ukuba ugonyazisiwe, ngubani ommeleyo kwaye iyakuchaza ukuba umenzi wengxelo efungelweyo uyazi ngokwakhe ukuba imiba Kuxhomekeke ekubeni apho ubungqina bezinto ezikhoyo ingaziwayo ngowenza

ingxelo kodwa kusithwaziinyaningokolona lwazi lwakhe nenkolelo, iyakukhankanywa ukuba ulwazi lufunyenwe njani okanye zeziphi na izizathu esekwe kuzo inkolelo yakhe.

(c) nasiphi na isicelo somyalelo wenkundla mayela nokunikezelwa kwayo nayiphi na inkqubo kuso nasiphi na isimangalo ekubhekiswa kuso kwicandelo 30 bis lomthetho ye hlanganiswe naso nasiphi na isicelo sokuthinjwa ekubhekiswa kuso kumhlathi (a).

(3) Inkundla phambi kokunika umyalelo kwisicelo ekubhekiswa kuso kwinxalenye yomgaqo (2), ingafuna ukuba umenzi wesiceli anikezele ngesibambiso

nawuphi na umonakalo onokwenziwa ngulomyalelo kwaye, mayela naso nasiphi na isicelo phantsi kwenxalenye yomgaqo (2), Sifuna ubungqina obongezelekileyo njengoko ibona kyimfuneko.

(4) (a) Nawuphi na umyalelo wokuthimba phantsi kwenxalenye yomgaqo (2) iya kumema ummangalellwa ukuba abonise isizathu kwixesha elinikiweyo naku Yalelo ukuba ziziphi na izizathu ezinokwenza ukuba umyalelo wenkundla unga qinisekiswa.

(b) Umhal wempendulo kumyalelo wokuthimba phantsi kwenxalenye yomgaqo(2) ungalindelwa ngummangalelwa kwisaziso se 12 leeyure ko wenza isicelo.

(c) Apho ummangalelwa evala abonise isizathu ngokuchasene nomyalelo wokuthinjwa phantsi kwenxalenye yomgaqo (2), inkundla ingayalela owenza isicelo okanye ,owenza isifungo okanye ummangalelwa uya kuya enkundleni ukuya kuvavanywa okanye ukubuzwa imibuzo kubungqina abunikileyo kwaye angqinise ukukhatywa okanye ukutshintshwa kwalomyalelo kulomiqathango inokubona ifanelekileu

(5) imizuzu yawo nawuphi na umyalelo ekubhekiswa kuwo kulomgaqoefuneka ekunikezeleni ngenkqubo okanye isaziso sokuthimba ziyakulungiswa ngo wenza isicelo zigunyaziswe zityikitywe ngunobhala wenkundla ephakamileyo okanye owenkundla kamantyi zaye ziyakukhankanya ukuba usuku lwempendulo kufuneka lulindeleke kummangalelwa kwiiyure isaziso kwi 12 yeeyurew esiya kumenzi wesicelo sisithi angakhululelwa isibambiso sakhe isibambiso sinikezelwe njengoko kulungiselelwe ngezantsi apha.

(6) (a) Akufumana imizuzu yomyalelo nekopi yengxelo efunjelweyo apho unothimba umyalelo wenziweyo unothimba uyakuqhubeka athimbe umhlaba okhankanyiweyo kuwo.

(b) Kuxhomekeke kumhlathi (c), imigaqo ephathelele kumandla nomsebenzi kanothimba mayela nendlela yokuthimba kumyalelo wokuthimba iimpahla nomhlaba lo migaqo iyakusebenza kangangoko kufanelekile kwaye, nolotshintsho olufanelekileyo apho kuyimfuneko, phantsi kwalomgaqo.

(c) Ngokuxhomekeke kuwo nawuphi na umyalelo wenkundla , unothimba apho kuthinjwa iimpahla phantsi kwalomgaqo, unothimba uyakuzithabatha ezompahla azise kwindawo ekhuselekileyo okanye,ukuba lompahla kunzima ukuyithwala , uya kuyishiya kulomhlaba phantsi kokhuseleko nogcino

Lomntu othile okwenza oko phantsi komyalelo wakhe.

(d) Nayiphi na inkcitho eyenziwayo ukususa loo mpahla ithinjweyo phantsi kwalomgaqo ukusiwa kwindawo yokhuseleko eyakugcinwa kuyo loo mpahla okanye ukuyishiya phantsi kogcino nokhuseleko lomntu osebenza phantsi konothimba, iyakuba luxanduva lomenzi wesicelo. yaye , phantsi kwawo nawuphina umyalelo wenkundla , iyakuba ziindleko ezichithwe kwisimangalo.

(7) Ngaphandle kokuba inkundla iyalela ngolunye uhlobo, nawuphi na umhlaba othinjweyo njengoko kuqulathwe kulomgaqo, uyakunikezelwa, ekubekweni kwesibambiso esanelisa unothimba wenkundla semali elingana nemali etyalwa ibango lomenzi wesicelo iquka neendleko zesicelo sokuthinjwa, ikhululwe ekuthinjweni

(8) Umyalelo owenziweyo wokuthimba umhlaba phantsi kwenxalenye yomgaqo (1) ngokwawo uyakurhoxiswa ekunikezelweni kwesibambiso ngu mmangalelwa njengoko kumiselwekwinxalenye yomgaqo (7).

Isondlo ngethuba kusaxoxwa, igalelo kwiindleko, ilungelo lethutyana lokugcina nelokubona abantwana

58. (1) Lomgaqo uyakusebenza naphi na apho omnye wabatshatileyo efuna isibonelelo senkundla kuyo nayiphi na enye yezi zilandelayo :

(a) Isondlo ngethuba leengxoxo ;

- (b) igalelo kwiindleko kwinkqubo yesimangalo kulwahlulo lweempahla zomtshato oluqhubekayo ;
- (c) ugcino lomntwana lwethutyana ; okanye
- (d) ilungelo lokubona umntwana lwethutyana.

(2) (a) Umenzi wesicelo sesibonelelo senkundla esikhankanywa kwinxalenye yomgaqo (1) uyakinikezela inkcazo efunyelweyo ephuhlisa iinkcukacha zesibonelelo esifunwayo kunye nezizathu zoko, kwakunye nesaziso esiya kumangalelwa esiya kufana ngokwaneleyo nofomu 42 okokuqhotyoshelweyo 1.

(b) Inkcazo kunye nesaziso esikhankanywe kumhlathi (a) ziyakutyikitywa ngumenzi wesicelo okanye igqwetha lakhe kwaye ziyakuqulatha idilesi yendawo emazithunyelwe kuyo iincwadi zakhe ezisuka enkundlenieziziswe ngunothimba.

(3) Ummangalelwa uyakuthi kwiintsuku ezili 10 emva kokufumana inkcazo nesaziso ezikhankanywe kwinxalenye yomgaqo (2) anikezele ngempendulo efunyelweyo efana nempendulo kwinkqubo yesimangalo, Ayityikitye anike nedilesi apho unothimba anokumzisela khona iincwadi zenkundla, ekusileleni ukuya enkundleni ayakuthi ngenxa yako athintelwe ukuqhubela phambili necala lakhe letyala.

(4) Ngokukahwuleza emva kwenxalenye yomgaqo (3) ufezekisiwe unobhala wenkundla ephakamileyo uyakuzisa eoncwadi enkundleni ukuze ive ubungqina, kwisaziso seentsuku ezili 10 esithunyelwa kumacala kulembambano, nagphsindle kokoba ummangalelwa akekho enkundleni

(5) Inkundla ingabuva obo bungqina njengoko buthathwa njengobufanelekileyo kwaye ingasikhaba isicelookaye yenze lomyalelo njengoko lbina ufanelekile ukuqinisekisa ubulungisa nesigqibo esikhawulezileyo.

(6) Inkundla, kwinkqubo enye, ingasitshintsha isigqibo ekubhekiswa kuso kwinxalenye yomgaqo (5) xa kuthe kwakho utshintsho olubonkakalayo olwenzeka kwiimeko zelinye lamacala kwityala elo okanye lomntwana, okanye igalelo kwiindleko elibonisa ukunganeli.

(7) Akukho gqwetha lajaji livela kwelityala phantsi kwalomgaqo liyakufuna intlawulo engaphaya kwe R175,00 ukuba ibango lelocala aliphikiswa okanye R250,00 ukuba liyaphikiswa. Ngaphandle kokuba inkundla kwimeko ezahlukeyo iyalela ngenye indlela.

(8) Akukho gqwetha liyalela elajaji livela kumatyala aphantsi kwalomgaqo liyakufuna intlawulo engaphaya kwama R250,00 ukuba ibango lelocala aliphikiswa okanye, R375 ukuba liyaphikiswa. Ngaphandle kokuba inkundla kwimeko ezahlukeyo iyalela ngenye indlela.

Abacebisi

59. (1) Inkundla ingathi kwixesha nexesha iqokelele iqela labantu, inenjongo yemeko yomsebenzi wenkundla kunye nezakhono zabo kunye nenkangeleko yabo kuluntu, nabakhangeleka neneziqinisekiso zemfundo ezifaneleyo nabanomdla bevuma ukuba ngabacebisi benkundla phantsi kwecandelo 34 lomthetho nge saziso ezifanele oko nasekuhlawulweni ngokommiselo woluhlu D kokuqhotyoshelweyo 2.

(2) (a) Wonke umntu okwexesha okhankanywe kuluhlu lwabaneziqinisekiso nonomdla wokuba ngumcebisi uyakuba ngumcebisi ngokwenjongo yalomgaqo kwaye uyakuqhubeka njengomcebisi lude uluhlu olutsha lube lamkelwe okanye ade abe unike unobhala wenkundla ephakamileyo okanye owenkundla kamantyi incwadi ebhaliweyo yokuyeka.

(b) Ekufumaneni looncwadi yokuyeka njengomcebisi unobhala wenkundla ephakamileyo okanye owekamantyi uyakulisusa igama lakhe kuluhlu lwabantu abaneziqinisekiso naba nomdla wokuba ngabacebisi.

(c) Umcebisi omenyelwe ukusebenza kanjalo nakuliphi na ityala akanakuyeka ngaphandle kwemvume yenkundla ngexesha lovavanyo lwetyala.

(3) Akukho nto kulomgaqo eyakuthintela inkundla ukunikezela ngeesamani, ngemvume yawo onke amacala kwisimangalo, abantu abangekho kuluhlu lwabaqinisekisiweyo nabanomdla ukuba babengabacebisi nakuliphi na ityala.

(4) Inani namagama abacebisi abazakuhlala nakuliphi na ityala lakugqitywa ngokuvumelana namacala okanye, apho bangakwazi kuvumelana, yinkundla: Kuxhomekeke ekubeni akuhlali abacebisi abadlulileyo

kwisibini kwityala ngalinye.

(5) (a) Elocala linqwenela ukuba ityala liqhubeke kunye nabacebisi liyakunikezela ngesaziso sesicelo sabacebisi, ukuba ummangali kunye nesaziso setyala, kwaye ukuba ngummangalelwa singabingaphantsi kwentsuku ezi 5 emva kokufumana isaziso sokuvavanywa kwetyala.

(b) Isaziso esikhankanywe kumhlathi (a) siyakuqulatha isivumelwano namanye amacala okanye isaziso semini sokuviwa kwesicelo.

(6) (a) Elocala linqwenela ukuba ityala liqhubeke kunye nabacebisi, ekunikezeleni ngesaziso sesicelo sabacebisi, kunye nonobhala wenkundla okanye ekamantyi isixa eso ngokuchazwe kuluhlu D lokuqhotyoshelweyo 2 somcebisi ngamnye kwaye linxanduva lokuhlawula nasiphi na isixa semali esiyintlawulo yabacebisi.

(b) Intlawulo neendleko zabacebisi ziyakuba yinxalenyeendleko zetyala, ngaphandle kokuba inkundla iyalela ngenye indlela.

(7) Ukuba isicelo sokuba ityala livavanywe kunye nabacebisi kuvunyelwene ngaso, okanye sivunyiwe yinkundla, unobhala wenkundla ephakamileyo okanye owenkundla kamantyi uyaku mema abacebisi abakhankanywe kwisivumelwano okanye abakhethwe yinkundla ngokunikezela ngeesamana kuye ngamnye owabo bacebisi ngendlela elungiselelwe ukunikezela ngeesamana zokuqalisa inkqubo yesimangalo.

(8) ukuba ngexesha nendawo elungiselelwe ukuviwa kwetyala omnye wabacebisi onikwe isamana akezi, inkundla Ingaqhubeka novavanyo lwetyala ngokuncediswa ngulomcebisi, ukuba ukho, ozileyo, okanye ngaphandle koncedo, ukluba akukho Uzileyo, okanye alimise ityala

(9) Apho ityala limisiweyo okanye limiwe ngenxa yokungabikho komcebisi, elocala belicele abacebisi emva komyalelo wokuba limiswe ngenxa yokngabikho komcebisi, lihlawule kunobhala wenkundla ephakamileyo okanye owenkundla kamantyi, ukongezelela kwimali ekhankanywe kwinxalenye yomgaqo 6, leyo iyntlawulo yexesha lokumiswa kwetyala okanye intlawulo yabo bacebisi bathe beza enkundleni.

(10) Apho intlawulo efunekayo phantsi kwenxalenye ymgaqo (9) ingenziwanga inkundla ingasirhoxisa ismangalo idede ibe yenziwe intlawulo okanye iqhubeke nesimangalo ngaphandle kwabacebisi okanye yenze lomyalelo njengoko ibona kufanelekile.

(11) Wonke umcebisi kwityala uyakubanelungelo kwintlawulo ebekwe kuluhle D lokuqhotyoshelweyo 2.

Ukungathobeli imigaqo, kubandakanya imimiselo yamaxesha neempazamo

60. (1) Ngaphandle kwalapho kumiselwe ngenye indlela le kulemigaqo, ukusilela ukuthobela le migaqo okanye ngaso nasiphi na isicelo esenziwe ukwenza oko asi sayi kuba sisizathu sokuwisa isigwebo ngakwicala elisileleyo ukuya enkundleni.

(2) Apho nasiphi isiqulatho semigaqo okanye nasiphi na isicelo esenziwe ukufezekisa nasiphi na isiqulatho asikhange esingafezekiswangainkundla ingayalela ukuba ukuba kuthotyelwe eso siqulatho ngokwesicelo eso kwithuba elikhankanywe kuso.

(3) Apho nawuphi na umyalezo phantsi kwenxalelye yomgaqo (2) ungathotyelwanga kwixesha elibekiweyo, inkundla ngesicelo esifakiweyo ingawisa isigwebo kwisimangalo ngokuchasene necala elisileleyo okanye ingamisa inkundla isicelo anike ukongezelelwa kwexesha ukwenzela ukuthotyelwe komyalelo ngokwezimiselo mayela neendleko nezinye njengoko.

(4) Inkundla ngokwesicelo phantsi kwenxalenye yomgaqo(2) okanye (3) iyakuyalela ukumisa inkqubo njengoko kunokuba yimfuneko

(5) Naliphi na ixesha elimisiweyo elilungiselelwe yile migaqo, ngaphandle kwexesha elilungiselelwe kumgaqo 51 (3) no (6) lingandiswa nangaliphi na ixesha phambi okanye emva kokuphela kwexesha elimisiweyo

(a) ngesivumelwano esibhaliweyo lecala eliphikisayo, kwaye

(b) ukuba esosivumelwano saliwe, yinkundla ngokwesicela phantsi kwemiselo kwiindleko ngaphaya koko njengoko ibona kufanelekile

(6) (a) Apho bekukho unikezelo olufutshane, ngaphandle kwemvume, lwaso nasiphi na isaziso sokumiswa komhla wovavanyo tyala okanye isaziso saso nasiphi na isicelo okanye inkqubo inkundla endaweni

yokuchitha eso saziso okanye inkqubo, ingemisa inkqubo yovavanyo lwetyala okwexesha elilingana ubuncinana, nexesha lesaziso kulomiqathango njengoko inokubona kufanelekile.

(b) Ukuba inkqubo yokuvavanywa kwetyala imisiwe ngokungabikho kwecala elithile kulawo ayinxalenye yalo, ngenxa yokufumana iincwadi kwixesha elifutshane, isaziso esifanelekileyo sokumiswa kwetyala kufuneka sinikezelwe kwelocala licala elinoxanduva nolunikezele incwadi kwixesha elifutshane

(7) Ngokuxhomekeke kwinxalenye yomgaqo (8) akukho nkqubo okanye saziso singayi kuba naxabiso ngenxa yempazamo ecacileyo ekupelweni kwegama okanye inani okanye

(8) Ukuba naliphi na icala lilahlekiswe ligama elipelwe ngempazamo kuyo mnayiphi na inkqubo okanye isaziso esinikezelwe kuye inkundla ngesicelo esinikezelweyo inganika elocala eso sibonelelo silifunayo njengoko ibon akufanelekile kwaye ukulungiselela oko ingayibekela bucala loo nkqubo okanye eso saziso irhoxise nasiphi na isigwebo esiwiswe ummangalelwa engekho enkundleni.

Inkqubo engekho mgaqweni

60A. (1) Icala kwibango apho unyawo olungekho mgaqweni luthathiweyo lilo naliphi na elinye icala, lingenza isicelo enkundleni ukuba sibekelwe bucala.

- (a) Isicelo esiphantsi kwenxalenye yomgaqo (1) siyakuba kwisaziso esiya kuwo onke amacala sikhankanya iinkcukacha zoko kungabikho mgaqweni okubabazwayo, kwaye senziwe kuphela ukuba Umenzi wesicelo akathathanga inyathelo elingaphaya ngokungqamene nokwazi kwakhe ngoko kungabikho mgaqweni ;
- (b) ummangali, kwiintsuku ezili 10 ubesazi ngelinyathelo, ngokufumana isaziso esibhaliweyo kwelinye icala elichasene nalo ithuba lokuguzula imbangi yesikhalo kwiintsuku ezingama 10
- (c) Isicelo sinikezelwe kwiintsuku ezili 15 emva kokuphela kwexesha lesibini elikhankanywe kwinxalenye yomgaqo 2)(b)

(3) Ukuba ekuviweni kwesicelo ngokwemiqathango yinxalenye yomgaqo (1) inkundla inengcinga yokuba inkqubo okanye inyathelo alikho mgaqweni okanye Alilunganga, ingayibekela bucala yonke okanye inxalenye yayo, ngokuchasene nawo onke amacala okanye inalinye yawo, inike imvume Yokulungiswa okanye kwenziwe lomyalelo njengoko ibona kufanele.

(4) Lide elocala lithobele nawuphi na umyalelo wenkundla owenziwe ngokuchasene nalo kwimiqathango yalomgaqo, akayikuthatha inyathelo eliphambili kwibango, ngaphandle kokucela ukwandiselwa ixesha anokufezekisa lomyalelo

Iirekhodi, izifakelelo okanye amaxwebhu njengobungqina kumatyala embambano

61. (1) apho kuyimfuneko ukunika ubungqina enkundundleni nayiphi na irekhodi, ufakelelo okanye incwadi yakwalonkundla kwelinye ityala Unobhala wenkundla ephakamileyo okanye owekamantyi uyakuthi kwisaziso esinengqiqo, akhuphe abonise uqobo lwaso. Indeko yeekopi ayiyayikuvunyelwa.

(2) apho kuyimfuneko ukunika ubungqina kwenye inkundla nayiphi na irekhodi, ufakelelo okanye incwadi yenkundla, ikopi yayo eqinisekisiweyo ngunobhala wenkundla ephakamileyo okanye ekamantyi inganikezelwa njengobungqina kulonkundla ngaphandle kokufuneka koqobo lqwayo

Iindleko zesibambiso

62. (1) Icala elinelungelo nelinqwenela ukubanga isibambiso seendleko komnye, liyakuthi ngokukhawuleza emvakokuqala kwenkqubo, linikezele ngesaziso esiphuhlisa isizathu apho esosibambiso sibangwayo nemali zithethelela.

(2) Ukuba kubangwa kuphela isibambiso phantsi kwenxalenye yomgaqo (1) kuyaphikiswa unobhala wenkundla ephakamileyo okanye owekamantyi uyakuqwalasela Isixa semali esiya kunikezelwa knunye nesigqibo siyakuba sesokugqibela.

(3) Ukuba icala elithile esibangwa kulo isibambiso phantsi kwenxalenye yomgaqo (1) liyabuphikisa ubutyala bokufuneka linikezele ngesibambiso okanye lisilelelokanye lale uku nikezela ngesibambiso isigqibo sikanobhala wenkundla ephakamileyo nesowenkundla kamantyi, elinye icala lingenza isicelo enkundleni sokuba isibambiso sinikezelwe kwaye nenkqubo yenkundla inqunyanyiswe ude lomyalelo ufezekiswe.

(4) inkundla ukuba isibambiso esibangwayo asinikezelwanga kwixesha elifanelekileyo, ingayichitha inkqubo yesimangalo efakiweyo okanye iyirhoxise kuluhlu lweenkqubo eziphambi kwayonayiphi na incwadi-mpikiso efakwayo licala elisileleyo ukuvela enkundleni, okanye ukwenza lomyalelo njengoko ibona kuyimfuneko.

(5) Nasiphi na isibambiso seendleko, ngaphandle kokuba inkundla iyalela ngenye indlela, okanye amacala avumelene, iindleko ziyakunikezelwa kwifomu nendlela ayalela ngayo unobhala wenkundla ephakamileyo nowenkundla kamantyi.

(6) Unobhala wenkundla ephakamileyo okanye owenkundla kamantyi kwisicelo esibhaliweyo secala esikhutshelwa lona isibambiso kwi saziso kumacala anomdla, anyuse imali yaso ukuba wanelisekile ukuba imali eyayi nikezelwe kuqala ayiso nelanga ; kwaye isigqibo sakhe sesokugqibela.

Unikezelo, ukucwangcisa nokuhlola amaphepha enkundla

63. (1) Zonke iincwadi ezinikezelwe enkundleni, ngaphandle keziboniso okanye iifeksi zazo, ziyakubhalwa ngokucacileyo kakuhle okanye zitayitshwe nge inki emnyama engacimiyo okanye ebuluhlaza-mnyama kwelinye icala lephepha lexabiso elingumlinganiselo A4 owamkelekileyo

(b) Incwadi iyakuthatyathwa njengechwetheziweo ukuba ikhutshwe ngokucacileyo nokufanelekileyo kwiphepha elifanele oko ushicilelo, ukufota okanye nayiphi na enye indlela yokuveza ubungqina.

(2) Amatyalala akhankanyiweyo, iingxelo ezifungelweyo, izizathu zokubhena nezinye ziyakohlulwa ziba yimihlathana eyakunombolwangkulandelelana.

(3) Kumabango achaswayo okanye izicelo eziphikiswayo ummangali okanye owenza isicelo, lo nto iyiyo, uyakuthi kwiintsuku ezili 10 phambi kokuviwa kwetyala aqokelele, anombole ngokulandelelana, ngedlela ekhuselekileyo, onke amaphepha eencwadi ezikunikezelweyo acwangcise anikezele uluhle olugqibeleleyo loko.

(4) Yonke ingxelo efungelweyo enikezelwe kunobhala wenkundla ephakamileyo okanye owenkundla kamantyi ngu okanye egameni lommandla, ukuba umelwe kwiphepha lokuqala iyakubu *negama* nedilesi yegqwetha eliyinikezelayo.

(5) unobhala wenkundla ephakamileyo okanye owekamantyi angayala incwadi engangqinelaniyo neemfuno zalomgaqo.

(6) Nawuphina umntu, ngemvume kanobhala wenkundla ephakamileyo okanye ekamantyi kwisizathu esinesihlahla esiboniswa, angaphonononga enze ikopi zazo zonke iincwadi kwifayile yenkundla kwi ofisi kanobhala wenkundla ephakamileyo nekamantyi.

Inkqubo yokuqinisekisa ukuza kwamangqina kwinkundla yamatyalala yolwaphulo-mthetho

64.(1) Inkqubo yokuqinisekisa ukuza kwakhe nawuphi na umntu enkundleni ukuza kunika ubungqina nakuliphi na ityala lobugebenga okanye ukunikezela ngazo naziphi na iinncadi, amaphepha namaxwebho, iyakwenziwa ngesupina ecwangciswe licala elinqwenela ukuza kwalomntu nekhutshwa ngunobhala wenkundla ephakamileyo okanye owekamantyi.

(2) Uqobo lwesupina neekopi eziliqela kangangoko kunamangqina , ziyakunikezelwa kunthimba

okanye omnye umntu ogunyaziswa ukunikezela ngesupina kummandla apho ingqina lihlala khona okanye kumntu ekubhekisw kuye kwicandelo 15(2) okanye (3) lomthetho, njengoko kunjalo

(3) Ikopi yesupina iyakunikezelwa kwinqina buqu okanye kwindlu yalo okanye kwindawo yokusebenza okanyeemsebenzini kumntu okhangeleka engekho nganeno kweshumi elinesithandathu leminyaka nokhangeleka ehlala okanye eqeshwe apho

(4) Ukuba umntu omelwe kukunikwa isupina ugcina indawo yakhe yokuhlala okanye eyomsebenzi ivaliwe, ngoko ethintela unikezelolwesupina, kuyakwanela ukuncamathisela ikopi kulona cango lungaphandle okanye olona cango lusetyenziswayo lwasendlini okanye kwindawo yomsebenzi.

(5) Umntu onikezela kwinqina ngesupina ukuba uyafuna lo mntu inikezelwa kuye, uyakumbonisa uqobo lwesupina.

(6) Umntu onika ingqina isupina uyakwenza isiqinisekiso sokunikezela ngokutyikitya kwincwadi yoqobo eqhotyoshelweyoapho nendlela enikezelwe ngayo isupina, uqobo lwayo luyakubuyiselwa kunobhala

wenkundla ephakamileyo okanye owenkundla kaantyi kwiofisi eyayiphuma kuyo

Incwadi yeenkcukacha zolwaphulo-mthetho

65. (1) Unobhala wenkundla ephakamileyo okanye inkundla kamantyi uyakugcina incwadi eyaziwa ngokuba 'yincwadi yeenkcukacha zolwaphulo mthetho ayakungenisa kuyo iinkcukacha zawo onke amatyala olwaphulo mthetho angena enkundleni ngomhal ngamnye

(2) Apho inkundla ikhuphe isigunyaziso phantsi kweziqulatho zecandelo 55 no 56 ezomthetho wolwaphulo mthetho wonyaka we 1977, kwaye umtshtshisi arhoxise isimangalo emva koko, akuyikuba yomfuneko ukuphinda kufakwe eltyala Kuxhomekekeekubeni ezinkcukacha azingeniswanga kwi ncwadi yeenkcukacha zolwaphulo-mthetho incwadi yobhaliso eyodwa iyakugcinwa ngunobhala wenkundla ephakamileyo okanye ekamantyi yazoo zonke izigunyaziso ezikhutshwe phantsi kwemiqathango ekhankanyiweyo yamacandelo kunye namabakala alandelelanayo uyakungenisa apho iinkcukacha zomhla wokukhutshwa kwesigunyaziso, inani letyala, igama lommangalelwa, umhla apho isigunyaziso sathunyelwa emapoliseni ukwenzela ukuba inilkezelwe, into yokuba ityala lirhoxisiwenayo nazo naziphi ezinye iinkcukacha imeeko ezinokuzifuna

(3) Uxwebhu oluqulathe isimangalo kwityal lolwaphulo-mthetho okanye, xa ityala libekwa phambi kwenkundla ngendlela yolungiselelo lovavanyo, iiphepha elingaphezulu xa ityala lingena okokuqala enkundleni liyakuphawulwangenani ngunobhala wenkundla ngamanani alandelelanayo unyaka nenani letyala ziyakungeniswa kwincwadi yeenkcukacha zolwaphulo mthetho phantsi kweonani

(4) Iinkcukacha ezibhaliweyo kwincwadi yeenkcukacha zolwaphulo mthetho iquka

- (a) umhla wovavanyo -tyala
- (b) inani letyala
- (c) igama lommangalelwa
- (d) ityala atyholwa ngalo
- (e) isiphumo setyala
- (f) isohlwayo okanye indlela eliqukunjelwe ngayo ityala
- (g) nawaphi na amanqakwana (equka umhla nomphumela womyalelo wenkundla ephakamileyo yoMzantsi Afrika nomahluko kwisigwebo okanye isohlwayo kucwaningo okanye isibheni)

(5) Ilgosa eliphethe ityala kuvavanyo letyala lolwaphulo mthetho liyakubhala kwincwadi yeenkcukacha zolwaphulo mthetho nasiphi na isohlwayo Esinikiweyo okanye umyalelo wokuqoshelisa ityala owenziweyo lilo kuquka nokukhululwa kommangalelwaUkumiselwa omnye umhla ityala okanye ukuthumela ummangalelwa kwenye inkundla apho liyakuviwa khona ityala lakhe

Iirekhodi zolwaphulo-mthetho

66. (1) impendulo kwisityholo nengcaciso yayo okanye ingxelo, Ukuba ikho, kammangalellwa , ubungqina obunikwa ngomlomo, nayiphi inkcaso okanye ukuphika ezithathathwe kwinkqubo yovavanyo lwetyala, ulawulo nesigwebo senkundla nayo nayiphi na inxalenye yenkqubo, ingabhalwa ngesandla esifutshane (ekukwabhekiswa kuyo" njengamabinzana esandla esifutshane") ebhalwe ngqo ngamazwi engqina okanye ngendlela yokubalisa, okanye eshicilelwe ngomatshini woko

(2) Wonke umntu oqashelwe ukuthabatha amabinzana esandla esifutshane ngokwemiqathango yenxalenye yomgaqo (1) okanye ukukopa ngendlela yoshicilelo eyenziwa ngomnye umntu ziyakuthathwa ngokuba lomntu ligosa lenkundla kwaye phambi kokuba aqalise umsebenzi wakhe athathe isifungo esibhaliweyo okanye isiqinisekiso sokuthetha inyaniso phambi kwegosa eliphethe ityala njengoko kulungiselelwe kumgaqo 30(5)

(3) (a) amanqaku esandla esifutshane athathwe ngethuba lokuvavanywa kwetyala lolwaphulo mthetho akuqinisekiswa ngalungileyo ngumbhali wawo agcinwe efayilininirekhodi yetyala ngunobhala wenkundla ephakamileyo okanye ekamantyi

(b) Ngokuxhomekeke kwiziqulatho zenxalenye yomgaqo (4) no 67(3), (8) no 10, , akukho mbhalo wesandla esifutshane oyakubhalwa ngaphandle kokuba igosa elophethe ityala liyalela ngohlolo. Ukukotshwa ngomatshini wombhalo wesandla esifutshane owenziwe ngokomhlathi (b) uyakuqinisekiswa

njengofezekileyo owenziwe nguloomntu ingeniswe kunye nombhalo wenkqubo

(4) (a) Nakuliphi na ityala apho ukukotshwa kombhalo kwakungayalelwanga ngokwenxalenye yomgaqo (3) nawuphi na umntu angenza isicelo kunobhala wenkundla ephakamileyo okanye ekamantyi sokukotshwa kombhalo wenkqubo yenkundla kunye namanqaku ombhalo wesandla esifutshane othathathwe ngokwenxalenye yomgaqo (1) kwaye ukufumana inkqubo eshicilelwe ngomatshini woko, ngaphandle kombuso, kuhlalulwa iindleko ezipheleleyo njengoko zimisiwekwisivumelwano phakathi komenzi kunye nombuso sokubhala

(b) Ikopi enye yombhalo okotshiweyo wesandla esifutshane obhekiswe uyakunikelwa simahla kuloomntu obufunelwe yena umbhalo oshicilelweyo Uqobo lwekopi yawo nawuphi na umbhalo wesandla esifutshane ekubhekiswa kuwo kumhlathi (a) uyakuqinisekiswa njengofezekileyongumntu owenzayo kwaye uyakungeniswa kunye nombhalo wenkqubo yetyala.

(d) isixa semali esaneleyo ukuhlawula intlawulo efanelekileyo phantsi komhlathi (a) iyakubekwa bucala kunobhala wenkundla ephakamileyo okanye ekamantyi ngaphambili.

(5) Phantsi kweziququlatho zenxalenye yomgaqo (6) nawuphi na umbhalo wesandla esifutshane kunye nokotshiweyo kwawo kwaqinisekiswa njengokufezekileyonjengokufezekileyo kwenziwe inxalenye yombhalo wenkqubo ophethweyo

(6) Umtshutshisi okanye ummangalelwa angathi kungekho emva kweentsuki ezili 10 emva kwesigwebookanye apho inkqubo yenkundla ibhaliweyo ngesandla esifutshane okanye ngokushicilelwa ngomatshini, kwiintsuku ezilishumi emva kokuba ushicilelo lugqityiwe, angenza isicelo enkundleni sokulungisa impazamo ekwerekhodi okanye umbhalo oshicilelweyo kwaye inkundla ingayilungisa lo mpazamo.

(7) phantsi kwenxenye yomgaqo (4)(b), ikopi yawo nawuphi na umbhalo okotshiweyo owenziwe ngaxeshanye nombhalo okotshiweyo wenkqubo owenziwe ngomatshini ngesicelo kunobhala wenkundla ephakamileyo okanye ekamantyi unganikezelwa nakuwuphi na umntu ngokuhlulwa ngaphandle kombuso, iindleko ezipheleleyo zoko njengoko zimisiwe ngokwesivumelwano phakathi kombhali lowo nombuso kwi meko apho ikopi yombhalo okotshiweyo ekubhekiswa kuyo kwinxalenye yomgaqo (3) no (4)(a) 0

(8) Nayiphi na intsingiselo kulomgaqo yombhalo wesandla esifutshane okanye okukotshiweyo kwaloombhalo okanye ikopi yoko kukotshiweyo kwalombhalo okanye kuye nawuphi na umntu oqeshelwe ukubhala okanye umntu okopa loombhalo uyakuthathwa naye njengo mbhali werekhodi eyenziwe ngomatshini, ukuba ibe ngumbhalo ochwetheziweyo okanye umbhalo walorekhodi okanye kwikopi yalo rekhodi ichwetheziweyo kumntu oqeshwelwe ukwenza ushicilelo lwenkqubo ngomatshini, okanye umntu ochwetheza ushicilelo lwenkqubo njengoko kusenzeka ngomatshini

9) Apho umantyi okanye inkundla yanelisekile ukuba ummangalelwa akakwazi ukuhlawula iindleko zokufumana ikopi yayo nayi phi na irekhodinaluphi na ushicilelo okanye ukwazi nje ukuhlawula inxalenye yezondleko, loo mantyi okanye inkundla , ngesicelo sika mmangalelwaIngayalela unobhala wenkundla ephakamileyo okanye owekamantyi ukuba anikezele irekhodi okanye umbhalo wayo ochwetheziweyo kummangalelwa simahla okanye ngelona xabiso lihliisweyo njengoko umantyi enokwenza isigqibo

Izibheno kumatyala olwaphulo mthetho

67. (1) (a) Umntu owenza isibheno, ongaphandle komntu owenza isicelo ngomlomo ecela imvume yokubhena ngokukhawuleza emva kokuwiswa kwesohlwayo okanye umyalelo okhankanywe kwicandelo 309b(3)(b) loMthetho weNkqubo yoLwaphulo Mthetho yonyaka ka1977 onqwenela ukwenza isicelo semvume yokubhena ngokwemiqathango yecandelo 309b(1) yala mthetho, uyakwenza ngolohlobo ngokubhalela kunobhala wenkundla ephakamileyo okanye owenkundla kamantyi kwaye kwakhona eyakuthumela iikopi yesicelo kumlawuli wotshutshiso loluntu ochaphazelekayo, okanye , apho umtshutshisi wayengatshtshiseli uluntu, kulomtshutshisi ubandakanyekayo.

(b) Umntu onqwenela ukwenza isicelo sesingxengxezo esikhankanywe kwicandelo 309B(1)(b)(ii) loMthetho weNkqubo yoLwaphulo Mthetho yonyaka ka1977 okanye umenzi wesibheno onqwenela ukwenza isicelo semvume yokunika ubungqina obongezelelekileyo njengoko'kukhankanyiwe kwicandelo 309B(5) (a)lalo yokubhena ngokwemiqathango yecandelo 309b(1) yala mthetho, uyakwenza ngolohlobo ngokubhalela kunobhala wenkundla ephakamileyo okanye owenkundla kamantyi kwaye kwakhona eyakuthumela wotshutshiso loluntu ubandakanyekayo,okanye, kwimeko apho utshitshiso belungekho egameni loluntu, kumtshutshisi obandakanyekayo

(2) (a) apho isicelo semvume yokubhena senziwe ngombhalo, isaziso ngokwemiqathango yecandelo 309B (2)(d) loMthetho wenkqubo yolwaphulo Mthetho yonyaka we1977, iyakunikwa nunobhala wenkundla ephakamileyo okanye owenkundla kamantyi. Ubuncinane iintsuke ezili 10 phambi kosuku olumileyo lokuviwa kwetyala kwesicelo semvume yokubhena, ngaphandle kokuba obhenayo oknaye ummeli nomlawuli wotshutshiso loluntu okanye umntu ogunyaziswe nguye kwityala apho umtshutshisi wayengekho kutshutshiso loluntu, omnye obandaknyekayo uvumile kwixesha elifutshane, kwaye iyakufana ngokwaneleyo no fomu 57 okokuqhotyoshelweyo 1.

(b) isaziso ekubhekiswa kuso kumhlathi (a) siya

- (i) kunikezelwa kumntu obhenayo okanye ummeli nomlawuli wotshutshiso loluntu okanye umntu ogunyaziswe nguye okanye umtshutshisi obandakanyekayo nesiqinisekiso sesosaziso siya kuboniswa kwikopi yesaziso, eyakugcinwa ngunobhala wenkundla ephakamileyo okanye ekamantyi ; okanye
- (ii) ithunyelwe ngerejista

(3) (a) Ummeli wezomthetho omele owenza isibheni, uyakuthi kwangoko afake isicelo semvume yokubhena isigunyaziso sokumelwa ligqwetha emgunyazisa ukuba avele endaweni yowenza isibheni, okanye ukuba ummeli lowo uqeshwe emva kwesicelo semvume yokubhena sesifakiwe, emva koko kuqeshwa.

(b) Owenza isicelo sokubhena uyakukhankanya kwisicelo sakhe semvume yokubhena ekubhekiswa kuso kwinxalenye yomgaqo (1) idilesi yaseposini apho isaziso sinokuthunyelwa khona kuye ngencwadi eqinisekisiweyo okanye ukuba akamelwanga ligosa lezomthetho okanye uyayeka ukumelwa ligosa lezomthetho

(4) Ukuba owenza isicelo sokubhena , akakwazi kubhala isicelo semvume yokubhena okanye isaziso sokubhena ngenxa yokungafundi okanye ukulimala ngokwasemzimbeni Unobhala wenkundla uyakumncedisa ngokwesicelo sakhe.

(5) Xa isicelo semvume yokubhena sinikiwe unobhala wenkundla ephakamileyo okanye owenkundla kamantyi uyakulungisa ikopi yombhalo wenkqubo yovavanyo-tyala kuquka, nombhalo ochwetheziweyo wawo ukuba inkqubo ibishicilelwe ngokweziqulatho zomgaqo 66(1), ayibeke loo kopiphambi kwegosa ebelichophele elotyala eliyakuthi kwiintsuku ezili 15 emva koko linike unobhala inkazo ebhaliweyo ebonisa

- (a) ubungqina obububo okanye obufumaniseke buqinisekisiwe
- (b) kwayelzizathu zalo zokufumanisa kobo bungqina ezikhankanyiweyo kwingxelo yowenza isicelo sokubhena ; kwaye izizathu zakhe zokunika isigqibo kumbuzo omayela nomthetho okanye wokwamkela okanye ukuchasa nabuphi na ubungqina bukhankanyiweyo njengoko kubhenwe ngokuchasene nabo

(5A) (a) Umntu okhankanywe kwisizulatho sokuqala secandelo 309(1) (a) loMthetho weNkqubo yolwaphulo mthetho wonyaka we1977 nonqwenela ukubhena ngokuchasene nesigwebo okanye isohlwayo okanye umyalelo, uyakwenza oko ngokubhalela kunobhala wenkundla ephakamileyo okanye kamantyi kwaye kwakhona uya kuthumela ikopi yesicelo yesicelo seso saziso sokubhena kumlawuli wotshutshiso obandakanyekayo okanye apho utshutshiso lwalungelo loluntu, kulomtshutshisi ubandakanyekayo.

(b) Isaziso sokubhena esicwaningwa kumhlathi nqwenela ukubhena

(c) Izizulatho zemigaqo (3) ukuya kwisi(8) ne (14) ne (15) iyakusebenza ngokongezelelekileyo kunye notshintsho ngokokufuneka kwalo ngumxholo

(6) Unobhala wenkundla ephakamileyo okanye owekamantyi uyakuthi akufumana ingxelo yegosa ebelichophele ityala elicwaningwa kwinxalenye yomgaqo (s) ngoko nagoko axelele owenza isicelo sesibheni ukuba ingxelo inikezelwe

Kwiintsuku ezi 15 emva kokuba owenza isicelo sokubhena azisiwe ngokwemiqathango yenxalenye yomgaqo (6), angayilungisa ingxelo yakhe ngokuthumela isaziso kunobhala wenkundla ephakamileyookanye owenkundla kamantyi negosa ebelichophele ityala lingalungisa ingxelo leyo kwiintsuku ezilishumi Emva koko linike unobhala wenkundla ephakamileyo okanye owenkundla kamantyi enye ingxelo elungisiweyo yezigqibo zalo ngokobungqina obubonwayo nobuyinyaniso.

8) Xa isibheni simiselwe apho umtshutshisi ebengatshutshiseli umbusonayphi na ingxelo elungisiweyo

ekhuthshelwe Inxalenye yomgaqo (7) iyakunikezelwa ngulowo wenza isibheno kwakhona nakumtshutshisi

(9) Umlawuli wotshutshiso loluntu okanye omnye umtshutshisi onqwenela ukubhena phantsi kwecandelo 310 lomthetho weNkqubo yolwaphulo mthetho yowe 1977 ngokuchasene nokukhatywa kwesamana okanye isityholo esibekwa kummangalelwa, kwiintsuku ezingama 20 emva kokukhatywa kwazo, anganikezela ngesaziso sokubhena Apho isibheno simiselweyo njengoko kulungiselelwe kwinxalenye yomgaqo (90 unobhala wenkundla ephakamileyo okanye owenkundla kamantyi uyakulungisa ikopi yerekhodi kuquka, nombhalo ochwetheziweyo wawo ukuba inkqubo ibishicilelwe ngokweziqulatho zomgaqo 66(1), ayibeke loo kopi phambi kwegosa ebelichophele elotyala eliyakuthi kwiintsuku ezili 15 emva koko linike unobhala inkazo ebhaliweyo okanye izizathu zalo zokukhaba isamana okanye isityholo esibekwa kummangalelwa.

Umlawuli wotshutshiso loluntu okanye omnye umtshutshisi onqwenela ukubhena phantsi kwecandelo 310 lomthetho weNkqubo yolwaphulo mthetho yowe 1977 uyakuthi kwiintsuku ezingama20 emva kokuqosheliswa kwenkqubo yokuvavanywa kwetyala, acele igosa ebelichophele ityala ngokubhaliweyo ukuba linike ingcaciso

(12)(a) Ekufumaneni isicelo ekubhekiselelwe kuso kwinxalenye yomgaqo (11), unobhala wenkundla ephakamileyo okanye owenkundla kamantyi uyakulungisa ikopi ye yerekhodi oko kuquka, nombhalo ochwetheziweyo wawo ukuba inkqubo ibishicilelwe ngokweziqulatho zomgaqo 66(1), ayibeke loo kopi phambi kwegosa ebelichophele elotyala eliyakuthi kwiintsuku ezili 15 emva koko linike unobhala inkazo ebhaliweyo eliya kudlulisela ikopi leyo kumlawuli wotshutshiso loluntu okanye omnye umtshutshisi, njengoko imeko isitsho.

(b) ingcaciso yetyala enikiweyo njengoko ilungiselelwe kumhlathi (a) iyakohlulwa ibe yimihlathi enamanani ngokulandelelana kwaye iya kulungiswa ngoluhlobo lulandelayo Isigqibo sesegosa ebelichophele ityala mayela nobungqina obubonwayo kangangoko bungqamene nemibuzo yomthetho apho isigqibo esikwicala lowenza isicelo sesibheno sinikeziweyo ;

ii) imibuzo yomthetho ; kunye

(iii) Isigqibo segosa ebelichophele ityala kulo mibuzo nezizathu zalo

(13) Umlawuli wotshutshiso loluntu okanye omnye umtshutshisi, angathi kwintsuku ezi 15 emva kokufumana ingxelo yetyala , anikezele ngesaziso skubhena ngokuchasene nesigqibo kwimibuzo yomthetho

(14) Sonke isaziso sesibheno, inkcazo yezizathu zokubhena, inkcazo yegosa ebelichophele ityala ezigcinwe ne rekhodi okanye inikezelwe kunobhala wenkundla ephakamileyo nowenkundla kamantyi phantsi kalomgaqo ziyakuba yinxalenye yerekhodi.

(15)(a) Unobhala wenkundla ephakamileyo okanye ekamantyi uyakuthi kwiintsuku eziliOemva kokufumana ingxelo ekubhekiswa kuyo kwinxalenye yomgaqo (7) okanye (10)okanye isaziso sokubhena esiziswe phantsi kwinxalenye yomgaqo (13), njengoko kunokwenzeka, athumele kunobhala wenkundla ephakamileyo yesibhenoiIrekhodi yenkubo yetyala kwinkundla engezantsi okanye ingxelo yegosa ebelichophele ityala, kunye neekopi ezintathu zoko xa utshitshiso lulololuntu uyakuthumela ikopi enye kumlawuli kuxhomekeke ekubeni ukuba owenza isibheno akayilungisanga ingxelo yakhe yezizathu zokubhena njengoko kulungiselelwe kwinxalenye yomgaqo.(7) unobhala wenkundla ephakamileyo okanye ekamantyi uyakuthumela irekhodi ngaphandle kokulibazisa emva kwethuba elivunyelweyo lokulungiswa kwengxelo yezizathu zokubhena liphelile.

Isifungo somsebenzi wokutolika

68.(1) Yonke itoliki ekuqeshweni iyakuthatha isifungo esibhaliweyo okanye isiqinisekiso sokuthetha inyaniso nokutolika ngokwesakhono sayo esigqibelelyo phambi kwegosa eliphethe loo nkundla njenoko kubonisiwe ngaphantsi Mna,____(igama elizeleyo) ndiyafunga/ndiqinisekisa ngkuyinene ukuba nanini na ndingabizelwa ukuza kwenza umsebenzi we toliki kuyo nayiphi na inkqubo yovavanyo lwamatyala kuyo nayiphi na inkundla kamantyi, ndiyakutolika ngokunyanisekileyo nangkuthe ngqo ngkolwazi lwam olugqibeleleyo nesakhono ukusuka kulwimi endiya kuyalelwa ukuba ndilutolike ndiluse kulwimi olusemthethweni Kwiriphabliki yoMzantsi Afrika nangoku guquliweyo ukwenziwa kezifungo okanye iziqinisekiso zokuthethwa kwenyaniso.

Ukuphindwa kwemigaqo nezoqulatho zotshintsho

69. (a) Kuxhomekeke kwiziqulatho zomhlathi (b) imigaqo epapashiweyo phantsi kweSaziso sika Rhulumente Inani. R1108 wama 21 Juni 1968<0>R. 1108 sama 21 Juni 1968,njengokoIhlonyelwe ngezaziso zika Rhulumente, Amanani ezaziso R. 3002 sama 25 Julayi 1969, R. 490 sama 26 Matshi 1970,

R. 947 se 2 Juni 1972, R. 1115 sama 25 Juni 1974, R. 1285 se 19 Julayi 1974, R. 689 sama 23 April 1976, R. 261 sama 25 Februari 1977, R. 2221 of 28 Octobha 1977, R. 327 sama 24 Februari 1978, R. 2222 se 10 Novemba 1978, R. 1449 sama 29 Juni 1979, R. 1314 sama 27 Juni 1980, R. 1800 sama 28 Agusti 1981, R. 1139 se 11 1982, R. 1689 of 29 Julayi 1983, R. 1946 se 9 Septemba 1983, R. 1338 sama 29 June 1984, R. 1994 se 7 Septemba 1984, R. 2083 sama 21 Septemba 1984, R. 391 se 7 Matshi 1986, R. 2165 se 2 Oktobha 1987, R.1451 sama 22 Julayi 1988, R. 1765 sama 26 Agasti 1988, R. 211 se 10 Februari 1989, R. 607 sama 31 Matshi 1989, R. 2629 soku 1 Desemba 1989, R. 186 se 2 Februari 1990, R. 1887 se 8 Agusti 1990, R. 1928 se 10 Agasti 1990, R. 1990 se 17 Agast 1990, R. 1261 sama 30 Meyi 1991, R.2407 sama 27 Septemba 1991, R. 2409 sama 30 Septemba 1991, R. 405 se 7 Februari 1992, R. 1510 sama 29 May 1992, R. 1882 se 3 July 1992, R. 871 se 21 Meyi 1993, R. 959 sama 28 Meyi 1993, R. 1134 sama 25 Juni 1993, R. 1355 sama 30 Julayi 1993, R. 1844 se 1 Octobha 1993, R. 2530 sama 31 Desemba 1993, R. 150 sama 28 Januari 1994, R. 180 sama 28 Januari 1994, R. 498 se 11 Matshi 1994, R. 625 of 28 Matshi 1994, R. 710 se 12 Aprili 1994, R. 1062 sama 28 Juni 1996, R. 1130 se 5 Julayi 1996, R. 419 se 14 Matshi 1997, R. 492 sama 27 Matshi 1997, R. 570 se 18 Aprili 1997, R. 790 se 6 Juni 1997, R. 797 se 13 June 1997, R. 784 of 5 June 1998, R. 910 se 3 Julayi 1998, R. 1025 se 7 Augusti 1998, R. 1126 se 4 Septemba 1998, R. 569 se 30 Aprili 1999, R. 501 se 19 Meyi 2000, R. 1087 se 26 Octobha 2001, R. 37 se 18 Januari 2002, R.38 se 18 Januari 2002, R. 1299 se 18 Octobha 2002, R. 228 se 20 Februari 2004, R. 295 se 5 Matshi 2004, R. 880 se 23 Julayi 2004, R. 1294 se 5 Disemba 2008, R. 1341 se 12 Disemba 2008, R. 1342se 12 Disemba 2008, R. 1344 se 12 Diseemba 2008, R. 515 se 8 Meyi 2009, R. 517 se 8 Meyi 2009, R. 499 se 11 Juni 2010 and R. 592 nese 9 Julayi 2010 ziyatshitshiwa sesi.

(b) Ukusukela kwisithuba seenyanga ezili 12 ukusuka kusuku apho le migaqo isebenzayo ukusetyenziswa kwe fomu equlathwe kokuqhotyeshelweyo (1) kule migaqo njengoko ipapashwe phantsi kwesaziso sikarhulumente inani R1108 sama 21 Juni 1968 ngokweshlomelo, esitshitshiswa ngumhlathi (a) kunye notshintsho njengoko iimeko

Igama elifinyezxiweyo kunye nokuqala

70. Le migaqo iyakubizwa ngokuba yi Migaqo e Lawula iSimo seeNkqubo zee Nkundla zikaMantyi zo Mzantsi Africa kwaye iyakuqala ngomhla oyakumiselwa ngumphathiswa

ANNEXURE 1 OKUQHOTYOSHELWEYO 1

IIFOMU

ULUHLU LWAMANANI

Inani lefomu.

1. Isaziso sindululo phambi Kwenkundla (ifomu emfutshane)
- 1A. Isaziso sesindululo (ifomu ende)
2. Iisamana
- 2A. Iisamana : Umyalelo wethutyana
- 2B. Iisamana ezimbaxa
3. Iisamana zokuqalisa isimangalo(apho kuqukwa ne sithintelo apho kungahlawulwa renti)
4. Iisamana ekhutshwa xa engaziwa apho akhoyo ummangalelwa/ Iisamana ezithunyelwa kumntu ongaphesheya Inkqubo yefomu emfutshane
5. Isicelo sesigwebo apho ummangalelwa asileleyo
- 5A. Isicelo sesigwebo apho ummangalelwa esilele ukuvela enkundleni apho avumaayo ubutyala ethabatha noxanduva lokuhalwula ityala lakhe ngezavenge okanye ngenye indlela-icandelo 57 lomthetho weeNkundla zikaMantyi wonyaka we1944(umthetho 32 of 1944). 32 wonyaka 1944)
- 5B. Isicelo sesigwebo apho ummangalelwa avumayo ukugwetywa-icandelo 5B lomthetho weeNkundla zikaMantyi, umthetho 32 wonyaka 1944)
6. Isaziso sokurhoxa
7. Isazisosicelo isicelo sommangali sokugwetyelwa apho akholelwa ukuba isizathu sokuzithethelela kommangalelwa asinasihlahla.
8. Ingxelo exhasa isicelo isicelo sommangali sokugwetyelwa apho akholelwa ukuba isizathu sokuzithethelela kommangalelwa asinasihlahla
9. Ingxelo efunyelweyo phantsi kwe candelo 32 lomthetho.
10. Isibambiso phantsi kwe candelo 32 lomthetho
11. Umyalelo kwe candelo 32 lomthetho
12. Imvume yokuthengiswa kweempahla
13. Ukunikezela iincwadi -ifomu okanye ingxelo efunyelweyo
14. Isaziso phantsi komgaqo 23(5)

15. Ukunikela ngencwadi ezikugcino lalomntu ukumbango.
- 15A. Unikezelo isaziso sokuhlola iincwadi
- 15B. Ukuveza -Isaziso sokuveza iincwadi kwinkqubo zamatyala, njalo njalo
16. Umyalelo wesithintelo ofunyenwe kwisecelo secala elinye
17. Umyalelo wokubanjwa komntu ekukrokreleka ukuba angaqhwesha
18. Ukuthimba into ngenjongo zokwenza ukuba inkundla ibe nobunganga bokuchophela ityala
19. Isimemo wokuya kudliwano ndlebe phambi kokuvavanywa kwetyala.
20. Umyalelo-wodliwano-ndleba phambi kokuvavanywa kwetyala.
21. Isicelo sokuviwa kwetyala nabacebisi
22. Lisamana eziya kumcebisi wenkundla.
23. Umntu/abantu abagunyaziswe yinkundla ukuba baye kuthabatha ubungqina kwingqina elingafuni okanye elingakwazi kuza enkundleni
24. Isupina
25. Incwadi yesigunyaziso sokohlawula isohlayo-mali okanye sokubamba incwadi yesigunyaziso sokubamba ingqina elisilele ukuza enkundleno
26. Incwadi yesigunyaziso sokubamba ingqina elisilele ukuza enkundleno
27. Isibambisa ekubanjweni, uthimba okanye isithintelo esenziwa ngesicelo secala elinye
28. Isibambiso xa uthimba lumiselwe iziphumo zesibheni ngexesha uthimbo lunqunyanyisiwe
29. Isibambiso ngexesha uthimbo lumiselwe isiphumo zesibheni
30. Incwadi yesigunyaziso sokukhupha umntu emhlabeni
31. Incwadi yesigunyaziso sokunikezela ngeempahla
32. Incwadi yesigunyaziso sokuthimba umhlaba
33. Isaziso senkqubo yokuthimba
34. Isaziso esiya kotyalwayo onelungelo lokuhlawulwa elingaphezu kwebanye
35. Lisamana zomngeneleli [Icandelo 69(1)(a) lomthetho 32 ka 1944]
36. Umyalelo wokuxhuzulwa kweyala emvuzweni[Icandelo 69(2)(a) lomthetho 32 ka 1944]
37. Isibambiso phantsi komgaqo 38
38. Umyalelo Woxhuzulo-Mvuzo-icandelo 65J womthetho weeNkundla zikaMantyi uMthetho wowe 1944 (uMthetho 32 yowe 1944)
39. Umyalelo wokuxhuzulwa komvuzo-icandelo lomthetho weeNkundla zika Mantyi, 1944 (32 ka 1944).
40. Isaziso sokuvela enkundleni phantsi kwemiqathango yecandelo 65A(1) lomthetho.
- 40A. Isigunyaziso sokubamba ngokwemiqathango yecandelo 65A(6) lomthetho weeKundla zika Mantyi,1944. Umthetho 32 ka 1944 32 wonyaka 1944
- 40B. Isaziso sokuvela enkundleni phantsi kwemiqathango 65A(8) lomthetho weeKundla zika Mantyi,1944 Umthetho 32 ka 1944. 32 wonyaka 1944
41. Isaziso sokubekela bucala umhla wovavanyo-tyala lwenkqubo eyayimisiwe phantsi kwecandlo 65E(3)lomthetho weeKundla zika Mantyi,1944 Umthetho 32 ka 1944. 32 wonyaka 1944
42. Isaziso ngokwemiqathango yomgaqo 58(2)(a)
43. Isaziso kwicala lesithathu.
44. Isicelo somyalelo wokufakwa phantsi kolawulo ngokwecandelo 74(1) lomthetho weeKundla zika Mantyi,1944 Umthetho 32 ka 1944. 32 wonyaka 1944
45. Ingxelo yeemeko zemali zotyalyo kwisicelo somyalelongokwemiqathango yecandelo 65I(2) okanye 74A lomthetho weeKundla zika Mantyi,1944 Umthetho 32 ka. 1944 32 wonyaka 1944
46. Isiqinisekiso sonikezelo lwamazwe angaphandle
47. Isaziso esiya kotyalwayo sokuba otyalwayo ufake ibango letyala emva kokuninikwa umyalelo wolawulo.
48. Isaziso esiya kotyalwayo simasiza ukuba otyalwayo ufake ibango letyala emva kokunikwa komyalelo wolawulo
49. Isaziso sokongezelela omnye otyalwayo kuluhlu lwabantu abatyalwayo balowo ufakwe elulawulweni.
50. Isaziso kotyalwayo sokuba igama lakhe longezelelwe kuluhlu labatyalwayo ngumnto ofakwe phantsi kolawulo
51. Umyalelo wolawulo
52. Ingxelo yolwabiwo mali ngokwemiqathango yecandelo 74J(5) lomthetho we 1944 52A. Ukurhoxiswa komyalelo wolawulo.
53. Isaziso sokubukula ibango elichaziweyo, Isicelo sokubekela bucala okanye ukuzithethelela.
54. Isivumelwano sokungabheni.
55. Isicelo sokuhlola irekhodi.
56. Incwadi yobhaliso lweenkcukacha zolwaphulo-mthetho.
57. Isaziso ngokwemiqathango yecandelo 309B(2)(d) lomthetho wenkqubo yokuliwa lolwaphulo-mthetho, 1977 (umthetho 51 ka 1977).

Inani. 1 - Isaziso Sindululo Phambi Kwenkundla (ifomu emfutshane)

KWINKUNDLA KAMANTYI YESITHILI OKANYE YENQILA

Eliviwa e

INANI LETYALA

Kumbango ka: _____Owenza isicelo

QAPHELA ukuba isicelo sizakwenziwa egameni lokhankanywe ngentla ngomhla_____we_____ngentsimbi ye 09:00 okanye emva koko njengoko igqwetha linokuviwa phambi kwesicelo somyalelo phantsi kwalemimiselo ilandelayo:

(a)_____

(b)_____

(c)_____

Kwaye ingxelo efungelweyo ka-----eqhotyoshelwe apha iyakusetyenziswa ukuxhasa oko:

Nceda ulifake kuluhlu ngokufanelekileyo.

Ngalomhla e_____

Kunobhala wenkundla okhankanywe ngasentla.

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Inani. 1A - Isaziso sesindululo (Ifomo ende)

KWINKUNDLA KA MANTYI YESITHILI/INQILA

EBANJELWE E

INANI LETYALA:

Kwimbambano phakathi:

Umenzi wesicelo

no

Nophendulayo

QAPHELA ukuba_____(emva koku obizwa ngomenzi wesicelo) unenjongo zokwenza isicelo kulenkundla yomyalelo (a)_____(b)_____(c)

THATHA ENYE INGQWALASELA yokuba umenzi wesicelo (apha bhala idilesi ekunhekiswa kuyo kumgaqo 55 (1)(e) apho Umenzi wesicelo ayakwamkela incwadi zayo yonke inkqubo ephathelelene nsesicelo sakhe.

THATHA ENYE INGQWALASELA yokuba ukuba uchasa esi sicelo kufuneka (a) wazise umenzi wesicelo Ngkubhaliweyo ngo okanye phambi kweentsuku ezili 10 emva kokunika isaziso seenjongo zakho zokuchasa isicelo, Ukufaka ingxelo yakho yempendulo, ukuba ikhona, kwaye kufuneka ub onise idilesi kwesosaziso kubhekiswa kuso ku

mgaqo 55(1)(g) apho uyakwamkela khona isaziso nezinye iincwadi zenkundla kulenkqubo.

Ukuba eso saziso seenjongo zokuchasa sinikiwe , isicelo siyakwenziwa ngexesha

NGALOMHLA_____kolusuku lwama_____20_____

Umenzi wesicelo/Igqwetha lomenzi wesicelo

(idilesi)_____

Ku :

(1)C.D

(Idilesi),

(2)OPHENDULAYO.

Unobhala wenkundla engentla,

Inani. 2 - Iisamana

(Ibango letyala okanye elibaleka ngokwemali)

KWINKUNDLA KAMANTYI YESITHILI/NQILA YASE

Ibanjelwe e

Inani letyala_____

Kwimbambano phakathi ko:

Ummangali

no

mmangalelwa

Kunothimba okanye isekela lakhe:

XELELA u A.B.wase_____(chaza isini nosebenzi)_____(kokulndelayo obizwa ngokuba ngummangalelwa),ukuba u CD we_____(ubuni no mebenzi)_____(emva koku obizwa ummangali) apha ufaka isimangalo esichasene naye apho ummangali abanga khona:

(Apha bhala ngokufutshane amabakala ommangali enza ibango)

XELELA ummangalelwa ukuba uyaliphika ibango kwaye enqwenela ukwenza njalo makathi kwiintsuku ezi_____zokufumana kwakhe incwadi mayela nelibango anikezele kunobhala wenkundla ephakamileyo ikanye kamntyi e_____(apho nika idilesi kanobhala wenkundla ephakamileyo okanye owekamntyi) isaziso seenjongo zokuphikisa ibango, ikopi yoko eyakuya kummangali okanye igqwetha lakhe Eyakuqulatha idilesi ekubhekiswa kuyo kumgaqo 13 (3) ayakuzuza khona iincwadi nazo zonke izaziso ummangalelwa kweli tyala.

XELELA ummangalelwa ngaphaya koku ukuba ukuba uyasilela ukufaka isaziso njengoko bekutshiwo ngaphambili isigwebo singa wiswa ngokuchasene naye engekho njalo ngaphandle kwesinye isaziso kuye. Kwaye ngokukhawuleza emvakoku nikezela kummangalelwa ikopi yezisamana ubuye nobungqina boko ubuse kunobhala wenkundla.

Nako konke okwenzileyo ngabo.

NGALOMHLA____kolusuku lwama____20_____

Unobhala wenkundla ephakamileyo/Unobhala wenkundla kamantyi

Ummangali/Igqwetha likammangali

(idilesii)

Ummangalelwa makaqaphele ukuba -

(a) ekusileleni kommangalelwa ukuhlawula imali yebango neendlekokwisithuba esikhankanyiweyo okanye athumele isaziso seenjongo zokuchasa ibango uyakuthathwa njengo vumayo ukuba ummangali aqhubeke nebango kunye nesigwebo Singawiswa ngokuchasene naye engekho enkundleni ;

(b) ukuba ummangalelwa uyayihlawula imali kunye neendleko kwelo xesha lokhankanyiweyo isigwebo asiyi kuwiswa Uyakuziphapha iindleko zesigwebo. Ummangalelwa kwakhona uyakuphepha iindleko zesigwebo kuuba kwixesha afaka kunobhala wenkundla imvume yesigwebo ;

(c) ukuba ummangalelwa uvuma ubutyala kwaye enqwenela ukuvuma kwisigwebo okanye ukuzibophelela ekwenzeni intlawulo ngazavenge okanye nangaluphi na uhlobo, ummangalelwa angaya kummangali okanye igqwetha lakhe.

Isaziso:

(i) Nawuphi na umntu ethe inkundla yanika isigwebo ngokuchasene naye kwityala lembambano okanye yenza nawuphi na umyalelo, nongathanga kwintsuku ezili 10 wafezekisa isigwebo ngokuzeleyo okanye umyalelo angabizwa ngesaziso phantsi kwemiqathango 65A(10 yomthetho avele ku suku olubekelwe bucala phambie kwenkundla kwii ofisi ukwenzela ukuba inkundla yenze uphando ngemeko yezemali yolahlwe lityala yenze lomyalelo njengoko inkundla inokuwuthatha njenowobulungisa nongenamkhethe.

(ii) Ukuba inkundla yanelisekile

(aa) Umntu olahlwe lityala okanye ukuba ungumntu omele inkampani, umlawuli okanye igosa lenkampanili Nolwazi ngesaziso esingentla kwaye lisilele ukuvela phambi kwenkundla ngomhla okhankanywe kwisaziso ; okanye

(bb) olahlwe lityala, ulawuli okanye igosa, apho inkqubo imiselwe kumhla oyakugqitywa yinkundla kubukho babo Baza basilela ukuvela phambi kwenkundla ngalomhla neloxesha ; okanye

(cc) Olahlwe lityala, umlawuli okanye igosa elisileleyo ukuhlala lizingise ukuba senkundlei ngezsh lenkqubo okanye kulo nkqubo emiselwe olunye usuku, ngesicelo sogwetyelweyo inkundla ingagunyazisa ukukhutshwa kwesigunyaziso esiyalela unothimba ukuba abambe olahlwe lityala, umlawuli okanye igosa amzise phambi kwayo nayiphi na inkundla efanelekileyo eyakukwazi Ukwenza uphando ngeemeko zemali zolahlwe lityala. [Icandelo 65A (6) lomthetho} (iii) nawuphi na umntu-

(aa) umenyelwa enkundleni ngesaziso ngokwemiqathango yecandelo 65A(1) okanye 65A(8)(b) omthetho (apho unothimba endaweni yokubamba umntu, anikezela kulomntu isaziso sokuba avele enkundleni) nothi ukuba usilele ngamabom ukuvela enkundleni ngomhla nexesha elikhankanywe kwisaziso ; okanye

(bb) apho akhoyo inkqubo yokuviwa kwetyala limiselwe kumhla nexesha eliya kumiswa yinkundla, ngokokwakhe avele phambi kwenkundla ngalomini nexesha ; okanye

(cc) asilele ngamabom ukuhlala esenkundleni kwinkqubo efanelekileyo yokuviwa kwetyala okanye kwinkqubo emisiweyo, uyakuba netyala lo kwaphula umthetho kwaye ekugwetyweni kwakhe ahlawuliswe imali okanye agwetyelwe ukuhlala entilongweni ixesha elingedlulanga kwiinyanga ezintathu. [Icandelo 65A (9) lomthetho}

(iv) Ekuveleni phambi kwenkundla ngomhla obekwe kwisaziso kwemiqathango ekwicandelo 65A(1) okanye (8) (b) Ukulandela ukubanjwa kolahlwe lityala, umlawuli okanye igosa nge sigunyaziso ekubhekiswa kuso kwicandelo 65(6) lomthetho ngwo nawuphi na umhla emiselwe kuwo inkqubo, lowo ulohlwe lityala, ulawuli kuye negosa bayakubizelwa ukunika ubungqina kuphando lweemekom zemali okanye yenkampani kwaye ukukwazi ukuhlawula imali ngokwesigwebo. [Icandelo 65D lomthetho]

(v) Nawuphi na umntu ethe inkundla yanika isigwebo ngokuchasene naye kwityala lembambano okanye yenza nawuphi na umyalelo onganelisekanga

Neso sigwebo okanye umyalelo wahlawula zonke iindleko ezo ebenobutyala mayela nazo ukuba uthe wayitshintsha indawo yakhe yokuhlala, eyoshishino okanye ingqesho, kwiintsuku ezili 14 ukususela kumhla walo lonke olotshntsho azise unobhala wenkundla lowo ebenike eso sigwebo myalelo okanye kwaye ogwetyelweyo okanye igqwetha lakhe ngokuzeleyo nokulungileyo ngokubhaliweyo indawo yakhe entsha, eyoshishino okanye ingqesho, ngokusilela kwakhe ukwenza oko olahlwe lityala Uyakuba netyala lokwaphula umthetho kwaye ekugwetyweni kwakhe ahlawuliswe imali okanye agwetyelwe ukuhlala entilongweni ixesha elingedlulanga kwiinyanga ezintathu. Icandelo 109 lomthetho

(2) Ukuvumela isigwebo.

Ndiyvuma ukuba ndinobutyala kummangali njengoko esenza ibango kwiisamana (okanye kwisixa semali engam R_____neendleko ukuza kuma namhlanje kwaye ndiya vuma ukugwetywa ngolohlobo.

NGALOMHLA_____kolusuku lwama_____20_____

Ummangalelwa

*(3) Isaziso senjongo yokuzithethelela.

Kunobhala wenkundla ekhankanywe ngasentla

Qaphela ukuba ummangalelwa wenza isaziso sokuba unenjongo yokuzithethelela kwesi simangalo. Senziwe____e____ngomhla____ka____20____

Ummangali/Igqwetha likammangalelwa

Idilesi

Idilesi yaseposini

Ifeksi____(apho ikhoyo)

I imeyli____(apho ikhoyo)

(Nika idilesi ezeleyo yokwamkela iincwadi zenkundla ekwi5 lee kilomitha ikusuka kwisakhiwo senkendla kwakunye nedilesi yaseposini)

*Uqobo lwesaziso malunikezelwe kunobhala wenkundla nekopi inikwe ummangali okanye igqwetha lakhe.

Iindleko ukuba aliphikliswa ziyakuba:

Iisamana____R

Isigwebo____R

Intlawulo yegqwetha____R

Intlawulo kanothimba____R

Intlawulo kanothimba ekuphindweni kweesamana____R

Idibene____R

Inani 2A: Iisamana : Umyalelo wethutyana

1: Iisamana: Isigwebo sethutyana

Inani Letyala____

Umhla____

Sikhutshwe ngu____

Unobhala wenkundla ephakamileyo/Unobhala wenkundla kaMantyi

(Igama nedilesi yommangali okanye igqwetha lakhe)

Idilesi yaseposini

Ummangali/Igqwetha lomangali

KwiNkundla kaMantyi yesithili/Nqila yase____ebanjelwe____Phakathi

Ummangali

no

Ummangalelwa

Ku_____

(1) Uyalelwa ukuba uhlalwule ummangali ngokukhawuleza emva kokufumana ezisamana imali engange_____kunye nenzala yayo ngomlinganiselo we_____% ngonyaka ukususela_____.

Ibango lomangali elichasene nommangalelwa lokuhlawulwa kwemaliekhankanywe ngasentla : (Bhala unobangela embambano)

(2) Ngokusilela ukuhlawula uyabizwa enkundleni uvele buqu okanye umelwe ligqwetha lakho kwindawo Nekundla ukuba kuyimfunekongosuku kuka 20 phambi kwemini (okanye ngokukhawuleza nemva koko njengoko ityala linikuviwa uze kuvuma ityala akho lemali ebangwayo kwaye uze ukuba kutheni indlu yakho ehlawulwa yibhanki ingena kuthinjwa ;

(3) ukuba uyabuphika ubutyala bakho kufuneka lungdlulanga usuku luka 20 ufake ingxelo efunyelweyo kunobhala wenkundla Unikezele ngekoli kummangali okanye igqwetha lakhe kwidilesi eboniswe njengeyokwamkela iincwadi zenkundla kwii Samana, ngxelo leyo eyakudandalzisa izizathu zokuphikisa kwakho ibango, ngokukodwa ukhankanye ukuba uyavuma na okanye uphika ukutyikitya kwakho okanye eyommeli wakho le ibonakalayo ukuba yeyakho okanye eyommeli wakho nokuba uyavuma okanye uphika ukuba kukutyikitya okanye ngemvume yommeli wakho. uyaziswa kwakhona ukuba apho ungakwaziyo ukuhlawula imali nenzala kummangalelwa ngokukhawuleza kwaye ukuba uyasilela ukufaka ingxelo ekhankanyiweyo ngaphambili yokubela phambi kwalenkundla kwixesha elichaziwe,

Isiqwebo sethutyana singawiswa ngokuchasene nawe siquka neendleko, kodwa siyakungamana nentlwalo yesixa semali exeliweyo, inzala kuny neendleko Uyakuba nelungelo lokufuna isibambiso sokubuyekezwa lontlawulo ukuba isigwebo eso sethutyana singarhoxiswa. Iindleko ukuba ityala aliphikiswa ziya kuma ngoluhlobo :

Intlawulo yegqwetha R

- (i) Ukukhutshwa kweesamana
(Ingongoma 2 sahlulelo II woluhlu A) R
- (ii) Ukuya enkundleni
(Ingongoma 7 sahlulelo II woluhlu A) R
- (iii) Intlawulo yesigwebo
(Ingongoma 3 sahlulelo II woluhlu A) R

Intlawulo yenkundla R_____

Intlawulo kanothimba R_____

Intlawulo kanothimba ekuphindeneni ukukhupha iisamana R_____

Zidibene R_____

Kwakhona qaphela ukuba -

(a) ukuba uhlawula elibango likhankanyiweyo neendleko ngokukhawuleza isigwebo asyikuwiswa kuwe kwaye uyakonga ngokuhlawuli sigwebo

Omakuhlawulwe ;

(b) ukuba uyavuma ibango unqwenela nokuvumela isigwebo, ungafaka isaziso kunobhala wenkundla apho uvuma ubutyala kwincwadi etyikitywe nguwe nengqinisiswe ligqwetha lakho,kananjalo yaqinisekiswa ngengxelo efunyelweyo, kwaye ukuba unqwenela ukuzibophelela ngentlawulo yezavenge okanye ngenye indlela, unga thethana nommangali okanye igqwetha lakhe.

Isaziso:

- (i) Nawuphi na umntu ethe inkundla yanika isigwebo ngokuchasene naye kwityala lembambano okanye yenza nawuphi na umyalelo, nongathanga kwintsuku ezili 10 wafezekisa isigwebo ngokuzelelo okanye umyalelo angabizwa ngesaziso phantsi kwemiqathango 65A(10) yomthetho avela ku suku olubekelwe bucala phambi kwenkundla kwii ofisi ukwenzela ukuba inkundla yenze uphando ngemeko yezemali yolahlwe lityala enze lomnye njengoko inkundla inokuwuthatha njenowobulungisa nongenamkhethe.
- (ii) Ukuba inkundla yanelisekile
 - (aa) Umntu olahlwe lityala okanye ukuba ungumntu omele inkampani, umlawuli okanye igosa lenkampani Nlwazi ngesaziso esingentla kwaye lisilele ukuvela phambi kwenkundla ngomhla okhankanywe kwisaziso ; okanye
 - (bb) olahlwe lityala, ulawuli okanye igosa, apho inkqubo imiselwe kumhla oyakugqitywa yinkundla kubukho babo Baza basilela ukuvela phambi kwenkundla ngalomhla neloxesha ; okanye
 - (cc) olahlwe lityala, umlawuli okanye igosa usilele ukuhlala esenkundleni ngexesha lenkqubo okanye

emiselwe olunye usuku, ngesicelo sogwetyelweyo inkundla ingagunyazisa ukukhutshwa kwesigunyaziso esiyalela unothimba ukuba abambe olahlwe lityala, umlawuli okanye igosa amzise phambi kwayo nayiphi na inkundla efanelekileyo eyakukwazi Ukwenza uphando ngeemeko zemali zolahlwe lityala. [Icandelo 65A (6) lomthetho}

- (iii) nawuphi na umntu-
 - (aa) umenyelwa enkundleni ngesaziso ngokwemiqathango yecandelo 65A (1) okanye 65A(8)(b) omthetho (apho unothimba Endaweni yokubamba umntu, anikezela kulomntu isaziso sokuba avela enkundleni) nothi ukuba usilele ngamabom ukuvela enkundleni ngomhla nexesha elikhankanywe kwisaziso ; okanye
 - (bb) apho akhoyo inkqubo yokuviwa kwetyala limiselwe kumhla nexesha eliya kumiswa yinkundla, ngokokwakhe avela phambi kwenkundla ngalomini nexesha ; okanye
 - (cc) asilele ngamabom ukuhlala esenkundleni kwinkqubo efanelekileyo yokuviwa kwetyala okanye kwinkqubo emisiweyo, uyakuba netyala lo kwaphula umthetho kwaye ekugwetyweni kwakhe ahlawuliswe imali okanye agwetyelwe ukuhlala entilongweni ixesha elingedlulanga kwiinyanga ezintathu. [Icandelo 65A (9) lomthetho}
- (iv) Ekuveleni phambi kwenkundla ngomhla obekwe kwisaziso kwimiqathango ekwicandelo 65A(1) okanye (8) (b) Ukulandela ukubanjwa kolahlwe lityala, umlawuli okanye igosa nge sigunyaziso ekubhekiswa kuso kwicandelo 65(6) lomthetho ngwo nawuphi na umhla emiselwe kuwo inkqubo, lowo ulohlwe lityala, ulawuli kuye negosa bayakubizelwa ukunika ubungqina kuphando lweemekom zemali okanye yenkampani kwaye ukukwazi ukuhlawula imali ngokwesigwebo. [Icandelo 65D lomthetho]
- (v) Nawuphi na umntu ethe inkundla yanika isigwebo ngokuchasene naye kwityala lembambano okanye yenza nawuphi na umyalelo onganelisekanga ngokuzelelo isigwebo okanye umyalelo wahlawula zonke iindleko anobutyala bazo ngokunxulumene noko uyakuthi ukuba itshintshile indawo yakhe yokuhlala, eyoshishino okanye ingqesho, kwiintsuku ezili 14 ukususela kumhla walo lonke olotshntsho azise unobhala wenkundla azise unobhala wenkundla ephakamileyo okanye ekamantyi onike eso sigwebo okanye owenze lo myalelo ngwetyelweyo okanye igqwetha lakhe ngokupheleleyo nokugqibelelo ngokubhala idilesi yakhe entsha yokuhlala, eyeshishini neyengqesho, kwaye ngokusilela kwakhe

ukwenjenjalozolahlwe lityala uyakuba netyala lolwaphulo mthetho kwaye eku.

2 : Ukuvuma ubutyala

Nceda uqaphele ukuba ummangalelwa unobutyala kummangali njengoko kwenziwe iisamani Senziwe e_____kolusuku lwama_____20_____

Ummangalelwa

(Kufuneka ingqinisiswe ligqwetha lika mmangalelwa okanye iqinisekise ngengxelo efungelweyo)

3: Isaziso sokuphikisa ibango*

Ku : KUNOBHALA WENKUNDLA EPHAKAMILEYO OKANYE OWEKAMANTYI

Nceda uthathe isaziso sokuba ummangalelwa uyabuphikisa ubutyala kwaye ufake iingxelo efungelweyo ecacisa izizathu ezibangela ukuba aphike ubutyala ziqhotyoshelwe apha.

Senziwe_____kolusuku lwama_____20_____,

Ummangalelwa/Igqwetha likammangalelwa

(Idilesi apho iincwadi zenkundla ziyakwamkelwa khona)

(Dilesi yeposi)

*isaziso soqobo kufuneka sinikezelwe kunobhala wenkundla okanye owenkundla kamantyi ikopi yaso inikezelwe kummangali okanye kwigqwetha lomangali

Inani 2B-Samana Ezimbaxa

KWINKUNDLA KAMANTYI YESITHILI/NQILA YASE_____EBANJWE

Inani letyala_____

Kwimbambano phakathi

Ummangali

kunye

Ummangalelwa

Kunothimba okanye isekela lakhe

XELELA U A.B.wase_____(chaza indawo) (kokulndelayo obizwa ngokuba ngummangalelwa), CD_____we (ubuni no sebenzi) (emva koku obizwa ummangali) apha ufaka isimangalo esichasene naye apho abanga Isibonelelo kwizizathu ezibhalwe kwincukacha eziqhotyeshelwe apha.

XELELA ummangalelwa ukuba uyaliphika ibango kwaye enqwenela ukwenza njalo makathi kwiintsuku ezi_____

(i) zonikezelwa_____kuye kweesamani azifake kwi ofisi kanobhala wenkundla ephakamileyo okanye kamantyi ekwi kanobhala wenkundla ephakamileyo okanye owekamntyi) isaziso seenjongo zokuphikisa ibango, ikopi yoko eyakuya kummangali okanye

Igqwetha likammangali, eyakuqulatha idilesi ekubhekiswa kuyo kumgaqo 13 (3) ayakuzuza khona iincwadi

nazo zonke izaziso ummangalelwa kweli Neencwadi kwisimangalo ;

(ii) emva koko, kwii ntsuku ezi 20 emva kokunikezela nokusa isaziso senjongo zokuphikisa okungaphambili, afake kwi ofisi ka nobhala wenkundla ephakamileyo okanye ekamantyi

Anikezele kummangali okanye igqwetha lommangali impendulo, isicelo sokubekela bucala, isaziso sokuchithwa, ne bango eliphikisayo

XELELA ummangalelwa ngaphaya koku ukuba ukuba uyasilela ukufaka isaziso njengoko bekutshiwo ngaphambili isigwebo singa chasana naye ngaphandle kwesinye isaziso okanye ukuba efake wanikezela ngesaziso, ummangalelwa asillele uku Ukuchasa, ukwenza isicelo sokuchithwa okanye ibango, eliphikisayo, isigwebo singawiswa ngokuchasene naye Kwaye ngokukhawuleza emva koko

Kwaye ngokukhawuleza emvakoku nikezela kummangalelwa ikopi yezisamana ubuye nobungqina boko ubuse kunobhala wenkundla.

Benziwe ngoko.

Ngalomhla_____kolusuku lwama_____20_____

ngunobhala wenkundla ephakamileyo okanye owekamantyi

igqwetha

Iindleko ukuba ityala aliphikiswa ziya kuma ngoluhlobo :

Iisamana_____R

Isigwebo_____R

Intlawulo yegqwetha_____R

Intlawulo kanothimba_____R

Intlawulo kanothimba yokuphinda_____R

Zihlangene_____R

OKUQHOTYOSHELWEYO

Iinkcukacha zebango lommangali

Ummangali/Igqwetha likammangali

Igqwetha lejaji lommangali(ukuba likhona)

Inani. 3 - Iisamana zokuqalisa isimangalo(apho kuqukwa ne sithintelo apho kungahlawulwa renti)

Ikhutshwe nge_____nani letyala.

Umhla_____

Ngunobhala wenkundla ephakamileyo okanye owekamantyi

Umagalelwa ngu

Igama ne idilesiyommangali okanye eyegqwetha lakhe

Idilesi yeposi_____

Ukutyikitya kommangali okanye igqwetha lakhe

Kwinkundla kamantyi yesithili/nqila

Ku :_____

Libanjelwe e phakathi koMmangali

Uyabizwa ukuba kwiintsuku zokunikezelwa kwezi smani uthumele okanye wenze ukuba kuthunyelwe ku

Nobhala wenkundla ekhankanywe ngasentla naku mmnagali okanye igqwetha lakhe kwidilesi ekhankanyiweyo

kwisaziso

Esibhaliweyo senjongo zakho zokuphikisa nokuphendula ibango lomnangali kwinkcukacha ezi

ngezantsi

Kwakhona qaphela ukuba-

(a) ekusileleni kommangalelwa ukuhlawula imali yebango neendlekokwisithuba esikhankanyiweyo okanye athumele isaziso sokuphikisa uyakuthathwa ngokuba ulamkele ibango kwaye nomnangali angaqhubeka nesigwebo singanikwa ngokuchasene nawe ungekho ;

(b) ukuba uyalihlawula eli bango neendleko kwixesha elikhanjanyiweyo isigwebo asiyi kunikwa ngokuchasene nawe kwaye uya konga kwintlawulo yesigwebo Uyakonga kanjalo kwintlawulo yesigwebo, ukuba kwixesha elikhankanyiweyo ufaka kwi ofisi kanobhala wenkundla ekhankanyiweyo isivumelwano nesiigwebo ; ukuba ummangalelwa uvuma ubutyala kwaye enqwenela ukuvuma kwisigwebo okanye ukuzibophelela ekwenzeni intlawulo ngazavenge okanye nangaluphi na uhlobo, ummangalelwa angaya kumnangali okanye igqwetha lakhe

(c)Kwaye ngaphaya qaphela ukuba, wena mmangaleliwa nabo bonke abanye abantu abathintelweyo ekususeni okanye ekubangeleni ukunxunguphala kususwe nayiphina impahla yendlu okanye izinto okanye kumhlaba ocaciswe kwinkcukacha ezityikitywe kwezi ncwadi neziyinxalenye yelungelo lokuthimba lomnangalelwa apho kungahlawulwanga rente de umyalelo ofanelekileyo ube wenziwe.

Iindleko ukuba ityala aliphikiswa ziya kuma ngoluhlobo :

Iisamana____R

Isigwebo____R

Intlawulo yegqwetha____R

Intlawulo kanothimba____R

Intlawulo kanothimba yokuphinda____R

Zidibene____R____R

Zidibene____R

Isaziso :

(i) Nawuphi na umntu ethe inkundla yanika isigwebo ngokuchasene naye kwityala lembambano okanye yenza

nawuphi na umyalelo, nongathanga kwintsuku ezili 10

wafezekisa isigwebo ngokuzelelo okanye umyalelo angabizwa ngesaziso phantsi kwemiqathango 65A(10

yomthetho avele ku suku olubekelwe bucala phambie kwenkundla kwii ofisi ukwenzela ukuba inkundla yenze

uphando ngemeko yezemali yolahlwe lityala enze

lomyalelo njengoko inkundla inokuwuthatha njenowobulungisa nongenamkhethe.

(ii) Ukuba inkundla yanelisekile:

(aa) Umntu olahlwe lityala okanye ukuba ungumntu omele inkampani, umlawuli okanye igosa lenkampani nolwazi ngesaziso esingentla kwaye lisilele ukuvela phambi kwenkundla ngomhla kunye nexesha okhankanywe kwisaziso ; okanye

(bb) olahlwe lityala, ulawuli okanye igosa, apho inkqub o imiselwe kumhla oyakugqitywa yinkudla kubukho babo Baza basilela ukuvel phambi kwenkundla ngalomhla neloxesha ; okanye

(cc) olahlwe lityala, umlawuli okanye igosa usilele ukuhlala esenkundleni ngexesha lenkqubo okanye emiselwe olunye usuku,

(iii) inkundla ingathi, ngesicelo sogwetyelweyo okanye igqwetha lakhe igunyazise ukukhutshutshwa kwencwadi yokubanjwa eyalela Ukuba unothimba abambe olahlwe lityala, umlawuli okanye igosa amzise phambi kwayo nayiphi na inkundla efanelekileyo eyakukwazi ukwenza uphando ngeemeko zemali zolahlwe lityala. [Icandelo 65A (6) lomthetho}

(aa) umenyelwa enkundleni ngesaziso ngokwemiqathango yecandelo 65A(1) okanye 65A(8)(b) omthetho (apho unothimba endaweni yokubamba umntu, anikezela kulomntu isaziso sokuba avele enkundleni) nothi ukuba usilele ngamabom ukuvela enkundleni ngomhla nexesha elikhankanywe kwisaziso ; okanye

(bb) apho akhoyo inkqubo yokuviwa kwetyala limiselwe kumhla nexesha eliya kumiswa yinkundla, ngokokwakhe avele phambi kwenkundla ngalomini nexesha ; okanye

(cc) asilele ngamabom ukuhlala esenkundleni kwinkqubo efanelekileyo yokuviwa kwetyala okanye kwinkqubo emisiweyo, uyakuba netyala lo kwaphula umthetho kwaye ekugwetyweni kwakhe ahlawuliswe imali okanye agwetyelwe ukuhlala entilongweni ixesha elingedlulanga kwiinyanga ezintathu. [Icandelo 65A (9) lomthetho}

(iv) Ekuveleni phambi kwenkundla ngomhla obekwe kwisaziso kwimiqathango ekwicandelo 65A(1) okanye (8) (b) Ukulandela ukubanjwa kolahlwe lityala, umlawuli okanye igosa nge sigunyaziso ekubhekiswa kuso kwicandelo 65(6) lomthetho ngwo nawuphi na umhla emiselwe kuwo inkqubo, lowo ulohlwe lityala, ulawuli kuye negosa bayakubizelwa ukunika ubungqina kuphando lweemekom zemali okanye yenkampani kwaye ukukwazi ukuhlawula imali ngokwesigwebo.

[Icandelo 65D lomthetho]

(v) Nawuphi na umntu ethe inkundla yanika isigwebo ngokuchasene naye kwityala lembambano okanye yenza nawuphi *na* umyalelo onganalisekanga neso sigwebo okanye umyalelo wahlawula zonke iindleko ezo ebenobutyala mayela nazo ukuba uthe wayitshintsha indawo yakhe yokuhlala, eyoshishino okanye ingqesho, kwiintsuku ezili 14 ukususela kumhla walo lonke olotshntsho azise unobhala wenkundla Onike eso sigwebo okanye owenze lo myalelo kwaye ogwetyelweyo okanye igqwetha lakhe ngokubhaliweyo indawo yakhe entsha, eyoshishino okanye ingqesho, ngokusilela kwakhe ukwenza oko olahlwe lityala Uyakuba netyala lolwaphulo mthetho ekugwetyweni ohlwaywe okanye avalelwe ixesha elingekho ngaphezulu kwenyanga ezintathu Icandelo 109 lomthetho (1) Iinkcukacha

(1) Zebango.

Ibango lika Mmangalelwa -

(i) lemali engemva yentlawulo yerenti efanelwe kukuhlawulwa ngummangalelwa ngexesha lokuqesha kwakhe kunye nesiqinisekiso sesithintelo esivela kwezi amana.

Iinkcukacha : _____

Umhla

Ixesha

Imali

R_____

kwaye

(ii) ukukhutshwa endaweni.

Iinkcukacha : _____

(2) Ukuvumela isigwebo.

Ndiyavuma ukuba ndinobutyala kummangali njengoko esenza ibango kwiisamana (okanye kwisixa semali yR neendleko ukuza kuma namhlanje kwaye ndiya vuma ukugwetywa ngolohlobo. Ngalomhla____kolusuku lwama____20____

zithethelela_____

*(3) Isaziso sokuphikisa ibango.

Ngunobhala wenkundla ephakamileyo okanye owekamantyi

Nceda uthathe ingqalelo yokuba ummangalelwa wenza isaziso okanye iinjongo zokuchasa isimangalo.

Ngalomhla____kolusuku lwama____20____

Ummangalelwa/Igqwetha likammangalelwa

Idilesi apho inkqubo okanye iincwadi zenkundla ziyakwamkelwa_____

(kwii kilomitha ezili 15 ukusuka kwisakhiwo senkundla)_____

Idilesi yeposi_____

*isaziso soqopb kufuneka sinikezelwe kunobhala wenkundla okanye owenkundla kamantyi ikopi yaso inikezelwe kummangali okanye igqwetha

Inani. 4- Isamana ekhutshwa xa engaziwa apho akhoyo ummangalelwa/ Isamana ezithunyelwa kumntu ongaphesheya Inkqubo yefomu emfutshane

KWINKUNDLA KAMANTYI YESITHILI/NQILA

ELIVIWA e

INANI LETYALA : _____

Kwimbambano phakathi :

Ummangali Page 82 of 138

kwaye

zithethelela

Ku :

A____B____(isini)____(umsebenzi) ebekade ehlala e kodwa idilesi____yangoku nalapho akhoyo

ayaziwa :

QWALASELA ukuba ngesamani ezikhutshwe kule nkundla, ubizelwe ukunika isaziso, kwiintsuku emva kokupapasha le samani, kunobhala wale nkundla kunye nommangali/ingqwetha lomangali ngeenjongo zakho zokuchasa Isimangalo apho

C____D____amabango :

(a) _____

(b) _____

(c) _____

QWALASELA KWAKHONA , ukuba uyasilela ukunika isaziso, isigwebo singawiswa ngokuchaseneyo nawe ngaphandle

kokubuyela kuwe.

Ngalomhla____kolusuku lwama____20____

Ummangali/Igqwetha likammangali

Idilesi yokwamkela iincwadi zenkundla :

Ngunobhala wenkundla ephakamileyo okanye owekamantyi

Inani.5 - Isicelo sesigwebo apho ummangalelwa asileleyo

Kwinkundla kaMantyi yesithili/Nqila_____

Ebanjelwe____e_____

Inani letyala____20_____

Kwimbambano phakathi

Ummangali

kunye

Ummangalelwa

Ummangali wenza esi sicelo: _____

- (a) ummangalelwa uthe enikwe amaphepha enkundla ngokufanelekileyo ;
- (b) ngexesha lokufaka izizathu zokuchasa liphelile ; kwaye
- (c) ummangalelwa engafakanga izizathu zokuchasa,

Isigwebo esiwiswe kummangalelwa, njengoko kubangwa kwiisamani se R_____(nika iinkcukacha zesigwebo ukuba

kukho isicelo sento encinane kunaleyo ibangwayo kwisamani), kuquka nenzala_____ngokwepesenti.

Senziwe e____kolusuku lwama____20

Ummangali/Igqwtha likammangali

Inani. 5A - Isicelo sesigwebo apho ummangalelwa esilele ukuvela enkundleni apho avumaayo ubutyala ethabatha noxanduva lokuhalwula ityala lakhe ngezavenge okanye ngenye indlela-icandelo 57 lomthetho weenkundla zikaMantyi wonyaka we1944(umthetho 32 wonyaka 1944)

Kwinkundla kamantyi yesithili/nqila ye ebanjwe phakathi ebanjwe e Inombolo yetyala lika 20

Kwimbambano phakathi

____Ummangali

kwaye

____Zithethelela

Ummangali ucela ukuba isigwebo kwityala elikhankanywe ngasentla ngokwemiqathango yecandelo 57(2) womthetho wenkundla zika Mantyi ka 1944, liqwalaselwe kwicala lakho ngokuchasene nommangalelwa :

Isigwebo setyala : R c

Iindleko : R c

Intsallela yetyala [Icandelo 57(2)(c)(i)]_____

Inzala ngepesenti ngonyaka ibalwe kwii_____

Intlawulo eqokelelweyo [icandelo 57 (1)(c)]_____

Isamani, ukuba ikhona (intlawulo yegqwetha, ekanothimba kunye netlawulo yakhe yokuphinda ukunikezela ngeencwadi) [icandelo 57 (1)]_____

Indleko zengxelo efungelweyo okanye isiqinisekiso ligqwetha lommandali [icandelo 57 (2) (c)]_____

Ixabiso lencwadi [icandelo 57 (1)]_____

Isaziso phantsi kwemiqathango yomgaqo 54(1)_____

Incwadi yesinyanzeliso sentlawulo (icandelo 56)_____

Isicelo sesigwebo (icandelo 57)_____

Ukwamkela ubutyala nesibophelelo sokuhlawula (icandelo 57)_____

_____Zidibene R R

_____Zidibene R

Kunye nenzala eyongelelweyo ngepesenti_____ngonyaka ukusukela kumhla wesigwebo kuye kumhla wentlawulo

kwaye lo ntlawulo yoko yenziwa ngokwe sithembiso sommangalelwa.

Ezi ncwadi zilandelayo ziqhotyeshelwe :

(a) Ikopi yencwadi yesinyanzeliso sentlawulo ethunyelwe kummangalelwa ngokwemiqathango yecandelo 56 lomthetho wenkundla zikamantyi, ka 1944.

(b) Isivumelwano sentlawulo esibhaliweyo sommangalelwa abonisa ubutyala kummangali se sixa semali yetyala neendleko (okanye Zayo nayiphi na enye imali kunye nesithembiso sakhe.

(c) Ikopi ebhaliweyo yokwamkela isithembiso sommangalelwa, yommangali okanye igqwetha lakhe.

(d) Ingxelo efungelweyo okanye isiqinisekiso sokuthetha inyaniso sika mmangali/isiqinisekiso liggwetha lika mmangali ngokwemiqathango yecandelo 57 (2) (c) lomthetho wee nkundla zika Mantyi ka 1944.

Yenziwe_____kolusuku lwama_____20_____.

Ummangali/Igqwetha likammangali

(Idilesi)

Isigwebo sibhalwe nge_____umhla ka_____20_____kwicala lomangali semali engama_____R_____kunye nemali engama R

Iindleko : Ummangalelwa uyalelwa ngaphezulu ukuhlawula esi sigwebo neendleko ngezavenge zenyanga/iveki

zama R . Esokuqala Kufuneka sihlawulwe ngo_____okanye phambi_____aze emva koko ngo okanye phambi

kosuku layo yonke inyanga/iveki elandelayo ide Intsalela yetyala lesigwebo neendleko zibe zihlawulwe ngokupheleleyo.

Ngunobhala wenkundla ephakamileyo okanye owekamantyi

Inani. 5B - Isicelo sesigwebo apho ummangalelwa avumayo ukugwetywa-icandelo 58 lomthetho weeNkundla zikaMantyi, umthetho wonyaka 1944(umthetho 32 wonyaka 1944)

Kwinkundla kaMantyi yesithili/Nqila

Inani letyala_____20_____

Kwimbambano phakathi

_____Ummangali

kunye

_____Ummangalelwa

Ummangali ucela ukuba isigwebo kwityala elikhankanywe ngasentla ngokwemiqathango yecandelo 58(1) womthetho wenkundla zika Mantyi ka 1944, liqwalaselwe kwicala lakho ngokuchasene nommangalelwa :

Isigwebo setyala : R c

Iindleko : R c

Isixa semali yetyala [icandelo 58 (1) (i)]_____

Inzala ngepesenti_____ngonyaka ibalwe kwii_____

Incwadi yesinyanzeliso sentlawulo (icandelo 56)_____

Isamani, ukuba ikhona (intlawulo yegqwetha, ekanothimba kunye netlawulo yakhe yokuphinda ukunikezela ngeencwadi) [icandelo 58 (1)]_____

Isaziso phantsi kwemiqathango yomgaqo 54(1)_____

Isicelo sesigwebo (icandelo 58)_____

Imvume yesigwebo (icandelo 58)_____

Zidibene R R

Zidibene R

nentlawulo yoko ihlawulwa ngokwesivumelwano sika mmangalelwa Ezi ncwadi zilandelayo ziqhotyeshelwe :

(a) Ikopi yencwadi yesinyanzeliso sentlawulo ethunyelwe kummangalelwa ngokwemiqathango yecandelo 56 lomthetho wenkundla zikamantyi, ka 1944.

(b) Isivumelwano esibhaliweyo sommangalelwa kwisigqibo neendleko.

Ngalomhla kolusuku lwama_____20_____

Ummangali/Igqwetha likammangali: Page 85 of 138

(idilesii)

Isigwebo siqwalaselwe ngomhla we_____20_____kwicala lommandali semali engama R_____kunye nemali engama

R_____Iindleko apho ummangalelwa avumelene nesigwebo.

Ummangalelwa uyalelwa ngaphezulu ukuhlawula esi sigwebo neendleko ngezavenge zenyanga/ iveki zama

R_____Esokuqala Kufuneka sihlawulwe ngo okanye phambi aze emva koko ngo okanye phambi kosuku layo

yonke inyanga/iveki elandelayo ade Intsalela yetyala lesigwebo neendleko zibe zihlawulwe ngokupheleleyo.

Ngunobhala wenkundla ephakamileyo okanye owekamantyi

Inani. 6 - Isaziso sokurhoxa

Kwinkundla kamantyi yesithili/nqila ye ebanjwe phakathi ebanjwe e_____Inombolo yetyala_____lika 20_____

Kwimbambano phakathi

_____Ummangali

kwaye

_____Zithethelela

Ummangali uyasirhoxisa isimangalo esikhankanywe ngasentla evumela ukuhlawula indleko ezibaliweyo zika mmangalelwa.

Ngalomhla____kolusuku lwama____20____

Ummangali/Igqwtha likammangali

Ku :

kwaye: Kunobhala wenkundla ephakamileyo okanye owekamantyi

Inani. 7- Isazisosesicelo isicelo sommangali sokugwetyelwa apho akholelwa ukuba isizathu sokuzithethelela kommangalelwa asinasihlahla

Kwinkundla kamantyi yesithili/nqila ye ebanjwe phakathi ebanjwe e____Inombolo yetyala____lika 20

Kwityala phakathi komenzi____wesicelo

kwaye

____Ummangalelwa

Owalasela ukuba isicelo siyakwenziwa kwinkundla ekhankanywe ngasentla ngomhla, 20, nge (ixesha), se isicelo sommangali sokugwetyelwa apho akholelwa ukuba isizathu sokuzithethelela kommangalelwa asinasihlahla esiya kuba ngama R____nee ndleko ;

Owalasela kwakhona ukuba incwadi apho ibango lisekwe khona okanye ingxelo efungelweyo____(ikopi

ithunyelwe nayo) iya kusetyenziswa kweso sicelo kwaye ummangalelwa angaphendula ngengxelo efungelweyo. Ngalomhla____kolusuku lwama____20____,

Umenzi wesicelo/Igqwetha lomenzi wesicelo Ku :____

kwaye Kunobhala wenkundla ephakamileyo okanye owekamantyi

Inani. 8 - Ingxelo exhasa isicelo isicelo sommangali sokugwetyelwa apho akholelwa ukuba isizathu sokuzithethelela kommangalelwa asinasihlahla.

Kwinkundla kamantyi yesithili/nqila ye ebanjwe phakathi____Inani letyala____20____

Kwityala phakathi komenzi____wesicelo

kwaye

____Ummangalelwa

Mna,____wase____(idilesi), ndibhengeza phantsi kwesifungo ngolu hlobo :

- (a) Ndingu mmangali weli tyala (okanye ubungqina obuchazwe apha kulwazi lwam kwaye ndigunyazisiwe ku le ngxelo ifungelweyo.
- (b) Ummangalelwa uyandityala imali ekwisixa R ngenxa yezizathu ezibhalwe kwiisamani
- (c) Ndikholwa ngokwenene ukuba ummangalelwa akanampikiso kwibango kwaye isizathu sokuphikisa sifakelwe kuphela

Ukwenzela ukutya ixesha.

Ukutyikitya

Umenzi wesifungo uyazisa ukuba uyazazi kwaye eziqonda iziqukatho zale ngxelo ifungelweyo-. Ityikitywe yafungelwa phambi kwam e.. ngolusuku ka 20____

Umkhomishinala wezifungo

Ummandla

Iofisi yengqesho ukuba yenziwe ngokwase ngokweofisi

Inani. 9- Ingxelo efungelweyo phantsi kwe candelo 32 lomthetho

Kwinkundla kamantyi yesithili/nqila ye ebanjwe phakathi ebanjwe e_____Inombolo yetyala lika 20_____

Kwityala phakathi komenzi wesicelo

kwaye

_____Ummangalelwa

Mna, _____wase _____(idilesi) ndenza isifungo ndisithi :

- (a) Ndingumnini mhlaba (okanye ummeli womnini mhlaba) womhlaba ose (chaza indawo).
- (b) _____(umqhelaba) unobutyala kum ngendlela efaneleyo okanye (kondimmeleyo) ngetyala lama R eliyi rente yomhlaba okhankanyiweyo umhla we , 20_____ukuya kowe 20_____
- (c) Esi sixa sixeliweyo sama R safanela ukuhlawulwa ngomhla we_____, ka 20_____
- (d) Le rente ichaziweyo yabangwa ukusukela ngomhla we_____, 20_____kodwa ayikahlawuleki.

okanye

- (d) Ndiyakholwa ukuba ummangalelwa ukwiphulo loku thatha impahla zakhe ngoku kulo mhlaba ukuze aphephe ukuhlawula irente ekhankanyiweyo.

Ukutyikitya

Umenzi wesifungo uyazisa ukuba uyazazi kwaye eziqonda iziqukatho zale ngxelo ifungelweyo-.

Ityikitywe yafungelwa phambi kwam e.. ngolusuku ka 20_____.

Umkhomishinala wezifungo

Ummandla

Iofisi yengqesho ukuba yenziwe ngokwase ngokweofisi

Inani. 10- Isibambiso phantsi kwecandelo 32 lomthetho

Kwinkundla kamantyi yesithili/nqila ye ebanjwe e_____Inombolo yetyala_____Phakathi_____20_____

Umenzi wesicelo

kunye

_____Ophendulayo

Njengoko_____(Umninimhlaba) ecele ukukhutshwa komyalelo woku thinjwa kweempahla_____) (chaza umhlaba

oqeshisayo) Ngemali engama_____R yerente ebanjwa ngu_____wase (igama lomqeshi) ne R_____yendleeko ;

Ke, ngoko, umbambisi (igama lombambisi) njengomele umqeshi nongoyena unetyala uzibophelela

Nabanye ngokudibeneyo nokwahlukileyo ukuba_____omnye_____okanye bonke baya kuhlawula kumnini mhlaba

apho okanye

Zonke iindleko zibandakanyekayo kwakunye needleko nentlawulo anokuyi enokumlahlekela ngenxa yokuthinjwa

kweempahla apho ukuthimba kunokubekelwa bucala.

Ityikitywe ngomhla we_____.e_____ngomhla_____,_____20 phambi kwamangqina .

Umnini mhlaba.

Amangqina :

1. _____

Ukutyikitywa ne dilesi

Ummeli nomlingane omkhulu etyaleni

2. _____

Ukutyikitywa ne dilesi

Inani. 11 -Umyalelo kwecandelo 32 lomthetho

Kwinkundla kamantyi yesithili/nqila ye ebanjwe phakathi ebanjwe e_____Inombolo yetyala lika_____20_____

Kwimbambano phakathi

Umenzi wesicelo.

kwaye

Ummangalelwa

Kuyalelwa :

Ukuba unothimba wenkundla athimbe kangangoko kwii mpahla esibhaliweyo_____(chaza impahla) kwi_____(ndlu, uvimba, njengoko kunjalo) emi e_____(chaza indawo) njengoko iyakwanela isixa_____R serente_____nendleeko.

Ngaphezulu, ukuba ummangali unqwenela ukubonisa isizathu sokuba kutheni umyalelo wokuthimba ungena kuqinisekiswa Phambi kwe nkundla ngolwa suku_____lomhla_____we_____20_____, e_____(ixesha) ngesizathu.

Ezi ntsuku zikhankanyiweyo zingalindeleka kummangalelwa kwi yure ezi yi 12 ngesaziso kumenzi wesicelo.

Apho isibambiso sinikezelwekwanelisa unothimba wenkundla ekhankanyiweyo ngemali yomenzi sicelo kunye neendleko zesicelo sokuthimba, lo mhlaba uya kukhululwa ekuthinjweni xa kuthe kwahlawulwa iindleko apho isibambiso sinikezelwe sokuthinjwa siyakuchithwa.

Yenziwe_____kolusuku_____lwama_____20_____

Ngunobhala wenkundla ephakamileyo okanye owekamantyi

Umenzi wesicelo/Igqwetha lomenzi wesicelo

Idilesi_____

Inani. 12- Imvume yokuthengiswa kweempahla

Kwinkundla kamantyi yesithili/nqila ye ebanjwe phakathi ebanjwe e_____Inombolo yetyala lika_____20_____

Kwimbambano phakathi

Umenzi wesicelo.

kunye

Ummangalelwa

Kunobhala wenkundla ephakamileyo okanye owekamantyi.

Mna, _____ wase, _____ ummangalelwa okhankanywe ngasentla, ndiyavuma ukuba umhlaba othinjiweyo kwityala

elingentla uxhomekeke kwilungelo lomenzi sicelo ongaphezulu kumyinge we R kwaye ndivuma ekuthengiseni

kwezi mpahla ukukhawulelana nemali ye R _____ kunye neendleko kuquka nentlawulo kanothimba.

Yenziwe e _____ kolusuku _____ lwama _____ 20 _____,

Ummangalelwa

Amangqina :

1 _____

Ukutyikitywa ne dilesi

2 _____

Ukutyikitywa ne dilesi

Inani. 13 - Ukunikezela iincwadi -ifomu okanye ingxelo efungelweyo

KWINKUNDLA KAMANTYI YESITHILI/NOILA

EBANJELWE E _____ INOMBOLO YETYALA _____

Kwimbambano phakathi :

Ummangali

A. B.

kunye

C.D.

Ummangalelwa

Mna, C.D. ummangalelwa okhankanywe ngentla ndenza isifungo ndithi :

(1) Ndineencwadi esandleni sam okanye iirekhodi ezinxulumene nemicimbi yombuzo kwisizathu esibekwe kwisahlulo sokuqala nesesibini se Shedyuli yokuqala.

(2) Mna ndiyala ukuveza iincwadi okanye ushicilelo oludandalaziswe kwinxalenye yesibini ye shedyulu

(3) Mna ndikwenza oko ngesizathu sokuba (chaza izizathu zokwala okanye uphuhlise ubungqina njengoko kunjalo).

(4) Ndivile, kodwa ngoku andinawo kwe isimangalo sibekwe apha kwi Shedyuli yesibini.

(5) Ezi ncwadi zikhankanyiweyo ekugqibeleni okanye ushicilelo zagqibela ukuba selugcinweni okanye kumandla am (chaza nini).

(6) Li _____ (apha chaza ukuba kwenzeka ntoni ngeencwadi noshicilelo nokuba zikubani ngoku).

(7) ngokolwazi lwam olugqibeleleyo nenkolelo, andinazo ngoku ndaye ndingazange ndib nazo elugcinweni okanye kumandla am, okanye esandleni, elugcinweni okanye kumandla egqwetha, okanye ummeli, okanye nawuphi omnye umntu egameni lam, nayiphi incwadi okanye ushicilelo okanye ikopi okanye ucaphulo encwadini okanye kushicilelo, elunxulumene kuzo naziphi na izinto ezimayela nazo, kulo mba ezingaphandle kwee ncwadi Okanye ushicilelo oludandaluziswe kwi Shedyuli yokuqala neyesibini

Yenziwe _____ kolusuku _____ lwama _____ 20 _____.

Ummangalelwa/ Ummangali

Inani. 14- Isaziso phantsi komgaqo 23 (5)

KWINKUNDLA KAMANTYI YESITHILI/NQILA ELIVIWA E

Kwimbambano phakathi :

AB Ummangali Inani letyala

kunye

CD Zithethelela

Ku : _____

Nceda qwalasela ukuba lommandali okanye ummangalelwa ufuna ukuba kwii ntsuku ezili 15 uthumele kule dilesi

Ikhankanywe ngezantsi ingxelo ebhaliweyo ecacisa ukuba ngezphi iincwadi okanye ushicilelo olulandelayo onalo ngoku okanye owawunalo ngaphambili kugcino lwakho :

- (a) _____
- (b) _____
- (c) _____
- (d) _____

Ukuba kuloo ngxelo kufuneka ucacisile ngokuzelelo ukuba zezphi iincwadi okanye ushicilelo oluselugcinweni lwakho Ukuba awusenazo Naziphina ezo ncwadi okanye ushicilelo olwaluselugcinweni lwakho kufuneka u chaze ukuba zikubani ke ngoku ukuba uyasilela ukunikezela ngalo ngcaciso kwixesha elikhankanyiweyo isicelo siyakwenziwa enkundleni esifuna umyalelo okunyanzelisa ukuba wenze njalo kwaye ukuyalela ukuba uhlawule iindleko zeso sicelo

Ummangali/ Ummangalelwa /Igqwetha lommandali/Elommangalelwa

(idilesii)

Inani. 15 - Ukunikela ngencwadi ezikugcino lalomntu ukumbango.

KWINKUNDLA KAMANTYI YESITHILI/NQILA

EBANJELWE E Inombolo yetyala_____

Kwimbambano phakathi :

Ummangali

Zithethelela

QAPHELA ukuba_____(ummandali okanye ummangalelwa) ufuna ukuba uveze kwi ntsuku ezi 5 ukulungiselela

ukuhlola kwezi ncwadi zilandelayo iincwadi okanye ushicilelo ekubhekiswa kulo kwi ngxelo efunyelweyo, umhla we nyanga_____20_____

(Chaza iincwadi okanye ushicilelo olufunwayo)

Ngalomhla_____kolusuku lwama_____20_____

Igqwetha lika_____

(idilesii)

Ku :_____

Igqwetha lika_____

(idilesii)

Inani. 15A -Unikezelo isaziso sokuhlola iincwadi

KWINKUNDLA KAMANTYI YESITHILI/NQILA

EBANJELWE E Inombolo yetyala_____

Kwimbambano phakathi :

Ummangali

Nommangalelwa Page 91 of 138

QAPHELA ukuba unghahlola iincwadi okanye ushicilelo ekukhankanywe kwisaziso sakho somhla_____we
20_____

kwi_____Ofisi okanye e kwaye phakathi kwee yure kwezi ntsuku zilandelayo.

(okanye)

Ukuba (ummangali okanye ummangalelwa) uyala ukunika ithuba lokuhlola iincwadi okanye ushicilelo
olukhankanyiweyo kwisaziso so_____mhla_____20_____, ngezizathu zokuba

(Chaza izizathu)

Ngalomhla_____kolusuku lwama_____20_____

Igqwetha lika_____

(idilesii)

Ku :_____

Igqwetha lika_____

(idilesii)

Inani. 15B- Ukuveza - Isaziso sokuveza iincwadi kwinkqubo zamatyala, njalo njalo

KWINKUNDLA KAMANTYI YESITHILI/NQILA

EBANJELWE E Inombolo yetyala_____

Kwimbambano phakathi :

Ummangali

Ummangalelwa

QAPHELA ukuba (ummangali) okanye (ummangalelwa) ufuna ukuba uveze ukwenzela ukuhlolwa kwee
ncwadi okanye Ushicilelo ekubhekiswa kulo_____(kwisibhengezo okanye impendulo okanye ingxelo
efungelweyo).

(Chaza iincwadi okanye ushicilelo olufunwayo)

Ku :

Igqwetha lika_____

(idilesii)

Igqwetha lika_____

(idilesii)

Inani. 16- Umyalelo wesithintelo ofunyenwe kwisicelo secala elinye

Kwinkundla kamantyi yesithili/nqila ye ebanjwe phakathi_____Inani letyala_____20_____

Kwimbambano phakathi

____Umenzi wesicelo

kunye

____Ummangalelwa

Kuyalelwa :

(1) Lo myalelo uxhomekekileyo unikwa ukubizela (ummangalelwa) we(dilesi) abonise isizathu kule

nkundla ngo Mhla____we____,____20____nge____(xesha), okanye ngokukhawuleza emva njengoko isicelo

sinokuviwa ukuba kutheni engena kuthintela

Kubungqina obuthwe thaca apho ummangalelwa okanye nawuphina omnye umntu ethintelwe kude kunikwe

isigqibo kwityala eliziswe ngumenzi wesicelo ngokuchasene____(nommangalelwa) ne____(chaza

imeko yebango)

(2) Ukuba esi simangalo sifakwe____ezintsukwini.

(3) Ukuba lo mgaqo usebenza njengesithintelo sethutyana.

Ngomyalelo wenkundla,

Ngunobhala wenkundla ephakamileyo okanye owekamantyi Umenzi wesicelo/Igqwetha lomenzi wesicelo Idilesi :

Inani. 17 - Umyalelo wokubanjwa komntu ekukrokreleka ukuba angaqhwesha

Kwinkundla kamantyi yesithili/nqila ye ebanjwe phakathi____Inani letyala 20____.

Kwimbambano phakathi

____Umenzi wesicelo.

kwaye

____Ummangalelwa

Kuyalelwa :

(1) Ukuba unothimba we nkundla abambe____(ummangalelwa) amse enkundleni ngomhla wokuqala wenkundla

Emva kokunikezelwa kwalo myalelo kwi____(ixesha), ukubonisa isizathu sokuba kutheni engenakuvallelwa

ukwenzela ukuba afezekise umyalelo wenkundla .Isimangalo semali esisixa se R____esifanele ukufakwa

ngokuchaseneyo nomenzi wesicelo.

(2) Apho isibambiso sinikezelweukwanelisa unothimba wenkundla ekhankanyiweyo ngemali yomenzi sicelo kunye Nendleko zesicelo sokuthimba, ummangalelwa okhankanywe ngaphambili uyakukhululwa ekubanjweni kwaye apho apho isibambiso sinikezelwe sokuthinjwa siyakuchithwa.

(3) Ukuba isimangalo sisikwe kwii yure ezingama 48 ukusukela kumhla womyalelo. Ngomyalelo wenkundla,

Ngunobhala wenkundla ephakamileyo okanye owekamantyi

Umenzi wesicelo/Igqwetha lomenzi wesicelo

Idilesi:____

IYAKUZALISWA NGU NOTHIMBA :

Kwi gosa eliphethe iitrongo.

Ngokwemiqathango yecandelo 16 lomthetho wenkundla zika Mantyi, 1944 (32 ka 1944), ugunyaziswa ukuthathela Elugcinweni lwakho umzimba ka____uwugcine elukhuselekweni kude kube____ngumhla ka 20 okanye ade abe

ngenye indlela akhululwe ngokusemthethweni

Ngalomhla____kolusuku lwama 20____,

Unothimba wenkundla

Inani. 18 - Ukuthimba into ngenjongo zokwenza ukuba inkundla ibe nobunganga bokuchophela ityala

Amandla okuchophela ityala

Kwinkundla kamantyi yesithili/nqila ye ebanjwe phakathi ebanjwe e Inombolo yetyala____lika 20____

Kwimbambano phakathi ____Umenzi wesicelo.

kwaye

____Ummangalelwa

Ku : Nothimba

Uyalelwa ngesigqibo esingentla senkundla ekhankanywe ngentla esenziwa ngomhla____we____,____20 ukuba

thimbe

(chaza ngokuzeleyo umhlaba nalapho umi khona) ukunika inkundla amandla okuchophela ityala kwi nkundla

ekhankanyiweyo Kwisi mangalo esichaseneyo se(dilesi yommangalelwa) ye (nika iinkcukacha zebango) ; Kwaye ngokunjalo ukwenza oku kuyakuba sisigunyaziso sakho. Ngaphezulu, ukuba ummangali unqwenela ukubonisa isizathu sokuba kutheni umyalelo wokuthimba ungena kuqinisekiswa

Phambi kwe nkundla ngolwa suku____lomhla____we____20____, e (ixesha) ngesizathu.

Ezi ntsuku zikhankanyiweyo zingalindeleka kummangalelwa kwi yure ezi yi 12 ngesaziso kumenzi wesicelo. Apho isibambiso sinikezelweukwanelisa unothimba wenkundla ekhankanyiweyo ngemali yomenzi sicelo kunye Nendleko zesicelo sokuthimba, ummangalelwa okhankanywe ngaphambili uyakukhululwa ekubanjweni kwaye apho apho isibambiso sinikezelwe sokuthinjwa siyakuchithwa.

Yenziwe____kolusuku____lwama____20____,

Ngunobhala wenkundla ephakamileyo okanye owekamantyi

Umenzi wesicelo/Igqwetha lomenzi wesicelo

Idilesi

Yenziwe e____kolusuku____lwama____2____.

Unothimba____

Inani. 19 - Isimemo wokuya kudliwano ndlebe phambi kokuvavanywa kwetyala.

Kwinkundla kamantyi yesithili/nqila ye ebanjwe phakathi ebanjwe e____Inombolo yetyala____lika 20

Kwimbambano phakathi

____Ummangali

kunye

____Ummangalelwa

[Kulawulo ngokwemiqathango yecandelo 54(1) lomthetho wenkundla zika mantyi, 1944 (32 ka 1944)].

Kwi gqwetha lommangali/igqwetha lommangalelwa.

Uyalelwa ukuba uye kudliwano ndlebe oluyakubanjelwa phambi komantyi kwi ofisi ngomhla____
we____[19]____20

, e____(ixesha) ukuza kuqwalasela

(a) ukucacisa imiba ethile ;

(b) imfuneko okanye ukunqweneleka kotshintsho lweencwadi zenkundla ;

(c) ukukwazi ukufumana imvumelwano ngobungqina neencwadi ngenjongo yokuphepha ubungqina obungafunekiyo ;

(d) ukunciphisa inani lamangqina azingcali ; (e)____

Ngalomhla____kolusuku lwama____20____,

Ngunobhala wenkundla

ephakamileyo okanye owekamantyi

Inani. 20. - Umyalelo-wodliwano-ndleba phambi kokuvavanywa kwetyala.....

Kwinkundla kamantyi yesithili/nqila ye ebanjwe phakathi ebanjwe e Inombolo yetyala lika 20

Kwimbambano phakathi

____Ummangali

kunye

____Ummangalwa

[Kulawulo ngokwemiqathango yecandelo 54(2) lomthetho wenkundla zika mantyi, 1944 (32 ka 1944)].

Kwi gqwetha lommangali/igqwetha lommangalelwa.

Oku kulandelayo kukuhankanya okuqhubeka kudliwano ndlebe obe lubanjwe kwi ofisi zakwa mantyi ngomhla____

we____, 20____phakathi Kwamacala kunye okanye namagqwetha :

(1)____

(2)____

(3)____

(4)____

(5)____

Ngalomhla____kolusuku lwama 20____,

Ngomyalelo wenkundla,

ephakamileyo okanye owekamantyi

Ku : Igqwetha lommangali .

Ku : Igqwetha lommangalelwa.

Inani .21 -Isicelo sokuviwa kwetyala nabacebisi

Kwinkundla kamantyi yesithili/nqila ye ebanjwe phakathi ebanjwe e Inombolo yetyala lika 20

Kwimbambano phakathi

____ Ummangali

kwaye

____ Ummangalelwa

Ummangali/ummangalelwa apha wenza isicelo sokuba eli tyala lingentla liviwe kunye nabacebisi.

(1) Ummangalelwa/ummangali uyavuma kweso sicelo nokunyulwa kwaba bacebisi balandelayo : ____base

(idilesii) ____

Ummangali/Igqwtha likammangali

Ummangalelwa/Igqwetha likammangalelwa

okanye

(2) Ummangalelwa/ummangali uyavuma kweso sicelo, kodwa amacala akakwazi ukuvumelana namagama abacebisi.

Apho amacala acela inkundla ukuba inyule abacebisi (ababini)ngaphandle kwaba balandelayo (abakhankanywe amagama abacebisi elinye okanye amanye amacala abachasayo :

Ummangali/Igqwetha likammangali

Ummangalelwa/Igqwetha likammangalelwa

(3) Ummangalelwa/Ummangali uyasala eso sicelo Apho ummangali/ Ummangalelwa isicelo asibekele Ukuvavanywa ngomhla____, 20____e____(ixesha)

Ummangali/ Ummangalelwa /Igqwetha lommandali/Elommandalelwa

Ku : Kunobhala wenkundla ephakamileyo okanye owekamantyi

kwaye

Isicelo sivunyiwe/saliwe

so mhla.

Abacebisi banyuliwe :

Ngunobhala wenkundla ephakamileyo okanye owekamantyi

Inani. 22 - Isamana eziya kumcebisi wenkundla

Kwinkundla kamantyi yesithili/nqila ye ebanjwe phakathi ____ Inani letyala 20 ____

Kwimbambano phakathi

____ Ummangali

kwaye

____ Ummangalelwa

Mhlelazi/Nkosikazi,

Uyamenywa ukuba uze kusebenza njengomcebisi kule nkundla ngomhla we____, 20____e____(ixesha), uze nceda inkundla.

Kwisimangalo ngokumayela neziqualtho zecandelo 34 lomthetho weenkundla zomantyi 1944(32 ka 1944).

Ozithobileyo

Ngunobhala wenkundla ephakamileyo okanye owekamantyi Ku : _____

Inani. 23 - Umntu/abantu abagunyaziswe yinkundla ukuba baye kuthabatha ubungqina kwingqina elingafuni okanye elingakwazi kuza enkundleni

Kwinkundla kamantyi yesithili/nqila ye ebanjwe phakathi ebanjwe e _____ Inombolo yetyala lika 20 _____

Kwimbambano phakathi

_____ Ummangali

kunye

_____ Ummangalelwa

Ku : _____

Imibuliso :

Ngokugunyaziswa kwam licandelo 53 lomthetho wenkundla zika mantyi 1944 (32 ka 1944), Ndiya zinikela kumandla nesigunyaziso njengomkhomishana wale nkundla ukubuza (kulo naloo mangqina Njengamacala kweli tyala njengoko kunokufuneka) kunye nokuthatha ubungqina obufungelweyo bamangqina akhankanyiweyo kwityala elingentla Eliphambi kwenkundla ngoku

Ibhalwe yatyikitywa phantsi kwesandla sam ngale _____ mini _____ ye _____, _____ 20 _____

Ngumantyi.

Inani. 24- Isupina

Kwinkundla kamantyi yesithili/nqila ye ebanjwe phakathi _____ Inani letyala _____ 20 _____

Kwimbambano phakathi

_____ Ummangali

kunye

_____ Ummangalelwa

Ku Unothimba /isekela lika nothimba

XELELA :

(1) _____ ka

(2) _____ ka

(3) _____ ka

(4) _____ ka

Ukuba ngamnye kubo kulindeleke ukuba avele buqu phambi kwale nkundla ngomhla we _____, 20 _____ (ixesha)

Kwityala elikhankanyiweyo ngasentla ukunika ubungqina ukuveza iincwadi, amaphepha okanye amaxwebhu egameni (apho iincwadi kufuneka ziveziwe, dibanisa) : bezise ngamnye kubo baze baveze enkundleni iincwadi, amphepha okanye amaxwebhu abalulwe kuluhlu olungezantsi.

Ngalomhla _____ kolusuku lwama _____ 20 _____

Unobhala wenkundla ephakamileyo okanye owekamantyi

ULUHLU LWEENCADI, AMAPHEPHA OKANYE AMAXWEBHU AYAKUVEZWA

Umhla Inkcazo Undoqo okanye Ikopi

Inani .25-Incwadi yesigunyaziso sokuhlawula isohlayo-mali okanye incwadi yesigunyaziso

sokubamba ingqina elisilele ukuza enkundleno

Kwinkundla kamantyi yesithili/nqila yase

Ebanjelwe e_____Inani letyala_____20_____

Kwimbambano phakathi

_____Ummangali

no

_____Mmanglelwa

Ku nothimba na kwigosa eliphethe_____intilongo

Ngenxa yokuba u_____wanikwa ispina, ebizelwa enkundleni ngokusemthethweni nokufanelekileyo, ukuza kunika

ubungqina (okanye ukuveza iincwadi ezithile, amaphepha okanye amaxwebhu, njengoko

Kunokwenzeka) kwibango eliphambi kwalenkundla nge(ixesha) ngomhla_____ka_____20 kwaye uye wasilela ukuza ;

Kwaye, njengoko lenkundla inike isohlwayo sama_____eeRandi ku_____okhankanyiweyo ngenxa yokusilela kwakhe

ukuvela enkundleni nokungahlawuli kwakhe inkundla imthumela kwintilongo ekhankanywe ngasentla apho

ayakuhlala ixesha_____Oku ngoko kukugunyazisa ndicela wena, njengonothimba walenkundla ukuba ubambe

u_____, ngaphandle kokuba uhlawula kuwe imali engama_____eerandi, umnikele kwigosa elphethe iintilongo kunye nesi sigunyaziso esimelwe kukugcinwa ngononophelo phaya ade abe uhlawule imali ekhankanyiweyo okanye kude kuphele ixesha elikhankanyiweyo lokusukela kusuku apho u...ayakwamkelelwa okanye agcinwe kwintilongo ekhankanyiweyo ngenxa yesigunyaziso soko na yiphi na eyekwenzeka kuqala ade abe lowo uxeliweyo ukhululwa nangayiphi na enye indlela esemthethweni ;

Kwaye lo ngumyalelo kuwe, igosa eliphethe iintilongo, ukuba lamkele ligcine lowo ukhankanyiweyo.

Ngalomhla_____kolusuku lwama_____20_____,

Unobhala wenkundla ephakamileyo okanye owekamantyi

Inani. 26- Incwadi yesigunyaziso sokubamba ingqina elisilele ukuza enkundleno

Kwinkundla kamantyi yesithili/nqila yase_____

Ebanjelwe e_____Inani letyala_____20_____

Kwimbambano phakathi

_____Ummangali

no

_____Mmanglelwa

(1) Kunothisimba:

Ngenxa yokuba u...wanikwa isupina, ebizelwa enkundleni ngokusemthethweni nokufanelekileyo, ukuza kunika ubungqina (okanye ukuveza iincwadi ezithile, amaphepha okanye amaxwebhu, njengoko kunokwenzeka) kwibango eliphambi kwalenkundla nge_____ (ixesha) ngomhla ka, 20_____kwaye uye wasilela ukuza ;

Oku ngoko, kukugunyazisa ndicela wena ukuba ubambe u_____, umzise phambi kwalenkundla ngomhla

Ka 20_____ (ixesha), uze apho unike ubungqina okuya kusetyenzwa ngabo ngokusemthethweni.

(2) Kwigosa eliphethe____iintilongo

Ngalencwadi uyalelwa ukuba wamkekele lo ukhankanyiweyo umgcine ngokukhuselekileyo kude kube leloxesha Athatyathelwa ukuziswa phambi kwenkundla ngokungqamene necandlo lokuqala lesi sigunyaziso okanye ade abe Ukhululwa ngkusemthethweni.

Ngalomhla kolusuku lwama 20____,

Unobhala wenkundla ephakamileyo okanye owekamantyi

Inani. 27 - Isibambiso ekubanjweni, uthimbo okanye isithintelo esenziwa ngesicelo secala elinye

Kwinkundla kamantyi yesithili/nqila ye____ebanjwe e____nombolo yetyala lika 20

Kwimbambano phakathi

____Umenzi wesicelo.

no

____Ummangalelwa

Njengoko u____wase____ecele ukukhutshwa kwesigunyaziso sokubanjwa kuka____wase____-(okanye umyalelo wokuthinjwa kwe____okanye isithintelo kwiimpahla zika____ezise) nenkundla imise isibambiso emasinikwe ngu____-esisixa semali esingama R____;

Kengoko u____, uyazibophelela ekwaneliseni naliphi na ibango elisemthethweni ngu____ngokuchasene no____e yeyelahleko enokwenzeka kuye ngenxa yokubanjwa kwakhe/uthimbo/isithintelo kwicala lokubanjwa/isithintelo ukususela apha siyaguzulwa Kwaye ngalendlela ezibophelela njengommeli nobambisene nomnini-tyala kwisixa semali esingadluli imali ekhankanyiweyo engedluli lo mali ingama R eyeyokufezekisa ngokhankanyiweyo isibophelelo esithatyathwe nguye.

Ityikitywe e____ngalemuni____ye,____20____

Umenzi wesicelo.

Amangqina : 1.____

Ukutyikitywa ne dilesi

Ummeli nemlingane omkhulu etyaleni

2.____

Ukutyikitywa ne dilesi

Inani. 28 - Isibambiso xa uthimba lumiselwe iziphumo zesibheno ngexesha uthimbo lunqunyanyisiwe

Kwinkundla kamantyi yesithili/nqila ye ebanjwe phakathi ebanjwe e____Inombolo yetyala____lika 20____

Kwimbambano phakathi

____isigwebo

Umtyalwa

no

____Isigwebo

Otyalayo

Njengoko lo ukhankanyiweyo ngomhla____,____20____wagwetyelwa kule nkundla ngokuchasene no____isixa semali esingama R____ihlanganisene nesixa esingama R____seendleko ;

Kwaye nangona okhankanyiweyo enze isicelo enkundleni yokunqumamisa uthimbo de kuqoaheliswe isibheno sakhe/ukuhlolwa kwenkqubo nenkundla iyalele ukuba uthimbo lunqunyanyiswe ngokunjalo ngokuxhomekeke ekunikezelweni____kwesibambiso kwiintsuku____;

Ke, ngoko, ummeli (igama lommeli) njengomele nobambisene____- noyena____ utyalayo nazibophelela ngokuhlangeneyo nokwahlukeneyo ngokulinganayo ukufezekisa isigwebo nalo naliphi na ityala elinokuvuka ngendlela yomonakalo okanye nge____

sizathu solonqumamiso, kangangoko umyalelowenkundla ungenakujikwa okanye utshintshwe kwisibhenophononongo____(fakelela nayiphi na eminye imiqathango efunekayo)

Ityikitywe e____-ngalemmini____ye,____20____

Isigwebo setyala

Amangqina : 1.____

Ukutyikitywa ne dilesi

Ummeli nemlingane omkhulu etyaleni

2.____

Ukutyikitywa ne dilesi

Inani.29 - Isibambiso xa uthimbo lumiselwe iziphumo zesibhenophononongo

Kwinkundla kamantyi yesithili/nqila ye ebanjwe phakathi ebanjwe e____- Inombolo yetyala____lika 20____

Kwimbambano phakathi ____isigwebo

Umtyalwa

no

____isigwebo

Otyalayo

Njengoko lo ukhankanyiweyo____- ngomhla____, 20____wagwetyelwa kule nkundla ngokuchasene no____isixa semali esingama R____ihlanganisene nesixa esingama R____seendleko ; kwaye njengoko inkundla ekhankanyiweyo____, nangona lowo ukhankanyiweyo efake isibhenophononongo ngokuchasene nesigwebo, eyalele isigwebo siphunyezwe ngokunikezela ngesibambiso sembuyekezo ;

Ke, ngoko, ummeli (igama lommeli) njengomele nobambisene noyena utyalayo nazibophelela Ngokudibeneyo nangokwahlukeneyo ukuhlawula izixa zemali ezingama R____nama R____.xa isigwebo salonkundia sinokurhoxiswa kwaye____

Okungaphaya okwahlukileyo(fakelela nayiphi na eminye imiqathango efunekayo)

Ityikitywe e____ngalemmini____ye,____20____

Isigwebo setyala :

Amangqina : 1.____

Ukutyikitywa ne dilesi

Ummeli nemlingane omkhulu etyaleni

2.____

Ukutyikitywa ne dilesi

Inani. 30 -Incwadi yesigunyaziso sokukhupha umntu emhlabeni

Kwinkundla kamantyi yesithili/nqila ye ebanjwe____phakathi ebanjwe e Inombolo yetyala____- lika 20

Kwimbambano phakathi

____Ummangali

no

____Mmanglelwa

Kunothimba

Njengoko lo ukhankanyiweyo____ngomhla____, 20____wagwetyelwa kule nkundla ngokuchasene no____isixa semali esingama loo mmangalelwa kwizakhiwo okanye kumhlaba obizwa ngokuba ; Oku kukugunyazisa ndicela ukuba unikezele izakhiwo eziphantsi kolawulo lwakho kummangali ngokukhupha ummangalelwa apho esi iyakuba sisigunyaziso sakho ;

Ubuyisele enkundleni ubungqina obubonisa okwenzileyo.

Ngalomhla____kolusuku lwama 20____

Ngomyalelo wenkundla,

Unobhala wenkundla ephakamileyo okanye owekamantyi

Ummangali/Igqwtha likammangali

Idilesi____

Inani. 31-Incwadi yesigunyaziso sokunikezela ngeempahla

Kwinkundla kamantyi yesithili/nqila yase Ebanjelwe e____Inani letyala____20____

Kwimbambano phakathi

____Ummangali

no

____Ummanglelwa

Kunothimba

Nengoko kwelibango inkundla iyalele ukba ummangalelwa ukuba anikezele kummangali into (cacisisa into emayinikezelwe

Oku kukugunyazisa nokuyalela ukuba uthathe i____(chaza into) kummangalelwa unikezele kummangali

Ukugcinwa kwayo,neyakuba sisigunyaziso sakho.

Ubuyisele enkundleni ubungqina obubonisa okwenziweyo. Ngalomhla____kolusuku lwama____20____

Ngomyalelo wenkundla,

Unobhala wenkundla ephakamileyo okanye owekamantyi

Ummangali/Igqwtha likammangali Idilesi____

Inani. 32 - Incwadi yesigunyaziso sokuthimba umhlaba

Kwinkundla kamantyi yesithili/nqila ye____ebanjwe phakathi____Inani letyala____20____

Kwimbambano phakathi

____Ukufezekiswa komyalelo

Umtyalwa

no

____Ukufezekiswa komyalelo

Otyalayo

Kunothimba

Iimali eziyakurhafelwa (neendleko zokufezelisa umyalelo) Njengoko kulembambano u_____ngomhla____e, _____20_____ufumene isigwebo kwityala elikhankanywe ngasentla yinkundla ngokuchasene nommangalelwa kwinxenye yezixa zemali ezibebhalwe eludinini loluxwebhu eEzithi xa zidityaniswe zonke zenze zibe ngama

R_____sixa eso sama R_____sesihlawulwe ;

Oku ngoko kukukugunyazisa nokukuyalela ukuba uqokelele kwiimpahla zeso sixa semali sama R_____kunye neendleko zakho zokwenza lo msebenzi uhalwule ummangali isixa semali esingama R_____ubuyisele kulenkundla

ubungqina obubonisa okwenzileyo ngesisigunyaziso

R c

Iindleko zetyala lesigwebo_____

Iindeko zokukhutashwa kesigunyaziso_____

Iindleko zesibheni_____

Inxalenye yokudibeneyo_____

Kuthatyathwe imali ehlawulwe oko kwawiswa isigwebo_____

IMALI EKUFANELE UYIBHATALE_____

Ngalomhla_____kolusuku lwama_____20_____

Ngomyalelo wenkundla,

Unobhala wenkundla ephakamileyo okanye owekamantyi

Igqwetha lotyalwayo ogwetyetyelweyo

Idilesi_____

Qaphela.-(1) Ukuba ogwetyiweyo otyalayo uyazihlawuloimali ezichaziweyo eludinini lesisigunyaziso nentlawulo kanothimba zamka R_____kwirhafu yeyure ekungeneni kuka nothimba akuyi kufuneka ahlawule nayinphi naziphi na iindleko zokusebenza. Isixa sayo nayiphi na intlawulo eyenziwe ngogwetyiweyo nomhla wayo uyaku woko ziya kufakelelwa kwi ncwadi yoqobo ize ikopi yoko nayo etyikitywa ngunothimba ize kwakhona ityikitywe ngogwetyiweyo okanye urnmeli wakhe.

(2) Le nkqubo yothimbo ingahlawulwa phambi kwentengiso, ixhomekeke kwintlawulo yemali kanothimba nentlawulo, yothimbo,e nokufuna ukubalwa.

(3) Ukuphela kwempahla enokuthinjwangetsi sigunyaziso yi_____(chaza indawo nemeko ngokwaneleyo ukwenzela

ukuba yahlulwe lo nto).

(4) Ipho isigunyaziso siphindayo ukukhutshwa umongo nomhla wokuphinda ukukhutshwa, nakuphi na ukongeza nokunciphisa kwisixa semali eyakurhafiswa eboniswa ngaphezu Kweli phepha iyakucaciswisa kwinqakwana eliya kufakelelwa lityikitywe ngogwetyelweyo okanye igqwetha lakhe nangu nobhala wenkundla ephakamileyo okanye owekamantyi

(5) Nazimbina iinguqu ezenziweyo apha ziyakuphawulwa ngoonobumba abamele amagama oonobhala benkundla phambi kokuba isigunyaziso sikhutshwe okanye siphinde ukukhutshwa.

Inani. 33 -Isaziso senkqubo yokuthimba

Kwinkundla kamantyi yesithili/nqila ye_____ebanjwe phakathi ebanjwe e_____Inombolo yetyala_____lika

20_____.

Kwimbambano phakathi

_____Ukufezekiswa komyalelo

Umtyalwa

no

____ Ukufezekiswa komyalelo wokuthima

Otyalayo

Ku : ____

Ogwetyelwe ukuthinjwa .

Oaphela ukuba ngalomhla impahla equka leyo ikuluhlu olungentla ndiyibeke phantsi phantsi wokuthinjwa ngokomyalelo wenkundla Ekuphunyezweni kweisiguyaziso ebesibhekiswe kum phantsi komyalelo obugunyaziswe ngunobhala wenkundla yesi sithili okanye wenqila yase____, apho ndikulindelwe ukuba ndenze ukuba iimpahla zakho ezikwesi sithili okanye inqila ezikwisixa sama R____nama R____ayalelwa ukuku buyiswa nguwe ngokomyalelo wenkundla kwesi simangalo kuquka netlawulo yam ngokunxulumene nesigunyaziso sokuthimba.

Ngalomhla e____kolusuku lwama____20____

Unothimba

Inani.34-Isaziso esiya kotyalwayo onelungelo lokuhlalulwa elingaphezu kwabanye

[Icandelo 66(2)(a) lomthetho 32 ka 1944]

Kwinkundla kamantyi yesithili/nqila ye____ebanjwe e____Inombolo yetyala____lika 20____

Kwimbambano phakathi

____ isigwebo

Umtyalwa

no

____ isigwebo

Otyalayo

Ku : ____

(Onelungelo kwityala ngaphezu kwabanye)

Njengoko isakhiwo esikhankanyea ngaphezulu sabekwa phantsi kokuthinjwa kwenkundla ngunothimba ngomhla____wonyaka____20____uyaziswa ngalencwadi ukuba siyakuthengiswa njengento ethinjweyo phambi kwesakhiwo senkundla ngomhla____. We____, 20____e____(ngexesha)

Ingcaciso emfutshane yesakhiwo esithengiswayo ;

Ngalomhla____kolu suku lwama____20____

Ogwetyelweyo/igwetha lesigwebo

Umtyalwa

Idilesi____

Inani. 35 - Isamana zomngeneleli

[Icandelo 69(1)(a) lomthetho 32 ka 1944]

Kwinkundla kamantyi yesithili/nqila ye____ebanjwe e____Inani letyala____lika 20____

Kwimbambano phakathi

____ Ukufezekiswa komyalelo wokuthimba

Umtyalwa

no

____ Ukufezekiswa komyalelo wokuthimba

Otyalayo

Ku: ____ (Otyalwayo ekuthinjelwa yena)

kunye ____ Obangayo

Umenyelwa ukuvela enkundleni ngomhla ____ kwinyanga ____ ngexesha, ukwenzela Ukukuqwalasela nokucacisa ukuba isakhiwo, esibizwa ____, nesathinjwa ngomhla ____, 20 ____ ngunothimba ngencwadi yesigunyaziso soko eskhtshwa yilenkundla ngomhla ____ kwinyanga ____ yonyaka ____ 20 ____ kwibango apho isigwebo esikhankanyiweyo ____ sesixa semali esingama R ____ . ngokuchasene (notyalayo) nesakhiwo esibangwa nguwe, wena ukhankanyiweyo, njengesakhiwo sakho, okanye ayisosakhiwo sakho okanye ukuvela wenze ibango olenzayo, ____ (njengo menze webango) le lenzuzo esuka ekuthengisweni kwesakhiwo, eso sathinjwa ngomhla ____ kwinyanga ____ kunyaka 20 ____ ngunothimba ngesigunyaziso sokuthimba esakhutshwa yilenkundla ngomhla ____ inyanga ____ 20 ____, kwisimangalo apho otyalwayo wagwetyelwayo kwisixa semali esingama R ____ . ngokuchasene (notyalayo) nesakhiwo sathengiswa kwintengiso yokuthinjweyo ngomhla ____ inyanga ____, 20 ____ ekwagwetywayo kuyo.

Ngalomhla ____ kolusuku lwama ____ 20 ____

Unobhala wenkundla ephakamileyo okanye owekamantyi

Inani. 36 - Iisamana zomngeneleli

[Icandelo 69(2)(a) lomthetho 32 ka 1944]

Kwinkundla kamantyi yesithili/nqila ye ____ ebanjwe e ____ - Inani letyala ____ lika 20 ____

Ku nothimba wenkundla :

Njengoko u ____ wase ____ engenelele kulenkundla nje ____ (khankanya umongo webango) nebangwa ngokuchaeneyo ngu ____ wase ____ ukususela oku ababizwa njengababangi ;
Memela aba babangi ngeesamana ukuba bavele phambi kwalenkundla ngomhla ____ inyanga ____ 20 ____ ngexesha ____ ukuza ngokwahlukileyo bacacise ngohlobo neenkukacha zamabango abo awahlukeneyo nokuba bayaqhubeka na okanye bayawayeka amabango abo.

Ngalomhla ____ kolusuku lwama ____ 20 ____

Unobhala wenkundla ephakamileyo okanye owekamantyi

Inani. 37-I sibambiso phantsi komgaqo 38

Kwinkundla kamantyi yesithili/nqila yase ____ ebanjelwe e ____ Inani letyala ____ 20 ____

Kwimbambano phakathi

____ Ukufezekiswa komyalelo wokuthimba

Umtyalwa

no

____ Ukufezekiswa komyalelo wokuthimba

Otyalayo

Njengoko lotyalwayo wagwetyelwa kulenkundla ngokuchasene notyalayo ngomhla ____ inyanga ____ 20

____ isixa sama R ____ kunye nama R ____ eendleko

Kwaye njengoko isigwebo sokuthimba sikhutshiwe kwaye nesakhiwo/ityala/uxhuzulo emvuzweni luzithinjiwe ;

Ke ngoko otyalwayo uyazibophelela kunothimba wenkundla ekhankanyiweyo ekubeni ukuba uthimbo lunga bekelwa bucala emva koku, uyakuphumeza naliphi na ibango ngakuye ngenxa yolothimbo lotyalwayo ngomonakalo oyakubangela ilahleko kotyalayo ngenxa yolothimbo ;

Kwaye uyazibophelela njengommeli nomtyali kunye wemali engadkluliyo kuma R_____eyeyoku fezekisa ngolothimbo ngulowo utyalwayo ngokuzibophelela.

Ngalomhla_____kolusuku lwama_____20_____,

Otyalwayo

Amangqina :

1._____

Ukutyikitywa ne dilesi

Ummeli nemlingane omkhulu etyaleni

2._____

Ukutyikitywa ne dilesi

QAPHELA. Apho isibambiso isesentlawulo yeemali ezithinjwe ngokutsalwa emvuzweni, ifomu efanayo kufuneka isetyenziswe Amagama, 'buyisa imali ezeleyo ehlawulwe ngomyalelo woxhuxhuzulo-mvuzo' indawo yawo ethatyathwa ngala 'fezekisa intlawulo egunyazisiweyo ngokuchasene naye lowo utyalayo oyakubangela ilahleko kotyalayo ngenxa yolothimbo.'

Inani. 38 -Umyalelo Woxhuzulo-Mvuzo-icandelo 65J womthetho weeNkundla zikaMantyi uMthetho wowe 1944 (uMthetho 32 yowe 1944)

ISAZISO ESIBALULEKILEYO :

INGQALELO YAKHO YALATHISWA kwicandelo 65J(3) loMthetho weeNkundla zikaMantyi,1944 (lifundwa kunye necandelo3(1) loMthetho wooNothimba, 1986), omisela ukuba ngunothimba kuphela onokunikezela ngalomyalelo woxhuzulo-mvuzo ngendlela emiselwe ngumgaqo 9 we Migaqo yeNkundla kaMantyi Unikezelo lalomyalelo ngumntu ongengonothimba owonyulwe phantsi kwecandelo 2 loMthetho wooNothimba yowe 1986, lulwaphulo lomthetho phantsi kwecandelo 60(1) (gA) lomthetho wooNothimba , 1986, kwaye kulwenza olo nikezelo lungabi na sibophelelo somthetho. Umntu ofunyenwe enetyala lokwphula umthetho phantsi kwecandelo 60 (1)(gA) womthetho wooNothimba, 1986, uyakubanetyala lentlawulo yemali okanye ukuthunyelwa entilongweni ixesha elingedlulanga kwiminyaka emithathu okanye zombini loontlawulo nokuthunyelwa entilongweni

INGQALELO YAKHO YALATHISWA NGOKUNGAPHAYA kwicandelo 65J(6) loMthetho weeNkundla zooMantyi, 1944, emisela ngoluhlobo :

"ukuba, emva konikezelo lalomyalelo woxhuzulo lwezavenge zemali emvuzweni nasekuxhuzulweni komvuzo, ibonisiwe ukuba otyalayo,emva kokufezekisa umyalelo wokuxhuzulwa kwezavenge zetyala emvuzweni, awuyi kwanela isondlo sakhe kunye nesabaxhomekeke kuye Inkundla iyakuwurhoxisa lomyalelo okanye iwulungise ngendlela eyakwenza kuphela ukuba Intsalela yemali exhuzulwe emvuzweni wonetyala ubengaphezulu kunokuba ubunjalo ngokwaneleyo."

Kwinkundla kamantyi yesithili/nqila yase_____

ebanjelwe e_____Inani letyala_____20_____

Kwimbambano phakathi

Ogwetyelweyo otyalwayo

no

Ogwetyiweyo otyalayo.

____linkcukacha zokuphawulwa kogwetyiweyo otyalwayo kuquka inani lakhe lesazisi kunye nelomsebenzi okanye usuku lwakhe lokuzalwano idilesi .

Mmyalelo wokuxhuzulwa komvuzo wakhe.

____Idilesi yotsalelwa imali nyanga nenyanga emvuzweni____

Njengoko enziwe ukuba avele kwindla ekhankanywe ngasentla lomali ixhuzulwa emvuzweni ngoku nakwixa elizayo etyalwa ngogwetyiweyo otyalayo ngenxa yomyalelo woxhuzulo-mvuzo nasemva kokufezekiswa komyalelo olandelayo ngeendlela ezaneleyo uya uyakushiywa kogwetyiweyo otyalayo ukuba azondle kunye nabaxhomekeke kuye ;

Kuyalelwa :

(1) Ukuba loo mali ixhuzulwe emvuzweni ;

(2) Ukuba oxhuzulelwa imali emvuzweni kulungiselelwa ogwetyelweyo otyalwayo okanye igqwetha lakhe ngomhla ____wayo yonke inyanga /veki emva kwalomyalelo unikiwe imali engange-yeemali ezixhuzuleyo kogwetyiweyo otyalayo de ibe imali eyaneleyo ihlawulwe ngokwanelisa isigwebo okanye umyalelo ofunyenwe ngokuchasene nogwetyiweyo otyalayo ngenxa yogwetyelweyo otyalwayo enkundleni e .ngomhla wenyanga yowe____Neendleko ezifikelel kuma R____Ityikitywe ngomyalelo wenkundla emali engama R____neendleko zenkqubo yokuthimba____, 20____(apho isigwebo okanye umyalelo imali engangee R____isele ingekahlawulwa) nengama R____eyintlawulo kanothimba.

Ngalomhla____kolusuku lwama____20____,

Ngomyalelo wenkundla,

____Unobhala wenkundla ephakamileyo okanye owekamantyi ____Ogwetyelweyo/igqwetha logwetyelweyo otyalwayo ____Idilesi yogwetyelweyo/igqwetha logwetyelweyo otyalwayo

Inggalelo yalathiswa kwicandelo 65J(10) loMthetho weeNkundla zooMantyi, 1944, nefundeka ngoluhlobo : "nawuphi na ekuyalelwe ukuba axhuzulelwe imali emvuzweni, ngenxa yezinto awayenzelwe zona ngesithembiso sokuhlulwa ngokuthatyathwa kwemali emvuzweni anga buyekezwa kwimali yogwetyelweyo otyalwayo neyikhomishini esisihlani=u ekhulwini kuzo zonke iimali ezixhuzulweyo kogwetyiweyo otyalayo limali ezixhuzulwa ngezokhomishini kwimali ehlawuleka kogwetyelweyo otyalwayo."

Inani. 39-Umyalelo wokuxhuzulwa komvuzo-icndelo lomthetho weeNkundla zika Mantyi, 1944 (32 ka 1944)

Kwinkundla kamantyi yesithili/nqila yase____

ebanjelwe e____Inani letyala____20____

Kwimbambano phakathi

____Umtyalwa

no

____Ogwetyelweyo otyalwayo

Isigwebo setyala

____linkcukacha zokuphawulwa kogwetyiweyo otyalwayo kuquka inani lakhe lesazisi kunye nelomsebenzi okanye usuku lwakhe lokuzalwano

____umyalelo wokuxhuzulwa komvuzo wakhe.

____Idilesi yotsalelwa imali nyanga nenyanga emvuzweni

Njengoko enziwe ukuba avele kwindla ekhankanywe ngasentla lomali ixhuzulwa emvuzweni ngoku nakwixa elizayo ogwetyiweyo otyalayo ngomyalelo wokuxhuzulelwa umvuzo

Kuyalelwa -

(1) ukuba ityala elikhankanyiweyo lthatyathwe ;

(2) ukuba ekuyalelwe ukuba kuxhuzulwe imali emvuzweni wakhe kogwetyelweyo otyalwayo okanye kwigqwetha lakhe loomali yetyala njengoko onokwanela isigwebo okanye umyalelo ofunyenwe ngokuchasene nogwetyiweyo otyalayo ngenxa yogwetyelweyo otyalwayo enkundleni e_____ngomhla_____20_____esisixa sama R_____(apho isigwebo okanye umyalelo wesixa esingama R_____asele egekahlawuleki) kunye neendleko zenkqubo yenkundla yothimbo eya kuma R kananjalo nama R entlawulo kanothimba.

Ukuba ekuyalelwe ukuba axhuzulelwe imali emvuzweni uyasilela ukuhlawula ogwetyelweyo otyalwayookanye igqwetha lakhe, uyakuvela enkundleni ngomhla_____wenyanga_____20_____e_____(ixesha) ngolusuku_____ayokubonisa isizathu sokuba kutheni engahlawuli njengoko eyalelwe.

Ngalomhla_____kolusuku lwama_____20_____.

Ngomyalelo wenkundla_____

Unobhala wenkundla ephakamileyo/Unobhala wenkundla kaMantyi_____Ogwetyelweyo/igqwetha lesigwebo

Umtyalwa

_____(idilesi)

Inani .40-Isaziso sokuvela enkundleningokwemiqathango yecandelo 65A(1) lomthetho weeNkundla zika Mantyi,1944 Umthetho 32 ka 1944)

Kwinkundla kamantyi yesithili/nqila yase_____

ebanjelwe e_____Inani letyala_____20_____ -

Kwimbambano phakathi

_____Ogwetyelweyo otyalwayo

no

_____Ogwetyelweyo otyalwayo

Ku : _____

_____(ukuba ogwetyelweyo otyalwayo uyinkampani kufuneka ibonakaliswe eyokuba umntu onoxanduva lwayo unikiwe iisamana ezimbizela enkundleni buqu okanye njengo mele inkampani leyo.)

Uyafuneka uze kuvela phambi kwenkundla ekhankanywe ngentla ngomhla_____ka_____20_____e_____(ixesha) ukwenzela ukuba inkundla yenze uphando Ngemeko yezemali yakho/yenkampani nokwenza lo myalelo njengoko inkundla iyakufumane kububulungisa nokungenamkhethe, njengoko u/i silele/ isilele inkampani ukwanelisa -

(a) isigwebo salenkundla_____sokuhlawula amaR_____needleko ezingamaR_____; okanye umyalelo obuwunikiwe/inkampani ebiwunikiwe ngowama_____20_____okanye intlawulo yesixa semali R_____

(b) engumyalelo walenkundla_____20_____ukuba wena/inkampani wokuba ihlawule ngezavenge zemali engama R_____

kunye neendleko kwiintsuku ezili 10 yomhla esanikwa ngawo isigwebo okanye_____

intsalela yetyala ngoku eyimali engangama R_____kunye nama R_____eyintsalela yeendleko engama R_____

Kufuneka ngokungaphaya unikezele ngenkcazo ezeleyo kulenkundla-

(a) yeemapahla zakho/zenkampani

(b) ingeniso yenyanga/yomvuzo wakho nowenkitho, zixhaswe zncwadi ezibubungqina ziquka nengxelo yalongeniso ngumqeshi inika linkcukacha ezipheleleyo zeemali ozizuzayo kunye, apho iyinkampani , ingxelo yamva nje yengeniso nenkcitho yayo

(c) noku kulandelayo : _____

Isaziso :

(1) Ukuba inkundla yanelisekile ngezizathu ezaneleyo zobungqinq obungaphaya

(a) ukuba unolwazi lwesaziso ekubhekiswa kuso kwicandelo 65A(1) lomthetho kwaye usilele ukucela inkundleni ngomhla nexesha elikhankanywe kwisaziso ; okanye

(b) wena emva kokuba inkqubo yenkundla yamiswayo ukhona imiselwa umhla nexesha elalizakubekwa yinkundla, wa silela ukucela phambi kwenkundla ngalomini nexesha ; okanye

(c) wasilela ukuhlala ulindle kwinkqubo yenkundla okanye ngexesa lokumiswa kwayo.

inkundla ingathi, ngesicelo sogwetyelweyo okanye igqwetha lakhe igunyazise ukukhutshutshwa kwencwadi yesigunyaziso eyalela ukuba unothimba Akubambe akuzise phambi kwenkundla efanelekileyo ukwenzela ukuba lonkundla yenze uphando ngeemeko zakho zemali. icandelo 65A(6) lomthetho

(2) Nawuphi na umntu o-

(a) umenyelwa enkundleni ngesaziso ngokwemiqathango yecandelo 65A(1) okanye 65A(8)(b) omthetho (apho unothimba, endaweni yokubamba umntu, anikezela kulomntu isaziso esibhaliweyo sokuba avele enkundleni) nothi ukuba usilele ngamabom ukucela ngomhla nexesha elikhankanywe kwisaziso ; okanye

(b) apho akhoyo inkqubo yokuyiwa kwetyala limiselwe kumhla nexesha eliya kumiswa yinkundla, asilele ukucela phambi kwenkundla ngalomini nexesha ; okanye

(c) ngabom asilela ukuhlala elindle kwinkqubo yenkundla okanye ngexesa lokumiswa kwayo. uyakuba netyala lokwaphula umthetho kwaye ekugwetyweni kwakhe ahlawuliswe imaii okanye agwetyelwe ukuhlala entilongweni ixesha elingedlulanga kwiinyanga ezintathu. [Icandelo65A (9) lomthetho]

Ngalomhla _____ kolusuku lwama _____ 20 _____

Ogwetyelweyo otyalwayo/Igqwetha

Otyalwayo ogwetyelweyo _____

Unobhala wenkundla ephakamileyo okanye owekamantyi

Inani. 40A-Isigunyaziso sokubanjwa ngokwemiqathango yecandelo 65A(6) lomthetho weNkundla zika Mantyi, 1944 Umthetho 32 ka 1944. 32 wonyaka 1944)

Kwinkundla kamantyi yesithili/nqila _____ ebanjwe e _____ Inani letyala _____ lika 20 _____

Kwimbambano phakathi

_____Ogwetyelweyo otyalwayo

no

_____Ogwetyelweyo otyalwayo

Isigunyaziso sokubamba

Kunothimba, _____

Uyalelwa ukuba ubambe _____ (otyalayo ogwetyelweyo nokhankanywe ngaphezulu/umlawuli okanye igosa lokhankanywe Ogwetyelweyo otyalayo) ne-

(a) wasilela ukucela phambi kwenkundla e(indawo) ngo (umhla) 20 ukuphumeza iziqulatho zesaziso ngokwemiqathango yecandelo 65A (1) lomthetho* ;

(b) wasilela emva kwenkqubo eyamiswa ekhona enkundleni ngo _____ we _____ 20 nge (ixesha), ukucela ngomhla nexesha*,

(c) wasilela ukuhlala ekhona kwinkqubo yenkundla____ngo kwi____20____/yokumiswa kwetyala elalbanjwe enkundleni____ngo kowe____20____*,

umzise ngokukhawuleza kangangoko ngexesha elilelona lifanelekileyo phambi kwenkundla ekwisithili apho abanjwe khona ukuba kuyakwazeka ukumzisa kwinkundla ekhankanyiweyo, angavalelwa nakuliphi na iziko lamapolisa ade avele phambi kwalonkundla Icandelo 66(2)(a) lomthetho 32 ka 1944

Ngalomhla____kolusuku____lwama____20____

Ogwetyelweyo otyalwayo/Igqwetha

Ogwetyelweyo otyalwayo

Idilesi:____

Amanani emfono-mfono : ____

Amanani efeksi.____

Unobhala wenkundla ephakamileyo okanye owekamantyi Amanani emfono-mfono : ____

Amanani efeksi.____

*Susa konke okungafunekiyo

Inani.40B-Isaziso sokuvela enkundleni ngokwemiqathango yecandelo 65A(8) (b) lomthetho weeNkundla zika Mantyi,1944 (Umthetho 32 wonyaka 1944)

Kwinkundla kamantyi yesithili/nqila yase____

ebanjelwe e____Inani letyala____20____

Kwimbambano phakathi

____**Ogwetyelweyo otyalwayo**

ne

____Ogwetyiweyo otyalayo

Ku : ____ (Igama)

____ (Idilesi yokuhlala)

____ (Umsebenzi/Ukuma ekuhlaleni)

Uyalelwa ukuba uvele phambi kwenkundla e____ (indawo)____ (usuku) nge____ (ixesha)

ukwenzela ukuba inkundla ikwazi ukuphanda ngemeko yemali yakho/yenkampani ngokwe miqathango yecandelo 65D lomthetho.

Isaziso :

Ukuba uthe wasilela ngamabom ukuvela enkundleni ekhankanyiweyo ngomhla nendawo exeliweyo, okanye wasilela ukuhlala ulindile kwinkqubo yalenkundla, uyakufunyanwa unetyala lokwaphula umthetho kwaye ekugwetyweni kwakho wohlwaywe gentlawulo yemali okanye ukuthunyelwa entolongweni ixesha elingedlulanga kwiinyanga ezintathu [Icandelo 65A (9) lomthetho]

Ngalomhla____kolusuku lwama____20____

Unothimba wa____

ISIQINISEKISO

Mna____, nothimba /sekela-nothimba wase____ ndiyaqinisekisa ukuba ndinikezele ngoqobo lwesi saziso

ku____ kwaye ndacacisa kuye ukubaluleka koko.

Unothimba wa_____

Zimbini uqobo luya ku

Nobhala wenkundla ephakamileyo/ owekamantyi_____

Inani.41-Isaziso sokubekela bucala inkqubo yenkundla emisiweyo phantsi kwecandelo 65E(3) loMthetho Weekundla, 1944 (Umthetho 32 ka 1944)

Kwinkundla kamantyi yesithili/nqila yase_____

ebanjelwe e_____. Inani letyala_____20_____.

Kwimbambano phakathi

_____Ogwetyelweyo otyalwayo

no

_____Ogwetyiweyo otyalayo

Ngesandla/ngencwadi yerejista

Ku : (1)

(Ogwetyiweyo otyalayo)

(2) Unobhala wenkundla ephakamileyo okanye owekamantyi_____Qaphela ukuba inkqubo echasene nawe yenkundla, wena ugwetyiweyo otyalayo okhankanywe ngentla, eyamiswa ngomla_____kwi_____yowe_____20_____ngokwemiqathango yecandelo 65E(1) lomthetho weeNkundla zooMantyi, 1944, iphinde yabekwa kuluhlu lweNkundla ekhankanywe ngasentla. Uyayalelwa ngoko ngalencwadi phantsi kwemiqathango yecandelo 65E(3) yomthetho ukhankanyiweyo, ukuba uvele kwinkundla engentla

ngo_____ku_____20_____e_____ (ixesha)

Ngalomhla_____kolusuku lwama_____20_____

Ogwetyelweyo/igqwetha logwetyelweyo otyalwayo

Idilesi yogwetyelweyo/igqwetha logwetyelweyo otyalwayo

Inani 42-Isaziso ngokomgaqo 58(2)(a)

KWINKUNDLA YENQILA' KAMANTYI YASE

EBANJELWE E_____INANI LETYALA: _____

Kwimbambano phakathi

_____Umenzi wesicelo.

ne

_____Ummangalelwa

Kummangalelwa -okhankanywe ngasentla:

QAPHELA ukuba, ukuba ufuna ukuphikisa eli bango kufuneka kwiintsuku ezili 10 unikele impendulo kunobhala walenkundla, Umnike idilesi apho kunokuthunyelwa khona onke amaxwebhu enkundla ekubhekiswa kuwo kumgaqo 55(1)(i) nekopi yawo kumenzi wesicelo okanye igqwetha lakhe. Ukuba awukuphumezi okukhankanywe ngentla , uyakuthintelwa ngaphandle kokwaziswa ekuphikiseni ibango nesigwebo singawiswa kuwe njengoko kuceliwe enkundleni. Ipendulo kufuneka ibonise

Ukuba zeziphi iziphakamiso kwinkcazelo yowenza isicelo ozamkelayo okanye oziphikisayo kwaye ubonise ngkufutshane izizathu ophikisa phezu kwazo.

Ngalomhla_____kolusuku lwama_____20_____

Umenzi wesicelo/Igqwetha lomenzi wesicelo

Idilesi yokwamkela iincwadi zenkundla :

Inani 43-Isaziso kwicala lesithathu.

KWINKUNDLA KAMANTYI YESITHILI/NQILA YASE

ELIVIWA E INANI LETYALA : _____

Kwimbambano phakathi :

Ummangali

ne

Mmanglelwa

ne

Icala lesithathu

KWICALA LESITHATHU ELIKHANKANYWE :

QAPHELA ukuba lommangali ukhankanywe ngasentla uqalise inkqubo yenkundla ngokuchasene nommangalelwa okhankanywe ngentla efuna isibionelelo njengoko kubonisiwe kwiisamana, ikopi yayo ethunyelwa nesi sicelo. Ummangalelwa okhankanywe ngasentla ubanga igalelo okanye ukukhutshwa kwisibophelelo(okanye ezo zizathu njengoko zinokwanela ukuthethelela isaziso secala lesithathu) ngezizathu ezibonisiwe kokuqhotyoshelweyo.

Ukuba uyaziphikisa ezi zizathu okanye ibango likammangali elichasene nommangalelwa kufuneka unike isaziso seenjongo zZokuzithethelela kwiintsuku. Eso saziso kufuneka sibhalwe kwaye sinikezelwe kunobhala wenkundla nekopi yaso ku Mmangalelwa okhankanywe ngaphezulu. Kufuneka inike idilesi ekubhekiswa kuyo kumgaqo 13(3) apho imbalelwano yenkundla, unobhala namacala kwibango inokuthunyelwa khona. Kwintsuku ezingama 20 emva kokunika kwakho esosaziso kufuneka unikezele impendulo kwi bango likammangalelwa elichasene nommangalelwa okanye impendulo kammangalelwa ngokuchasene nawe.

Ngalomhla _____ kolusuku lwama _____ 20 . _____

Igqwetha lommangalelwa. (idilesii

Ku : _____

Igqwetha lommangali (idilesii)

Inani. 44-Isicelo somyalelo wokulawulwa kweemali -Icandelo 74910 lomthetho weeNkundla zikaMantyi, 1944(umthetho 32 ka 1944)

Kwinkundla kamantyi yesithili/nqila ye ebanjwe phakathi ebanjwe e _____ Inombolo yetyala _____ lika 20

ISICELO SOMYALELO WOKUPHATHWA KWEEMALI ZOMNTU NGOMNYE _____. (Amagama azeleyo kunye nefani)

Ku 1. nobhala wenkundla ephakamileyo okanye owekamantyi _____

2. _____

Qwalasela ukuba ndiza kwenza isicelo kwinkundla ekhankanywe ngasentla ngomhla _____, 20 _____, nge _____(ixesha), somyalelo olungiselela ulawulo lwezinto zam phantsi kwemuqathango yecandelo 74 lomthetho

weeNkundla zikaMantyi,1944

Inkcazo ezeleyo yeemeko zam eziqinisekiswa yingxelo efungelweyo ukuxhasa esi sicelo iqhotyoshelwe apha.

Ngalomhla _____ kolusuku lwama _____ 20 _____

Umenzi wesicelo.

Idilesi ezeleyo_____

QAPHELA. Icandelo 74 (5) lomthetho weeNkundla zikaMantyi,1944, umisela ukuba umenzi wesicelo uyakunikezela kuye ngamnye waba Tyalayo ubuncinane iintsuke ezi 3 phambi komhla onyulelwe ukuviwa kesicelo, buqu okanye ngencwadi eqinisekisiweyo yaseposini kwaye Inkcazo yeemeko (foumu 45) apho kuyakuvela inani lombango esifakwe apho isicelo sinikezelwe safayilwa khona.

Inani. 45-inkazo yeemeko zommangalelwa kwisicelo solawulo phantsi kwecandelo 65 1 (2) okanye 74A lomthetho wee nkundla zika Mantyi ka 1944. 32 wonyaka 1944)

Inani letyala_____20_____

Kwisicelo solawulo (emva koku ekubhekiswa kulo njengowenza isicelo)

1. Ifani yowenza isicelo_____

Amagama okuqala_____

Umhla wokuzalwa_____inani lesazisi_____

2. (Idilesi yokuhlala)_____

3. Imeko yokutshata_____Ukuba utshatile, xela ukuba utshate ngaphandle na okanye phakathi

kokuhlanganisa iimpahla._____

Amagama azeleyo_____eqabane _____

Umhla wokuzalwa_____inani lesazisi

Ukuba umenze wesicelo neqabane bahlala ngokwahlukeneyo. Xela ukuba ukususela nini_____

4. Abaxhomekeke kuwe : Amagama azeleyo Ubudala ukuzalana

5. Igama nedilesi yomqeshi Umenzi wesicelo.

6. Ukuba awuphangeli nika izizathu : Umenzi wesicelo.

Iqabane :

7. Uhlobo lomsebenzi : Umenzi wesicelo.

Iqabane :

8. Ingeniso epheleleyo

Umenzi wesicelo:_____Ngeveki/nyanga

Iqabane :_____Ngeveki/nyanga

9. Iinkcukacha zako konke okuxhuzulweyo kumvezo (ngendlea yokutsalwa kwesosavenge ngeveki/nyanga okanye ngenye indlela) ixhaswe kangangoko ngenkcazo ebhaliweyo ngumqeshi :

Umenzi wesicelo: Iqabane:

Iinkcukacha :

R isixa semali Iinkcukacha

R isixa semali

Zidibene

Zidibene

10. Iinkcukacha ezithe vetshe nezifunekayokwinkcitho yeveki neenyanga, iquka iindleko zesithuthi : Umenzi wesicelo (kuquka nabaxhomekeke kuye) Iqabane :

Inkcukacha

imali

R Inkcukacha

mali

R

Zidibene

Zidibene

11. Inkcukacha ezizeleyo, zixhaswa yingxelo neekopi zesivumelwano, seempahla ezithengiweyo phantsi

kwezivumelwano zentengo-ngqesho ngokwemiqathango yoMthetho weNtengo-Ngqesho,1942(36 ka 1942), okanye izivumelwano phantsi kwemiqathango yomthetho weZivumelwano Zamatyala,1980 (inombolo yomthetho 75 ka 1980) okanye umthetho KaZwelonke we Mboleko,2005 34 ka 2005, kwaye ayihawullelwanga ngokupheleleyo

R R

Iinkcukacha (imali yentenge maychazwe)Intsalela yezavenge ezihlawuleka ngeeveki/nyanga Umhla apho ziyakuhlulwa ngesizathu esizeleyo kutheni kufuneka ulungiselelo lwenziwe kwizavenge ezizeleyo

R R

12. Iinkcukacha ezizeleyo zeempahla ezithengwe phantsi kwesivumelwano esibhaliweyo(ngaphandle kwesivumelwano ekubhekiswa kuso kwingongoma 11) ezinga hlawulelwanga. Iinkcukacha (imali yentenge maychazwe)Intsalela yezavenge ezihlawuleka ngeeveki/nyanga Umhla apho ziyakuhlulwa ngesizathu esizeleyo Umyalelo wolawulo kufuneka ulungiselele intlawulo yoko

R R

13. Iinkcukacha ezizeleyo nexabiso eliqikelelwayo lesibambiso abatyalwayo abayakuba naso endaweni yamatyala umenzi wesicelo Okanye iqabane lakhe eliwatyalayo(igama nedilesi lakhe nawuphi na omnye umntu, ngaphezu kotyalayo,unobutyala maka Khankanywe naye):

14. Iinkcukacha ezizeleyo zesakhiwo nomhlaba womenzi sicelo wesicelo esisibambiso setyala lebhanki: Isibambiso sebhanki

Idilesi

Ingcaciso yexabiso lentsalela yentengiso yezibophelelo nemihla eziya kuhlulwa ngokuzelelo ngawo ngezavenge ezihlawulekayo izizathu zokuba kutheni Umyalelo wolawulo kufuneka ulungiselele intlawulo yoko R R

15. Iinkcukacha zendlu yowenza isicelo okanye iqabane: Ingcacisa yemal eqikelelwa R

16. Iinkcukacha ezizeleyo zamabango aseleyo, iingxelo yemali etyalwayo, imali ezibekelwe ilixa elizayo, amatyala eebhanki nezinye izibophelelo ezincedisana nomenzi wesicelo, ukugcina imali eyogcino mali okanye enye ingxowa ekwibhanki

Igama nedilesi yommangalelwa okanye iqumrhu Iinkcukacha zemali

R

17. Yonke ipahla engekachazwa, kuquka nethengengiswa komatheng' ethengisa, enesibophelelosebhanki, exhomekeke ekubambeni isixa semali okanye ethinjweyo ngunothimba ngomyalelo wenkundla:

Inkcazo yexabiso eliqikelelwayo nohlobo lwesibophelelo ukuba sikhona imali yetyala elinesibophelelo Igama nedilesi yotyalwayo Esanzelwa yena isibophelel R R

18. Ukuba umyalelo wolawulo wawukhe wawunikwa nangaliphi na ithuba.

Umha wokuphelelwa____okanye ukubekela ecaleni_____

Izizathu_____

19. Ukuba umyalelo wolawulo unikeziwe chaza ixabiso ngeveki, inyanga okanye ezinye izavenge Izithembiso zokuhlulwa ekugqibeni onke amatyala akhankanyiweyo kuluhlu lwabantu abatyalwayo kokuqhotyoshelweyo kulengxelo:

R____nonobangela ukusukela____kwiveki /inyanga ema koko,okanye_____

ku

mna_____

ku_____

Ndibhengeza phantsi kwesifungo

(1) ndingowenza isicelo.

(2)Isigwebo/izigwebo zifunyenwe ngokuchasene nam kwaye andikwazi ukuqhubeka ndizihlawula ngenxa yeemeko zam zemali zam, okanye andikwazi

Iimali ekufuneka ndizihlawule

(3) nandina zinto zaneleyo ezinokuthinjwa ukwanelisa iziqwebo okanye amatyala.

(4) Indibaniselano yamatyala endinawo ewonke ayiwadluli ama R50 000.

(5) Zonke iinkcukaacha eziqulathwe kulenkcaza nakuluhlu lwabantu endibatyalayo kokuqhotyshelweyo kulengtxelo, neemali
Endifanele ukuzihlawula kubo bahlukene, kulwazi, lwam, lunyanisekile kwaye lufezekile kwaye inkcazo linkcukacha, iimpahla, ingeniso namatyala am neqabane kuquka nezibophelelo.
Ukutyikitya

1. Ndiyaqinisekisa ukuba phambi kokufungisa owenza isifungo ndimbuze lemibuzo ilandelayo ndaza ndayibhala phantsi kunye

Neempendulo zakhe ekhona:

- (a) uyazazi kwaye uziqonda iziqulatho zesisibhengezo? _____
(c) Unayo na inkcaso ekuthatheni isifungo? _____
(c) Usithatha ngokuba siyakubophelela isifungo kwisazela sakho? _____

2. Umenzi wesifungo uyazisa ukuba uyazazi kwaye eziqonda iziqulatho zale ngxelo ifungelweyo, Neyafungelwa phambi kwam nokutyikitya kwakhe kweenziwa ndikhona

Umkhomishinala wezifungo

Ummandla

Isikhundla ukuba unyulwe njenge gosa

OKUQHOTYOSHELWE KWINKCAZO YEEMKO (FOMU45)-ULUHHLU LWABATYALWAYO

Igama elizeleyo nedilesi yotyalywayo uhlobo lebango intsalela umhla wegawulo umhla ehlawuleka ngawo imali ehlawuleka ngezavenge ngeveki/ ngenyanga Inombolo tyala

Ukuba inkundla iwunikile umyalelo webango, inkcukacha ezizeleyo ngomyalelo, kuquka, iinkcukacha zeemali ezixhuzulwa emvuzweni ngokomyalelo woxhuzulo-mvuzo umhla wentsalela apho izibophelelo ziphelayo

R

Ingqwalasela yalthiswa kwiziqulatho zecandelo 74A(2)(e) womthetho weNkundla zika Mantyi, 1944. Bonke abenzi bezicelo and their addresses must be stated in the list in which a clear distinction shall be made between

(i) amatyala , isixa semali epheleleyo etyalywayo, iquka amatyala eziglawuleka ngezaveng ngokomyalelo wenkundla umyalelo wenkundla wokutsalwa imali emvuzeni ; izimiso eziya kuhlawuleka kwixa elizayo ngentlawulo yamaxesha athile okanye

(ii) ngenye indlela okanye zizakuhlawuleka phantsi komyalelo wokuhlawula isondlo, isivumelwano, utsalo yi banki okanye nangayiphina indlela nendlela yokokuhlawula namathuba icacisiwe ngokwe meko nganye okanye xa izimiso ziyakuhlawuleka nendlela eziya kuhlawulwa ngayo intsalela kwi meko nganye kunye naxa izimiso ziya kuphela.

Inani 46 - Isiqinisekiso sonikezelo lwamazwe angaphandle

Mna, , nobhala wenkundla ephakamileyo okanye unobhala wenkundla yenqila okanye yesithili kamantyi ngekwenjenje ndiyaqinisekisa ukuba la maxwebhu alandelayo Aqhotyeshelweyo:

(1) Isicelo soqobo sokunikezelwa kwenkqubo okanye isaziso esifunyenwe kwilizwe, ummandla okanye inkundla) Kwimbambano

Ephakathi _____ ko _____

(2) inkqubo efunyenwe nesosicelo;

(3) iphepha elibonisa ukunikezelwa kwencwadi zenkundla _____ kumntu okhankanywe kweso sicelo, kunye nesiqinisekiso se _____

Ndiyaqinisekisa kwakhona ukuba unikezelo oluqinisekisiweyo lolo lufunekayo ekufezekisweni kwemigaqo yeeNkundla zooMantyi

Ndiyaqinisekisa ngokungaphaya ukuba iindleko zoko kunikezela , okuqinisekisiweyo lligosa elibala iingxelo zentlawulo zeenkqubo zalenkundla, zixabisa isixa semali esi R _____

IBHALWE YATYIKITYWA PHANTSI KWESANDLA SAM, yagximfizwae _____ ngale mini ye _____, 20 _____

Unobhala wenkundla ephakamileyo /Unobhala wenkundla yenqila/Unobhala wenkundla yesithili ka Mantyi Isigximfizi

Inani. 47- Isaziso esiya kotyalayo sokuba otyalwayo ufake ibango letyala emva kokuninikwa umyalelo wolawulo.

Kwinkundla kamantyi yesithili/nqila yase____
ebanjelwe e____ Inani letyala____ 20____
Ku :____(Otyalayo)
____(idilesi)

Kwakhona qaphela ukuba
(igama nedilesi yotyalwayo) ufake ibango phantsi kwemiqathango yecandelo 74G(2) lomthetho weeNkundla zikaMantyi, 1944 R____malunga ne____(inkcukacha zebango) ezingekho kuluhlu lomyalelo wolawulo owenziwe ngokuchasene nawe ngomhla____Kumhla we____20____kwi nkundla ka mantyi e

Nceda undazize ngokubhaliweyo ukuba uyalamkela na okanye uliphikisa na eli bango ngomhla okanye phambi komhla____we____20____Nceda uqaphele ukuba, ukuba uyaliuma ibango okanye kungabikho mpendulo ifunyanwayo kuwe ngomhla okhankanyiweyo eli bango liyakuthathwa ngokuba liphunyeziwe, kuxhomekeke kwilungelo lomnye umntu ongafumananga saziso sebango lokuphikisa ityala oluhlu lwamagama abanru obatyalayo abahlulelana ngokolinganiso kwintlawulo eyenziwe nguwe phantsi komyalelo Wolawulo.

Ngalomhla____kolusuku lwama____20____

Umlawuli

Inani. 48- Isaziso sokongezelela omnye otyalwayo kuluhlu lwabantu abatyalwayo balowo ufakwe elulawulweni

Kwinkundla kamantyi yesithili/nqila yase____
ebanjelwe e____ Inani letyala____ 20____
Ku :____(Otyalayo)
____(idilesi)

Kwakhona qaphela ukuba-

(igama ne dilesi yotyalayo) ofake ibango lesixa semali esiya R malunga (inkcukacha zebango) ngenxa yo Kuba eye wangotyalwayo emva kokuba umyalelo wolawulo eye wakhutshwa ngokuchasene nawe ngomhla____we____20____kwi nkundla ka mantyi e____

Nceda undazize ngokubhaliweyo ukuba uyalamkela na okanye uliphikisa na eli bango ngomhla okanye phambi komhla we 20 Nceda uqaphele ukuba Nceda uqaphele ukuba ukuba uyaliwuma ibango okanye kungabikho mpendulo ifunyanwayo kuwe ngomhla okhankanyiweyo eli bango liyakuthathwa ngokuba liphunyeziwe, kuxhomekeke kwilungelo lomnye umntu ongafumananga saziso sebango lokuphikisa ityala kwaye liyakongezwa kuluhlu lwamagama abanru obatyalayo abahlulelana ngokolinganiso kwintlawulo eyenziwe nguwe phantsi komyalelo Wolawulo.

Ngalomhla____kolusukulwama____20____

Umlawuli

Inani. 49 - Isaziso sokongezelela omnye otyalwayo kuluhlu lwabantu abatyalwayo balowo ufakwe elulawulweni.

Kwinkundla kamantyi yesithili/nqila yase____
ebanjelwe e____. Inani letyala____ 20____

Ku: nobhala wenkundla ephakamileyo okanye owekamantyi

Imiyalelo yokuthatyathwa kolawulo____

Nceda wongeze igama lika____ukusukela____kumyalelo wolawulo wesixa semali ntlawulo e R
____njengotyalwayo kuluhlu lwabatyalwayo kwizahlulo ezilinganayo zentlawulo malunga____

Kumhla____e____,20____

Umlawuli

Inani. 50 - Isaziso kotyalwayo sokuba igama lakhe longezelelwe kuluhlu labatyalwayo ngumnto ofakwe phantsi kolawulo

Kwinkundla kamantyi yesithili/nqila yase_____

ebanjelwe e_____. Inani letyala_____20_____

Ku :_____

Imiyalelo yokuthatyathwa kolawulo

Lo utyala ukhankanywe ngaphezulu uyavuma okanye uphikisa ibango lakho elixabisa imali yama R_____kunye igama lakho kwaye nemali efanele ukuhlawulwa kuwe idityaniswe kuluhlu lwabatyalwayo besabelana ngokulinganayo kwintlawulo ngokolawulo Umyalelo. Nceda uqwalasele ukuba abatyalwayo banga phikisana nebango njengoko lidwelwisiwe. Kulo mba, uzakukwaziswa.

I kopi yolawulo ekhutshwe ngokuchasene notyalayo ngosuku_____20_____kwinkundla kamantyi

e_____iqhotyoshelwe/ seyifunyenwe.

Ngalomhla_____kolusuku lwama_____20_____

Umlawuli

Inani. 51 - Umyalelo wolawulo

Kwinkundla kamantyi yesithili/nqila yase_____

ebanjelwe e_____Ngalomhla_____kolusuku lwama 20_____

Inani letyala_____20_____

Kwisicelo sika

_____ (emva koku ekubhekiswa kulo njengowenza isicelo)

1. Kuyalelwa -

(a) ukuba impahla zowenza isicelo zibekwe phantsi kolawulo phantsi komqathango wecandelo 74 lomthetho wenkundla zika mantyi ka 1944;

(b) ukuba_____ukususela_____unyulwe ukuba ube ngumlawuli wempahla zowenza isicelo ngokwemiqathango yecandelo 74E ngokuxhomeke ekubeni Unikezela ngesi sibambiso ukulungiselela intlawulo yangoko nangoko kuwo wonke amacala anelungelo kuzo zonke iimali eziya elugcinweni lwakhe ngenxa yokonyulwa kwakhe _____

(c) ukuba Umenzi wesicelo uhlawula imali engama R_____neyintlawulo yokuqala ngomhla okanye phambi komhla_____we_____20_____Iveki/inyanganga kumlawuli yokuyahlula phakathi kwabatyalwayo;

(d)_____

(e)_____

2. Ugunyaziso lunikiwe

(a) Ukukhutshwa komyalezo wokuxhuzulwa komvuzo phantsi kwe candelo 65J womthetho wenkundla zika mantyi 1944 ngokuchasene nomqeshwa womenzi wesicelo yentlawulo kumlawuli yemali ekhankanyiweyo ngexesha okanye phambi kwexesha kude kuhlawulwe indleko zolawulo noba tyalwayo ngokupheleleyo. Esi sigunyaziso sisanqunyanyisiwe kuxhomekeke ukuba_____

(b) ukukhutshwa komyalezo wokuxhuzulwa komvuzo phantsi kwe candelo 72 womthetho wenkundla zika mantyi 1944 ngokuchasene_____

Esi sigunyaziso sisanqunyanyisiwe kuxhomekeke ukuba_____

(c) ukuthengiswa nokwahlulwa kwenzuzo yezi mpahla zilandelayo phhakathi kwabatyalwayo:

(i)_____

(ii)_____

(iii)_____

(iv) kwezimpahla zilandelayo nezi eziyimbangi yesivumelwano ngokwemiqathango yomthetho wentengo ngqesho ka 1942 (36 ka 1942) okanye Umthetho wesivumelwano semboleko, 1980 (75 ka 19800 okanye Umthetho ka Zwelonke wemboleko, (34 ka 2005), nemvume ebhaliweyo yomthengisi:

(aa)_____

(bb)_____

(d) ukubuyiselwa kwezimpahla zilandelayo kumthengisi ngokwemiqathango yomthetho wentengo yengqesho ka 1942 okanye icandelo 17 lomthetho wesivumelwano Semboleko ka 1980 okanye iziquatho zomthetho wemboleko ka Zwe lonke 2005

(i)_____

(ii)_____

(e) omnye (nika iinkcukacha); _____

Ngalomhla _____ kolusuku lwama _____ 20 _____

Ngumantyi.

OAPHELA: -ngokwemiqathango yecandelo 74F (1) lomthetho we nkundla zika mantyi 1944, Unobhala wenkundla ephakamileyo/wenkundla kamantyi uyakunikezela okanye athumele nge ngencwadi eqinisekisiweyo ikopi yalomyalelo kotyalayo aze phantsi kwecandelo 74 F (20 athumele ikopi yawo Ngencwadi eqinisekisiweyo kuye ngamnye otyalwayo nogama likhankanywe kwincazo yemeko zotyalayo (Fomu 45) okanye lowo unikele ngobungqina Betyala.

Inani. 52- Ingxelo yolwabiwo mali ngokwemiqathango yecandelo 74J(5) lomthetho we 1944

Inani lengxelo yolwabiwo_____

Ku: nobhala wenkundla ephakamileyo okanye owekamantyi

Inani letyala _____ 20 _____

Imiyalelo yokuthatyathwa kolawulo _____

Ingxelo yolwabiwo yexesha _____ ukuya _____

A B C

A. (1) Isixa semali esihlawuleka kwaba tyalwayo ngokwemiqathangango yomyalelo wokulawula/ yemali eyintsalela nethatyathwe kwebikhona ngaphambili ingxelo

(2) Indibaniselwano yemali ehlawulekayo kwabatyalwayo abakuluhlu abongozelelweyo emva kokunikwa komyalelo wolawulo/ oko bafaka ingxelo ngaphambili.

(3) inzala

B. (1) Indleko zolawulo ezihlawulelwe ixesha elikhankanyiweyo ngokwemiqathango zecandelo 74L

(2) Amabango ahlawulwe ngexesha elikhankanyiweyo nafumana umkhethe ngokwemiqathango yecandelo 74J (3)

(3) Indleko ezikhawulezileyo okanye ezingaphaya kwesiqhelo zonyango, amazinyo okanye nesibhedlele ezihlawulwe ngelixesha

(4) Ezinye intlawulo ngelishesha (nika iinkcukacha) Indibaniselwano

A B C

Indibaniselwano iziswe ngaphambili kusuka kwiphepha elidlulileyo

C. Indibaniselwano yemali ifunyenwe kumlawuli ngelishesha Indibaniselwano ka C kuthatyathwe eka B

Ukwahlula ngendlela engafaniyo

Ukwahlula ngendlela efanayo:

Indibaniselwano yemali ehlawulwe ngelishesha

Indibaniselwano ka C kuthatyathwe eka B

Intsalela yemali ethatyathelwe kwingxelo elandelayo

Ngalomhla____kolusuku lwama 20____

Umlawuli

* Amagama abatyalwayo ekuhlawulwe kubo imali ezilinganayo ngumlawuli ngeli xesha angeniswe apha (Imali ezifanelekileyo ziya kufakelelwa kuluhlu B.)

Inani. 52A -Ukurhoxiswa komyalelo wolawulo - Icandelo 74Q lomthetho wenkundla zika mantyi ka 1944 (umthetho 32 ka 1944,)

Kwinkundla kamantyi yesithili/nqila yase____

Ngalomhla____kolusuku____lwama____20____

Inani letyala____20____

Umyalelo wokulawula ngokuchasene____nokuza kubhekiswa kuye apha emazantsi njengo tyalayo).

Njengoko, emva kokuphonononga isicelo ngotyala*/icala elinomdla elinje, *, kukhangeleka ngokungathi unobangela olungileyo ukholo ukurhoxiswa komyalelo wolawulo onikelwe kumyalelo wolawulo uyaxhoxiswa

ukusukela____mhla we____20____kwinkundla ekhankanywe ngentla,

ukusukela____mhla we____20____.

Ngalomhla____kolusuku lwama____20____

Umantyi

QAPHELA.-(1) Unobhala wenkundla ephakamileyo/ wenkundla kamantyi kufuneka athunyelwa ikopi yomyalelo ngencwadi eqinisekisiweyo kumlawuli

(2)Umlawuli kufuneka athumele buqu okanye ngeposi ikopi yalo myalelo kotyalayo ukuze kunye nako tyalwayo ngamnye aze azise abatyalwayo ngedilesi yotyala.

*Susa konke okungafunekiyo

Inani.53- Isaziso sokubukula ibango elichaziweyo, Isicelo Sokubekela Bucala okanye ukuzithethelela

Kwinkundla kamantyi yesithili/nqila yase

ebanjelwe e____Inani letyala____20____

Kwimbambano phakathi

____Ummangali

ne

____Mmangalelwa

Qaphela ukuba ummangali/ummangalelwa ubukula eli bango/ukubekela bucala/ukuzithethelela ezikhankanyiweyo (njengoko kunokwenzeka)

Ebekwe nguye kwisamani/isiphikiso/ impendulo (njengoko kunokwenzeka).

Iinkcukacha :

Ngalomhla____kolusuku____lwama____20____,

Ummangali/ Ummangalelwa /Igqwetha lomangali/Elommangalelwa Ku : ____

Inani. 54 -Isivumelwano sokungabheni

Kwinkundla kamantyi yesithili/nqila ebanjwe e____Inani letyala____lika____20____

Kwimbambano phakathi

____Ummangali

ne

____Mmanglelwa

Si____,____, base____, noo____, base____, singabamangali kunye nommangalelwa

ngokulandelelana siyavuma, ngokwemiqathango Yecandelo 82 lomthetho wenkundla zika mantyi 1944 (32 ka 1944), ukuba isigqibo senkundla kwisimangalo esikhankanywe ngentla siya Kuba sesokugqibela.

Iityikitye ngalomhla____-kolusuku____lwama____20____,

Ummangali

Amangqina :

1.____

Ukutyikitywa ne dilesi

Mmanglelwa

2.____

Ukutyikitywa ne dilesi

Inani. 55 - Isicelo sokuhlola irekhodi

Kwinkundla kamantyi yesithili/nqila yase____

eliviwa e____

Mna____, wase____, ndicela ukuhlola irekhodi ye Nombolo tyala____20____

(ukuba inombolo yerekhodi ayaziwa, ndicela ngoluhlobo:)

Mna____, wase____, ndicela ukuhlola irekhodi letyala phakathi kommangali nommangalelwa.

Ukukhangela kuqala kwi____nyanga____ka____20____

Ukutyikitya

(Ukuba owenza isicelo uyinxalenye kwityala okanye uligqwetha lalowo uyinxalenye yetyala, isikhundla sakhe kufuneka sichaziwe emva Kokutyikitya kwakhe)

Inani. 56 - Incwadi yeenkukacha zolwaphulo-mthetho

Umhla wokuviwa ne Nani letyala. Igama ne ngcaciso yommangalelwa.

Ulwaphulo Mthetho okanye Ityala

Isigwebo nesohlwayo.

Amanqaku_____

Inani 57 - Isaziso kwimiqathango yecandelo 309B(2) (d) loMthetho Wenkqubo Yolwaphulo lomthetho, 1977 (Inombolo yomthetho 51 wonyaka 1977)

Kwisithili/ nqila yenkundla_____ebanjelwe_____e

Inani letyala

UMBUSO

Vs_____

KU MLAWULI WOTSHUTSHISO LOLUNTU OKANYE UMNTU OGUNYAZISWE NGUYE (OKANYE OMNYE UMTSHUTSHISI*)_____

NAKOBHENAYO,

QAPHELA UKUBA isicelo sobhenayo semvume yokubhenayo phantsi kwemiqathango yecandelo 309B loMthethoWenkqubo yokuliwa koLwaphulo Mthetho, wonyaka 1977(umthetho 51 ka 1977, ibekelwe ukuviwa ngo_____(mhla, e-----nge_____(ixesha) okanye ngokukhawuleza emva koko njengoko linokuviwa, kwinkundla u_____,apha kwii

Ofisi zikaMantyi

UNOBHALA WENKUNDLA EPHAKAMILEYO /NOBHALA WENKUNDLA KAMANTYI

KU MLAWULI WOTSHUTSHISO LOLUNTU OKANYE UMNTU OGUNYAZISWE NGUYE,

(idilesi)

KUMTSHUTSHISI*,_____

(idilesi)

KOBHENAYO,_____

(idilesi)

OKANYE, KU,

(Idilesi yegqwetha lowenza isibheno, ukuba likhona)

UKWAZISA NGOKUFUMANA ISAZISO NGOKWEMIQATHANGO YECANDELO 309B(2)(D) LOMTHETHO WENKQUBO YOLWAPHULO LOMTHETHO, 1977

Ukufumana isaziso esikhankanywe ngentla kuyaziswa.

KU MLAWULI WOTSHUTSHISO LOLUNTU OKANYE UMNTU OGUNYAZISWE NGUYE, (Ukutyikitya) _____(Igama ngokubhaliweyo)

YOMNYE UMTSHUTSHISI (Utyikityo)* _____(Igama ngokubhaliweyo)

YOFAKA ISIBHENO (Ukutyikitya) _____(Igama ngokubhaliweyo)

* Ifanele ukuzaliswa kuphela apho utshutshiso lwalungekho kwicala loluntu.

OKUQHOTYOSHELWEYO 2

ULINGANISELO WENDLEKO NETLAWULO

Uluhla A	Iindleko
Isahlulo I.	Iziqulatho Ngokubanzi
Isahlulo II.	Izimanqalo Ezinqaphikiswa
Isahlulo III	Izimanqalo Eziphikiswayo
Part IV	Ezinyo Izinto ke uluhla B
Uluhla B	Iindleko(ziyaquhububeka).
Isahlulo I.	Iziqulatho ngokubanzi zenkqubo ngokommiselo wecandelo 65 no 65a

	ukuya ku 65m womthetho
Isahlulo II.	Iziqulatho ngokubanzi ezingqamene nenkqubo yovavanyo lwesimangalo phantsi kwecandelo 72 lomthetho
Isahlulo III.	Amacandelo ngokubanzi angqamene nenkqubo yovavanyo lwesimangalo phantsi kwecandelo 74 lomthetho
Uluhla C	Iziqulatho ngokubanzi nemilinganiselo yeentlawulo(zonothimba)
Isahlulo I.	Oonithimba abanqamqosa eenkonzo zombuso
Isahlulo II.	Oonithimba abanqamaqosa eenkonzo zombuso
Uluhla D	Intlawulo uhlawuleka kubancedisi

ISAHLULO I IZIQULATHO NGOKUBANZI

1. Xa isixa semali esikwibango siyidlula imali engangama R7000 kodwa ingaphantsi okanye ilingana nama R50000, eendleko iyakubalwa kumlinganiselo B xa isixa semali esikwimbambano sidlula imali engangama R50000 okanye xa umba ungowoqhawulo- mtshato okanye ukwahlulwa kweempahla zomtshato ngexesha loqhawulo mtshato. Umlinganiselo C

2. (a) Xa kuzakubalwa iindleko , ibinzana 'imali ekwimbambano' ithetha, apho iindleko zinikezelwa kummangalelwa Imali okanye ixabiso lesigwebo nemali okanye ixabiso lesiwebo'lithetha apho ngaphezu kwibango elinye ebandkanyeka Kwisimangalo, indibaniselwano yeemali ezibandakanyeka kwisigwebo Apho iindleko zinikekelwe kummangalelwa, ibinzana, 'imali ekwimbambano ' ithetha i mali okanye ixabiso lebango kunye ne' mali okanye ixabiso lebango lemali' lithetha apho Ibango libandakanyeka kwisimangalo, indibaniselwano yazo zonke imali zamabango. Imali okanye ixabiso lesigwebo okanye ibango liyaku quka inzala kodwa ngaphandle kweendleko. Ukuba umba usonjululwe nangaliphi na ixesha iindleko ziyakubalwa kumlinganiselo obhaliweyo kwisi Vumelwano sesisbululo.

(b) Apho imali ekwimbambano ingacaciyo xa ubani ejonga kwinkqubo yenkundla, iindleko ziyakubalwa kumlinganiselo Ophezulu ngaphandle kokuba inkundla ilawula ngenye indlela.

3. Iindleko ezibalekayo ngokwemiqathango yomgaqo 33(19) ziyakuthathwa ngokuba zinikekelwe phantsi kwesigwebo semali ethnjisiweyo okanye

Isigwebo phantsi kwemiqathango yesithembiso sentlawulo, njengoko kunokwenzeka.

4. Amabango okukhuphela ngaphandle kwamasango ayakubalwa kwirente yeenyanga ezimbini kwisakhiwo.

5. Umlinganiselo apho iindleko zibalwa khona awuyi kunyuswa ngesizathu salo naliphi na ibango lokuqinisekiswa kuso nasiphi na isithintelo okanye

Isigwebo sethutyana.

6. Intlawulo yegqwetha lejaji ngokwemiqathango yomgaqo 33(8) kwaye ayiyi kuvunyelwa ngaphandle kokuba intlawulo ithenjisiwe ngokukutyikitya kwegqwetha lejaji

7. Apho imali evunyiweyo kwingongoma icacisiwe, imali iyakuquka zoke iikopi ezifanelekileyo, ukuya phandle msebenzi owenziweyo(ngaphandle kokunikezela ngunothimba wenkundla kamantyi) ngokunxulumene nazo.

8. Apho imali evunyiweyo ngengongoma ishiywe ingenanto-(a) ukubhalwa kweencwadi (ingezo mpendulo) ziyakuvunyelwa nge R19, 00 ngephepha ngalinye

(b) iikopi zokunikezela ziya nazo ziyakuvunyelwa;

(c) R12,00 eyakuvunyelwa nakoluphina unikezelo oluyimfuneko;

9 (a) Apho naluphina uxwebhu lukhangeleka enkundleni lungeyo mfuneko, inkundla inganga luvumi lonke okanye nayiphina inxalenye yentlawulo yalo.

(b) Apho ifom ezichwetheziweyo zama xhwebhu ekufuneka ekotshiwe, intlawulo yokuwakopa iyakumiselwa apho kuyimfunekolinkcukacha ezingeniswe kwezo fomu zichwetheziweyo

10 (a) Iphepha liya kuqulatha amagama alikhulu abhaliweyo okanye achwetheziweyo okanye amanani okanye inxalenye yawo

(b) Amanani amane aya kuthathwa ngegama elinye

11 (a) Ngaphandle kwalapho kulungiselelwe ngenye indlela intlawulo yokuphonononga iyakuvunyelwa kwi R7.00 ngephepha kuyo nayiphina incwadi okanye Uxwebhu oluyaphengulwe ngokuyimfuneko

(b) Apho intlawulo yokukopa ivumnyelweyo, iyakuba yi R3.00 ngephepha ngalinye nokuba angakanani na amagama, ngaphandleapho kulungiselwe ngenye indlela

12. Apho kunabamangalelwa abangaphezu kwesinye iR12.00 iyakongezelelwa malunga naye ngamnye ummangalelwa owongezelelweyo kuyo nayiphi

Ingongoma 2 ne 3 yesahlulo II nee ngongoma 2 no 7 wesahlulo III

13. Apho ityala lesigwebo lihlawuleleka ngezavenge ngokwesigwebo okanye isivumelwano, intlawulo ye 10% kuso ngasinye

Isavenge esiqokelelwe kwimbuyekezo yemali nkunzi, indleko kunye nenzala iyakuvunyelwa ngokuxhomekeke kweyona mali iphezulu yama R300.00 nganye

Ngokwezavenge ezicacisiweyo ;Akukho ntlawulo ingezelweyo iyakuhlawulwa ngokuza mayela nokufumana okanye intlawulo yesavenge

14. Unobhala wenkundla ka mantyi okanye wenkundla ephakamileyo uyakubala alele nayiphina intlawulo echithwe ngokungeyo mfuneko

15. Apho intlawulo phantsi kwayo nayiphina ingongoma ibalwe ngokwexesha intlanganisela yexesha elichithiweyo ngosuku olunye iyakuba kwaye Intlawulo yolo suku ibalwa ngokwalo ntlanganisela.

16. Nayiphi na imali esetyenziswe ngokwenene nangokufanelekileyo ekukhangeleni otyalayo.

**IS AHLULO II
IZIMANGALO EZINGAPHIKISWAYO**

	R
Ingongoma 1 - incwadi eqinisekisiweyo yesinyanzeliso sentlawulo ngokwemiqathango yecandelo 56 lomthetho -Isamamana, eziquka incwadi yesinyanzeliso sentlawulo engaphandle kwencwadi ekubhekiswa kuyo kwingongoma 1:	R29.00
(a) Ibango okanye amabango apho umyinge wemali yebango okanye amabango ungedluli kuma R7000.	R98.00
Ingongoma 2 (b) Ibango okanye amabango apho umyinge wemali yebango okanye amabango idlula ama R 7000 kodwa ingedluli kuma R50000. (c) Ibango okanye amabango apho umyinge wemali yebango okanye Amabango udlula kumaR50 000, kwaye imayela noqhawulo-mtshato okanye iimpahla ezihlangeneyo zomtshato.	R327,00 R485.00
Ingongoma 3 — isigwebo Ibango okanye amabango apho umyinge we yebango okanye amabango ingedlula kwi mali ekhankanywe ku 2(a)	R98.00
Ibango okanye amabango apho umyinge webango okanye amabango udlula isixa semali esichazwe ku 2 (b) kodwa ayidlulanga ku R50 000	R250.00
Ibango okanye amabango apho umyinge wemali yebango okanye amabango udlula kumaR50 000, kwaye emalunga noqhawulo-mtshato okanye iimpahla zomtshato ezihlangeneyo	R408.00
Ingongoma 4 Isaziso phantsi komgaqo 12 (2)	
Ingongoma 5 Isaziso phantsi komgaqo 54 (1)	R47,00.
Ingongoma 6 Ingxelo efungelweyo okanye isiqinisekiso	R47,00.
Ingongoma 7 - Ukuya enkundleni ngesicelo sikamantyi xa ibango lithunyelelwe isigwebo enkundleni ukuze kunikwe isigwebo okanye ukufumana isigwebo sethutyana kumlinganiselo xa ibango lingaphikiswa okanye liphikiswa wisimangalo.	-
Ngayo nayiphi na incwadi eqinisekisiweyo ethunyelwe kumntu onetyalango kwemimiselo yecandelo	njengoko sivunyekwe ibango liphantsi

Ingongoma 8 - 57 (1) okanye icandelo 58 (2), omthetho ngotyala imali okanye Igwetha lakhe , kuquka iikopi	kwengongoma 15
Ingongoma 9 - ukuvuma Ubutyala kunye nokuzibophelela ngokuhlulwala ityala ngezavenge okanye ngenye indlela (Iicandelo 57 lomthetha)	R30
Ingongoma 10 - Ukuvumela isigwebo okanye kwisigwebo nomyalelo we ntlawulo yetyala lesigwebo ngezavenge (icandelo 58 lomthetho)	R79,00
	R79,00

Omakuqatshelwe : isixa semali yntlawulo phantsi kweengongoma 4,5,6,7,8 9 kunye neye 10 ziyakuqukwa ngaphandle kokubalwa kwisixa semali isigwebo esiwiselwe zona.

ISAHLULO III

IZIMANGALO EZIPHIKISWAYO (KUNYE NEENKQUBO YESIMANGALO YOMNGENELELO

Ingongoma	Umlinganiselo A R	Umlinganiselo B R	Umlinganiselo C R
1. Imiyalelo yokumangalela okanye ukuchasa isimangalo okanye ibango eliphikisayo okanye Ukuchasa ibango eliphikisayo, ukuphegulusa zonke iincwadi nokuqwalasela isihlahla nalo lonke Udliwano-ndlebe olufanelekileyo ukukhutsa kweesamana	R394,00	R525,00	R630,00
2. Iisamana	R198,00	R275,00	R329,00
3. Ukuvela enkundleni	R33,00	R33,00	R40,00
4. Isaziso phantsi komgaqo 12(1) (b) no (2)	R33,00	R33,00	R40,00
5. Iimpundulo	R198,00	R275,00	R329,00
6. Ibabango aelichasayo	R198,00	R275,00	R329,00
7. Iimpundulo xa kuyimfuneko	R198,00	R275,00	R329,00
8. Ukubhala zonke iincwadi ezinga khankanywanga kuquka nesicelo senkcukacha ezithe vetshe, ishedyuli yamaxwebhu, zonke iingxelo ezifungelweyo, iisupina, nasiphina isaziso esingesimo esikhutshelwe ukubhalwa kwengxelo zamangqina.	-	-	-
9. Ukukhutsa kweencwadi kusenzelwa uhlobo okanye ukuphanda ngencwadi, ngekota yeyure okanye iyure okanye inxalenye yexesha elithatyathiweyo	R117,00	R117,00	R140,00
10. Ikopi nganye ngonikezelo, ngephepha	R3,00	R3,00	R3,00
11. Ukushicilelwa kwendlelo zamangqina nge kota yeyure okanye inxalenye yayo	R117,00	R117,00	R140,00
12. Isaziso sovavanyo lwetyala okanye ukubuyiselwa kwalo	R33,00	R33,00	R40,00
13. Ukulungiselela uvavanyo letyala(ukuba igqwetha lejaji liqeshiwe)	R656,00	R893,00	R1071,00
14. Ukuya kwiingxoxo yentlawulo nge kota nganye yeyure okanye inxalenye yayo echithiweyo kwezonxoxo	R117,00	R117,00	R140,00
15. Ukuya kuvavanyo tyala enkundleni ngexesha, okanye uhlobo lwendawo yesehlo okanye ukumiswa kwetyala okanye uphando lwekhomishoni, ngayo nayiphi na ikota yeyure okanye inxalenye elichithwe enkundleni ngexesha ityala liqhuba			
(a) Ukuba igqwetha lejaji aliqeshwanga	R117,00	R117,00	R140,00
(b) Ukuba igqwetha lejaji liqeshiwe	Nil	R47,00	56,00
16. Ukuya kwintlanganiso engaphambi kokuviwa kwetyala, kwikota nganye yeyure okanye inxalenye yayo echithiweyo kulontlanganiso	R117,00	R117,00	R140,00
17. Ukuya kumamela isigwebo ebesihlehlisiwe enkundleni, nge kota yeyure okanye inxalenye yoko	R23,00	R23,00	R28,00

18. Unxibebelwano (a) Yayo nayiphi na incwadi okanye ucingo, ngokwe phepha	R19,00	R19,00	R23,00
(b) Yayo nayiphi na incwadi okanye ucingo olufunyenweyo, kuxhomeke ekubeni intlawulo yophengululo ayikuvunyelwa ukongezelelwa kwi ntlawulo emiselweyo	R12,00	R19,00	R23,00
19. Ukuya okungalungiselelwanga ngexesha ngalinye	R12,00	R19,00 R19,00	R23,00 R23,00
20. Utsalo mnxeba oluyimfuneko	R12,00	R33,00	R33,00
21. Udliwano-ndlebe ngomnxeba Ngayo yonke imizuzu emihlanu okanye Inxalenye yoko exhomekeke kweyona ntlawulo iphezulu ye R113, 00 ngo dliwano-ndlebe	R33,00	R117,00	140,00
22. Ngalo naluphi mna udliwano ndlebe oluyimfuneko	R117,00	R578,00	R693,00
23. Inkundla ingavumela ukungezelelwa kwentlawulo njengoko kumisiwe kwinto ye 13 Ngentla intlawulo yokuvuselela amatyala amisiweyo okanye ekuviwe inxalenye amatyala	R408,00	R79,00	R95,00
24. Ixesha elichithwe kulindwe enkundleni (ngokungabikho kwe nkundla ekunokuxoxelwa kuyo) ngekota yeyure okanye inxalenye yayo	R79,00	R79,00	R95,00
25. Ixesha lokuhamba (ngokweziqulatho zomgaqo 33 (9) yekota yeyure okanye yenxalenye yayo	R79,00	R79,00	R95,00
26. Inkcitho yohambo noxhaswa komphefumlo njengoko kubhaliwe kKumgaqo 33 (9)	Eyona nkcitho yohambo nokuxhaswa komzimba ngokomgaqo 33 (9)	Eyona nkcitho yohambo nokuxhaswa komzimba ngokomgaqo 33 (9)	Eyona nkcitho yohambo nokuxhaswa komzimba ngokomgaqo 33 (9)

ISIAHLULO IV EZINYE IZINTO

Inkcaso, izicelo zokukhaba, isicelo sommangali sokugwetyelwa apho akholelwa ukuba isizathu sokuzithethelela kommangalelwa asinasihlahla. Ukuvela enkundleni ngenjongo zokufumana isigwebo sethutyana lichaswa, izicelo eziphikisanayo, ukubamba, ukuthintela, isicelo pahntsi komgaqo 27(9), isicelo sokuphononongwa kwesigwebo okanye umyalelo okanye Ubalo lwentlawulo, izicelo ezokudliwa kwamashishini amancinane kuneziphantsi kwecandelo 65J lomthetho

Ingongoma	Umlinganiselo A	Umlinganiselo B	Umlinganiselo C
1. (a) Imiyalelo yokwenza isicelo okanye ukuphikisa Okanye ukubonisa isizathu (inkundla ingavu mela intlawulo engaphezulu)	R98,00	R198,00	R236,00
(b) Imiyalelo yokwenza isicelo sokudla Ishishini, ukuphengulula zonke iincwadi nokuthelekisa imiba nalo lonke udliwano ndlebe olufanelekileyo	R485,00	R485,00	R581,00
2. Ukubhala zonke iincwadi, ingxelo ezifungellweyo, izicelo nezaziso, imiyalelo njalo njalo	-	-	-
3. Ukutyelela inkundla:			
(a) Ukuba aliphikiswa okanye liyaphikiswa (ukuba igqwetha lejaji aliqeshwanga), ngekota nganye yeyure okanye inxalenye yayo echithwe enkundleni	R117,00	R117,00	R140,00
(b) Ukuba liyaphikiswa (Ukuba igqwetha lejaji liqeshiwe) kwikota nganye yeyure echithiweyi enkundleni okanye inxalenye yayo	Nil	R47,00	R56,00

4. Intlawulo yokulungiselela ityala, xa liphikiswa, ukuba ivunyelwe yinkundla ngokwesicelo	R408,00	R485,00	R581,00
5. Udliwano ndlebe nothethwano lokuvumelana ngentlawulo- xa liphikiswa ngekota yeyure okanye inxalenye yalo	R117,00	R117,00	R140,00
Qaphela: inkundla ngesicelo esenziweyo ngexesha lovavanyo iyavumela njengenye indlela kwi ntlawulo emiselweyo kwi ngongoma 4, intlawulo yokulungisa ingxoxo ngokwengongoma 13 no 23 somlinganiselo we mbambano yommangalelwa			

Inqongoma	Umlinganiselo
UKUBALWA KWEENDLEKO	R
6. Ukubhala uluhlu lweendleko :	5% yentlawulo evunyelweyo
7. Ukuhlalela ubalo lwentlawulo	5% yentlawulo yendibaniselwano yentlawulo evunyelwayo
8. Ukuya kuhlolo lobalo lweendleko layo kwikota nganye yeyure okanye Inxalenye yayo enkundleni logama uhlobo luviwayo	R117,00
9. Isaziso sokuhlala ubalo lwendleko kunye nonikezelo	-
10. Ingxelo efunyelweyo, apho iyimvuneko	-

UTHIMBO

11. (a) Ukukhutshwa kwencwadi egunyazisa uthimbo, ukukhutshwa nokunikezelwa kgcino eyokukhutshwa ngokutsha	I R79,00
12. Intlawulo equkayo yomsebenzi owenziweyo ngokumayela nokukhululwa ko Komhlaba obuthinjiwe	R98,00
13. Intlawulo equkayo yomsebenzi owenziweyo ngokumayela nentengiso efzekisa umyalelo wenkundla wokuthinjwa komhlaba kuphela (ngaphandle komsebenzi ontawulo e esele inikezelwe kwenye indawo nokubhalwa kwemiqathango yentengiso)	R250,00
14.(a) Ukubhala isaziso sentengo ngokwemimiselo yomgaqo 41(8) okanye 43 (6), okanye imiqathango yentengiso ngokweziqulathozomgaqo 43 (7)	-
(b) Yawo wonke omnye umsebenzi owenziweyo namaphepha anikezelweyo kunothimba wenkundla kamantyi ngokunxulumene nentengiso yesakhiwo esithengiswe kufezekisweni komyalelo wokuthengiswa kwaso ibandakanya nentlawulo	R170,00
15. Isibambiso sembuyekezo, apho kuyimfuneko	R65,00
APHO KUQESHWE IGQWETHA LEJAJI	
16. Imiyalelo yesicelo sokuguzulwa okanye isicelo, apho ivunyelweyo	R117,00
17. Imiyalelo kuvavanyo-tyala	R145,00
18. Ukubhala isicelo sokuguzulwa okanye isicelo, apho Ivunyelweyo	-
19. Ukubhala ingxelo kuvavanyo—tyala	-
20. Ukuhlalela lonke udliwano-ndlebe olufunekayo negqwetha lejaji kota yeyure okanye inxalenye yoko INTLAWULO KWIGQWETHA LEJAJI	R47,00
21. Nengaciso yokuxoxa uguzulo okanye isicelo	R578,00

Omakuqatshelwe : Intlawulo kwiqgwetha lejaji Inkundla iqinisekisa ukuba ingcaciso kwiqgwetha lejaji yayiyimfuneko	
22. Nengcaciso yokulungiselela usuku lokuqala lovavanyo-tyala, intlawulo engedlulana kuma	R1640,00
23. Ngayo nayiphi na inkundla ehleli kumgama ongaphaya kwama 30 km ukusuka kweyon adolophu ikufutshane apho inkundla yephondo okanye eyesithili (engaphandle kweyengingqi) yenkundla ephakamileyo apho ihlala khona, imali ebekelwe uhambo(iqukanisa Nentlawulo yokuyalela)inokuvunyelwa ngomyalelo owodwa wenkundla Kwi	R3,00 ngekilomitha
24. Ngalo naluphi na udlawano ndlebe oluyimfuneko	R117,00
25. Ngalo naluphi usuku oludlula olunye apho ubungqina buthathiweyo okanye Ingxoxo iviwayo, intlawulo yokuqala yeqqwetha engadlulang kuma	R985,00
26. Ukubhala amaphepha empikiswano kwityala lembambano	R263,00
Omakuqatshelwe :	
(a) Ngokuphathelele ingongoma 22 no 25 intlawulo endaweni yentlawulo kusuku Lokuqala lovavanyo-tyala iyakuvunyelwa ngoku kulandelayo xa ityala li hlalulwe okanye lirhoxisiwe ngomhla okanye phambi komhla wovavanyo lwetyala	
kungabi ngaphezulu kweentsuku ezimbini Intlawulo evunyiweyo ngapha koko xa ibalwa kusuku lokuqala	
lovavanyo tyala	
(ii) Iintsuku ezingekho ngaphantsi kweentsuku ezintathunezingekho ngaphezulu kwezisixhenxe, phambi komhla wovavanyo - tyala Isibini esithathwini sentlawulo ne	
(iii) Iintsuku ezingekho ngaphantsi kweentsuku ezisibhozo zingekho ngaphezulu kwentsuku ezingam 21, phambi komhla wovavanyo -tyala Isiqingatha sentlawulo phantsi ko(i)	
(b) Inkundla ingavumela intlawulo yeqqwetha lejaji ngaphezulu ngokuphathelele kwingongoma 22,24,25 and 26	
(c) intlawulo yokuhamba yeqqwetha lejaji iyakuvunyelwa ngo mlinganiselo wamagqwetha phantsi komgaqo 33((9)	
27. Ukufumana ikopi yesigwebo	R60,00
28. Ukufumana intlawulo ngokommiselo womgaqo 18(4)	R40,00
29. Ukufuna isibambiso ngokmmiselo womgaqo 62 (1)	-
30. Ukunikezela ngesibambiso ngokommiselo womgaqo 62(1)	-

ULUHLU B IINDLEKO

IS AHLULO I

IZIQLATHO NGOKUBANZI ZENKQUBO NGOKOMMISELO WECANDELO 65 NO 65A UKUYA KU 65M WOMTHETHO

- Ngokuxhomekeke kwiziqulatho zomhlathi 3, akukho ntlawulo ngaphandle kwaleyo engumlinganiso ngokwesisiqendu eya kuvunyelwa
- Ngokuxhomekeke kwiziqulatho zecandelo 65K womthetho, intlawulo ebekwe kwingongoma (a), (b) or (c) zoluhlu lwamaxabiso kwesisiqendu njengoko Kuyakuxhomekeka, iyakuhlululelwa ukwenza isaziso

ekubhekiswa kuso kwicandelo 65A(1), kuquka nokuvela e kkuvela kuphando lweemeko zemali zolahlwe lityala ekubhekiswa kuye kwicandelo 65D, okanye nakuphi ukuvela kurhoxiso lakutshanje Ulungiso okanye ukuchithwa kwetyala, kwaye uyakuthi isicelo ngaphandle kwentlawulo evunyiweyo phantsi kwengongoma (m) yoluhlu amaxabiso i hlawuliswe kuphela ukwenzela ukubhala , imiba neminye yesaziso nokumiswa kophando, nokuba ngamathuba angakanani Inani leentsuku apho inkqubo yokuxoxwa kwamabango enkundleni Kuxhomekeke apho otyala omnye ayishiyayo indawo enamandla okuchophela amatyala enkundla emva kokukhutshwa kwesaziso ekubhekiselelwe kuso kwicandelo 65A(1) nesaziso esiphinde sakhutshwa nakuso nasiphi na isithili angaphinda ahlawuliswe kwesosithili ukuba inkundla yenza lo myalelo

3. Oku kulandelayo kuyakuvunyelwa ngokudityaniswe nentlawwulo ebekwe kuluhlu lwentlawulo kwesi siqendu :

(a) Yonke imbuyekezo-mali esetyenzisiweyo ngokunxulumene nenkqubo yesimangalo

(b) Intlawulo ye 10% kuyo nayiphi inxalenye-ntlawulo eqokelelweyo ekuhlawuleni ityala elihlangeneyo neendleko zesimangalongo kuxhomekeke kweyona iphezulu isavenge semali esingamaR300,00 kwinxalenye yentlawulo. apho imali ihlawulwa ngezavenge intlawulo yokuqokelela iyaku hlawuleka. kuphela kwintlawulo yaso nasiphi isavenge. Lo ntlawulo iyakuba sisibambiso, hayi okudityanisiweyo, kuqokelelo lwentlawulo emiselwe ku Mhlathi 13 wesiqendu 1 soluhlu A

(c) Yonke imbuyekezo yenkcitho eyenziwe ngokunxulumene nayo nayiphina inkqubo ephuthileyo yesimangalo phantsi kwecandelo 72. Ukuba inkundla i yalele njalo

(d) Nasiphi na isixa semali nechithwe ngokufanelekileyo ekukhangeleni ummangalelwa ogwetyiweyo, apho eyona mali inkulu yetyala ngexesha umphandi okhangela abantu eqeshiwe intlawulo yakhe yayingekho nganeno kwama R327,00. Xa idibene imali eyakuvunyelwa ayiyi kudlula kumaR250,00.

4. 4. Ukwenzela uluhlu lwamaxabiso esi siqendu imali yebango ngokuxhomekeke kwiziqukathi zomhlathi 3 (d) iyakuba kukudityaniswa kwentlawulo epheleleyo iquka neendleko ebezingekahlawuleki ngomhla wokuqaliswa kwenkqubo yebango lemali phantsi kwecandelo 65A(1) lo mthetho.

5. Iingongoma 1 to 5 zesahlulelo IV woluhlu lokuqhotyoshelwe ku2 ziyasebenza ngokwemimiselo yecandelo 65J womthetho

		R
(a)	Apho ibango linga sidluliyo isixa sama R1000	R165,00
(b)	Apho ibango lidlula R1000 kodwa lingekho ngaphezulu Kunama R2000	R250,00
(c)	Apho ibango lidlula isixa samaR2000,00	R296,00
(d)	incwadi egunyazisa kukbanjwa (ifomu 40A)	R65,00
(e)	Umyalelo wokuxhuzulwa komvuzo (ifomu 38)	R131,00
	Ukuphinda okukhutshwa (neziqinisekiso ziqukiwe)	R105,00
(f)	Isicelo seendleko kwisaziso (iquka nokuvela enkundleni)	R65,00
(g)	Ukufuman ikopi yesigwebo	R65,00
(h)	Ingxelo efungelweyo okanye isiqinisekiso sogwetyelweyo okanye igqwetha lakhe	R47,00
(i)	Ngayo nayiphi na incwadi eqinisekisiweyo ethunyelwe kumntu onetyalango kwemimiselo yecandelo 65a (2), 65E(6) okanye 65J bomthetho nqotyala imali okanye igqwetha	R30,00
(j)	Ingxelo efungelweyo okanye okanye isifungo ngoytala imali [(umgaqo 45(7))]	R79,00
(k)	isicelo somyalelo phantsi kwecandelo 65 lomthetho	R47,00
(l)	Ukuhlalela ityala elimisiweyo phantsi kwecandelo 65E(3) lomthetho okanye ukuhlalela ityala enkundleni ngenxa yoku banjwa kwesigwebo umtu otyala imali, umlawuli okanye igosa ngokuqhutywa sisaziso ekubhekiswe kuso 65A(8)(b)	R65,00
(m)	Isupina :	
	(i) Ukubhala isupina ngephepha	R19,00
	(ii) Lonke utyelelo enkundleni	R12,00

	oluyimfuneko, notyelelayo	
(n)	(i) Imbalelwano yayo nayiphi na incwadi okanye ucingo, ebhalwe okanye efunyenwe, ibandakanya ikopi yokugcinwa kuxhomekeke ekubeni intlawulo yokuqwalasela ayiyikuvunyelwa intiawulo enikelwayo apha ingokwephepha	R19,00
	(ii) ukusebenza: yonke into eyenziwayo ngalungisiselelwanqa kumsebenzi	R19,00
	(iii) Imfonomfono ezifunekayo nezingqamene nomsebenzi, nganye	R19,00

ISAHLULELO II

IZIQULATHO NGOKUBANZI EZINGQAMENE NENKQUBO YOVAVANYO LWESIMANGALO PHANTSI KWECANDELO 72 LOMTHETHO

- Ngokuxhomekeke kwiziqulatho zomhlathi 2, no 3 akukho ntlawulo ngaphandle kwaleyo ibhalwe kuluhlu lwesi sahlulelo iyakuvunyelwa.
- Umhlathi 3 (a), (b) no (d) weziqulatho ngokubanzi phantsi kwesahlulelo 1 solu luhlu ziyakusebenza notshintsho olufanelekileyo apho lufunekayo kwesi sahlulelo.
- Yonke imbuyekezo yenkcitho enxulumene nayiphi na inkqubo ephuthileyo phantsi kwecandelo 65 iyakuvunyelwa ukuba Inkundla iyalele njalo.
- Ukwenzela uluhlu lwamaxabiso kwesi sahlulelo isixa semali yebango iyakuxhomekeka kwiziqulatho zomhlathi 3(d) we ziqulatho ngokubanzi phantsi kwesahlulelo 1 solu luhlu, siyakuba yindibaniselwano yenkunzi yemali engekahlawulwa ngomhla wokuqala wokufakwa kwebango amacandelo ngokubanzi angqamene nenkqubo yovavanyo lwesimangalo phantsi kwecandelo 72 lomthetho

ULUHLU LWAMAXABISO

	R
(a)Apho ibango linqa sidluliyo isixa samaR200,00	R98,00
(b)Apho ibango lidlula isixa sama R200,00.	R210,00
(c)Ukufumana ikopi yesigwebo.	R60,00
(d)Isicelo somyalelo wokuthimba ngokuthatyathwa komvuzo	R60,00
(e)Umyalelo wokuthatyathwa komvuzo (ifomu 39)	R79,00

ISAHLULELO III

AMACANDELO NGOKUBANZI ANGQAMENE NENKQUBO YOVAVANYO LWESIMANGALO PHANTSI KWECANDELO 74 LOMTHETHO

1. Oku kulandelayo kuyakuvunyelwa ngokudityaniswa nentlawulo ebekwe kuluhlu lwentlawulo kwesi siqendu :

(a) Yonke imbuyekezo-mali esetyenzisiweyo ngokunxulumene nenkqubo yesimangalo

(b) Ngokongezelelwe kwintlawulo ekhankanywe ngezantsi , umlawuli uyakuba nelungelo kwintlawulo ye 10% kuzo zonke izavenge eziqokelelelwe ukubuyisa imali eyinkunzi kunye neendleko.

2. Ukufezekisa iinjongo zeengongoma zesi 4 nesi 5 zoluhlu lwesi sahlulo, iphepha liyakuqulatha i 100 lamagama abhaliyeyo okanye ashcilelweyo okanye amanani kwaye manani amane aya kuthathwa njengegama elinye

ULUHLU LWAMAXABISO

Ingongoma	Isinye ukuya eshumi abatyalwa	Ishumi elinanye ukuya kwamabini abatyalwa	Amashumu amabini ananye okanye ngaphaya abatyalwa
	R	R	R
1. Umyalelo wokukwenza isicelo somyalelo wolawulo uquka ukuphononongwa kweesamana. Izinyanzelo, njalo njalo, nokuqondisa ixabiso leempahla namatyala kuquka notyelelo	R117,00	R165,00	R263,00

Iwasenkundleni Iimpahla namatyala, kuquka zonke izinto azenzayo amagqwetha enkundleni nembalelwano eyimfuneko ngokunxulumene nayo			
2. Imiyalelo ngesicelo phantsi kecandelo 74Q(1) okanye ukuchasa esi sicelo okanye ukunikwa umyalelo wokuthatyathwa kolawulo	R93.00	R93.00	R93.00
3. Ukubhala isicelo somyalelo wolawulo okanye ukuhlolwa kwaso nengxelo efungelweyo, kuquka konke Okuqhutyoshelweyo kuso nako konke ukutyelela, ngaphandle ukutyelela enkundleni	R165.00	R165.00	R165.00
4. Ukwenza ikopi zesicelo, ingxelo efungelweyo nokuqhutyoshelweyo kwabatyalwayo ngephepha ngalinye	R3.00	R3.00	R3.00
5. Ukuphengululawa kwesicelo kunye namanye amaxwebhu Enikezelwe, ukuba akhona, ngephepha. Omakuqatshelwe : Intlawulo phantsi Kwalengongoma zibangwa kuphela ligqwetha okanye icala eliphikisayo.	R7.00	R7.00	R7.00
6. Ukutyelela enkundleni (a) eku miseni okanye ukubekela bucala ityala kuphakanyiswe ligqweyha okanye umqeshi walo.	R44.00	R44.00	R44.00
(b)) Nakuluphi na uvavanyo lwetyala	R93.00	R177.00	R177.00
7. Ngokunikezela ngekopi yotyayalo Ingxelo yeemeko ekubhekiswa kuyo kwicandelo 74 nakwicandelo 74A(1) lomthetho ngumlawuli Imiqathango yecandelo 74M (a)	R12,00	R12,00	R12,00
8. Ngokunikezela ngekopi yotyayalo Ingxelo yeemeko ekubhekiswa kuyo kwicandelo 74 nakwicandelo 74A(1) lomthetho ngumlawuli Imiqathango yecandelo 74M (b) okanye uluhlu okanye ingxelo-mali ekubhekiswa kuyokwicandelo 74G(1) okanye J lomthetho okanye lengxelo yemeko yotyayalo ekubhekiswa kuyo kwi Cabndelo 65i(2) lomthetho,nephepha ngalinye	R2,00	R2,00	R2,00
9. Imbalelwano nokutyelela enkundleni	R19.00	R19.00	R19.00

ULUHLU C**IZIQULATHO NGOKUBANZI NEMILINGANISELO YEENTLAWULO(ZONOTHIMBA)****IS AHLULO I****00NITHIMBA ABANGAMGOSA EENKONZO ZOMBUSO**

1. Olwalo naluphi na unikezelo okanye uthimbo okanye ukuzama unikezelo lwayo nayiphi na inkqubo

yenkundla okanye uxwebhu R7

2. Unikezelo lwesaziso ekubhekiswa kuso kumgaqo 54(1) ngokufanayo neesamana aluyi kuthatyathwa njengolwahlukileyo.

ISAHLULO II
ONITHIMBA ABANGAMAGOSA EENKONZO ZOMBUSO

1A. Ukwenzela ubhaliso lalo naluphi na uxwebhu lonikezelo okanye uthimbo ekulufumaneni R6,00

1B.(a) Ukwenzela unikezelo leesamana, isupina, isaziso, umyalelo okanye olunye uxwebhu ingelulo uxwebhu olukhankanywe kwingongoma 2, u Hambo oluya noluvela kwindawo yonikezelo lalo naluphi na uxwebhu olukhankanywe ngentla

- (i) kumgama wama 6 km ukususela kwisakhiwo senkundla sesithili anyulelwe yona unothimba: R28,00
- (i) kumgama wama 6 km ukususela kwisakhiwo senkundla sesithili : Anyulelwe sona unothimba: R.33,00
- (iii) kumgama wama 20 km kodwa kudana ne 12 km ukususela kwisakhiwo senkundla sesithili anyulelwe sona : sona unothimba: R44,00
- (iv) apho umyaleli anika imiyalelo kunothimba ngokubhaliweyo ukunizelzela ngoxwebhu ekubhekiswa kulo kwingongoma 1 B(a) ngokugxamileyo ngolosuku 1B(a)(i), (ii) no (iii) ngokulandelelana, ndleko ezongezelelweyo ezo eziyakuhlawulwa ngumyaleli, ngaphandle kwalapho inkundla iyalela ngenye indlela.

(b) Kusenzelwa unikezelo obeluzanywa lwamaxwebhu akhankanywe kumhlathi (a), uhambo oluya noluvela kwindawo ekuzanywe u=kunikezela khona lwalo naluphina uxwebhu olukhankanywe ngasentla

- (i) kumgama wama 6 km ukususela kwisakhiwo senkundla sesithili anyulelwe yona unothimba: R23,00
- (ii) kumgama wama 12 km kodwa kudana ne 6 km ukususela kwisakhiwo senkundla sesithili : anyulelwe sona unothimba: R28,00
- (iii) kumgama wama 20 km kodwa kudana ne 12 km ukususela kwisakhiwo senkundla sesithili anyulelwe sona unothimba: R39,00
- (iv) apho umyaleli anika imiyalelo kunothimba ngokubhaliweyo ukunizelzela ngoxwebhu ekubhekiswa kulo kwingongoma 1B B(a) ngokugxamileyo ngolosuku lokufumana oloxwebhu okanye emva kweyure ze ofisi zesiqhelo nonothimba akaphumeleli kwiinzame zakhe zokunikezela ngeencwadi zenkundla lindleko ziyakubalwa ngokuphinda phindwa komlinganiso kwingongoma 1B (b)(i)(iii) ngokulandelelana lindleko ziyakuhlawulwa ngumyaleli, ngaphandle apho inkundla iyalela ngokwahlukileyo.

(c) (i) Apho uxwebhu lufanele ukunikezelwa kunye nenkqubo yenkundla kwaye lukhankanywe kulo nkqubo okanye lulokuqhotyoshelweyo apho, akukho ntlawulo yongezelelweyo iyakufunwa yonikezelo loxwebhu, ngapha koko ama R6,00 angafunelwa lonke Uxwebhu olunikezelweyo

(ii) Akukho ntlawulo iyabizelwa uxwebhu olwahlukileyo xa inkqubo kumatyala olwaphulo-mthetho iyanikezelwa.

(iii) Unikezelo lwesaziso ekubhekiswa kulo kumgaqo 54(1) odlulileyo ngokufanayo neesamana aluyo kuthatyathwa. Njengonikezelo olwahlukileyo

2(a) Ukwenzela unikezelo lwesigunyaziso, isithintelo okanye umyalelo wokutsalwa kwetyala emvuzweni, ihambo eya nebuyayo kulondawo yonikezelo lokukhankanywe ngentla Yoxwebhu lokhankanyweyo

- (i) kumgama wama 6 km ukususela kwisakhiwo senkundla sesithili anyulelwe yona unothimba: R39,00
- (ii) kumgama wama 12 km kodwa kudana ne 6 km ukususela kwisakhiwo senkundla sesithili anyulelwe sona unothimba: R44,00

(iii) kumgama wama 20 km kodwa kudana ne 12 km ukususela kwisakhiwo senkundla sesithili anyulelwe sona unothimba: R55,00

(iv) apho umyaleli anika imiyalelo kunothimba ngokubhaliweyo ukunizelzela ngoxwebhu ekubhekiswa kulo kwingongoma 2 B(a) ngokugxamileyo ngolosuku ukufumana olo xwebhu okanye emva kweeofisi zika mantyi ziyakubalwa ngokuphindeneyo kumlinganiselo kwingongoma 2(a)(i), (ii) no (iii) ngokulandelelana, ndleko ezongezelweyo ezo eziyakuhlululwa ngumyaleli, ngaphandle kwalapho inkundla iyalela ngenye indlela.

(b) ukwenzela unikezelo obeluzanywa lwamaxwebhu akhankanywe kumhlathi (a), uhambo oluya noluvela kwindawo ekuzanywe Unikezelo lweencwadi ezikhankanywe ngasentla

(i) kumgama wama 6 km ukususela kwisakhiwo senkundla sesithili anyulelwe yona unothimba: R33,00

(ii) kumgama wama 12 km kodwa kudana ne 6 km ukususela kwisakhiwo senkundla sesithili anyulelwe sona unothimba: R39,00

(iii) kumgama wama 20 km kodwa kudana ne 12 km ukususela kwisakhiwo senkundla sesithili anyulelwe sona unothimba: R50,00

(iv) apho umyaleli anika imiyalelo kunothimba ngokubhaliweyo ukunizelzela ngoxwebhu ekubhekiswa kulo kwingongoma 2 B(a) ngokugxamileyo ngolosuku lokufumana oloxwebhu okanye emva kweeyure ze ofisi zesiqhelo nonothimba akaphumeleli kwiinzame zakhe zokunikezela ngeencwadi zenkundla Ezichaphazela, iindleko ziyakubalwa ngokuphinda phinda komlinganiso kwingongoma 2 (b)(i)(iii) ngokulandelelana Iindleko ziyakuhlululwa ngumyaleli, ngaphandle apho inkundla iyalela ngokwahlukileyo

(c) (i) ukukhutshwa kummangalelwa ngaphande kwisakhiwo ekubhekiswa kuwo kwiphepha lokukhupha R23,00 ngengesiqingatha seyure Soko (ngaphandle kwindleko ezingaphaye ezichithwe ngokufaneleyo).

(ii) Intlawulo eyongezelweyo ye R15 iyakuhlululwa emva konikezelo ngaye wonke umntu ongaphaya kobizwe ngegama okanye ekubhekiswa kuye kwinkqubo yokukhupha , lilonke ukukhupha kwizakhiwo ezahlukeneyo: Kuxhomekeke ekubeni apho unikezelo kuye nawuphi na umntu ngaphandle kotyalayo, ophendulayo okanye otyalayo okanye otsalelwa imali iyimfuneko ukwenzela ukugqibezela unikezelo, intlawulo ebekwe phantsi kwingongoma 1B(a)ingabizwa ngalo naluphi na unikezelo

(d) Ukwenzela ukubamba ummangalelwangesikrokro sokuba angaqhwesha ukwenzela ukufumana amandla okuchophela ityala enkundla, ngokongezelwe kumlinganiselo kwingongoma2(a), intlawulo yama 23,00 ngesiqingatha seyure okanye inxalenye yalo ehlawulelwayo ngexesha lokulinda kwiingxoxo phakathi kwamacala akwimambambano

3. Ukwenziwa kwayo nayiphi na incwadi eqinisekisa ukunikezelwa ngokwemiqathango yecandelo 8 iziikopu ezimbini: R11,00

4. Ukuba kuyimfuneko ukuba unothimba ahambe ngokugqithileyo kuma 20 eekilomitha ukusuka kwisakhiwo senkundla yesithili apho akhoyo Anyulelwe kuso, kuyakuvunyelwa intlawulo eli R3 ngekilomitha ngayo yonke ehanjiweyo okanye inxalenye yayo ehanjwe ngaphaya kwezo zikhankanyiweyo Umgama ukuya nokubuya kwindawo yonikezelo okanye uthimbo iyakuvunyelwa kwintlawulo ekwingongoma 1B(a) (iii). 1B(b)(iii), 2(a)(iii) or 2(b)(iii)njengoko kunokwenzeka.

5. (a) Ekufezekiseni imisebenzi ye ofisi engaphandle kwekhankanyiweyo kwingongoma 1 no2, isibinelelo sohambo esi R3 Nge kilomitha , okanye inxalenye yayo, iyakuhlululeka kunothimba ukwenzela ukuya nokubuya, yaye iya kubalwa ukusuka kwisakhiwo senkundla eyesithili eso unothimba anyulelwe sona .

(b) Isibonelelo sohambo siyakuquka yoke inkcitho yokuhamba, kuquka nekaloliwe.

(c) Isibonelelo sohambo siya kubalwa kulo lonke unikezelo, ngaphandle kokuba

(i) apho unikezelo lwencwadi zenkundla ludlulile kolunye kuhambo olunye olungaphaya komgama ongama 20

km ukusuka kwisakhiwo senkundla umgama ukusuka kuma 20 km kwindawo yokuqala yonikezelo lunonokuthathelwa ingqalelo kuphela kanye, lwaye luyakwabiwa ngokulinganayo kwolonikezelo. Kwaye umgama ukusuka kwindawo yokuqala yonikezelo ukuya kweziseleyo zonikezelo ziyakwabiwa

ngokulinganayo kunikezelo oluseleyo; kwaye

(ii) apho unikezelo lwenkqubo enye okufuneka lunikezelwe kubantu abangaphaya komnye ngunothimba kwingingqi enikekelwa nguye kuyo intlawulo iyakubanye kuphela eyakubonelea uhambo.

(d) Xa kuyimfuneko kunothimba ukuthatha umntu obanjiweyo umgama oodlulileyo kuma 20 km ibonelelo seR3 ngekilomitha ukuhlangabezana nohambo lwakhe apho kuyimfuneko ukuba akhatshwe Ngomnye umntu uyakubonelelwa.

6.(a) Ukwenza uluhle lwempahla, kuquka ukwenziwa kweekopi ezifanelekileyonexesha elichithwa ekuzibaleni ezompahla: R23,00 ngesiqingatha seyure kwiinxalenye yalo

(b) ngncedo oluyimfuneko nagokwenza uluhlu lweempahla R23 ngesiqingatha seyure okanye inxalenye yayo.

7. Ukuphengulula , ukubhala nokugqibezela intlawulo yebheyile, isivumelwano sommeli okanye iqhina lembophelelo: R6,00

8. Intlawulo okanye ugcino lwempahla:

(a) (i) Kulungiselelwe lonke igosa ekuyimfuneko ukuba lishiywe lijonge iimpahla, isixa esifanelekileyo esingedluli ama R83.00 ngosuko.

(ii) Isiboneleo sohambo, kuquka iBodi kuwonke amatyala.

(b) ikuba kuthinjwe imfuyo , kuphela iindleko ezifanelekileyo zokwalusa nokugcina imfuyo eziakuvunyelwa.

(c) ukuba iimpahla zisusiwe za gcinwa , kuphela intlawulo yokuzisusa nokuzigcina eyakuhlululwa .

9.(a) "Ukugcina" kuyakuthetha ukuzigcina kuye umntu oqashwe nohlawulelwa oku ngunothithimba , omsebenzi wakhe okukuphela woku hlala kwezo zakhiwo agcine iimpahla ezo zithinjiweyo, noyakuhlala egcine ezompahlaixesha elo ukugcinwa kwazo kuhlawulelwayo

(b) 'indleko yokuthutha' iyakuthetha intlawulo eyenziweyo isenzelwa inkqubo yenkundla yokuthimba ekuthutheni okanye ukuzama ukuthutha iimpahla ukuba imahla zithuthwe licala lesithathu okanye iinzame zokuzithutha zenziwe, ukuba bezithuthiwe ngunothimba loo mali njengoko unokubuyiswa ngendlela efaneleyokwi ndlela yesiqhelo yoshishino ukuba iimpahla bezithuthiwe licala lesithathu, okanye i nzame yokuzithutha yenziwe.

(c) 'indleko zokuzigcina' ziyakuthetha eyona mali ichithiweyo yokugcina iimpahla nomntu wesithathu okanye, ukuba unothimba unikele ngovimba , lomali njengoko inokubonelelwa ngendlela elungileyo kushishino olwamkelekileyo bezigcinwe ngumntu wesithathu.

10. (a) Apho isigunyaziso sokubamba okanye ukuthimab okanye umyalelo wokuxhuzulwa komvuzo nomyalelo uhlawulwe ngokupheleleyo ngokunxamnye neempahla , 95 yentlawulo ehalwuliweyo okaye exhuzulweyo, nobuncinane be R44,00 nbukhulu be R440,00.

(b) Isaziso sokuthimba ummangalelwa naye nawuphi na umntu owaziswayo: R6,00

11. Apho isakhiwo sikhululweyo akuthinjweni ngokomgaqo 41(7) (e), okanye isigunyaziso sirhoxisiwe okanye sibekelwe bucala, okaye iimpahla zogwetyiweyo otyalayo idliwe emva kothimba, kodwa phambi kwentengiso, 2,3% yexabiso leempahla ezithinjiweyo ukuya kubukhulu bamaR133: Kuxhomekeke ekubeni intengiso iyahubeka yezompahla zithinjiweyo Imali ezuzwe apho iyakuthatyathwa kwikomishini ehlawuleka phantsi kengongoma 12

12 apho isigunyaziso sokuthimab nokuthengisa iimpahla sigqitywe ngentengiso, 95kwi R15000 nganye okanye inxalenye yayo Kwaye emva koko 6%, nobukhulu bama R5 875,00

13. Ngesiqinisekiso sendlu ethinjiweyo ukuba kuyimfuneko nakwimiyalelo ebhaliweyo yogwetyelweyo unobhala , ukungeza kwisavenge esimelwe kukuhlululwa zonke iimali ziqukiwe zama R23,00

14 (a) Xa isakhiwo nomhlaba sithinjiwe kwintengiso singathengisekanga , ngengxa yesigunyaziso esi rhixisiweyo okaye esibekelwe bucala okanye udliwo lweempahla zotyalyo,indleko ngokunxulumeme nokuzama ukuthengisa nesixa sama R133,00 siyakuhlululekakunothimba okanye umntu ogunyaziswe

ukusebenza nje ngomthengisi kule ntengiso, njengoko kunokwenzeka njalo.

(b) Ukubhala ingxelo yokuphuculwa kwesakhiwo ukulungiselela intengiso: R23,00 ngengesiqingatha seyure eso.

(c) Isaziso esibhaliweyo esiyakumthengi osilsleyo ukufezekisa imimiselo yentengiso : R33,00

d) Ukuqwalsela imimiselo yentengiso: R66,00

15. Xa isakhiwo nomhlaba zithinjiwe kwintengiso uthimbo olo luphelelwa njengoko kubhekiswe kulo kwicandelo 66(4) lo thetho. R39,00

16. xa uthimbo lwesakhiwo luqunjelwe yontngiso, le ntlawulo ilandelayo iyakuvunyelwa kunothimba inzuzo kwintengiso:

(a) Kwintengiso yesakhiwo ngunothimba njengomthengisi 6%kwiR30 000 yokuqala yengeniso yentengiso ne 3.55 kwintsalela yayo, kuxhomekeke kweyon inkulu ikhomishini yama R8750,00 endibaniselwano neyona incinane (iquka kuzo zoknke iimeko zeentlawulo zebhanka zika nothimba nezinye iindleko ezichithwe ekuhlawuleni inzuzo kwi bhanki ebucala yakhe ingxowa yebhanki apho imali iyakuhlulwa khona ngumthengi.

(b) Ukuba umthengisi uqeshiwe ngokomgaqo 43(9) , 3% kuma R30 000,00 okuqala enzuzo yentengiso ne 2% kwintsalela yayo, kuxhomekeke kweyonainkulu ikhomishini yama R5000,00 endibaniselwano neyona incinane yama R440,00 (iquka kuzo zoknke iimeko zeentlawulo zebhanka zika nothimba nezinye iindleko ezichithwe ekuhlawuleni inzuzo kwi bhanki ebucala yakhe ingxowa yebhanki apho imali iyakuhlulwa khona ngumthengi.

17. Ukongezelela kwintlawulo ebonelelwe kwingongoma 10 ukuya ku 15, ziqukuwe ziyakuvunyelwa

(a) isixa semali esihalwulweyo ngokufaneleyo ngu nothimba okanye umthengisi zokushicilela, ukwazisa kubathengi nokunikezela uluntu ulwazi lwentengiso okanye iinjongo zokuthengisa ngoluhlobo

(b) iosixa se R16,00 kunothimba ngokubhalisa isakhiwo nomhlaba kumthengi.

18 . Apho unothimba agcine phantsi kwezigunyaziso ezingaphaya kwesinye, uyakufuna intlawulo kuphela eyesinye Kwaye eso sinye siya , kangangokokunokwenzeka , siyakwahlulwa ngokulinganayo kwizigunyaziso ezi khutshiweyo nge ngexesha elinye: Kuxhomekeke ekubeni otyalwayo ogwetyelweyo uyakuba noxanduva ngokudibeneyo kologcino lwesixa esingayikudlula into ebiya kuhlawuleka phantsi kothimba ukuba belume lodwa.

19. Intlawulo kwixabiso leempahla ezithinjiweyo kwinzuzo yentengiso yeempahla kuthimbao iyakuhlulwa kwelo xabiso okanye inzuzo njengoko idlule imali yesigunyaziso sokuthimba

20. Intlawulo nenkcitho kanothimba kumyalelo woxhuzulo-mvuzo ziyakuqukwa kwimali eyakubuyiselwa phantsi komyalelo, kwaye iyakuhlulwa ngokuchasene notyalayo ogwetyelweyo.

21. ukuba kuyimfuneko ukuba unothimba abuyise uxwebhu alufumeneyo okanye malunga nokunikela kwakhe kumyaleli kuba

(a) idilesi yonikezelo ebonakala kwinkqubo ayikho phantsi kwamandla ake , okanye

(b) umyaleli ucele, kuzanywe unikezelo okanye ukwenziwa kwenkqubo,

22. Ukuthutha umntu kukuba iphindiselwe kuye, i isixa esiyi R6,00 siyakuhlulwa. obanjiweyo ngunothimba okanye onikelwe elugcinweni lwakhe ukusuka kwindawo yokugcinwa kwakhe esuka elugcinweni ukuya Enkundleni ngosuku olulandela usuku lokubanjwa: R23,00 ngohambo kunye ne R44,00 ngeyure okanye inxalenye yayo yokutyelela enkundleni.

23. Ukuqwalsela amaphepha abonisiweyo neeGazethi apho kufakwe izaziso zentengiso nezipapashwe kuzo njengoko kubhekiswe kuzo Kumgaqo 43(6)(c) no 41(8)(c) R6,00

24. Ukuthumela ikopi yesaziso kuye wonke otyalwayo nogwetyelweyo ofake isigunyaziso sothimbo nakuye wonke ubani obambise ngemali yakhe kulomthengi unesakhiwo nomhlaba othinjwe kwinkqubo yenkundla yothimbo one dilesi enokukwaxeka ukufumaneka, ngekopi nganye: R6,00

25. (a) Ukuncamathisela ikopi yesaziso sentengiso kwibhdi yezaziso okanye kucango lwesakhiwo senkundla okanye nsiphi na esinye isakhiwo soluntu Kumgaqo 43(6)(e) no 41(8)(b) R16,00

(b) Ukuncamathisela ikopi yesaziso sentengiso kwiskhiwo esizakuthengiswa, isixa-mali esikumhlathi (a) ngentla nee Ndleko ekubhekiswe kuzo kwingongoma 5(a).

26. Ukubhala nokukhupha iisamana zabangeneleli: R66,00

27. Ukongezelela kwintlawulo emiselwe kolu luhlu, unothimba uyakubanelungelo kwimali ayihlawulele inkqubo enje ngeyokuposa neye Mfonomfono.

28. Ukubhalwa kwencwadi okuyimfuneko, ngaphandle kweencwadi ezsemthethweni ezikhapha inkqubo okanye incwadi zobungqina bonikezelo. R6,00

29. Utyelelo ngalunye olufanelekileyo ngemfonomfono(ngokudibanisa iimfonomfono okanye ezeselula) R6,00

30. Ukuthumela okanye ukufumana nayiphi na ifeksi eyimfuneko eku A4 (kudityaniswa nentawulo yemfonomfono); R3,00

31. Ukuphengulula iirekhodi likanbhala wemihlaba ngokomgaqo 43(3) nokucwaninga indlela yolandelelwano lwabatyalwa

(a) ukuba luphandwe ngunothimba ngokwakhe: R39,00 ngemeko nganye

(b) Ukuba unothimba usebenzisa iinkonzo zomntu wesithathu ukuphanda, eyona ndleko njengoko ifunwa ngulomntu nwesithathu kuxhomekeke ekubeni- Iyifanele lo nkonzo.

32. Ukwenza zonke iikopi eziyimfuneko: 33. R2,00 ngephepha ngalinye.

33. (a) isicelo sokubalwa kwengxelo yemali kanothimba iyakwenziwa kwintsuku ezingama 90 emva kosuku lo ngxelo ekhatywa ngalo inikezelwe

(b) ukubhala ingxelo yobalo notyelelo lobalo ngu nothimba R44,00

34. Intlawulo yebhanki ; 34, ilahleko echithiweyo emalunga nentlawulo yebhanki neefomu neetsheke.

35. (a) Ukubhalwa kezaziso eziya kotyalayo ngokwe candelo 65A(8)(b) lomthetho: R11,00

(b) Ukunikezelwa kwenkqubo ngokubhekiselwe kumhlathi (a): Umlinganiselo njengoko umiselwe kwingongoma 1B(a).

(c) Ukunikezelwa kwenkqubo ngokubhekiselwe kumhlathi (a): Umlinganiselo njengoko umiselwe kwingongoma 1B(a).

(d) Umlinganiselo njengoko umiselwe kwingongoma 4 uyakusebenza kumhlathi (b) no(c).

36. (a) Ukubamba okanye ukuzama ukubamba otyalayo ngokwimiqathango yecandelo 65A(6) lomthetho:

(i) Umlinganiselo njengoko umisiwe kwingongoma 2(a) okanye 2(b),njengoko kunokwenzeka.

(ii) Umlinganiselo njengoko umisiwe kwingongoma 4 iyaku senenza kule ngongoma .

(b) Ukunikela otyalayo kumaPolisa oMzantsi Afrika, kumhlobo wamabanjwa okanye unobhala wenkundla okanye

Nakuyiphi na indawo yocino lwababanjiweyo:

(i) Umlinganiselo njengoko umisiwe kwingongoma 2(a).

(ii) Iindleko zohambo ukusuka kwindawo abanjwe kuyo ogwetyiweyo ukuya kumnikela kumntu ogunyaziselwe ukumthahta njengoko kumisiwe kumhlathi (b) nge Kilomitha nganye R3,00

(iii) Ukulindela ukunikezelwa kogwetyiweyo kumntu ogunyazisiweyo ekubhekiswa kuye kumhlathi (b) R23,00 Ngesiqingatha seyure neyona ntlawulo inkulu ye R88.00.

ULUHLU D INTLAWULO UHLAWULEKA KUBANCEDISI

1. Ukutyelela enkundleni xa ityala liviwa okanye inxalenye yalo: R70 ngyure okanye inxalenye yayo yolotyelelo. kodwa Ayikho ngaphantsi kwama R140.

2. Lonke utyelelo xa ityala lingekaviwa lisamisiwe okanye lisonjululwe kwumlinganiselo ongemtla kodwa ubuncinane ngama R70.
3. Utyelelo luyakubalelwa kwiyure abizelwe yona umcebisi ukuya kwiyure apho isigwebo sinikwe okanye Sibekelwe elinye ixesha , okanye iyure apho umcebisi akhululwayo yinkundla ukuza kwakhona , nayiphi na eyakuba Yeyokuqala.
4. Xa ityala limisiwe , limiselwe omye umhla okanye lisonjululwe, ukutyelela kuyakubalelwa ukusukela kwiyure apho umcebisi abizwe ngesamana yinkundla ukuya kwiyure ,apho ityala limisiwe, Limiselwe olunye usuku okanye lisonjululwe , okanye iyure apho umcebisi Akhululwe yinkundla ukuba angaphindi aye enkundleni.
5. Umcebisi uyakuba nelungelo kwezi zibonelelo zohambo oluthatyathiweyo noluyimfuneko phakanti Kwenkndla nedawo yakhe yokuhlala okanye yempangelo
 - (a) R1,10 nge kilomitha xa esebenzis isithuthi esine njini enthatha isixa se 2150 cm³ okanye ngaphantsi
 - (b) R1,14 nge kilomitha xa esebenziswa isithuthi esine njini enthatha isixa se 2150 cm³ ukuya Kuquka 2500cm³
 - (c) R1,27 nge kilomitha xa esebenziswa isithuthi esine njini enthatha isixa se 2150 cm³ ukuya Kuquka 3500cm³
 - (d) R1,10 nge kilomitha xa esebenzis isithuthi esine njini enthatha isixa se 3500 cm³ .
6. Icala elinqwenela umcebisi ngokomgaqo 59(6) liyakuhlawula unobhala wenkundla imali Yokuhlawuwo ngamnye kubacebisi abaceliweyo.

ISIHLOMELO A

IMILINGANISELO YEZIBONELELO EZIHLAWULEKA KUMANGQINA KUMATYALA EMBAMBANO

Umphathiswa weSebe Lezobulungisa Nophuhliso Lomgaqo Siseko ngokudibene Nowesebe LeZeMali phantsi kwecandelo 51 bis lo
Mthetho weeNkundal zikaMantyi , 1944(Umthetho 32 ka 1944), necandelo 42 le Nkunda Ephakamileyo ,1959 (Umthetho 59 ka 1959) umisele
Imilinganiselo yeentlawulo kwishedyuli

ISHEDYULI

1. Ingcaciso

Kule shedyuli naliphi na igama okanye ibinzana elinikwe into eliyithethayo kule mithetho liyakuthetha lo nto kuthiwa lthetha yona .

kwaye ngaphandle kokuba umxholo ubunisa enye into

" Umphathi wenkundla " lithetha umntu olawula ukusebenza kwemihla ngemihla kweenkundla;

"Unobhala wenkundla' uquka umncedisi wakhe

Mthetho weeNkundal zikaMantyi , 1944(Umthetho 32 ka 1944), necandelo 42 le Nkunda Ephakamileyo ,1959 (Umthetho 59 ka 1959) umisele

"ingqina" lithetha umntu oya kwinkundla yembambano njengengqina.

2. Indleko yokuxhaswa komphefumlo

(1) Inggina linezibonelelo zilandelayo zeeyure ezinagama 24 okanye inxalenye yoko ingqina elizifumana, ukwenzela ukuya

kumatyala embambano , ukungabikho kwindlu yalo okanye indawo elogwiba lalo.

(a) ezona ndleko zichithiweyo neziyimfuneko ukuqesha igumbi labahambi ngobusuku: ne

(b) (i) R50 okanye

(ii) linkcitho ezifanelekileyo ezichithiweyo ekutyeni noku nikezela ngobungqina bezo ndleko eziya kwanelisa umlawuli weenkundla okanye unobhala wenkundla

(2) Izibonelelo ezimiselwe kwinxalenye yommiselo (1) zihlawuleka kwixesha elizeleyo apho ingqina ligekhoyo Kwindawo yalo yokuhlala .

(3) ukubala ixesha lokungabikho ngenjongo zenxalenye yommiselo 91), ingqina livumeleke ama24 eeyure ngamnye umgama ongama 600 eekilomitha okanye inxalenye yawo.

(4) isibonelelo ngoku miselwe kwinxalenye yommiselo (1) ayihlawuleki ukuba imali yokukhwela yengqina iquka izidlo kunye nendawo yokuhlala

3. Isithuthi nesibonelelo sohambo

(1) Ingqina linga sebenzisa izithuthi zika wonke wonke okanye easlo kwaye linelungelo koku kulandelayo Izibonelelo;

(a) Kwisithuthi salo

(i) 92c /km kwisithuthuthu

(ii) R1,30 /km isithuthi

Ibalwa ngendlela eyeyona imfutshane

(b) kwisithuthi sika wonke wonke yintlawulo eyeyona iphantsi kwindlela emfutshane.

(2) Ingqina lingasebenzisa inwelo ntaka ukuba umphathi weenkundla , unobhala , okaye umbali weendleko wenkundla ephakamileyo

a) wanelisekile ukuba ukusebenzisa loo ndlela yothutho luyimfuneko

(b) uluvumele olosebenziso lwesi sithuthi.

(3) Ekwanelisekeni bubungqina , ingqina elinelingelo lokuxhamla liyakubuyekezwa loonkcitho isetyenziswe ekupakeni kunye nentlawulo yendlela

4. Ingeniso elahlekileyo

Ihlawuleka ekungeniseni ubungqina obanelisayo nalapho lo lahleko myenzeke ngenxa yokuza enkundleni ngokongezelelwe kwisibonelelo lingahlawulwa ngokommiselo 2 ngokulinganayo neyona mali ilahlekileyo, ngokunedluliyo kwi R1 500,00 ngosuku.

5. Iziqulatho ezongezelelayo Umlawuli weenkundla , unobhala okanye ummbali wenkcitho zenkundla angavumela

(a) iNtlawulo-mali ye

(i) sibonelelo esingali ukulungiselelwanga kwishedyuli, okanye

(ii) isibonelelo phantsi kweemeko ezingalungiselelwanga kwishedyuli kwingqina ukuba unombono wokuba ubulungisa bufuna oko kodwa ejone imimiselo yokuba ingqina alifanele Kuhlululwa ngokunika ubungqina enkundleni; okanye

(b) ukushenxa kumlinganiselo wentlawulo omiselweyo

(i) ingqina xa lihlala ngaphandle kwe Riphabliki; okanye

(ii) kuyo nayiphi na enye imeko, ukuba wanelisekile ukuba iziqulatho zeshedyuli aziyikubangela iingxaki.

6. Apho iindleko zengqina zikhutshwa lelinye iziko akukho zibonelelo ziyakwenziwa kulo.

7. Izibonelelo ezimiseweyo kuleshedyuli ziyahlawuleka kumntu ngokufaneleyo okhapha ingqina, ngenxa. Yobuncinane, ukuba buthathaka ngokwempilo, ubudaia okanye nayiphi na enye imeko yengqina.

8. Isigqibo somphathiweenkundla , unobhala , umbali weenkitho zenkundla ngokwe mimiselo ,4 no 5 siyakub asesokugqibela.

9. Isaziso sika Rhulumente R2597 somhla 1 November 1999 siyatshitshiswa.