GOVERNMENT NOTICE

DEPARTMENT OF TRADE AND INDUSTRY

No. R. 938 **9 November 2011**

ISAZISO SIKAHULUMENI

UMNYANGO WEZOHWEBO NEZIMBONI

Izimiso Zomthetho Wokuvikela Abathengi

Mina, Dkt Rob Davies, uNgqongqoshe Wezohwebo Nezimboni, ngokwesigaba 120(1) nangaphansi kwaso se-Consumer Protection Act, 2008 (Act No. 68 of 2008), (Umthetho Wokuvikela Abathengi, 2008), sifundwa kanye kanye nezigaba ezithize ezikhonjiswe kuzimiso ezingezansi, lapha ngenza izimiso ezishiwo kusheduli.

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Isihloko esifushane nezincazelo

1 (1) Lezi zimiso zomthetho ziyiZimiso Zomthetho Wokuvikela Abathengi.

(2) Kulezi zimiso, ngaphandle uma ngabe isimo sikhombisa ngenye indlela, nanoma yiliphi igama noma izwi elinikezwe incazelo eMthethweni linencazelo efanayo, futhi-

"Umthetho" usho Umthetho Wokuvikela Abathengi, 2008 (Umthetho 68 ka-2008);

"Umnyango" kusho Umnyango Wezohwebo Nezimboni;

"ngokubhala" kubandakanya izindlela nanoma yiziphi ze-elekthroniki ezihlonishwa nguMthetho Wezokuxhumana Nge-elekthroniki kanye Nemisebenzi, 2002 (Umthetho 25 ka-2002); futhi

"umsebenzi kahulumeni" kusho umuntu ochazwe eSihlokweni III (Ukuhlinzeka Okujwayelekile) seNgxenye V yoMthetho Wentela Yemali Engenayo, 1962 (Umthetho 58 ka-1962).

Izivumelwano zefreyintshazi

2 (1) Izimiso zomthetho kufanele zifundwe kanye kanye nezigaba 7 no-120(1)(e)(ii) zoMthetho.

(2) (a) Isivumelwano ngasinye sefreyintshazi kufanele sibe nombhalo ongenaphutha wesigaba 7(2) soMthetho phezulu ekhasini lokuqala lesivumelwano sefreyintshazi, kanye kanye nereferensi yesigaba kanye noMthetho.

(b) Isivumelwano sefreyintshazi kufanele sibe nokuhlinzeka okuvimbela -

(i) ukuhlolwa kwezimali okungenamqondo noma okweqile, amanani entengo noma okunye okucatshangwayo okuqondile noma okungaqondile;

(ii) ukuziphatha okungenasidingo noma okungenamqondo maqondana nezingozi ezizothwala ngomunye umuntu; futhi

(iii) ukuziphatha okungenamqondo odingekayo ukuvikela izintshisekelo zebhizinisi elisemthethweni lomuntu onikezele ngefreyintshazi, umuntu othole ifreyintshazi noma uhlelo lwefreyinthazi.

(c) Isivumelwano sefreyintshazi kufanele sibe nesigatshana esazisa umuntu onikezele ngefreyintshazi ukuthi yena akanalungelo kunanoma iyiphi inzuzo engadaluliwe eqondile noma engaqondile noma isinxephezelo esivela kubanikezeli bempahla siya kubantu abathole kuye ifreyintshazi noma uhlelo lwefreyintshazi, ngaphandle uma umniningwane udaluliwe ngokubhala okunencazelo yokuthi kuzosebenza kanjani.

(d) Indima yesi-2 yephuzu lesi-3 leSheduli yesi-2 yoMthetho isebenza kunanoma yisiphi isivumelwano sefreyintshazi ebikhona ngaphambilini.

(e) Nanoma yikuphi ukuhlinzeka esivumelwaneni sefreyintshazi okusebenza kuso lezi zimiso zomthetho okulwisana nalesi simiso somthetho sikhanselwe kangangezinga laleyo ngxabano.

(3) Isivumelwano sefreyintshazi kufanele njengokuphansi sibe nolwazi oluthize ngqo olulandelayo –

(a) igama nencazelo yezinhlobo zezimpahla noma izinsizakalo umuntu othole ifreyintshazi akanelungelo lokuzinikezela, ukuzikhiqiza, ukuzenza noma ukuzithengisa;

(b) izibopho zomuntu onikezela ngefreyintshazi;

(c) izibopho zomuntu onikwe ifreyintshazi;

(d) incazelo yohlelo lwebhizinisi lwefreyintshazi efanele;

(e) okucatshangwayo okuqondile noma okungaqondile okufanele kukhokhwe ngumuntu onikwe ifreyintshazi kumuntu onikezele ngefreyintshazi;

(f) amalungelo okuvikeleka, uma ekhona, anikezelwe kumuntu onikwe ifreyintshazi ngemininingwane egcwele;

(g) incazelo yesayithi noma yamagceke kanye nendawo lapho umuntu onikwe ifreyintshazi ezoqhuba khona ifreyintshazi;

(h) izimo umuntu onikwe ifreyintshazi angadlulisela noma anikezele ngaphansi kwazo umhlaba wakhe amalungelo kanye nezibopho ngaphansi kwefreyintshazi;

(i) incazelo yophawu lokuhweba noma nanoma yikuphi okunye okuyimpahla ebhaliwe komuntu onikezela ngefreyintshazi, noma ngenye indlela umuntu onikezela ngefreyintshazi akanelayisense yakho esetshenziswayo, noma ezosetshenziswa kufreyintshazi, kanye nezimo okungasetshenziswa ngaphansi kwazo;

(j) uma isivumelwano siphathelene nefreyintshazi enkulu, ukwaziswa komuntu onikezela ngefreyintshazi kwabanye;

(k) imininingwane yokuqeqeshwa kokuqala kanye nosizo olunikezwa umuntu onikezela ngefreyintshazi kanye, nalapho umuntu onikezela ngefreyintshazi enikezela ngokuqeqesha okuqhubekayo isikhathi sesivumelwano sefreyintshazi, isitatimende lapho okuzonikezelwa khona imininingwane yalokho kuqeqeshwa nosizo kuzonikezelwa kumuntu onikezwe ifreyintshazi uma kunesidingo;

(l) isikhathi kanye nemithetho yokuvuselelwa kwesivumelwano sefreyintshazi, uma kungukuthi imithetho kanye nemibandela akuhambisani nenhloso kanye nenqubomgomo yoMthetho;

(m) uma isivumelwano sefreyintshazi sihlinzeka ngokuthi umuntu onikezwe ifreyintshazi kufanele afake isandla ngokuqondile noma ngokungaqondile ekukhangiseni, ekumaketheni noma kwesinye isikhwama esifanayo, isivumelwano sefreyintshazi kufanele sibe nezigatshana ezazisa umuntu onikezwe ifreyintshazi –

   (i) yenani, noma uma ishiwo njengephesenti, indlela yokubala lowo mnikelo;

   (ii) ezinyangeni eziyisithupha emva kokuphela konyaka wezimali wokugcina, umuntu onikezele ngefreyintshazi uzonikezela umuntu onikezwe ifreyintshazi ikhophi yesitatimende sezimali, esilungiswe ngokuhambisana nomthetho osebenzayo, okungakhombisa kancane izimali ezingeni kanye nezindleko zonyaka wokugcina wezimali, kubandakanya imali esetshenzisiwe, kanye nendlela yokusebenzisa ekukhangiseni kanye/noma ekumaketheni komuntu onikezwe ifreyintshazi kanye nezimpahla nezinsizakalo zohlelo lwefreyintshazi

   (iii) ukuthi, ukwengeza endinyaneni (ii), umuntu onikezela ngefreyintshazi kufanele njalo esikhathini esiyizinyanga ezintathu enze ama-akhawunti

okuphathwa kwezimali okuphathelene nezimali ezitholwa ngumuntu onikezwe ifreyintshazi;

(iv) ukuthi izimali esikhwameni zingeze zachithwa ekukhangiseni nasekumaketheni kwamafreyintshazi athengisayo omuntu onikezela ngefreyintshazi;

(v) ukuthi kuze kube lapho okwenziwa khona ucwaningo lwamabhuku, isitifiketi somcwaningi wamabhuku obhalisile noma umsebenzi obheka amabhuku ezimali, njengoba kungenzeka, eqinisekisa ukuthi i-akhawunti yesikhwama icutshunguliwe nokuthi izitatimende, ngokwazi kwakhe kahle hle, zinikeza isithombe esiyiqiniso sezindaba ezishiwo esimisweni esincane (m) kanye nalapho okungenziwanga khona ucwaningo, isitifiketi esenziwe umbheki wamabhuku ezimali ukuthi ama-akhawunti okuphatha alungisiwe futhi alungile ngokolwazi lwabaqondisi;

(vi) ukuthi umuntu onikezwe ifreyintshazi angacela ikhophi yesitatimende kanye nesitifiketi esikhishwe ngokwesimiso somthetho esincane (v), futhi umuntu onikezela ngefreyintshazi kufanele esikhathini esikahle saleso sicelo anikezele ngalawo makhophi;

(vii) ananoma yimuphi umnikelo waleso sikhwama uzodiphozithwa ku-akhawunti yasebhange eseceleni futhi usetshenziselwe kuphela izinhloso zesikhwama;

(viii) umnikelo womuntu onikezela ngefreyintshazi kuleso sikhwama, uma ukhona; kanye

(ix) nokuthi umuntu onikezela ngefreyintshazi kanye/noma amabhizinisi angamafreyintshazi aphathelene nomuntu onikezela ngefreyintshazi awathola nanoma iyiphi inzuzo eqondile noma engaqondile enganikwanga abantu abanikezelwe ifreyintshazi abazimele;

(n) umphumela wokumiswa noma wokuphela kwesikhathi sefreyintshazi;

(o) imibandela yokwelula noma yokuvuselela, noma ukuthi ingabe lukhona yini ukhetho lokuvuselela noma lokwelula isivumelwano;

(p) incazelo ebhaliwe yananoma yimithi imithetho noma izigaba ezingaqondwa ngokugcwele ngumuntu onokunikezelwa ifreyintshazi esikhathini esizayo ngesicelo somuntu ozonikezwa ifreyintshazi esikhathini esizayo esibhaliwe;

(q) igama elisemthethweni lomuntu onikezela ngefreyintshazi, igama lokuhweba, ihhovisi elirejistiwe kanye nehhovisi lebhizinisi lefreyintshazi, igama lomgwaqo, ikheli leposi, ikheli le-emeyili, inamba yocingo kanye nenamba yefeksi;

(r) igama, inamba kamazisi, idolobha ahlala kulo, amagama omsebenzi kanye neziqu zabaqondisi bomuntu onikezela ngefreyintshazi noma abasebenzi abalingana nabo;

(s) ngaphandle kwala umuntu onikezela ngefreyintshazi kuyinkampani erejistwe ku-stock exchange, imininingwane yomnikazi, ilungu noma umnikazi wamasheya uma behlukile kubantu abashiwo endimeni (r);

(t) imininingwane yananoma yimiphi imingcele ebekelwe umuntu onikezwe ifreyintshazi;

(u) isimo kanye nobungako bokubandakanyeka komuntu onikezele ngefreyintshazi noma imvume ohlelweni lokukhetha indawo;

(v) imithetho kanye nemibandela ephathelene nokumiswa, ukuvuselela, isihle kanye nokunikezwa kwefreyintshazi;

(w) izibopho ezinkulu zomuntu onikezele ngefreyintshazi maqondana nokuqeqesha kokuqala nokuqhubekayo okufanele kunikezelwe;

(x) isiqiniseko sokuthi nanoma yimaphi amadiphozithi akhokhwe umuntu onikezelwa ifreyintshazi esikhathini esizayo izodiphozithwa ku-akhawunti yasebhange eseceleni kanye nencazelo yokuthi izodiphozithwa kanjani kuzobhekwana nayo;

(y) imininingwane egcwele yezibopho zezimali zomuntu onikezwe ifreyintshazi ngokwesivumelwano sefreyintshazi noma ngenye indlela okuphathelene nebhizinisi eliyifreyintshazi kubandakanya -

   (i) imali yokuqala ekhokhelwa umuntu onikezela ngefreyintshazi ekusayineni isivumelwano sefreyintshazi, kubandakanya inhloso okufanele kusetshenziselwe yona;

   (ii) izimali ezidingekayo ukwakha ibhizinisi eliyifreyintshazi kubandakanya, ukuthenga noma ukuqasha indawo, izindleko zokuguqula isayithi, ukuhlobisa kanye nezimpawu, izimpahla zokusebenza, ifenisha, ukuqasha nokuqeqesha abasebenzi, isitokwe sokuvula, izinhlawulo ezisemthethweni nezezimali, njengoba zingasebenza;

   (iii) imali yokwenza umsebenzi yokuqala, lapho okunokwenzeka khona, kanye nesisekelo okubalelwa kuso;

   (iv) imali etshaliwe yonke edingekayo;

(v) isitatimende esicacile sokuthi ingabe kukhona yini izindleko noma cha, kukhona yini imiholo yenyanga/yesonto yabasebenzi bebhizinisi eliyifreyintshazi kanye nezindleko zemalimboleko yokusevisa kubandakanyiwe yini enanini lentengo lokuthenga.

(vi) inani lokuxhasa ngemali elikhona elivela kumuntu onikezela ngefreyintshazi, uma ikhona, kanye nezimo ezisebenzayo;

(vii) inani lemali lonke okufanele likhishwe umuntu onikezwe ifreyintshazi maqondana nokuxhasa ngemali okudingekayo ngaphambi kokuboleka; kanye

(viii) namanani aqhubekayo akhokhelwa umuntu onikezela ngefreyintshazi, nemininingwane yokuthi-

(aa) ingabe amanani emali awaguquki yini noma ayaguquka;

(bb) ingabe onke noma ingxenye yamanani emali afakiwe yini enanini lentengo lezimpahla noma amasevisi okufanele athengwe kumuntu onikezela ngefreyintshazi noma abanye abanikezeli abafunwayo;

(cc) izinsuku, noma izikhawu, izimali okufanele zikhokhwe ngazo; futhi

(dd) uma kunanoma iyiphi imali ekhokhwa maqondana nezinsizakalo zokuphatha ezihlinzekwa umuntu onikezela ngefreyintshazi, imininingwane yalezo zinsizakalo.

(4) Isivumelwano sefreyintshazi esivuselelwa emva kosuku olujwayelekile lokusebenza isivumelwano esisha sefreyintshazi sezinhloso zezimiso zemithetho ezincane (2) kanye no- (3).

Umbhalo wokudalula womuntu ozonikezelwa ifreyintshazi esikhathini esizayo

3 (1) Wonke umuntu onikezela ngefreyintshazi kufanele anikeze umuntu ozonikezwa ifreyintshazi esikhathini esizayo umbhalo wokudalula, ofakwe usuku futhi wasayinwa umsebenzi ogunyaziwe womuntu onikezela ngefreyintshazi, okungenani ezinsukwini eziyi-14 ngaphambi kokusayinwa kwesivumelwano sefreyintshazi, okufanele njengesiphansi sibe -

(a) nesibalo sezitolo ngazinye ezinikezelwe ifreyintshazi ngumuntu onikezela ngefreyintshazi;

(b) nokukhula kwembuyiselo yomuntu onikezela ngefreyintshazi, inzuzo esele kanye nenamba yezitolo ngazinye, uma zikhona, ezinikezelwe ifreyintshazi ngumuntu onikezela ifreyintshazi ngonyaka wezezimali ngaphambi kosuku umuntu ozonikezwa ifreyintshazi esikhathini esizayo ethola ikhophi yombhalo wokudalula;

(c) isitatimende esiqinisekisa ukuthi azange kube nezinguquko zezinto ezinkulu esimeni sezimali zenkampani noma zomuntu onikezela ngefreyintshazi kusukela ngosuku lomsebenzi obheka amabhuku ezimali wokugcina, noma isitifiketi somcubunguli mabhuku noma isitifiketi esenziwa umhloli ofanayo wenkampani noma womuntu onikezela ngefreyintshazi, ukuthi inkampani noma umuntu onikezela ngefreyintshazi banezizathu ezikahle zokukholwa ukuthi izokwazi ukukhokha izikweletu zayo uma ngabe sekufanele zikhokhwe;

(d) ukulinganisela okubhaliwe maqondana namazinga okuthengisa okunokwenzeka, imali engenayo, imali isiyonke noma inzuzo esele noma okunye ukuhlambekiselwa kwezezimali kwebhizinisi eliyifreyintshazi noma amafreyintshazi esimo esifanayo nemininingwane yokucabangela okwenzelwe phezu kwazo lezi zethulo.

(2) Ikhasi ngalinye lombhalo wokudalula elishiwo esimisweni somthetho esincane (1) ngenhla kufanele sicaciswe maqondana nezitatimende ezilapha.

(3) Umbhalo wokudalula oshiwo esimisweni somthetho esincane (1) kufanele uphelekezelwe yisitifiketi esibhalwe ephepheni elinophawu lwenkampani evela kumuntu ofanelekile emthethweni ukuthi abhalise njengomuntu ophendulayo wenkampani yabantu abancane, noma umcwaningi wamabhuku enkampani, njengoba kungaba njalo, eqinisekisa ukuthi -

(a) ibhizinisi lomuntu onikezela ngefreyintshazi liwukhathazeka okuhambayo;

(b) ngokwazi kwakhe konke umuntu onikezela ngefreyintshazi uyakwazi ukuhlangabezana nezikweletu zamanje kanye nezincike eqenjini;

(c) umuntu onikezela ngefreyintshazi uyakwazi ukuhlangabezana nakho konke ukuzibophezela esikhathini sebhizinisi ezijwayelekile njengoba kufanele kukhokhwe konke; futhi

(d) izitatimende zezimali zonyaka ezicutshunguliwe zomuntu onikezela ngefreyintshazi zonyaka osandakuphela sezenziwe-

(i) ngokuhambisana neNingizimu Afrika ngokwejwayelekile amazinga okuphendula;

(ii) ngaphandle kwezinga elishiwo lapha, ngokwesisekelo sezinqubomgomo ezihambelana neminyaka engaphambili;

(iii) ngokuhambisna nokuhlinzeka koMthetho Wezinkampani (Namba 61 ka-1973 noma nanoma yimuphi umthetho ongena esikhundleni salo Mthetho), kanye nayo yonke eminye imithetho esebenzayo; kanye

(iv) kancane okukhombisa isimo sezimali, izindaba, imisebenzi kanye nemiphumela yomuntu onikezela ngefreyintshazi ngalelo langa kanye nesikhathi abasishoyo.

(4) Umbhalo odalulayo oshiwo esimisweni somthetho esincane (1) ngenhla kufanele uphelekezelwe -

(a) wuhlu lwabantu abanikezelwe amafreyintshazi bamanje, uma bekhona, kanye nezitolo okungezomuntu onikezela ngefreyintshazi, olushoyo, maqondana nanoma yimuphi umuntu onikezwe ifreyintshazi -

(i) igama eyenza ibhizinisi ngaphansi kwalo;

(ii) igama lommeleli wayo;

(iii) ikheli layo lendawo; kanye

(iv) ne-e-meyili yalo kanye nenamba yocingo ehhovisi, kanye kanye nesitatimende esicacile sokuthi umuntu onikezelwe ifreyintshazi wesikhathi esizayo unelungelo lokuthinta nanoma yimuphi umuntu onikezelwe ifreyintshazi osohlwini, noma okukanye ukuvakashela nanoma yiziphi izitolo ezisetshenziswa umuntu onikezwe ifreyintshazi wamanje ukuhlola ulwazi oludalulwe ngumuntu onikezela ifreyintshazi kanye namathuba efreyintshazi anikezwa yilo;

(b) uhlaka olukhombisa uhlelo olwesekayo endaweni yabo bonke abanikezelwe amafreyintshazi.

Izindlela zokubhloka ukuxhumana kokumaketha okuqondile

4 (1) Ngezinhloso zesigaba 11(1) no-11(2) zoMthetho, uma umthengi -

(a) azise umuntu omakethayo ngqo; noma

(b) kubekwe nanoma yikuphi ukuxhumana noma uphawu ebhokisini leposi, ibhokisi laseposini noma okunye kokufaka iposi, okukhombisa ukuthi akafuni ukuthola nanoma yiziphi izincwadi eziphathelene nokumaketha ngqo, bese kuba umuntu omaketha ngqo –

(i) ungeze wabeka noma wanamathisela nanoma iyiphi into ikakhulukazi ehlose ekumaketheni ngqo, kunanoma yisiphi isakhiwo somzimba, phakathi noma phezu noma eduze kwebhokisi leposi, ibhokisi laseposini, okokufaka, noma phakathi, noma phezulu noma eduze kocingo, kwesango noma nanoma iyiphi enye ingxenye yamagceke omthengi; futhi

(ii) kufanele uhlinzeke umthengi ngesiqinisekiso esibhaliwe ekutholweni ngumuntu omakethayo ngqo ngesaziso esishiwo endimeni (a) ngenhla.

(2) Ukukhonjiswa kwamazwana "azifuneki izikhangisi" noma umfanekiso noma ukukhiqizwa futhi okufanayo okushiwo kuSijobelelo A kwanele ukuthi kuhlangabezane nezidingo zendima (b) yesimiso somthetho esincane (1).

(3) Ngenhloso yesigaba 11(6) soMthetho, imigomo elandelayo iyadingeka njengokuphansi kokusebenza kwehhovisi lokulondoloza izincwadi zamagama abantu elishiwo esigabeni 11(3):

(a) ihhovisi lokugcina izincwadi kufanele likwazi ukubhekela bonke abantu beRiphabhliki nokukhava indawo yokuhlala yonke yeRiphabhliki;

(b) ihhovisi lokugcina izincwadi kufanele ngazo zonke izikhathi abantu bonke bakwazi ukufinyelela kulo eRiphabhliki ngezinhloso zokubhalisa ibhlokwe yokuvimbela, ngaphandle kwananoma iyiphi imali yokukhokha, kodwa umuntu obhalisayo kufanele akhokhe izindleko zangempela zohlobo lokuxhumana olukhona lokubhalisa;

(c) umthengi angabhalisa -

(i) igama lakhe, inamba kamazisi, inamba yepasiphothi, inamba yocingo, inamba yeselula, ikheli le-e-meyili, ikheli leposi, ikheli lendawo, i- website uniform resource locator ("URL") noma nanoma yikuphi okunye kokukhomba umsebenzisi wehhovisi lokulondoloza izincwadi alihlinzekelayo;

(ii) ikheli lomhlaba jikelele lomthengi uqobo lananoma iyiphi iwebhusayithi noma ukusetshenziswa kwewebhu noma isayithi kuwebhu yomhlaba jikelele;

(iii) uma umsebenzisi wehhovisi lokulondoloza izincwadi evuma, ibhlokwe yokuvimbela yangananoma yisiphi isikhathi sosuku noma nanoma yiluphi usuku lonyaka; noma

(iv) uma umsebenzisi wehhovisi lokulondoloza izincwadi evuma, ukuvinjelwa okuphelele kwananoma yiluphi ulimi lokuxhumana, ikheli noma isikhathi;

(d) nanoma iyiphi ibhlokwe evimbelayo ebhalisiwe ngokuhambisana nalesi simiso somthetho kuba izinsuku ezingama-30 eziyimpumelelo ukusuka ngosuku ebhaliswe ngalo;

(e) umphathi wehhovisi lokulondoloza izincwadi angeke noma ngaphansi kwasiphi isimo ahlinzeke, athengise noma ngenye indlela alahle nanoma yiluphi ulwazi olushiwo esimisweni esincane somthetho (c) kunanoma ngubani, kubandakanya nanoma iyiphi ingxenye kahulumeni, ngaphandle kwabanemvume ebhaliwe nesheshayo yalowo mthengi, ngomyalelo wenkantolo yomthetho noma yokusebenza komthetho;

(f) umphathi wehhovisi lokulondoloza izincwadi, ekutholeni isicelo, angaqinisekisa kuphela ukuthi ingabe ibhlokwe yokuvimbela ibhalisiwe yini noma cha ngumthengi, futhi angahlinzeka nanoma yimuphi umnININGWANE kumuntu omakethayo ngqo maqondana nanoma yikuphi okukhombayo okuhlinzekwe ngumthengi ehhovisi lokulondoloza izincwadi;

(g) ngaphandle kwamaqondana nalawo maklayenti asevele ekhona lapho umuntu nomaketha ngqo enobufakazi bokuthi iklayenti elivele likhona emva kokuqala kwalezi zimiso zomthetho livume kwezwakala ukuthola ukumaketha okuqondile ngqo okuvela kumuntu omakethayo ngqo, umuntu omaketha ngqo kufanele acabange ukuthi ibhlokwe evimbelayo ephelele ibhalisiwe ngumthengi ngaphandle uma umphathi wehhovisi lokulondoloza izincwadi ngokubhala liqinisekise ukuthi ibhlokwe evimbelayo ayibhaliswanga maqondana negama elithize, inamba kamazisi, inamba yocingo yolayini ongaguquki, inamba yakho yeselula, inamba yefeksi, inamba yepheyija, ikheli lendawo, ikheli leposi, ikheli le-emeyili, i-website uniform resource locator (URL) uhlelo lokuxhumanisa indawo emhlabeni jikelele noma okunye kokukhomba umsebenzi wehhovisi lokulondoloza izincwadi alihlinzekela ukuthi kulethwe ngumuntu omaketha ngqo ngezinhloso zesimiso somthetho esincane (f);

(h) umphathi wehhovisi lokulondoloza izincwadi kufanele uma kucelwa anikeze umthengi ikhophi yesicelo esishiwo esimisweni somthetho esincane (f) kanjalo nekhophi yempendulo yomphathi, ubunikazi kanye nekheli elibhalisiwe lomuntu omaketha ngqo olethe leso sicelo, kanye negama nemininingwane yokuxhumana yomuntu obhekene nomsebenzi oshiwo kusimiso somthetho esincane (i);

(i) uma sekukhokhiwe imali ebekiwe, uma ikhona, wonke umuntu omaketha ngqo kufanele abhalise kumphathi wehhovisi lokulondoloza izincwadi kanjalo, futhi

kufanele anikezele ngekheli leposi lakhe kanye nekheli lebhizinisi lendawo, inamba yocingo, inamba yefeksi, ikheli le-emeyili kanye negama lomuntu obhekene nanoma yiziphi izicelo okufanele zifakwe ngaphansi kwalesi simiso somthetho, kanye nenamba yocingo, inamba yefeksi, ikheli le-emeyili lalowo muntu obhekene nomsebenzi;

(j) wonke umuntu omaketha ngqo kufanele ngonyaka ngosuku lokubhalisa ngokubhala aqinisekise imininingwane eshiwo esimisweni somthetho esincane (i);

(k) ihhovisi lokulondoloza izincwadi kungenzeka lisemukele isicelo esivela kumuntu omaketha ngqo ongabhaliswanga umphathi njengomuntu omaketha ngqo njengoba kuhlinzekiwe esimisweni somthetho esincane (i) noma aqinisekise imininingwane njengoba kushiwo esimisweni somthetho esincane (j);

(l) umphathi wehhovisi lokulondolozwa kwezincwadi kufanele noma nini avumele umsebenzi weKhomishini phakathi nesikhathi kanye nohlaka lokudingekayo ekwenzeni imisebenzi yabo, nokumvumela ukuthi benze iziqephu ezikhishiwe noma amakhophi alawo marekhodi;

(m) ukwalelwa okusesimisweni somthetho esincane (f) akusebenzi maqondana nolwazi olucelwe ngumthengi qobo lwakhe.

(4) Umphathi wehhovisi lokulondoloza izincwadi kufanele -

(a) ngokusukuma kuqala nokwanelisa Ikhomishini abeke amalungiselelo okuvikeleka anele ukuvimbela ukusetshenziswa ngendlela engafanele, ukweba noma ukulahleka kolwazi oluqoqiwe ehhovisi lokulondoloza izincwadi;

(b) ngokusukuma kuqala kwenziwe izinhlelo zokuhlunga nokuqinisekisa maqondana nanoma yimuphi umuntu ofake isicelo sokubhalisa njengomuntu omeketha ngqo;

(c) ukuhambisana nanoma yimuphi umthetho ohlinzeka ukuvikeleka kolwazi lomuntu uqobo noma ukuvikeleka kwengasese; kanye

(d) ukuhlala kuhlalwe kuqhutshwe imikhankaso yolwazi lomphakathi ngazo zonke izilimi ezisemthethweni njengoba kudingeka futhi kugunyazwe nguMthethosisekelo.

(5) Uma kwenzeka ukuthi Ikhomishini ihlonipha ihhovisi lokulondoloza izincwadi njengokunegunya njengoba kushiwo esigabeni 11(3) soMthetho, Ikhomishini kufanele ingene esivumelwaneni nomphathi walelo hhovisi lokulondoloza izincwadi *phakathi kwezinye izinto* -

(a) ukuvuma kuzwakale nokuqinisekisa ukuthi Ikhomishini, ngaphandle kwanoma yini ephikisanayo, uhlala engumnikazi kuphela walo lonke ulwazi oluqoqiwe nokuthi umphathi akanamalungelo noma okulindelekile okusemthethweni noma ngabe kuyini maqondana nokusetshenziswa, ukulahlwa, ukugcina noma ukushicilelwa kwalo lonke ulwazi noluqoqwe ngumphathi wehhovisi lokulondoloza izincwadi ngesikhathi sesivumelwano nokuthi Ikhomishini ngazo zonke izikhathi ekugcineni ihlala iphethwe yihhovisi lokulondoloza izincwadi;

(b) ukuqinisekisa ukuhambisana noMthetho okuphelele, lesi simiso somthetho kanye nawo wonke omunye umthetho ofanele;

(c) ukuqinisekisa, ngemvume efanele, ukuthi umphathi wehhovisi lokulondoloza izincwadi noma abanikazi bamasheya, amalungu, abangaphansi kwalo noma abantu abanentshisekelo kungenzeka ukuthi bangazuzi ngokwezimali noma ngenye indlela ekuphatheni ihhovisi lokulondoloza izincwadi ngaphandle kokwamukela inkokhelo evela kuKhomishini ngokwenza umsebenzi;

(d) ukuqinisekisa ukuqaliswa kokusebenza, ngokwaneliseka kweKhomishini, kwezinhlelo zokuhlunga nokuqinisekisa maqondana nanoma yimuphi umuntu -

 (i) ukufaka isicelo sokubhalisa njengomuntu omaketha ngqo;

 (ii) uqashiwe noma ufakwe ngumphathi ukuthi usebenze ngolwazi oluqoqwe ehhovisi lokulondoloza izincwadi;

(e) ukuqinisekisa ukuthi izindlela ezifanele nezisebenza ngempumelelo, izinqubo kanye nezinhlelo kunakekelwa ngokuqhubekayo ngumphathi ukuqinisekisa ukutholakala, ukuphepha, ukugcina kanye nesithunzi somzimba nesesimilo kwalo lonke ulwazi oluqoqiwe lwaphathwa ngumphathi, ngokwaneliseka kweKhomishini;

(f) ukuhlinzeka Ikhomishini kanye noMnyango ngokufinyelela okugcwele nokusheshayo ehhovisi lokulondoloza izincwadi lonke, nasemagcekeni nasezintweni zokusebenza ngaphakathi noma ngaphezu kwalelo eligciniwe noma kwafakwa elokubhekela isimo esingahle senzeke;

(g) ukunikezela ukuthi umphathi wehhovisi lokulondoloza izincwadi kufanele ngokushesha ekumisweni kwesivumelwano, maqondana nalo lonke ulwazi oluqoqwe ngumphathi wehhovisi lokulondoloza izincwadi ngesikhathi sesivumelwano kuKhomishini, njengokuyalelwa nguKhomishini, -

 (i) aluyekele lonke ulwazi noma yiluphi oluqoqwe ngesikhathi sesivumelwano kuKhomishini ngananoma yisiphi isikhiwo njengokuyalelwa Ikhomishini;

(ii) uhlanganyela ngokuphelele nangesihle neKhomishini ukuqinisekisa ukutholakala okungaphazanyiswa kwehhovisi lokulondoloza izincwadi emphakathini jikelele nakubantu abamaketha ngqo;

(h) ahlinzekele ukulawulwa okwanele kanye nezindlela zokongamela;

(i) ahlinzeke ngamazinga emisebenzi aqinisekisekayo ;

(j) ahlinzeke ngezimvume ezifanele nezisebenza ngempumelelo uma kwenzeka umthetho osebenzayo kanye nesivumelwano ngananoma iyiphi indlela kungahanjiswana nawo ngokugcwele nomahathi wehhovisi lokulondoloza izincwadi;

(k) ahlinzekele izindlela ezisebenza ngempumelelo emphakathini jikelele ukuze kubikwe izinkinga nokuphathwa kwehhovisi lokulondoloza izincwadi kuKhomishini;

(l) akuhlinzekele indlela umphathi angashicilela ngayo futhi amakethe ukuhlonishwa kwehhovisi lokulondoloza njengokunegunya; kanye

(m) nokuhlinzekela nanoma yiluphi olunye udaba lkhomishini elubona ludingeka noma lubalulekile .

(6) Akukho lutho kulesi simiso somthetho okufanele kuhunyushwe njengesibekela umngcele umsebenzi obhekene neKhomishini wokuphendula maqondana nehhovisi lokulondoloza izincwadi .

Isikhathi esiphezulu sezivumelwano zomthengi zethemu engaguquki

5 (1) Ngezinhloso zesigaba 14(4)(a) soMthetho, isikhathi esiphezulu sesivumelwano somthengi esingaguquki izinyanga ezingama-24 kusukela ngosuku lwesignesha –

(a) ngaphandle uma leso sikhathi eside sivunyelwene nomthengi ngokusho kanye nomnikezeli angakhombisa inzuzo yemali ekhombisekayo kumthengi;

(b) ngaphandle uma kuhlinzekwe ngokwehlukile yisimiso somthetho maqondana nohlobo oluthize ngqo lwesivumelwano, uhlobo lomthengi, ingxenye noma imboni; noma

(c) njengoba kuhlinzekelwe ikhodi yemboni eshiwo esigabeni 82 soMthetho maqondana nohlobo oluthize ngqo lwesivumelwano, uhlobo lomthengi, ingxenye noma imboni.

(2) Ngezinhloso zesigaba 14(3), ikhredithi ekahle noma inhlawulo njengokushiwo esigabeni 14(4)(c) ingeze yeqa inani lemali elikahle, uma kucatshangwa –

(a) inani lemali umthengi akasanecala layo kumnikezeli wempahla ukufika osukwini lokukhansela;

(b) inani lomsebenzi webhizinisi ukufika ekukhanseleni;

(c) inani lezimpahla elizosala ngezekhasimende emva kokukhansela;

(d) inani lezimpahla ezibuyiselwe kumnikezeli wempahla;

(e) isikhathi sesivumelwano somthengi njengoba kwakuvunyiwe ekuqaleni ;

(f) ukulahlekelwa okuzwiwa noma izinzuzo ezitholwa ngumthengi ngenxa yokuthi kungene esivumelwaneni somthengi

(g) isimo sezimpahla noma izinsizakalo ezazigodliwe noma ezazibhukiwe

(h) ubude benothisi yokukhansela uma kungukuthi inothisi yokukhansela inikezelwe ngumthengi;

(i) amandla akahle kumnikezeli wezinsizakalo, ukwenza ngokukhuthala, ukuthola omunye umthengi phakathi kwesikhathi sokuthola inothisi yokukhansela kanye nesikhathi sokugodlela ukukhansela; futhi

(j) ukusebenza okujwayelekile kwemboni efanele

.

(3) Nangale kwesimiso somthetho esincane (2) ngenhla, umnikezeli wempahla kungenzeka angabizi inhlawulo ezoba nomphumela owokuphikisa ilungelo lomthengi ukuze kukhanselwe ithemu engaguquki yesivumelwane somthengi njengoba inikezelwe kumthengi nguMthetho

Ukulebulwa kwemikhiqizo kanye nezincazelo zohwebo: izindwangu, izimpahla zokugqoka, izicathulo kanye nezimpahla zesikhumba

6 (1) Ukuze kusizwe abathengi ekwenzeni izinqumo ngokwazi noma ukhetho, ngezinhloso zezigatshana (4) no-(5) zesigaba 24 soMthetho futhi kuncike esimisweni somthetho esincane (2), ukungeniswa eRiphabhliki noma ukuthengiswa eRiphabhliki kwezimpahla ezishiwo ngqo kuSijobelelo "D", akukhathalekile ukuthi lezo zimpahla zenziwa noma zamukelwa kuRiphabhliki noma kwenye indawo, akuvunyiwe ngaphandle uma –

(a) incazelo yohwebo, ihlangabezana nezidingo zesigaba 22 soMthetho, kusetshenziswa kulezo zimpahla ngendlela ecacile neqondeka kalula esho kucace-

(i) izwe ezakhiwa kulo, ezikhiqizwe kulo noma ezithathelwe kulo;

(ii) uma kwenzeka umakhi wendwabgu, umngenisi wayo ezweni noma umthengisi osebenza eRiphabhliki esebenzisa indwangu i-greige evela kwelinye izwe ukukhiqiza indwangu edayiwe, ephrintiwe noma ephelile eRiphabhliki, indwangu enjalo idayiwe, iphrintiwe noma iqediwe eNingizimu Afrika ngendwangu evela kwelinye izwe futhi

(iii) ukuthi umkhiqizo owenziwe ekhaya kusetshenziswa indwangu evela ngaphandle kwezwe kufanele usho ukuthi "Wenziwe eNingizimu Afrika ngezindwangu ezivela kwamanye amazwe";

(b) lezo zimpahla zihambisana namazinga kazwelonke aseNingizimu Afrika ngokuqukethwe ifayibha kanye nokulebulwa kokunakekelwa ngokuhambisana nokuhlinzeka kweSaziso sikaHulumeni Namba 2410 sika-2000, esashicilelwa kuGazethi yomhla ka-30 Juni 2000;

(c) uma emva kwalezo zimpahla sezenziwe ngesimo esisha, zafanekiswa, zenziwa kabusha noma zakhiwa kabusha, kungaba yiseNingizimu Afrika noma yikuphi futhi, incazelo yohwebo iyasetshenziswa kulezo zimpahla ngendlela ecacile nokulula ukuyiqonda esho ngokucacile ukuthi lezo zimpahla zishintshiwe esimeni, zafanekiswa, zakhiwa kabusha noma zenziwa kabusha, njengoba kungenzeka;

(d) uma izimpahla zihlanganiswe noma zenziwe eRiphabhliki ngokuphelele, incazelo yohwebo iyasetshenziswa kulezo zimpahla ngendlela ecacile nelula ukuyiqonda eshoyo "Zenziwe eNingizimu Afrika."; noma

(e) izimpahla zilebulwa ngendlela elungile.

(2) Lesi simiso somthetho asisebenzi -

(a) ezindwangwini ezinosayizi omncane kangangokuthi ukulebula akunakwenzeka kahle;

(b) ezimpahleni esezike zasebenza ezilethelwe izinhloso zokusiza abahluphekile; noma

(c) ezimpahleni lapho inamba yezimpahla ezingenile ezweni ngomuntu phaqa zingeqi ku-1000 into eyodwa nganoma iyiphi inyanga yekhalenda eyodwa;

kodwa akusebenzi ezimpahleni ezingenile ngezinhloso zokuzothengisa.

(3) Lesi simiso somthetho asichibiyeli noma asiqedi noma sihoxise kunanoma yisiphi esinye isimiso somthetho esenziwe ngaphansi noma ngokwananoma yimuphi umthetho.

Ukulebula umkhiqizo nezincazelo zokuhweba: izinto eziphilayo ezilungisiwe ngokwezakhi zofuzo

7 (1) Kulesi simiso somthetho, "into ephilayo eguquliwe ngokwezakhi zofuzo" kusho into ephilayo eguqulwe ngokwezakhi zofuzo njengoba kuchazwe kusigaba 1 soMthetho Wezinto Eziphilayo Eziguqulwe Ngokwezakhi Zofuzo, 1997 (Umthetho Namba. 15 ka-1997) (Genetically Modified Organisms Act, 1997 (Act No. 15 of 1997)) kanye "okuguqulwe ngokwezakhi zofuzo" kunomqondo ofanayo.

(2) Lesi simiso somthetho sisebenza ezimpahleni ezigunyazelwe ukuhweba wuMkhandlu Ophethe weZinto Eziphilayo Eziguqulwe Ngokwezakhi Zofuzo ezenziwa yisigaba 3 soMthetho Wezinto Eziphilayo Eziguqulwa Ngokwezakhi Zofuzo, 1997.

(3) Ngezinhloso zesigaba 24(6) zoMthetho, kanye nesihloko sesimiso somthetho (4) no-(6), lesi simiso somthetho sisebenza kuzo zonke izimpahla ezishiwo kusimiso somthetho esincane (2) okunamaphesenti okungenani ama-5 ezinto eziphilayo eziguqulwe ngokwezakhi zofuzo, akunandaba ukuthi ingabe lokho kwenziwa noma ukwakhiwa kwenzeka eRiphabhliki noma kwenye indawo, nokumaketha impahla maqondana nalezo zimpahla.

(4) Nanoma iyiphi impahla noma isithako okusebenza kuso isimiso somthetho (3) singeze sakhiqizwa, sanikezelwa, sangeniswa ezweni noma sapakishwa ngaphandle uma isaziso sihlangabezana nezidingo zesigaba 22 soMthetho sisebenza kuleyo mpahla noma impahla yokuhweba, njengoba kungenzeka, ngendlela ecacile nelula ukuyiqonda kanye nokusho usayizi ngaphandle koshintsho, ukuthi impahla noma isithako noma ingxenye "ineZinto Eziphilayo Eziguqulwe Ngokwezakhi Zofuzo".

(5) Uma izimpahla ezibaliwe noma ezishiwo kusimiso somthetho esincane (2) ngenhloso futhi nangokuqondile zikhiqizwe kusetshenziswa izinhlelo zokuguqula ngokwezakhi zofuzo, izimpahla noma impahla yokumaketha, njengoba kunganjalo, kufanele ilebulwe, kuhlangatshezwana nezidingo zesigaba 22 soMthetho, ngaphandle koshintsho, "Ikhiqizwe kusetshenziswa ukuguqula ngokwezakhi zofuzo".

(6) Isaziso esihlangabezana nezidingo zesigaba 22 soMthetho kufanele singasho ukuthi impahla noma isithako noma ingxenye ayinazo izinto eziphilayo eziguqulwe

ngokwezakhi zofuzo ngaphandle uma leyo nto noma isithako noma ingxenye inokungaphansi kwephesenti elilodwa lezinto eziphilayo eziguqulwe ngokwezakhi zofuzo.

(7) Nangale kokuhlinzeka kwesimiso somthetho 7(6), isaziso esihlangabezana nesidingo zesigaba 22 singasho ukuthi izinga lezinto eziphilayo eziguqulwe ngokwezakhi zofuzo ezisempahleni noma esithakweni noma engxenyeni okusebenza kuyo isimiso somthetho esincane (2) lingaphansi kwamaphesenti ama-5.

(8) Angeke kwenzeke ngokwesayensi noma angeke kube liqiniso ukuhlola izimpahla ezishiwo kusimiso somthetho esincane (2) ukuba khona kwezinto eziphilayo eziguqulwe ngokwezakhi zofuzo noma izithako, isaziso esihlangabezana nezidingo zesigaba 22 soMthetho kufanele zisetshenziswe kulezo zimpahla noma impahla yokuthengiswa, njengoba kungaba njalo, ngendlela ecacile nelula ukuyiqonda kanye nosayizi, oshoyo "Kungenzeka ibe nezithako eziguqulwe ngokwezakhi zofuzo".

(9) Lesi simiso somthetho asichibiyeli noma asiqedi noma asihoxisi kunanoma yisiphi esinye isimiso somthetho esisebenza ekulebulweni komkhiqizo kanye nezincazelo zohwebo lwezinto eziphilayo eziguqulwe ngokwezakhi zofuzo okwenziwe ngaphansi noma ngokwananoma yimuphi omunye umthetho, noma kwenze nanoma yiziphi ezinye izimo zomthetho zihoxe kulesi simiso somthetho noma zisibandlulule.

(10) Lesi simiso somthetho sizoqala ukusebenza ezinyangeni eziyisithupha emva kokuqala koMthetho.

Ukudalulwa kwezimpahla ezenziwe kabusha noma ezithengiswa ngokungekho emthethweni

8 (1) Isaziso esishiwo esigatshaneni (1) no-(2) sesigaba 25 soMthetho kanye nokuhlangabezana nezidingo zesigaba 22 soMthetho kufanele kusebenze-

(a) endaweni yezimpahla nasempahleni ethengisayo yezimpahla lapho umthengi kunokwenzeka ukuthi asibone leso saziso; futhi

(b) ngosayizi nendlela okulula ukuyifunda ezimpahleni nakuzo zonke izimo zokukhangisa nokuthuthukisa, kubandakanya ukuthuthukiswa ngaphakathi esitolo, ukupakisha, amawebhusayithi kanye namabhrosha, uma lezi zimpahla zikhangiswa noma zithuthukiswa, kushiwo ngokucacile ukuthi isimo sazo sakhiwe kabusha, zakhiwe kabusha noma zenziwe kabusha, njengoba kunjalo.

(2) Umnikezeli wempahla kufanele uma ethengisela umthengi izimpahla -

(a) adonse ukunaka kwakhe kuzwakale esazisweni esishiwo kusimiso somthetho esincane (1);

(b) ngolimi olulula uchaze incazelo yesaziso kumthengi; futhi

(c) isaziso esishiwo kusigaba 25 (2) soMthetho nesihlangabezana nezidingo zesigaba 22 soMthetho kufanele sisetshenziswe–

(i) endaweni ezimpahleni nasezintweni zokumaketha izimpahla lapho umthengi kuzokwenzeka khona ukuthi asibone isaziso ; futhi

(ii) ngosayizi nendlela okulula ukukufunda;

ezimpahleni nakuzo zonke izimo zokukhangisa nokuthuthukisa, kubandakanya ukuthuthukiswa ngaphakathi esitolo, ukupakisha, amawebhusayithi kanye namabhrosha, uma lezi zimpahla zikhangiswa noma zithuthukiswaa, kushiwo ngokucacile, uma lezi zimpahla zinophawu lokuhweba, abalungenise ezweni ngaphandle kwemvume noma kwelayisense yomnikazi obhalisiwe walolo phawu lokuhweba nokuthi akunasiqiniseko noma iwaranti maqondana nalezo zimpahla ezohlonishwa noma igcwaliswe yinanoma yimuphi umsebenzi noma umuntu ozingenise ezweni onelayisense yalezo zimpahla.

Ulwazi okufanele ludalulwe umxhumanisi

9 (1) Ngezinhloso zesigaba 27(3)(a) soMthetho, umxhumanisi kufanele adalule kumuntu oshiwo ezindinyaneni (i) no- (ii) zendima (a) yesigatshana (1) sesigaba 27, ulwazi oluhlinzekwe kusimiso somthetho esincane (2) ngokuhambisana nokuhlinzeka kwezimiso zomthetho ezincane (3) no-(4), kodwa lesi simiso somthetho asihoxisi ekuhlinzekeni kwananoma yimuphi omunye umthetho osebenzayo.

(2) Umxhumanisi kufanele ngendlela kanye nesimo sokulethwa okuvunyelwene ngaso nomthengi -

(a) adalule, igama lakhe noma lawo, ikheli lendawo lebhizinisi, ikheli leposi, izinamba zocingo, inamba yeselula, inamba yefeksi, ikheli le-emeyili kanye nanoma iyiphi inamba yokubhalisa enikeziwe noma ekhishelwe umxhumanisi yinanoma yimuphi umgwamanda olawulayo;

(b) ahlinzeke ngenamba yakhe kamazisi, noma uma umxhumanisi kungumuntu owazi umthetho, inamba yakhe efanele yokubhalisa;

(c) uma umxhumanisi kungumuntu owazi umthetho, imininingwane yokuxhumana yabasebenzi bakhe bomphakathi;

(d) acacise umsebenzi ngqo okufanele wenziwe ngumxhumanisi;

(e) ngokucela komthengi, adalule imali ekhokhiwe kumxhumanisi ngemisebenzi eyenziwe ngumxhumanisi kubandakanya isisekelo sokubala imali;

(f) azise umthengi ngananoma yiziphi ezinye izindleko umxhumanisi akanelungelo lokuzibuyisa kumthengi, nokuthi ngaphansi kwaziphi izimo;

(g) acacise ukuvama umxhumanisi azophendula ngakho ngokubhalela umthengi maqondana negunya lakhe;

(h) ngokucela komthengi, acacise ukuthi, imali ayikweleta umthengi uzomkhokhela kanjani, nini nakaningi kangakanani umthengi;

(i) adalule nanoma yiluphi ulwazi, noma ngasiphi isikhathi esifanele, esingaba ngesifanele kumthengi uma enquma ukuthi ingabe uzowufuna yini umsebenzi onikezelwa ngumxhumanisi, noma aqhubeke yini noma cha nomsebenzi ovele usukhona;

(j) adalule ikhomishini, izimali zokwenza umsebenzi, izinhlawulo noma izimali zabafuneli misebenzi ezikhokhelwa umxhumanisi yinanoma yimuphi omunye umuntu;

(k) anikeze imininingwane yananoma iyiphi ikhodi yokuziphatha noma yelinye izinga elisebenza kumxhumanisi noma umsebenzi owenziwe noma okufanele wenziwe, njengoba kufanele kube njalo;

(l) ukudalula ukuthi ingabe uke -

(i) watholakala yini enanoma yiliphi icala elibandakanya ukungathembeki elajeziswa ngokuboshelwa ubugebengu ngaphandle kokhetho lokukhokha inhlawulo;

(ii) abekwe ngaphansi kokudlelwa impahla, ukuphelelwa yimali ebhizinisini noma ukuphathwa ngokomthetho;

(iii) noma usalokhu engenamali ebuyiselwa esimeni; futhi

(m) adalule nanoma yiluphi ulwazi olungafaneleka nolungalindeleka ngokunomqondo ukuthi alwazi .

(3) Ulwazi oluhlinzekwe kumthengi ngumxhumanisi –

(a) kufanele luhlinzekwe ngesikhathi ukuze kunikezwe umthengi isikhathi esanele kahle ukuthi enze isinqumo ngokwazi;

(b) olunezinto zezimali zomsebenzi webhizinisi, kufanele ngokubhala, futhi aluhlinzeke nge-elekthroniki, ngesakhiwo se-elekthroniki eshiwo ngqo ngumthengisi, okufanele kube yisakhiwo esikhona ngokwejwayelekile ;

(c) kufanele lube usayizi ophrintiwe ocacile nofundekayo, isikhala kanye nesakhiwo;

(d) kufanele luhlinzekwe ngolimi olulula, agweme ukungabi nasiqiniseko nokudideka futhi kufanele lungedukisi;

(e) kufanele lwanele futhi lufaneleke ezimeni, futhi luhambisane nokuhlinzeka kwesigaba 22(2) soMthetho;

(f) maqondana nazo zonke izimali, izamba, amanani, izinhlawulo, izimali noma imiholo, kufanele kukhonjiswe ngokwemibandela yemali ecacisiwe, kodwa lapho lokhu okungeke kwenzeke, isisekelo sokubala kufanele kuchazwe ngokwanele;

(g) akudingeki ukuthi kuphindwe kabili umthengi ofanayo, ngaphandle uma izinto noma izinguquko ezinkulu eziphazamisa umthengi zenzeka noma ziba khona noma ngasiphi isikhathi;

(h) kufanele kuhlukaniseke ngokucacile ekumaketheni noma ezintweni zokukhuthaza bese kusho amalungelo asebenzisekayo kanye nemisebenzi okubhekenwe nayo yomthengi ngokucacile ngokugwenywa kobuchwepheshe obungacacile noma ulimi olusemthethweni kanye, nalapho lokhu okwandulelayo kusetshenziswa ngokudingekayo, nezincazelo ezifanele-ke.

(4) Umxhumanisi kufanele ngokushesha ngokubhala adalule kumthengi ukuba khona kwananoma yisiphi isimo noma nanoma iyiphi intshisekelo yomuntu uqobo kusevisi noma ezimpahleni ezingabanga noma okungenzeka zibange ukungqubuzana kothando kwangempela noma okunokuba khona, noma umqondo wokungqubuzana kothando, maqondana nomxhumanisi, futhi umxhumanisi kufanele zonke izinyathelo ezikahle zokuqinisekisa ukuphathwa kahle komthengi.

Amarekhodi okufanele agcinwe ngumxhumanisi

10 (1) Ngezinhloso zesigaba 27(3)(b) soMthetho, umxhumanisi kufanele isikhathi esiyiminyaka emi-3 (emithathu) ugcina ikhophi -

(a) yananoma yiluphi ulwazi olushiwo ezimisweni zomthetho ezincane (2) no- (3) zesimiso somthetho 9;

(b) nanoma yimuphi umyalelo wokubhala onikeziwe noma othunyelwe ngumthengi kumxhumanisi;

(c) uma kwenzeka nalapho kuba khona umsebenzi webhizinisi kuphela, ugcina irekhodi lezeluleko elinikezelwe umthengi okufanele likhombise isisekelo okwanikezwa ngaso iseluleko.

(2) Umxhumanisi kufanele athathe zonke izinyathelo ezikahle ukugcina onke amarekhodi nemibhalo iphephile ekucekelweni phansi, futhi kufanele uma amarekhodi elahlekile noma ecekelwe phansi enze isitatimende ngaphansi kwesifungo noma kwesiqinisekiso esichaza izizathu zezimo zokulahleka noma kokucekelwa phansi.

(3) Umxhumanisi kufanele agcine amarekhodi kusakhiwo se-elekthroniki efanele noma erekhodiwe, okufanele kube lula ukufinyelela kuyo futhi ikulungele ukuncishiselwa ekubhalweni noma esimeni esifanele.

Imincintiswano yokukhuthaza

11 (1) Ngezinhloso zesigaba 36(3)(a) soMthetho, izindleko ezikahle zokudlulisa nge-elekthroniki okufakiwe akufanele kweqe u-R1.50 (Ishumi nesihlanu).

(2) Izindleko ezikahle ezishiwo esimisweni somthetho esincane (1) ngenhla kubandakanya izindleko sezizonke zakho konke ukuxhumana okulandelayo kwe-elekthroniki kumthengi maqondana nalokho kufakwa okuthize.

(3) Nanoma yikuphi ukuhlinzeka emithethweni yomncintiswano wokukhuthaza okudinga umuntu owine umklomelo ukuthi -

(a) avumele ukusetshenziswa komfanekiso wakhe ezintweni zokumaketha; noma

(b) ahlanganyele kunanoma yimuphi umsebenzi wokumaketha; noma

(c) abe khona uma kutonyulwa amagama abawinile noma abawinile bemenyezelwa, ngaphandle kokumnika ithuba lokwala isimemo sokwenze njalo noma ukumazisa noma ngelungelo lakhe lokwala isimemo esinjalo, kusuliwe.

(4) Ukungenelwa kwemiklomelo yemali ngenhloso yokukhiphela ngaphandle imincintiswano anemiklomele yamanani aphansi encazelweni "umncintiswano wokukhuthaza" ngezinhloso zesigaba 36(11)(a) soMthetho u-R1.00 (Ishumi losheleni).

(5) Umgqugquzeli kufanele aqiniseke ukuthi umbheki wamabhuku ozimele, umcwaningi wamabhuku obhalisiwe, ummeli noma u-advokheyithi bengamela futhi bafakazise ukuqhutshwa komncintiswano futhi kufanele bakubike lokhu ngokusebenzisa umbiko wokucwaningwa kwamabhuku kwangaphakathi komgqugquzeli noma okunye ukuqinisekisa okufanele noma izinqubo zokuqinisekisa.

(6) Ngezinhloso zesigaba 36(11)(b) soMthetho kanye nesihloko sesimiso somthetho esincane (5), umuntu oqhuba umncintiswano wokuthuthukisa kufanele, isikhathi esiminyaka emithathu okungenani, agcine-

(a) imininingwane egcwele yomgqugquzeli, kubandakanya izinamba zikamazisi noma eyokubhalisa, njengoba kungenzeka, amakheli kanye nezinamba zokuxhumana;

(b) imithetho yomncintiswano yokukhuthaza;

(c) ikhophi yomnikelo wokuhlanganyela emncintiswaneni wokukhuthaza oshiwo esigabeni 36(5);

(d) amagama kanye nezinamba zikamazisi zabantu ababhekene nomsebenzi wokuqhuba umncintiswano wokukhuthaza;

(e) uhlu olugcwele lwayo yonke imiklomelo enikezwayo emncintiswaneni wokukhuthaza;

(f) ukukhethwa kokumelelwa kwezinto ezimakethe umncintiswano wokukhuthaza noma ikhophi ye-elekthroniki-ke, kodwa leyo khophi kufanele kufinyeleleke kuyo ngokushesha ngesakhiwo esikhona ngokwejwayelekile;

(g) uhlu lwazo zonke izimo uma umncintiswano wokukhuthaza wawumakethwa, kubandakanya imininingwane ezinsukwini, ulimi olusetshenziswayo kanye nezindawo lapho ukumaketha kwenziwa khona;

(h) amagama kanye nezinamba zikamazisi zabantu ababhekene nomsebenzi wokuqhuba ukukhethwa kwabawine imiklomelo emncintiswaneni wokukhuthaza;

(i) ukuvuma ukwamukela umklomelo osayinwe ngumuntu owine umklomelo, noma umbheki osemthethweni lapho ekhona khona, kanye nenamba yakhe kamazisi, kanye nosuku lokuthola umklomelo, noma lapho lokhu kungenzeki khona, ubufakazi obunikezwa ngumkhuthazi ukuthi umklomelo wathunyelwa ngeposi noma ngezinye izindlela ze-elekthroniki kumuntu owinile kusetshenziswa imininingwane ayinikezile;

(j) izifungo ezenziwa abantu abashiwo endimeni (d) okwenziwe ngaphansi kwesifungo noma isiqinisekiso sokuthi abawine umklomelo ngokwazi kwabo kwakungesibo abaqondisi, amalungu, abalingani, abasebenzi, abenzelana umsebenzi noma abeluleki noma nanoma yimuphi omunye umuntu olawula ngokuqondile noma ngokungaqondile noma okulawulwa ngumthuthukisi noma abanikezeli bezinsizakalo zokumaketha maqondana nomncintiswano wokukhuthaza, noma abaganene, abalingani bempilo, abalingani ebhizinisini noma amalungu omndeni oseduze.

(k) isisekelo okwashiwo ngaso abawine umklomelo;

(l) isifingqo esichaza izinqubo zokusho abawinile, kubandakanya amagama abantu abahlanganyela ekushoni abawine imiklomelo, usuku kanye nendawo lapho lokho kusho kwenzeka khona futhi nokuthi izinqubo zazivulelwe umphakathi jikelele;

(m) ukuthi ingabe umuntu ozimele wengamela ukunqunywa kwabawine imiklomelo yini kanye negama lakhe kanye nenamba kamazisi;

(n) izindlela okwamenyezelwa ngazo abantu abawine imiklomelo kanye nokuvamake;

(o) uhlu lwamagama kanye nezinamba zikamazisi zabantu abawine imiklomelo;

(p) uhlu lwezinsuku lapho imiklomelo yanikezelwa khona noma yakhokhelwa abawine imiklomelo;

(q) uma kwenzeka ukuthi umuntu owine umklomelo akakwazanga ukuthinteka, izinyathelo ezithathwe ngumkhuthazi wokuthinta abawinile noma ngenye indlela azise owinile ngokuwina kwakhe umklomelo; futhi

(r) uma kwenzeka ukuthi umuntu owine umklomelo akazange athole noma amukele umklomelo wakhe, isizathu sokungatholi noma sokungamukeli umklomelo, kanye nezinyathelo ezithathwa ngumkhuthazi zokunikezela umklomelo kulowo muntu owinile.

(7) Umkhuthazi kufanele lapho ecelwa ngokubhalelwa yiKhomishini ngokushesha, ngezindleko zakhe alethe umbiko oncike emibhalweni noma ezintweni ezishiwo esimisweni somthetho esincane (7) kuKhomishini.

Isitatimende sokwexwayisa sezinye izikimu zomsebenzi

12 Ngezinhloso zesigaba 37(2)(a) soMthetho, nanoma yikuphi ukukhangisa okukhuthaza nanoma yimuphi omunye umsebenzi oshiwo kusigaba 37(1) soMthetho kufanele -

(a) ngaphandle kokuhoxa kunanoma yikuphi okunye ukuhlinzeka okusebenzayo ekukhangiseni noma ekukhuthazeni;

(b) ngokubhala okufanayo nesikhangisi sonke kanye nendawo egqamile lapho okungenzeka ukuthi kubonwe khona umthengi; futhi

(c) ngaphandle koshintsho,

kunesaziso esilandelayo: "Imiphumela, iziboinelo zezincwadi zokufakazela ngesimilo okuthenjisiwe noma okuqukethwe kulesi sikhangisi kungaba ngokungajwayelekile futhi kufanele kungathathwa njengokunikezwa iziqiniseko maqondana nokuba khona

komsebenzi, ibhizinisi noma umsebenzi okhona, imali ecatshangelwe engenayo noma enye inzuzo nanoma iyiphi ethenjisiwe noma eshiwo ngokungaqondile ngqo. Akunasiqiniseko nhlobo sokuthi uzothola imiphumela ethenjisiwe noma engashiwongo ngqo kulesi sikhangisi. Uyakhuthazwa kakhulu ukuqinisekisa noma ukuthola, ngezindleko zakho, usizo lokuqinisekisa imiphumela enokwenzeka kuncike emaqinisweni angempela kanye nokucabangela kanye nefanele njengamanje kanye nezimo ezisebenzayo."

Ukuhumusha: Izikimu Zokukhwabanisa kanye neMinikelo

13 Izimiso zomthetho 14 ukuya ku-16 kufanele zifundwe kanye kanye nezigaba 42(8), 51 no-120 zoMthetho.

Ukuvinjelwa komxhumanisi ohlela izinkontileka zezithuthi

14 Ukuhlela, isivumelwano, umsebenzi noma isikimu yinkontileka yezezithuthi ewukukhwabanisa uma ibandakanya umuntu ngokuzenzisa noma ngenhloso yokukhwabanisela omunye umuntu, kumele ukuthi umuntu wokuqala uyakwazi ukuhlela inkontilaki yezithuthi, kungaba ezemithwalo noma ezabagibeli, ukuthi zisetshenziswe umthengi futhi kudingeka umthengi ukuthi akhokhe ngaphambi kwesikhathi imali noma iholo lanoma yisiphi isimo, kungaba ngesihle noma ngananoma yisiphi isimo esicatshangwayo.

Izikimi zamasindikhethi empahla kahulumeni

15 (1) Kulesi simiso somthetho, ngaphandle uma isimo sikhombisa ngenye indlela -

"Isikimi samasindikhethi empahla kahulumeni eziwukukhwabanisa" kusho isikimu sesindikhethi yempahla kahulumeni lapho umuntu oyedwa, ngokuzenzisa okungamanga noma ngenhloso yokukhwabanisela omunye umuntu, emelela ukuthi omunye umuntu impahla akatshala kuyo imali ifanelwe okungaphezulu kunenani layo lemakethe langempela;

"umgqugquzeli" kusho inkampani kanye nabaqondisi bayo, inkampani encane kanye namalungu ayo, ubulingani kanye nabalingani bayo, itrasti kanye nababheki betrasti kanye nabo bonke abanye abantu ababandakanyekile ngokukhuthala ekwakhiweni

nasekwenziweni kwesikimu sendikhethi sempahla kahulumeni, kanye nereferensi yenkampani nabaqondisi bayo nabo ababhekise enkampanini encane kanye namalungu ayo, noma kutrasti kanye nababheki betrasti bayo, noma kubulingani kanye nabalingani noma ebunikazini benkampani bomuntu oyedwa, noma abameleli babo;

"ulwazi olubekwe ngokusemthethweni" kushiwo ulwazi olushiwo ngokusemthethweni olushiwo esimisweni somthetho esincane (5)(b);

"isikimi samasindikhethi empahla kahulumeni

" kusho ukuhlangana kweqembu labatshali zimali abamenyiwe, ngezwi lomlomo noma ngokusebenzisa abezindaba abasebenzisa i-elekthroniki noma ukuphrinta, umsakazo, umabonakude, ucingo, iphephandaba kanye nephephabhuku, ukukhangisa, amabhrosha kanye neposi eliqondile ukuhlanganyela ezikimini ezinjalo ngokutshala ezintweni, okungaba yizinkampani, izinkampani ezincane, amatrasti, ubulingani noma abantu ngabanye, impahla yabo enkulu noma izimpahla ngezokuhweba, ukuthengisa, ezezimboni noma izindawo zokuhlala, kanye, nalapho abatshali zimali babelkana izinzuzo kanye nokulahlekelwa kulezi zindawo kanye/noma bethokozela izinzuzo zokukhula kwerenti yonke ngokwabelana ngokulingana imali engenayo;

kanye

"umkali" kusho umkali oqeqeshiwe noma umkali ohambisanayo oqeqeshiwe obhaliswe ngokwesigaba 20(a) se-Property Valuers Profession Act, 2000 (Umthetho Namba. 47 ka-2000), okungenani neminyaka emithathu yolwazi emkhakheni wokuhlolwa kwempahla.

(2) Akukho muntu ongakhuthaza ngokuqondile noma ngokungaqondile noma axhumanise isikimu sempahla kahulumeni esiwukukhwabanisa.

(3) Umgqugquzeli angeze -

(a) abamba ulwazi olubekwe ngokusemthethweni, ingxenye noma ngenye indlela, kumtshali zimali noma kumtshali zimali okunokuba khona esikimini sesindikhethi yempahla kahulumeni; noma

(b) kubandakanye nanoma yiliphi itemu, umbandela noma ukuhlinzeka embhalweni wokudalula okhiphela ngaphandle, obeka umkhawulo noma okhuthaza ukukhiphela ngaphandle noma obeka umkhawulo esikweletwini somthetho womgqugquzeli wesindikhethi okuphokophele kumtshali zimali maqondana nanoma yisiphi isenzo esinonya, esingenanhloso, ukukhwabanisa, ukunganaki noma ukunganaki okukhulu komgqugquzeli wesindikhethi, umsebenzi wakhe, ummeleli, usonkontileka noma usonkontileka omncane noma nanoma yimuphi

omunye umuntu osetshenziswa umgqugquzeli wesindikhethi noma onconywe nguye kumtshali zimali noma kumtshali zimali wesikhathi esizayo.

(4) Umgqugquzeli kufanele enze ukuthi ulwazi olushiwo ngokusemthethweni lutholakale kumtshali zimali noma umtshali zimali onokuba khona otshala izimali noma ohlose ukutsha izimali esikimini sesindikhethi yempahla kahulumeni, kanye nolwazi olushiwo ngokusemthethweni kufanele lwenziwe ukuthi lutholakale kubatshali zimali noma kubatshali zimali abokuba khona embhalweni wokudalula, imininingwane eshiwo kusimiso somthetho esincane (5)(b).

(5) (a) Isitatimende, ukwethula noma incazelo kufanele ingedluliseli ulwazi oluyiphutha noludukisayo ngezikimu zesindikhethi yempahla kahulumeni noma lweqe ulwazi lwempahla ngesikhathi sokunikela kukahulumeni ngamasheya.

(b) Umtshali zimali noma umtshali zimali onokuba khona kufanele aziswe ngokubhalelwa ukuthi -

(i) isindikhethi yempahla kahulumeni ukutshalwa kwemali kwesikhathi eside, kuvamise ukuthi kungabi ngaphansi kweminyaka emihlanu;

(ii) kunengozi enkulu, ukuthi umtshali zimali noma umtshali zimali onokuba khona angeze akwazi ukuthengisa amasheya akhe uma efisa esikhathini esizayo; futhi

(iii) akusiwona umsebenzi womgqugquzeli ukuthola umthengi uma umtshali zimali noma umtshali zimali onokuba khona efuna ukuthengisa amasheya akhe nokuthi kuwumsebenzi womtshali zimali onokuba khona ukuthi azitholele umthengi wakhe.

(6) (a) Abatshali zimali kufanele baziswe ngokubhalelwa ukuthi zonke izimali ezitholakale kubo ngaphambi kokudlulisela noma kokuqedela kufanele zidiphozwe kutrasti akhawunti yomuntu othengisa izindlu obhalisiwe, ifemu yabameli noma abameli noma i-charted accountant efakazisiwe, uma kungukuthi leyo trasti akhawunti ivikelwe ngumthetho. Abatshali zimali abangababodwa kufanele banikezwe iziqinisekiso ezibhaliwe-ke, futhi kufanele kushiwo kucace ukuthi ubani olawula ukukhishwa kwezimali ku-akhawunti. Leyo akhawunti kufanele ikhethwe "XYZ Abameli/abacwaningi bamabhuku/abathengisi bezindlu /trasti Akhawunti - isindikhethi XYZ ". Uma kwenzeka abatshali zimali bekhokha ngesheke, abagqugquzeli kufanele baqinisekise ukuthi igama lomuntu okhokhayo liphrintwe ngokugqamile kumafomu okufaka isicelo.

(b) Izimali kufanele zikhishwe kuphela kutrasti akhawunti uma kubhaliswa ukudluliselwa kwempahla kusindikhethi; noma kusayina umuntu okusayinwa ngaphansi kwakhe odaluliwe nemininingwane yomuntu osayinayo; noma ukubuyisela umtshali zimali uma isindikhethi ingaqhubeki.

(c) Kufanele kudalulwe ukuthi ingabe impahla ithengwe ngemibandela yini noma ngokhetho, kanye mhlawumbe kokukodwa noma kokubili kudingeka imininingwane egcwele yanoma yisiphi isimo kanye/noma ukhetho ukuthi iyiphi indawo eyayithengiwe kufanele kudalulwe kanye kanye nosuku olusebenza ngempumelelo lokuqala kwesindikhethi.

(d) Nanoma iyiphi intshisekelo eqondile noma engaqondile, umgqugquzeli kanye/noma yiliphi ilungu lomndeni wakhe noma nanoma yimuphi omunye umuntu obandakanyeka ngenkuthalo ekukhuthazweni kwaleyo sindikhethi empahleni okufanele ithengwe, kufanele idalulwe.

(e) Kufanele kudalulwe ukuthi nanoma yikuphi ukushoda kwemali yomsebenzi kuzobhekwana nakho.

(f) Le ndlela yokwandisa imali yokwenza umsebenzi edingekayo ukuxhasa ngezimali ukutholakala kwempahla kanye nokuthenga impahla ngeqembu nokuthi nanoma yiziphi izindleko zokukhokha kuzobhekwana kanjani nazo, ngaphambi kokudlulisela, kufanele idalulwe.

(g) Ukuhlinzeka kufanele kwenziwe ngenzalo etholakele okufanele ukuthi ikhokhele izikhwama zabatshalizimali idiphozithwe njengoba kuhlinzekiwe endimeni (a) ngaphambi kosuku okuyilona lokudlulisela impahla.

(7) (a) Imininingwane egcwele yomgqugquzeli wesikimi sesindikhethi, njengegama, inkampani ebhalisiwe noma izinamba zenkampani encane, abaqondisi bayo, amakheli, ucingo kanye nezinamba zefeksi kanye nekheli le-e-meyili kufanele kunikezwe.

(b) Ukudalula okugcwele kufanele kwenziwe ukuthi umgqugquzeli usebenza njengenhloko yini esikimini noma njengomenzeli womunye umuntu. Uma umgqugquzeli esebenza njengomenzweli, kufanele anikezele imininingwane egcwele yenhloko.

(c) Umbhalo wokudalula, okufanele ufakwe usuku bese usayinwa umgqugquzeli, kufanele ube nesitatimende sokusebenza kanzima (ngokohwebo nokomthetho) maqondana nempahla kanye nabaqashe kuyo ngaphambi kokuthengwa

okungenambandela futhi kufanele usho ukuthi lokhu kwenziwa nokuthi wanelisekile ngemiphumela.

(8) (a) Imininingwane egcwele yemoto yokuthenga impahla ndawonye kufanele idalulwe, kubandakanya namagama namakheli, ucingo kanye nezinamba zefeksi kanye namakheli e-emeyili yomphathi wempahla, unobhala wenkampani, ibhodi yabaqondisi, umcwaningi mabhuku, ummeli kanye nombali wamanani .

(b) Ukwengeza ukudalula okugcwele kufanele kwenziwe ngesakhiwo sezimali zenkampani ephethe nomaumphathi (abaphathi) kanye nanoma yikuphi ukuqashwa noma izinkontileka eziphathelene nesindikhethi.

(9) (a) Kufanele kwenziwe ukudalula okugcwele kohlobo lwesakhiwo senkampani okufanele lusetshenziswe esikimini sesindikhethi kanye nereferensi kufanele yenziwe emthethweni olawula isakhiw senkampani ekhethiwe. Ireferensi kufanele yenziwe enambeni yokubhalisa inkampani, noma ukweluleka ukuthi inkampani isakhiwa, imemorandamu yokubandakanywa, ama-athikili okuhlanganyela, isivumelwano sabanikazi bamasheya, nalapho okwenzeka khona, isivumelwano sokubambisana, itayitela letrasti kanye nesitatimende sokusungula. Ukudalula kufanele kusho ukuthi ingabe isivumelwano sabanikazi bamasheya sikhona yini noma cha, futhi uma leso sivumelwano sikhona kufanele sifakwe njengesijobelelo embhalweni wokudalula.

(b) Imininingwane egcwele kufanele inikezwe yokuphela konyaka wezimali, amasheya okufanele akhishwe, amasheya okufanele akhishwe esikhathini esizayo, ukulawula ngaphezu kwamasheya angakhishiwe, izimalimboleko zabanikazi bamasheya kanye nezikweletu ezikhokhelwa nenzalo ezinkampanini, i-balance sheet eyenziwa ngaphambi kwesikhathi ekuthengeni (noma entuthukweni entsha, ekuqedeni), uhlelo lokuhambisa imali engenayo, abanikazi bamasheya abancane nabakhulu noma i-qouta yokuhlanganyela, nanoma yimaphi amalungelo okuvota ayisipesheli, ukugiyela okukhona nokuhleliwe, amandla okuboleka nokuthi kufanele asetshenziswe kanjani, izindawo zokusiza ukuboleka ngaphandle ezikhona kubatshali zimali ukuze kuxhaswe ngezimali amasheya enkampanini yokutshala yizimali kanye nenani lemali elihlinzekiwe eskhiweni sesindikhethi semali yokuseebenza kanye nezingodla .

(10) (a) Kufanele kunikezwe imininingwane -

(i) yetayitela nenamba yalo;

(ii) ubunzima bempahla noma izingqinamba uma kucatshangwa okunye ukuthuthukisa maqondana nempahla;

(iii) ukuhlela kanye nezimiso zomthetho wokuhlela idolobha ezifanele uma kusahloswe enye intuthuko maqondana nempahla;

(iv) amandla okuthuthukisa engeziwe;

(v) izakhiwo ezakhiwe noma izinsuku zokwakha zokuqala nezinsuku zokwenza ngcono (kubandakanya amalifti, isilawuli moya kanye nesakhiwo sophahla), uma kukhona;

(vi) ikheli lendawo, indawo kanye nendawo yesayithi, kubandakanya imephu ;kanye

(vii) nekhava yomshuwalense, igama lomuntu onikezele ngomshuwalense, izinhlobo zezingozi ezibhekelwe, amanani abhekiwe, usuku okukhokhelwa ngalo ipholisi kanye nenamba yepholisi.

(b) Ukwengeza kufanele kube nesitatimende esisho-

(i) izindleko zempahla kumgqugquzeli noma enkampanini yesindikhethi kubandakanya inani lentengo lokuthenga, izindleko zokuyilungisa, ukuguqula noma ukuthuthukisa kubandakanya imininingwane yananoma yikuphi ukuqashisa okusha noma izingxoxo futhi zokuqasha okuthuthukisa inani, ukmaketha kanye nezindleko zokukhuthaza kanye nemali efakwa umthengisi okhuthazayo ngaphezulu, ukukhuphula inani lomnikelo wobunikazi bamasheya enkampanini ngosuku lomnikelo; kanye

(ii) nokuhlolwa kwempahla kusukela ngosuku, okufanele kungabi ngaphezu kwezinyanga ezintathu zekhalenda ngaphambi kosuku lokwenza umnikelo, okwenziwe umhlambekiseli wamanani, ngokuhambisana nesimiso somthetho esincane (14).

(c) Uma umhlaba kufanele ube nobunzima ngebhondi emva kosuku lokuvalwa komnikelo, umgqugquzeli kufanele adalule -

(i) ibhalansi esele ekweletwa umuntu okhokha ibhondi ngokwebhondi kubandakanya izinga lenzalo, isikhathi sokukhokha kokubuyisa imalimboleko nokuthi ingabe ibhondi isezingeni lokuqala yini noma kungenye indlela;

(ii) inani lemali eliphezulu elivikelwe ibhondi;

(iii) imithetho yesikweletu sebhondi;

(iv) umazisi womuntu okweleta ibhondi; kanye

(v) nesitatimende emphumeleni wokuthi sithatha imalimboleko engaka angeke kuphikisane: nememorandamu noma ama-athikili okuhlanganyela kwenkampani, isivumelwano sokuhlanganyela kwenkampani encane, itayitela letrasti, isivumelwano sokubambisana noma umthethosisekelo wokuqhuba isindikhethi yempahla kahulumeni.

(11) Iminingwane egcwele kufanele inikezwe -

(a) nanoma yisiphi isivumelwano esikhulu selisi kanye noqashe kumuntu oqashile ndawonye nekhwantamu kanye nendawo enanoma yisiphi isikhala esingenalutho esikhavwe yilisi enkulu kanye nelisi eqashwe kumuntu olisile, lapho "ikhwantamu" ibhekise kumamitha ayisikwele kanye nenani elibandakanyekayo;

(b) nanoma yiziphi iziqinisekiso zonke noma ezisele ezinikezelwe ngumthengisi wasemgwaqeni wempahla ; kanye

(c) namalisi angempela aphethiwe nemininingwane egcwele yesikhala sokuqasha, isikhathi samalisi, ukurenta, ukukhuphuka kwamazinga amalisi, amagama abaqashi kanye nokuvikeleka kwamalisi, izindleko ezibuyiswa kubaqashi, ukhetho lokuvuselela ilisi, isikhathi sokubukeza ukurenta kanye nesikhala esingenamuntu.

(12) Isitatimende semali engenayo nezindleko kufanele kuhlinzeke -

(a) isitatimende esinemininingwane yemali engenayo ekhokhwe ngaphambi kwesikhathi okufanele sinikeze umniningwane wazo zonke izindleko ezicatshangelwayo, izindleko zenkontikela kanye nezimali ezikhokhwayo, imali yokurenta yonke, ukuzibuyisa kanye nemali engenayo esele ecatshangelwayo yenkampani yesindikhethi;

(b) isitatimende ngokwezinga lesikhala lesikhathi eside nencazelo yokukhuthaza ephelele, kodwa izinga eliyiqanda alamukelekile; kanye

(c) nesitatimende donungako bokuhlinzeka ukunakekelwa kwesikhathi esizayo, nemininingwane ephelele lapho isebenza khona.

(13) (a) Kufanele kunikezelwe iminingwane egcwele -

(i) yesisekelo esisetshenziswe ukubala ukuhlambekisela kwangaphambili maqondana nokukhula kwemali engenayo ekhona, okufanele incikiswe emalini engenayo yerenti evela kumalisi kanye/noma ukukhula kwerenti yemakethe, engashiwo ngqo kancane nedaluliwe, kanjalo nokuhlambekisela izindleko ezilindelekile ezikahle;

(ii) yesisekelo esisetshenziswe ukubala ukuhlambekisela kwangaphambili enanini lemali yokwenza umsebenzi, okufanele ishiwo ngemali engamaRandi njengolinganisela, uma kungukuthi iphelekezelwa ukucabangela okushiwo nokuqonde ngqo okukhombisa ukuthi lawo amanani ashiwo kanjani, kodwa ukuhlambekisela okuthize ngqo ngokukhula kwemali yokwenza umsebenzi akuvumelekile, kucatshangelwa ukuthi izinguquko eziningi ezinethonya emananini empahla; nokuthi

(iii) ingabe iqiniso lokuhlambekisela okusetshenziswa ekunqumeni ukuhlambekisela kwangaphambili kuncike eqinisweni yini noma embonweni; futhi

(b) uma imbuyiselo ethize ngqo icatshangelwe ngaphambilini, kufanele ibalwe ngokukhomba enanini lesindikhethi.

(14) (a) Igama lomlinganisi manani kanye neziqu zakhe kanye nolwazi lwakhe kufanele kudalulwe.

(b) Umlinganisi manani kufanele azi ngesimo sokulungisa kanye nezimo zezakhiwo kanye nokwenziwa ngcono.

(c) Umlinganisi manani kufanele azi ukuhlola kukamasipala kwamaduze kwempahla okuqondenwe nayo, okufanele ukuthi ukuhlola kukamasipala kungabi ndala kunezinyanga ezintathu.

(d) Ngezinhloso zesimiso somthetho esincane (e) -

(i) "**inani lemakethe elivulelekile**" elishiwo esimisweni somthetho esincane (e)(ii) kusho inani lentengo elingcono kakhulu impahla okungalindeleka ukuthi ithengiswe ngalo ngokungenamibandela ngemali ewukheshe ngosuku lokuhlolwa kucatshangelwa -

(aa) umthengisi ofunayo nonokwazi kanye nomthengi ofunayo nonokwazi abangesibona abaqntu abaxhumene njengoba kuchaziwe esigabeni 1 se-Value-Added Tax Act, 1991 (Umthetho Namba. 89 ka-1991); futhi

(bb) ukuthi, ngaphambi kosuku lokuhlolwa, bekunesikhathi esikahle, maqondana nesimo sempahla kanye nesimo sezimakethe, ngokumakethwa okufanele kwenzalo, ngesivumelwano ngenani lentengo kanye nemithetho kanye nokuqedwa kokuthengisa; futhi; futhi

(cc) akukho akhawunti ekhishwayo kunanoma iyiphi ibhidi eyenziwa ngumthengi onentshisekelo ekhethekile.

(ii) "**inani lesindikhethi**" lushiwo esimisweni somthetho esincane (e)(ii) isamba sonke senzalo yonke yabanikazi bamasheya ekuqhutshweni kwesindikhethi ngokombhalo wokudalula, wazisa ukuthi lesi samba sibandakanya iphrimiyamu efanele ngaphezu kwemakethe evulelekile yempahla eyisakhiwo, kanye nekhwantamu yephrimiyamu kufanele ishiwo.

(e) Umbiko ovela kumlinganisi wamanani ngezinhloso zesimiso somthetho esincane (5) kufanele sifake -

(i) ukwethulwa, kusho ukuthi umlinganisi wamanani unikezwe umyalelo ngumgqugquzeli noma ubani oyalele umlinganisi manani;

(ii) ukuhlolwa okwenziwe umlinganisi manani, okufanele ukuthi mhlawumbe kube inani lemakethe elivulelekile noma kube yinani lesindikhethi;

(iii) incazelo yetayitela;

(iv) ulwazi lukamasipala njengezimiso zomthetho wokuhlelwa kwedolobha kanye nokuhlolwa kukamasipala komhlaba kanye nokwenza ngcono;

(v) indawo yempahla;

(vi) incazelo emfushane yebhilidi, njengendlela yokwakha, izimaphal zokwakha, uhlobo, izinga nosayizi;

(vii) izindleko zomshuwalense zokubuyisela isimo sebhilidi ngokuhambisana nencazelo elandelayo: Izindleko ezicatshangelwe zokubuyisela impahla, njengoba zikhona, njengezintsha, emananini entengo asebenza osukwini lokuhlola, kufakwa izimali zephrofeshini, kodwa zikhiphela ngaphandle nanoma yiziphi izinhlawulo zezimali, izindleko zokudiliza noma izindleko zezinsizakalo zesimo esiphuthumayo;

(viii) imininingwane yokuqasha, kubandakanya amagama abaqashile, izindawo ezirentwayo okuhleliwe kuzo kanye/noma isikhala, ukukhuphuka kwerenti kanye nezinsuku zokuphela kwelisi;

(ix) izindleko njengezinga lezindleko ezicatshangwayo zokuqala zokusebenza zonyaka kanye nezinga lokuqoqa/lekhomishini;

(x) imali engenayo ekhona, imali engenayo yerenti ekhona ecatshangelwayo onyakeni wokuqala kanye nokuphawula noma kunanoma yikuphi ukukhula okungajwayelekile noma izikhala ezicatshangwayo eminyakeni

emithathu ezayo, nokuthi ukuhlambekisela kuphi okwenzelwa ukuqashisa ngendawo lapho amalisi ephelelwa yisikhathi khona noma kungenamuntu, kubandakanya ikhomishini yokuqashisa futhi okucatshangwayo kanye nezindleko zokufakela zomuntu oqashile;

(xi) izinga lokwenza imali, kusho ukuthi izinga elifanele okwenziwa ngalo imali ngemali engenayo yonke yezimakethe, kanti ubufakazi kulokhu;

(xii) ukuhlolwa okubili, okusayinwe ngabalinganisi manani ngabanye, kufanele zenziwe empahleni kusukela ngosuku, okungafanele lube ngaphezu kwezinyanga ezintathu zekhalenda ngaphambi kosuku lomnikelo, lisho ukuthi ingabe inani lemakethe evulelekile yini noma inani lesindikhethi selisetshenzisiwe;

(xiii) imininingwane egcwele ngemisebenzi yasebhange yesikhathi esedlulile maqondana nempahla kubandakanya -

(aa) Esimeni sentuthuko entsha, izindleko sezizonke, kubandakanya inani lezimakethe zomhlaba. Osonkontileka kufanele baqinisekise nge-afidavithi izindleko zezizonke, kubandakanya izindleko zananoma yikuphi ukwenza ngcono;

(bb) umlando wokuthengisa kwempahla iminyaka eyishumi eyedlule, kubandakanya imininingwane-

(A) izinto ezisemthethweni ezahlukene ababengabanikazi bempahla ngokwamatayitela amancane kanye nenani lokuthengiswa kwempahla noshintsho ngalunye lobunikazi kanye nezinsuku ezifanele ; futhi

(B) uma eyodwa noma izinto ezisemthethweni ezingaphezulu zinempahla ngokwamatayitela, nanoma yiziphi izinguquko ebunikazini bezinto zomthetho, inani lentengo lokuthengiswa kwempahla ngoshintsho ngalunye lobunikazi kanye nezinsuku ezifanele.

(f) Izimali zokuhlola kufanele zinganciki emalini yokuhlolwa.

Ukuvinjwa ezifundweni zokuthi kungenzeka yini ezethembisa ukuxhaswa

16 Akukho muntu ngokuzenzisa nonenhloso yokukhwabanisa umnikelo, ukuqhuba, ukuthengisa noma ngenye indlela ahlinzeke ngesivumelwano socwaningo olungaba

khona noma isifundo sokuba khona ngokwaso esithi, izethembiso noma ngenye indlela okuhlanganyelwe nabo abathenga noma ukusetshenziswa kwesifundo sokubona ukutholakala kuqinisekisa ukuxhasa ngezimali, ukunikezela ngezimali, ukuxhasa noma nanoma yini enye eyesekayo, kungaba okuvela ngaphakathi kuRiphabhliki noma kwenye indawo.

Ukubalwa kwenzalo yesikimu sokuphindaphinda

17 Ngezinhloso zesigaba 120(1)(e) esifundwa nesigaba 43(3) soMthetho, izinga le-REPO yizinga elisebenza osukwini lokutshalwa kwezimali noma ukuqala kokuhlanganyela, Izinga lenzalo esebenza ngempumelelo yonyaka:

$$r = \frac{R \times 1200}{C \times T},$$

lapho -

r = izinga lenzalo esebenzayo,

R = inzalo ngeRandi, okuwumehluko phakathi kwemali ekhokhelwe umtshali zimali noma umhlanganyeli kanye nemali etshaliwe,

C = imali etshalwe umtshalizimali noma nanoma yimalini ekhokhwa umuntu ukuthi abe yilungu lesikimu, kanti

T = isikhathi sokutshala izimali ngezinyanga.

Izincazelo, ukuhumusha nokusebenzisa: izindali

18 (1) Ezimisweni zomthetho 19 ukuya ku-30, ngaphandle uma isimo sikhombisa ngenye indlela, nanoma yiliphi izwi noma amazwi incazelo efakwe kuwo kuMthetho anencazelo efanayo, futhi -

"**indlu yendali**" kusho inkampani noma omunye umuntu owazi umthetho ngezikhathi ezahlukene uqhuba izindali njengengxenye yebhizinisi layo;

"**indali ngaphandle kwengodla**" kusho indali lapho -

(a) izimpahla zithengiselwa umuntu obhide kakhulu kunabanye ngaphandle kokugodla;

(b) indali ayidingi ukubhida okuphansi;

(c) indali ayivumeli amabhidi ancintisanayo ananoma yiluphi uhlobo enziwa umthengisi noma umenzeli womthengisi ; futhi

(d) umthengisi wezimpahla angeke akwazi ukuhoxisa izimpahla endalini emva kokuba indali isivuliwe kanti kunomphakathi ofuna noma obiza amabhidi;

"**Umdayisi**" kusho umuntu oqhuba indali, akukhathalekile ukuthi ingabe uzenzela lokhu ngokwakhe yini noma njengomsebenzi noma umsebenzeli wendawo yokwenzela indali noma omunye umuntu;

"**Irekhodi lababhidi**" kusho umbhalo oshiwo esimisweni somthetho 26;

"**Indali evalekile**" kusho indali lapho umdayisi noma umnikazi, njengoba kwenzeka, ekhipha isimemo sokuthi ubambe iqhaza endalini kuphela ohlwini olunomkhawulo lwabathengi;

"**umdlalo**" kusho umdlalo njengoba uchazwa esigabeni 1 se-Game Theft Act, 1991 (Umthetho namba. 105 ka-1991;

"**Izimpahla**" kubandakanya, lapho kufanele khona, izinsizakalo;

"**Imfuyo**" kusho izinkomo, izimvu, izimbuzi, izingulube, amahhashi, iminyuzi kanye nezimbongolo ;

"**Inqwaba**" kusho nanoma yiliphi iqoqo lezimpahla ezithengisiwe noma ezinikelwe ukuthengiswa njengeyunithi futhi zikhonjwe kanjalo;

"**umbhalo wabathengisi**" kusho umbhalo oshiwo esimisweni somthetho 28(4); kanye

"**URL**" kusho i-uniform resource locator esebenzayo, ihlinzeka ngokufinyelela olwazini ku-inthanethi.

(2) Izimiso zomthetho 19 ukuya ku-30 kufanele zifundwe kanye kanye nesigaba 45(6) soMthetho.

(3) Kuncike kusimiso somthetho esincane (4), lezi zimiso zomthetho zisebenza kuzo zonke izindali, akunandana nesimo sezimpahla ezinikezelwa endalini, inani lempahla noma isizathu sokuqhuba indali.

(4) Lezi zimiso zomthetho azisebenzi -

(a) emisebenzini yebhizinisi ephethwe ngaphansi kwe-stock exchange esibhalisiwe noma esinelayisense noma isikhungo esifanayo; noma

(b) indali lapho izimpahla ezithengiswayo zinikelwe ukuthi zithengiswe endalini bese izinzuzo zendali zikhokhelwe izinhlangano ngeqiniso ezenkolo, ezemfundo, ezamasiko, ezenhlalakahle noma ezemidlalo noma umgwamanda ongenzi sengathi umsebenzi wayo obalulekile yenze imisebenzi yohwebo noma yebhizinisi, kodwa indali eyenzelwe

ukuthengisa ekusetshenzisweni noma ekuyalelweni yinkantolo yomthetho ayenzi indali eshiwo endimeni (a).

(5) Nanoma yikuphi okuphathelene nezimpahla ezithengisiwe noma okuthengisiwe kunanoma iyiphi indali noma okukhangisiwe noma umnikelo wokuthengisa endalini, noma nanoma yisiphi isivumelwano sokuqhuba indali qobo lwayo, ukungqubuzana nalezi zimiso zomthetho, kusukela ekuqaleni noma ekuphethweni, njengoba kungenzeka, akukaze kube namandla noma umphumela, kodwa lesi simiso somthetho esincane kufanele sihunyushwe ukuze kuvinjelwe ukuthi kubekwe icala ngananoma yikuphi ukuphikiana okufanele.

(6) Lezi zimio zomthetho azihoxi kunanoma yimuphi umthetho ohlinzekela noma ophathelene nokukhangisa, ukuthengisa, ukuletha, ukwenza noma ukuxhaswa kwezimpahla.

(7) Umdayisi othengisa impahla enyakazayo ngendlela yendali kufanele ahambisane nanoma yimuphi umthetho osebenzayo maqondana nalokhu, kubandakanya umthetho olawula imisebenzi yabathengisi bempahla

(8) Umdayisi kufanele ahambisane nakho konke ukuhlinzeka konke okujwayelekile kwalezi zimiso zomthetho kanjalo nalezo ezisebenzayo esigabeni sendali noma umdayisi uma kungukuthi zisezimweni zomthetho 32 no-33.

Ukukhangisa ngegunya lezindali

19 (1) Kuncike ezimisweni zomthetho 33, akukho zimpahla ngaphansi kwananoma yisiphi isimo ezingathengiswa ngendali ngaphandle uma ukufakwa kwaleyo nto noma okuningi noma isevisi kuleyo ndali ekhangisiwe ngokuhambisana nalezi zimiso zomthetho ngendlela umphakathi jikelele ube nethuba elikahle lokwazi ngendali, izimpahla ezinikelwayo kanye nemithetho ebusa indali.

(2) Umthwalo wokufakazisa ukuthi indali ikhangisiwe njengoba kushiwo kusimiso somthetho esincane (1) ukumdayisi.

(3) Umdayisi kufanele ngezinhloso zezimiso zomthetho ezincane (1) akhangise indali yento ethize noma okuningi okungenani amahora angama-24 ngaphambi kokuqala kwendali, kodwa -

(a) nanoma yiziphi izimpahla zingahoxiswa noma nini ngaphambi kokuqala kwendali;

(b) uma kwenzeka indali lapho izimpahla ezihlelwe ukuthengisa zibandakanye impahla enyakazayo, lesi sikhathi kufanele seqe ezinsukwini ezinhlanu zebhizinisi.

(4) Uma indali noma ingxenye iphathelene nezimpahla ezithengisiwe ekwenzeni noma ngomyalelo wenkantolo, isikhangisi kufanele silisho kucace lelo phuzu .

Imithetho ejwayelekile ngokukhangisa izindali

20 (1) Nangale kwemithetho nezinqumo ngananoma yimuphi umgwamanda wamazinga okukhangisa, konke ukukhangiswa kwezindali kufanele -

(a) kungabi naphutha; futhi

(b) kuhlinzeke ulwazi olwanele lomthengi okahle loku -

(i) qonda ukuthi kuphathelene nendali; futhi

(ii) ukwazi ukuthola indawo lapho indali izobanjelwa khona.

(2) Ukukhangisa okuphathelene nendali kufanele kuncike kusimiso somthetho esincane (3) -

(a) kube ngesakhiwo nosayizi ofundekayo;

(b) sibe nereferensi kulezi zimiso zomthetho, kanye kanye ne-URL yesayithi ye-inthanethi esebenzayo lapho ikhophi yalezi zimiso zomthetho ingatholakala khona;

(c) isho usuku, indawo kanye nesikhathi sandali;

(d) sisho igama lomdayisi kanye nendawo yendali, uma ikhona, futhi uma ukubhaliswa noma ukunikwa ilayisene kwabadayisi noma kwezindawo zendali, uma kukhona emva kokuqala kwalezi zimiso zomthetho ziba yigunya, lokho kubhalia noma inamba yelayisense;

(e) sisho ukuthi imithetho yendali ingatholakala kuphi;

(f) sisho imininingwane yezimpahla ezinikezelwayo endalini ;

(g) uma kwenzeka, sisho ukuthi indali izobanjwa inamba yezinsuku engaka;

(h) isho, uma kwenzeka njengoba kushiwo kusigaba 45(4) soMthetho, ukuthi ukuthengisa ngendali kuncike -

(i) enanini lentengo eligodliwe noma eliyingxaki; noma

(ii) ilungelo lokubhida okwenziwa noma egameni lomnikazi noma komdayisi, lapho umnikazi noma umdayisi, noma nanoma omunye umuntu egameni

lomnikazi noma umdayisi, njengoba kungenzeka, bengabhida endalini; futhi

(iii) kunesikhumbuzi sokuthi abantu okungaba ababhidi esikhathini esizayo kufanele babhalise kanjalo ngaphambi kokwenza amabhidi ngesikhathi sendali nokuthi lokho kubhalisa kudinga ubufakazi bukamazisi nobendawo yokuhlala njengoba kushiwo esimisweni somthetho 26;

(iv) ukudalula ngokungenaphutha kangangoba kungenzeka izindleko zonke zokukhangisa nokuqhuba indali.

(3) Izidingo zezimiso zomthetho ezincane (2) azisebenzi ekukhangiseni kwaseceleni komgwaqo noma ukukhangisa ku-classified emaphepheni aphrintiwe, kodwa lokho kukhangisa kufanele -

(a) kube phezulu embonisweni ogqamile wokukhangisa igama "indali";

(b) kukhombise lapho isikhangii esiphelele njengoba kushiwo esimisweni somthetho esincane (2)(b) ingatholakala; futhi

(c) kukhombie usuku, indawo neikhathi sendali.

(4) Umthengi noma nini ngesikhathi samahora ebhizinisi esijwayelekile angacela umdayisi ukuthi amhlinzeke ngokufinyelela kusikhangisi njengoba kushiwo esimisweni somthetho esincane (2), futhi umdayisi kumele eze ngaphambili ngaphandle kokubiza imali ahambisane nalesi sicelo, kodwa-

(a) umthengi unelungelo lokuthola ikhophi eyodwa yamahhala;

(b) umdayisi angahlinzeka nge-URL yewebhusayithi esebenzayo ezonikeza ngekhophi ephelele ngesakhiwo esiethenziswa ngokujwayelekile.

(5) nanoma yiziphi izinto noma ukushicilela okungahlangabezani nazo zonke izidingo zalesi simiso somthetho akufanele kukhangiswe ngezinhloso zesimiso somthetho 19 nalesi simiso somthetho.

(6) Indali ingeze yakhangiswa "njengendali ekuboshweni" noma kusetshenziswe amagama afanayo asho ukuthi isenzo senkantolo ngaphandle uma -

(a) okungenani amaphesenti angama-75 ezinto noma inqwaba endalini kunikelwa kulandelwa umyalelo wenkantolo;

(b) izinto noma inqwaba yayingathengwa ngokucacile noma yayingatholakali ngenhloso yokuyithengisa futhi endalini; futhi

(c) isikhangisi sinencazelo yomyalelo wenkantolo kubandakanya ukukhonjwa kwenkantolo.

(7) Ngaphandle uma zonke izinto noma izinqwaba ezinikezelwa endalini zilandela umyalelo wenkantolo, ukukhangisa kufanele kukhombise ukuthi indali "inezengezo", "kuchitshiyelwe" noma kusetshenziswe amagama afanayo .

(8) Izimiso zomthetho (6) no-(7) azivimbi ngokucacile, ukukhangisa okungalahlani kokufakwa kwezimpahla ezithize ngqo ezinikezelwa ngokulandela umyalelo wenkantolo endalini uma lezo zimpahla zinikezelwa ngokulandela umyalelo wenkantolo futhi ngokucacile zazingathengwangwa noma zingatholakalanga ngenhloso yokuzithengisa futhi endalini.

(9) Indali ingeze yakhangiswa "njengendali yokuswela imali" noma ukusetshenziswa kwamagama afanayo asho ukungabi namali ngaphandle uma -

(a) okungenani amaphesenti angama-75 ezinto noma ezinqwaba endalini anikezelwa kulandelwa umyalelo ka-Master weNkantolo Ephakeme;

(b) izinto noma izinqwaba ngokucacile azithengelwanga noma azitholelwanga inhloso yokuzithengisa futhi endalini; futhi

(c) ukukhangisa kune-oda namba lika-Master weNkantolo Ephakeme.

(10) Ngaphandle uma zonke izinto noma izinqwaba ezinikezelwayo endalini kulandelwa umyalelo ka-Mater weNkantolo Ephakeme, isikhangisi-ke kufanele sikhombise ukuthi indali "inezengezo", "kuchitshiyelwe" noma kusetshenziswe amagama afanayo.

(11) Izimiso zomthetho ezincane (9) no-(10) azikuvimbeli ukukhangisa okucacile nokungadukisi kokufakwa kwezimpahla ezithize ngqo ezinikezwa kulandelwa umyalelo ka-Master weNkantolo Ephakeme endalini uma lezo zimpahla zinikezelwa kulandelwa umyalelo ka-Master weNkantolo Ephakeme futhi ngokucacile zazingathengwanga noma zatholakala ngenhloso yokuphinde zithengiswe endalini.

(12) Kungenzeka indali ingakhangiswa "njengendali yomuntu oshonile" noma kusetshenziswe amagama afanayo asho ukungabi namali ngaphandle uma -

(a) okungenani amaphesenti angama-75 ezinto noma izinqwaba endalini zinikezelwa ngokulandela umyalelo ka-Master weNkantolo Ephakeme;

(b) izinto noma izinqwaba ngokucacile zazingathengwanga noma zazingatholakalanga ngenhloso yokubuye zithengiswe endalini; futhi

(c) ukukhangisa kunenamba yomyalelo ka-Master weNkantolo Ephakeme.

(13) Ngaphandle uma zonke izinto noma izinqwaba ezinikezwayo endalini zilandela umyalelo ka-Master weNkantolo Ephakeme, isikhangisi kufanele sikhombise ukuthi indali "inezengezo", "ichitshiyelwe" noma kusetshenziswe amagama afanayo.

(14) Izimiso zomthetho ezincane (12) no- (13) azikuvimbeli ukukhangisa okucacile nokungadukisi kokufakwa kwezimpahla ezithize ngqo ezinikezwa kulandelwa umyalelo ka-Master weNkantolo Ephakeme endalini uma lezo zimpahla zinikezelwa kulandelwa umyalelo ka-Master weNkantolo Ephakeme futhi ngokucacile zazingathengwanga noma zatholakala ngenhloso yokuphinde zithengiswe endalini. (15) Akufanele indali ikhangiswe "njengendali yokuhlukanisa umshado" noma kusetshenziswe amagama asho isinyathelo somthetho ngaphandle uma -

(a) okungenani amaphesenti angama-75 ezinto noma izinqwaba endalini zinikezelwa ngokulandela umyalelo wenkantolo;

(b) izinto noma izinqwaba ngokucacile zazingathengwanga noma zazingatholakalanga ngenhloso yokubuye zithengiswe endalini; futhi

(c) ukukhangisa kunencazelo yomyalelo wenkantolo kubandakanya ukukhonjwa kwenkantolo.

(16) Ngaphandle uma zonke izinto noma izinqwaba ezinikezwayo endalini zilandela umyalelo wenkantolo, isikhangisi kufanele sikhombise ukuthi indali "inezengezo", "ichitshiyelwe" noma kusetshenziswe amagama afanayo.

(17) Izimiso zomthetho ezincane (15) no- (16) azikuvimbeli ukukhangisa okucacile nokungadukisi kokufakwa kwezimpahla ezithize ngqo ezinikezwa kulandelwa umyalelo wenkantolo endalini uma lezo zimpahla zinikezelwa kulandelwa umyalelo wenkantolo futhi ngokucacile zazingathengwanga noma zatholakala ngenhloso yokuphinde zithengiswe endalini.

(18) Akukho ndali engakhangiswa "njengephelele" noma "ngaphandle kwengodla", akukho kukhangisa okungaba namagama "indali engenangodla", "indali ephelele" noma "ngaphandle kwengodla", noma igama "iphelele" noma amagama aanencazelo efanayo futhi akunamdayisi ongakwazi ukunikezela noma ukuthengisa nanoma yiziphi izimpahla endalini ngaphandle kwengodla ngaphandle uma -

(a) akunakufuneka ngokusemthethweni noma izithiyo ezimpahleni, ngaphandle kwezibopho zentela yempahla, ilungelo elinomkhawulo lokusebenzisa impahla, noma imingcele erekhodini, ezwela nanoma yimuphi umuntu ngaphandle komthengisi, noma ngaphandle uma umnikazi ngamunye kanye nelungelo elinomkhawulo noma imingcele erekhodini, ukuhambisana nanoma yimuphi umuntu ngaphandle komthengi, noma ngaphandle uma umnikazi ngamunye welungelo ngalinye kanye nomthwalo ngokubhala bevumile ukwamukela okungachaziwe kwebhidi ephezulu kunazo zonke izimpahla, ngaphandle kwenani

lemali yebhidi ephezulu kakhulu noma igama lombhidi ophezulu, noma lowo muntu obhekene nomsebenzi wezimali ngokubhala eqinisekisa ngokuphelele ukukhishwa okusheshayo nokuphelele nokwaneliseka kwananoma yiliphi ilungelo kanye nokufuna ngokusemthethweni impahla yomunye umuntu kanye nomthwalo ngokushesha emva kokuthengisa noma ekuvalweni ngaphandle kokunaka inani lemali lebhidi ephezulu etholakele, noma igama lombhidi ophezulu; futhi

(b) kunenhloso yangempela ngesikhathi sokukhangisa ngesikhathi sendali ukuze kudluliselwe ubunikazi bezimpahla, akunandaba nenani lemali yombhidi ophezulu kunabo bonke nowokugcina, ukuya kumbhidi ophezulu kunabo bonke, ukuthi inhloso ekhona ngaphandle kokuthembela kunanoma yisiphi isisvumelwano ukuthi nanoma yikuphi ukubhida okuthize noma izinga lokubhida kufanele kwenziwe noma kufinyelelwe, ngaphansi ezingeni izimpahla angeke zidluliselwe kumbhidi ophezulu kunabo bonke; futhi

(c) imithetho yendali inezidingo zokubhida zokuthi indali iqhutshwe ngaphandle kokugodla.

(19) Isimiso somthetho esincane (18) asimvimbeli -

(a) umuntu ovikelekile noma omunye umnikazi ofuna ngokusemthethweni impahla yomunye umuntu ongesiye umthengisi ukuthi abhide endalini ngaphandle kwengodla, kodwa lokho kubhida akunayo, noma akulingani ekwenziweni noma esivumelwaneni ukuya ekwenziweni kwenani lentengo yengodla ngezimpahla ngumthengisi noma ngumdayisi noma yinanoma yimuphi umuntu osizayo, noma owenzela umthengi noma umdayisi;

(b) nanoma yimuphi umuntu oyingxenye yokuchitha nanoma yimuphi umshado, ubulingani noma inhlangano ekubhideni njengomuntu oyedwa ohlukile engxenyeni ethengiswayo, ezimpahleni ezithengiswa endalini kulandela kulokho kukuchitha;

(c) nanoma yimuphi umuntu ngamunye noma indlalifa yempahla yomuntu oshonile ukubhida njengomuntu ngamunye ngale kokuthengisa impahla, ngezimpahla ezinikezelwe endalini kulandela kuleyo mpahla ekhokhelwe ; noma

(d) ukufakwa kokukhangisa okungadukisi kwezimpahla ezithize okufanele zithengiswe "endalini ngaphandle kokugodla" kanye nokukhangisa okungadukisi kwezimpahla ezithize okufanele zinikezelwe endalini enengodla, ekukhangiseni okufanayo, noma ukuthengisa ngosuku olufanayo kanye nendawo, kodwa lokho

kukhangisa kufanele kucacise, ngokusebenzisa ukugcizelela okufanele, ukuthi yiziphi izimpahla ezinikeelwa yindlela ngayinye.

Imithetho yendali

21 (1) Umdayisi kufanele -

(a) ngokubhala ahlanganise imithetho yendali; futhi

(b) ngaphandle esimeni sendali yemfuyo noma yezinyamazane noma indali evalelekile, yenza umbhalo utholwe umphakathi jikelele okungenani amahora angama-24 ngaphambi kokuqala kwendali.

(2) Imithetho yendali kufanele, njengephansi -

(a) ekhasini lokuqala lombhalo ngamagama amakhulu ukhombise amagama "imithetho yendali", bese kuthi ngokushesha ngezansi kwalapho, usuku, indawo nesikhathi sendali;

(b) ibe namagama aphelele, ikheli lendawo kanye neminininingwane yokuxhumana nomdayisi, nalapho okunokwenzeka khona, indlu yendali;

(c) ibe nalo lonke ulwazi olugunyazayo oludingekayo oludingwa yilezi zimiso zomthetho, futhi uma kusebenza, ulwazi olushiwo kusigaba 45(4) noma (5) soMthetho;

(d) inesitatimende esithi imithetho yendali ihambisana nesigaba 45 soMthetho kanye nalezi zimiso zoMthetho;

(e) inombhalo wesigatshana (2) sesigaba 45 soMthetho;

(f) ihlinzeka ngokuthi indali izoqala ngesikhathi esishicilelwe nokuthi angeke yephuziswe ukuze kwenzelwe ukuthi kube khona umuntu othize ngqo noma abanye abantu jikelele ukuthi bakwazi ukubamba iqhaza endalini;

(g) ihlinzeka ukuthi umuntu oza endalini ukuzobhida egameni lomunye umuntu kufanele alethe incwadi yegunya ehlangabezana nezidingo zesimiso somthetho 26(3) ukuze akwazi ukubhida egameni lalowo muntu;

(h) ngaphandle uma umdayisi naye engumnikazi noma engumnikazi ofanele (onelungelo lokuthengisa) wezimpahla ezizothengiswa endalini, inesitatimende esithi umdayisi unetrasti akhawunti okuzokhokhwa kuyo zonke izimali ukuze kusizakale umthengisi, kususwa ikhomishini okuvunyelwene ngayo;

(i) inesitatimende sokuthi lowo mdayisi ngesikhathi sendali uzomemezela isizathu sendali ngaphandle uma leso sizathu kungesijwayelekile nokuthi umnikazi ufuna ukulahla izimpahla ngokuzithandela;

(j) inikeza ukuthi umuntu ohlose ukubhida endalini kufanele abhalise ngaphambi kokuqala njengoba kushiwo esimisweni somthetho 26(2) kanye kanye nencazelo yezidingo zokubhalisa;

(k) ihlinzeka ngokuthi irekhodi lababhidi elishiwo esimisweni somthetho 26 kanye nokubizwa kwabathengisi basemgwaqeni abashiwo esimisweni somthetho 28(4) bayatholakala ukuthi bazohlola ngesikhathi samahora ajwayelekile ngaphandle kokukhokhiswa imali; futhi

(l) inokunconzulula kwezindleko zonke zokukhangisa nokuqhuba indali kanye nesitatimende esikhombisa ukuthi ingabe izindleko ezengeziwe kungenzeka zengezwe futhi uma kunjalo, lezo zindleko ezengeziwe zizobalwa kanjani.

(3) Imithetho yendali angeke -

(a) ikhiphele ngaphandle isikweletu maqondana nolwazi olungesilo iqiniso oluhlinzekwe ekukhangisweni kwendali;

(b) ikhiphe isikweletu maqondana nnemithetho yendali engahlangabezani nezidingo zalezi zimiso zomthetho; noma

(c) inanoma iyiphi incazelo, ukugodla noma ukunciphisa izidingo zalezi zimiso zomthetho ngaphandle uma kuhlinzekelwe kwezwakala.

(4) Uma kwenzeka ukuthi imithetho yendali ichitshiyelwe emva kokushicilela kokuqala, umdayisi kufanele akhombise kucace ukuthi ihlelo elisha yihlelo elichitshiyelwe.

(5) Imithetho yendali kufanele isayinwe ngumdayisi ozoqhuba indali futhi kufanele afakazise ukuthi imithetho yendali ngokwazi kwakhe iyahlangabezana nezidingo zalesi simiso somthetho 21.

(6) Uma ngosuku lwendali umdayisi osayine imithetho yendali njengoba kushiwo esimisweni somthetho esincane (5) akekho ukuthi aqhube indali, umdayisi oqhuba indali kuzothathwa ngokuthi ufakazise imithetho yendali.

(7) Umdayisi siqu kufanele aziphendulele futhi ubhekene nomsebenzi wokuqukethwe imithetho yendali okusebenzayo endalini ethize ngqo.

(8) Imithetho yendali asikho isidingo sokuthi ifundwe endalini ukuze ibe liqiniso, kodwa kuphela uma -

(a) imithetho yendali, lapho esebenza khona, yayitholakala emphakathini jikelele okungenani emahoreni angama-24 ngaphambi kokuqala kwendali;

(b) endalini yemfuyo noma yezinyamazane eshiwo esimisweni somthetho 33 kuyafana nezindali zangaphambilini futhi ngokujwayelekile kuyatholakala endlini yendali noma kuwebhusayithi yomdayisi noma endlini yendali noma emagcekeni ebhizinisi lomdayisi ngesikhathi samahora ebhizinisi najwayelekile;

(c) endalini evalelekile, anikezelwa bonke abantu ababekhishelwe isimemo sokubamba iqhaza kuleyo ndali; noma

(d) endalini ngaphandle kwendali ye-inthanethi, umdayisi umema nanoma yimuphi umuntu okhona ukuthi aphikisane nemithetho yendali engafundwanga, futhi akukho umuntu oyifundayo.

(9) Imithetho yendali ingeze yakhiphela ngaphandle ilungelo lokuhlola njengoba kushiwo esimisweni somthetho 28(5).

Umdayisi kanye nendlu yendali ezobamba futhi ichaze ngempahla yomthengi

22 (1) Umdayisi kanye nendlu yendali kufanele ngazo zonke izikhathi ngokuqinile zihambisane nesigaba 65(2) soMthetho.

(2) Ngaphandle uma umdayisi naye engumnikazi noma umnikazi ofanele (onelungelo lokuthengisa) wezimpahla okufanele zibe sendalini, akukho mdayisi ongathengisa izimpahla endalini kuze kube yena kuqala ungene esivumelwaneni esibhaliwe nomnikazi noma nomnikazi ofanele (onelungelo lokuthengisa) kwezimpahla okufanele zithengiswe, kungaba okwendali ethize ngqo noma izindali ngokwejwayelekile, leso sivumelwano sinemithetho nemibandela umdayisi akemukela ngayo izimpahla ezizothengiswa.

(3) Isivumelwano esishiwo kusimiso somthetho esincane (2) kufanele njengokuncane sibe -

(a) negama kanye nekheli lendawo yomnikazi wezimpahla okufanele zithengiswe noma umenzeli womnikazi noma umnikazi ofanele (onelungelo lokuthengisa)-ke;

(b) uma izimpahla kufanele zithengiswe endalini ethize ngqo, usuku lwendali noma uma izimpahla kufanele zithengiswe enambeni yezindali, usuku lokumiswa kwesivumelwano;

(c) ikheli emagcekeni lapho indali ezobanjelwa khona;

(d) imithetho yendali;

(e) incazelo yazo zonke izimali okufanele zibizwe ngumdayisi noma indlu yendali, okufanele kufake ikhomishini, ukulondoloza, ukukhangisa kanye nomsebenzi, noma indlela lezo zimali ezizoshiwo ngayo;

(f) incazelo yokukhokhelwa kwendali okubandakanya ukukhokhelwa imali eyinzalo, uma ikhona;

(g) isitatimende esikhombisa ukuthi ingabe indali ngaphandle kokugodla yini noma cha;

(h) incazelo emfushane yezimpahla okufanele zithengiswe;

(i) uma ukuthengiswa kwezimpahla endalini ngaphandle kokugodla, isitatimende esiqinisekisa ukuthi umthengisi wezimpahla unenhloso yangempela yokudlulisela ubunikazi bempahla kumbhidi ophezulu kunabanye;

(j) ikhophi yangempela yesigaba 65(2) soMthetho;

(k) ikhophi yangempela yezigatshana (1) ukuya ku-(5) zesigaba 45 soMthetho.

(4) Umdayisi kufanele agcine ikhophi yesivumelwano ngasinye esishiwo kusimiso somthetho esincane (2) esisayinwe ngumnikazi noma ngumnikazi ofanele wezimpahla okufanele zithengiswe endalini isikhathi okungenani esiyiminyaka emithathu kusukela ngosuku lwendali.

(5) Ekwenzeni imisebenzi yomdayisi, wonke umthengisi wendali-

(a) ungumenzeli womnikazi noma womnikazi ofanele wezimpahla noma impahla enganyakazi yendali;

(b) kufanele alandele zonke izicelo ezisemthethweni nezikahle zomnikazi noma zomnikazi ofanele wezimpahla noma impahla enganyakazi ethengiswe endalini;

(c) kufanele enze imisebenzi yakhe ukuze umnikelo omkhulu kakhulu noma othandwa kakhulu owenziwa umbhidi wamukelwe; futhi

(d) kufanele enze imisebenzi yakhe ngokuhambisana namazinga aphezulu kakhulu asebenza ezindalini.

(6) Umdayisi kufanele ahambisane nezimo zezimakethe zamanje zezimpahla ngazo zonke izikhathi ukuze abe sesimeni sokweluleka nokwenzela amaklayenti akhe imisebenzi ngamandla akhe onke.

(7) Umdayisi -

(a) unomsebenzi wokunakekela okubhekiswe kumaklayenti;

(b) kufanele avikele izimpahla ngesikhathi zisengaphansi kokulawulwa nguye noma esaziphethe;

(c) kufanele ngazo zonke izikhathi alondoloze ubudlelwano obuqeqeshiwe, obuyimfihlo, neklayenti lakhe;

(d) kufanele ngezikhathi aveze izindleko ezihlanjekiselwe kanye nezinsizakalo zokuqhuba indali; futhi

(e) uma azi noma kufanele engabe uyazi ngananoma yiziphi izingozi ezihambisana nendali yezimpahla ezithize, kufanele ngokushesha azidalule lezo zingozi kuklayenti.

(8) Yonke impahla engathengiswanga kufanele ibuyiselwe kumnikazi wayo noma kumuntu ofanele ngokushesha ekupheleni kwendali ngaphandle uma kuvunyelenwe ngenye indlela.

(9) Umnikazi noma umnikazi ofanele (onelungelo lokuthengisa) kufanele ahlinzeke nge-akhawunti yento nento yazo zonke izimpahla ezithengisiwe ngokushesha uma sekuqediwe indali ngaphandle uma kuvunyelenwe ngenye indlela, okuyokufanele njengokuncane kube -

(a) nento noma inqwaba ethengisile,

(b) nenani lemali elitholakele ngento ethengiwe noma inqwaba; futhi

(c) igama labathengisi bento ngayinye noma benqwaba.

Ukuphucwa ilungelo lokuqhuba indali

23 Umuntu -

(a) otholwe yinkantolo yomthetho enecala, kungaba seRiphabhliki noma kwenye indawo, yecala lapho ukukhwabanisa noma ukungathembeki kuyizinto, noma nanoma yiliphi elinye nicala lapho umuntu agwetshwe khona ukuhlala ejele okweqa eminyakeni amihlanu ngaphandle kokhetho lwenhlawulo;

(b) ongaphilile kahle engqondweni; noma

(c) umuntu ongenamali ongabuyiseleki esimeni,

angeze ayiqhuba indali noma nanoma iyiphi enye indlela enze njengomdayisi endalini noma aziphathe njengomdayisi.

Indlela Yokuziphatha engavunyelwe

24 Umdayisi angeze -

(a) abiza noma athole nanoma iyiphi imali noma ikhomishini maqondana nokuthengisa izimpahla ezinyakazayo ngaphandle uma lezo zimpahla zidiliviwe kumthengi;

(b) abiza noma athole nanoma iyiphi imali noma ikhomishini maqondana nokuthengisa izimpahla ezinganyakazi kuze kube umthengi kanye nomthengisi asayine isivumelwano esibhaliwe maqondana nokuthengiswa kwaleyo mpahla enganyakazi ;

(c) abiza noma athole nanoma iyiphi imali noma ikhomishini evela kumthengi uma umthengisi enza amaphutha noma lapho leyo mali noma ikhomishini seyivele ikhokhiwe ngumthengi kumdayisi, umdayisi kufanele ngokushesha abuyisele umthengi imali ayikhokhile, kubandakanya idiphozithi;

(d) abiza noma athole nanoma iyiphi imali noma ikhomishini evela kumthengi, uma umthengi enza amaphutha, eqisa amaphesenti ayishumi enani lentengo yokuthenga noma izindleko zonke zokukhangisa nokuqhuba indali futhi lezo zindleko ezengeziwe njengoba kungenzeka ukuthi zibe khona ngokuhambisana nesimiso somthetho 21 (2)(l), noma yikuphi okuncane;

(e) abiza noma athole nanoma iyiphi imali noma ikhomishini evela kumthengisi, ngaphandle uma kuvunyelwene ngenye indlela ngokubhala, uma umthengi enza amaphutha noma lapho leyo mali noma ikhomishini seyivele ikhokhiwe ngumthengisi kumdayisi, umdayisi kufanele ngokushesha abuyisele umthengisi inani lemali ekhokhiwe;

(f) abiza noma athole nanoma iyiphi imali noma ikhomishini evela kumthengisi uma umthengisi enza amaphutha, ngaphandle uma kuvunyelenwe ngenye indlela, kweqiwa amaphesenti ayishumi enani lentengo lokuthenga noma izindleko zokukhangisa sezizonke nokuqhuba indali futhi lezo zindleko ezengeziwe njengoba kungenzeka ukuthi zitholwe ngokuhambisana nesimiso somthetho 21 (2)(l), noma yikuphi okungaba kuncane;

(g) angena kunanoma yisiphi isivumelwano noma ukuhlela nomthengisi sokuthengisa nanoma yiziphi izimpahla ngaphandle uma umdayisi eqale kuqala wahlinzeka ngesilinganiso sezindleko zonke zendali;

(h) amukela ibhidi evela kumuntu ngaphandle uma ebhalisiwe kuRekhodi Lababhidi njengoba kushiwo esimisweni somthetho 26;

(i) abeka inani lentengo eliphansi noma eligodliwe ngaphandle kwemvume esheshayo ebhaliwe yomthengisi;

(j) asusa into noma inqwaba evela endalini ngaphandle kwemvume esheshayo ebhaliwe yomthengisi;

(k) avumele ukubhida ngento noma ngenqwaba uma indali ingazange ikhangiswe njengoba kushiwo ezimisweni zomthetho 19 no- 20;

(l) ngesikhathi sendali aphambuke kokulindeleke ekulandelaneni kwezimpahla njengoba zikhangisiwe;

(m) ngokwazi umelele kabi, noma ubange noma uvumele ukuthi ungamelelwa kahle inani, ukwakhiwa, isakhiwo, indlela yokuziphatha noma iqophelo eliphezulu noma ukwakhiwa kwezimpahla ezibekelwe ukuthengisa endalini;

(n) avimbele ukufinyelela kwananoma yimuphi umuntu kunanoma yikuphi ukukhangisa okushiwo kulezi zimiso zomthetho, imithetho yendali noma ukubizwa kwabathengisi basemgwaqeni; noma

(o) akhokhela nanoma yimuphi omunye umuntu ukuze aqokwe njengomdayisi wendali, kungaba ngokujwayelekile noma kwendali ethize noma maqondana nezimpahla ezithize ngqo.

Ukungena okuyiphutha erekhodini lendali

25 Ngaphandle kokuhoxa kunanoma yimuphi omunye umthetho osebenzayo, umdayisi, kubandakanya umsebenzi womdayisi noma indlu yendali, angeze angena kunanoma yiliphi irekhodi engazi noma kudingeke ukuthi ligcinwe ngumdayisi ngaphansi noma ngokwalezi zimiso zomthetho noma nanoma yimuphi umthetho osebenzayo, nanoma yiliphi igama noma eminye imininingwane ngaphandle kwegama langempela kanye nemininingwane yombhidi wangempela ophumelele.

Irekhodi lombhidi

26 (1) Umdayisi kufanele endalini ngayinye abe nerekhodi lababhidi ukuze arekhode amagama abo bonke ababhidi endalini

(2) Kuncike kusimiso somthetho 30(3), umdayisi kufanele aqinisekise ukuthi wonke umbhidi wesikhathi esizayo kufanele ngaphambi kokuqala indali abhalise igama lakhe erekhodini lababhidi, futhi lokho kubhalisa kufanele kuhlangabezane nezidingo nezinguquko ezidingekayo zeSahluko 1 sezimiso zomthetho ngokwe-Financial Intelligence Centre Act, 2001, eshicilelwe kuSaziso Namba R.1595 kuGazethi Namba 24176 somhla ka-20 Disemba 2002, maqondana nokwenziwa nokuqinisekiswa kwegama, nokusayina ukungena.

(3) Umdayisi kufanele aqinisekise ukuthi umuntu obhidayo egameni lomunye, ukhipha incwadi yegunya eshoyo imgunyaza ukuthi abhide egameni lalowo muntu, futhi bobabili lowo muntu kanye nomuntu obhida egameni lakhe kufanele bahlangabezane nezidingo zesimiso somthetho (2)

(4) Umdayisi kufanele aqinisekise ukuthi uma umuntu ezobhida egameni lenkampani, kufanele incwadi yegunya eshiwo kusimiso somthetho (3) kufanele ivele encwadini enemininingwane yenkampani futhi kufanele iphelekezelwe yikhophi efakazisiwe yesinqumo emgunyazayo ukuthi enze kanjalo.

(5) Irekhodi lababhidi liyatholakala ukuthi lihlolwe umphakathi maqondana namagama ababhidi kanye nezinamba zababhidi ezishiwo kusimiso somthetho (6) kuphela, noma nini, mahhala-

(a) ngesikhathi sendali, emagcekeni lapho indali ibanjelwe khona; futhi

(b) ngaphambi noma ngemuva kwendali, endlini yendali noma endaweni yomdayisi webhizinisi nangesikhathi samahora ebhizinisi.

(6) Umdayisi kufanele arekhode inamba yombhidi eshiwo kusimiso somthetho 28(1) erekhodini lombhidi.

Ubunikazi

27 Umdayisi kufanele aqiniseke ukuthi umuntu ofisa ukulahla impahla yakhe ngendlela yendali usayina isifungo esishoyo ukuthi ungumnikazi noma umnikazi ofanele wezimpahla (onelungelo lokuthengisa) futhi uletha isifungo kumdayisi.

Ukubhida

28 (1) Umdayisi kufanele ahlinzeke umbhidi wesikhathi esizayo igama lakhe elivelayo erekhodini lababhidi ngenamba yombhidi ngaphambi kokuba angabhida, kanjalo nephedali noma enye into efakwe inamba ngaleyo ndlela kuyabonakala ngokucacile kubantu abakhona endalini.

(2) Ibhidi ethathwe kumuntu ongabhalisile ayamukelekile.

(3) Indawo lapho okubanjelwe khona indali kufanele ivuleke futhi amalungu omphakathi akwazi ukufinyelela kuyo, kuya ngelungelo lomdayisi lokwalela umuntu ilungelo lokuhlala emagcekeni endali uma kwenzeka ukuthi lowo muntu uyaphindaphinda uziphatha ngendlela ephazamisa indali.

(4) Umdayisi kufanele abe namagama abathengisi basemgwaqeni lapho yonke imininingwane yendali irekhodwe khona, ezobandakanya, njengokuphansi -

(a) ukukhangiswa kwendali;

(b) imithetho yendali;

(c) irekhodi lababhidi;

(d) izifungo ezishiwo kusimiso somthetho 21(2)(h) no-27;

(e) uhlu lwazo zonke izimpahla zendali, kubandakanya izimpahla ezihoxisiwe endalini;

(f) amagama ababhidi abaphumelele, izimpahla noma izinqwaba ezithengiwe kanye namanani entengo akhokhiwe lapho;

(g) imininingwane yananoma yiziphi izinselele ebuqinisweni bendali noma ukuziphatheni, kanye nemininingwane yabantu abenza lezo zinselele, uma bekhona ;

(h) nanoma yiziphi izinto noma izinqwaba ezingathengiswanga;

(i) imininingwane yananoma yiliphi inani lentengo eligodliwe noma nanoma yiluphi olunye udaba olushiwo ezigatshaneni (4) no- (5) zesigaba 45 soMthetho.

(5) Umdayisi kufanele anikeze abathengi isikhathi esikahle nethuba lokuhlola izimpahla ezinikezelwe ngaphambi kokuqala kwendali, futhi akukho mali engabizelwa lelo thuba, kodwa umdayisi -

(a) angala noma abeke umngcele wokufinyelela kulezo zimpahla uma umthengi emva kokuthola ukufinyelela ngananoma iyiphi indlela enza okungekho emthethweni noma aphikisane nemithetho esebenzayo yendali;

(b) angadinga umthengi ukuthi abambelele noma alethe nanoma yiziphi izindlela zokuvikeleka ezisebenziseka kahle ezimeni .

(6) Kuya ngananoma yiliphi inani lentengo eligodliwe nokwamukelaka kokubhida okuphezulu kakhulu ngumthengisi, umbhidi ophezulu kakhulu, uma umdayisi ememezela ukuphela kokuthengisa ngokuwisa isando, noma ngananoma iyiphi enye indlela eyisiko, nguyena ongumthengi wempahla noma izinqwaba zendali.

(7) Akukho mali ezobizwa ngokuhlanganyela endalini, kodwa lokhu akusebenzi kumadiphozi abuyiswayo.

(8) Umdayisi ekupheleni kwezinqubo zendali -

(a) uzomemezela ukuthi indali isiphelile;

(b) uzosayina amagama abathengisi basemgwaqeni; futhi

(c) afakazise ukuthi izinqubo zendali bekungezinhle kakhulu ngokwazi kwakhe eziqhutshwe ngokuhambisana nalezi zimiso zomthetho, nanoma yimuphi omunye umthetho kanye nemithetho yendali.

Indali mbumbulu

29 (1) Indali mbumbulu yindali lapho -

(a) izimpahla zithengiswa ngaphansi kwebhidi ephezulu kakhulu, noma ingxenye yenani lokuthenga liyabuyiswa noma likhredithwe kumthengi;

(b) ilungelo lokubhida lezimpahla libekelwe umkhawulo kubantu abathengile noma abavumile ukuthenga ezinye izimpahla; noma

(c) nanoma yiziphi izimpahla ezihanjiswayo njengezipho.

(2) Akukho muntu ongagqugquzela, asize, aqhube noma abambe iqhaza endalini mbumbulu.

(3) Uma kungafakazelwa ukuthi ukuncishiswa kwenani lentengo lokuthenga noma ukubuyiselwa kwekhredithi kwakungenxa yomonakalo umdayisi akawubona kuphela emva kokuba kwase kwenziwe ibhidi ephezulu kakhulu noma ngenxa yomonakalo

owatholakala emva kokuba ibhidi ephezulu yase yenziwe, indali angeke ithathwe njengendali mbumbulu.

(4) Akukho muntu ongagqugquzela, ahlele, ahlanganyele noma azuze kunanoma yimiphi imizamo yokucekela phansi phakathi komdayisi, nanoma yibaphi abahlanganyeli endalini noma nanoma yibaphi abanye abantu abavumayo ukungabhidi baphikisane ngabodwa endalini noma ngenye indlela bahlanganyele ukunciphisa noma ukwandisa inamba noma amanani okubhida okunikezelwe endalini.

Izindali ze-inthanethi noma eze-elekthroniki

30 (1) Indali ingaqhutshwa kusetshenziswa i-inthanethi noma enye indlela ye-elekthroniki noma iplatifomu, nangale kokuthi iseva noma enye indlela ye-elekthroniki noma iplatifomu ikhona, kuphela uma -

(a) ihlangabezana nazo zonke izidingo maqondana nendali uma kungukuthi kulezi zimiso zomthetho noma omunye umthetho osebenzayo, kodwa onezinguquko ezidingekayo, uma zikhona, ukufanela indlela ye-elekthroniki noma iplatifomu;

(b) iwebhusayithi ye-inthanethi efanele noma indlela ye-elekthroniki noma iplatifomu ngokujwayelekile iyatholakala kunanoma ubani ongaphezu kweminyaka eyi-18 noma ngasiphi isikhathi sosuku;

(c) iwebhusayithi ye-inthanethi efanele noma indlela ye-elekthroniki noma iplatifomu ihlinzeka ngamazinga aphezulu okuvikeleka emisebenzini yebhizinisi ku-elekthroniki;

(d) iwebhusayithi ye-inthanethi efanele noma indlela ye-elekthroniki noma iplatifomu ihlinzeka ngokufinyelela kalula kuwo wonke amarekhodi ashiwo ngokusemthethweni kulezi zimiso zomthetho ngendlela noma ngesakhiwo esisetshenziswayo ngokujwayelekile noma esamukelekile;

(e) umnikezeli wendali ye-inthanethi ugcina ulwazi olushiwo kusimiso somthetho 28(4).

(2) Ngezinhloso zesimiso somthetho 26(2), umbhidi wesikhathi esizayo endalini ezobanjwa kusetshenziswa i-inthanethi noma enye indlela ye-elekthroniki noma iplatifomu kufanele abhalise ngokuhlinzeka -

(a) amagama akhe aphelele, inamba kamazisi noma yepasiphothi, iminyaka yobudala, ikheli lendawo, ikheli lephrothokholi ye-inthanethi, nalapho okusebenza khona, ikhodi yokungena noma igama kanye ne-password; futhi

(b) imininingwane yezindlela okuzokhokhwa ngazo.

(3) Umdayisi oqhuba indali esebenzisa i-inthanethi noma enye indlela ye-elekthroniki noma iplatifomu angeze akhipha isikweletu úma nanoma yiziphi izimpahla ezithengwe ngendali zingadilivwa kumthengi.

Amarekhodi

31 (1) Akukhathaleki nanoma ngabe yikuphi ukuhlinzeka okuphikisanayo kulezi zimiso zomthetho, onke amarekhodi ashiwo ngokusemthethweni ezimisweni zomthetho 18 ukuya ku-33 kufanele agcinwe isikhathi esiyiminyaka emithathu okungenani.

(2) (a) Nanoma yimuphi umuntu ophethe nanoma yiliphi irekhodi elishiwo ezimisweni zomthetho 18 ukuya ku-33 kufanele asheshe lapho ethola isicelo esibhaliwe ngezindleko zakhe anikeze Ikhomishini noma nanoma iyiphi iforamu enikezwe amandla okuphatha Umthetho noma umnikazi noma umnikazi ofanele (ompahla yakhe yayisendalini kule ndali okukhulunywa ngayo) noma umbhidi obhalisile (endalini okukhulunywa ngayo) namakhophi ayiqiniso erekhodi eliceliwe noma elingafaneleka kunanoma yiliphi irekhodi eliceliwe, kodwa irekhodi lasekuqaleni kushiwo ukuthi liyacelwa, lelo rekhodi lasekuqaleni kufanele litholakale ukuze lihlolwe.

(b) Kungenzeka ukuthi Ikhomishini ingahlinzeki amakhophi ananoma yimiphi imibhalo efikile kuyo ilandela indima (a) kulesi simiso somthetho esincane kunanoma ubani ngaphandle komyalelo wenkantolo, noma lapho okuyintshisekelo yezobulungiswa ukwenza kanjalo.

Izindali zezimoto

32 Ukwengeza kunanoma yisiphi isidingo kulezi zimiso zomthetho, umdayisi angeze aqhuba indali ngaphandle uma isaziso esinemininingwane kanye nezitatimende ezidingeka kulesi simiso somthetho esincane esiphathelene nemoto, okuyimoto njengoba kuchazwe esigabeni 1 se-National Road Traffic Act, 1996 (Umthetho Namba 93 ka-1996), ufakwe emotweni futhi bewufakwe emotweni ngazo zonke izikhathi uma imoto yayikhona ukuthi izihlolwa ababhidi besikhathi esizayo, okufanele kubandakanye -

(a) igama kanye nekheli lebhizinisi lomdayisi;

(b) uma umdayisi noma indlu yendali iqhuba ukuthengisa egameni layo, kungaba umdayisi noma indlu yendali ibhekene nomsebenzi yini wokuyekela umsebenzi wokulungisa, noma cha;

(c) uma umdayisi noma indlu yendali iqhuba ukuthengisa egameni -

(i) lomthengisi wezimoto noma lebhange noma enye indawo exhasa ngezimali, igama lelo umthengisi wezimoto, ibhange noma indawo elinikezwe ngalo ilayisense kanye nekheli lebhizinisi lomthengisi wezimoto, ibhange noma indawo nokuthi ingabe umthengisi wezimoto, ibhange noma indawo ibhekene nomsebenzi yini wokuyekela umsebenzi wokulungisa, noma cha; noma

(ii) omunye umuntu, isitatimende sokuthi kungabe kunomsebenzi wokulungisa yini, obhekene nomsebenzi wokuyekela lowo msebenzi wokulungisa kanye nemininingwane yokulungisa, futhi uma kusebenza, igama nekheli lomnikazi wokugcina wemoto owayengesiyena umthengisi wezimoto, ibhange noma indawo, noma kokunye isitatimende esithi igama lomnikazi wokugcina kanye nekheli uyatholakala uma ecelwa kumdayisi noma indlu yendali;

(d) uma umnikazi eqashisa ngemoto komunye umuntu ngaphansi kwesivumelwano sokulisa imoto, igama kanye nekheli lalowo muntu, okukanye isitatimende sokuthi igama lalowo muntu kanye nekheli bakhona uma umdayisi ebacela;

(e) unyaka wemoto wokwenziwa, uma waziwa;

(f) unyaka wemoto wokubhaliswa kokuqala;

(g) umakhi wezimoto kanye nokwakhiwa kwedizayini;

(h) inamba yokubhalisa imoto;

(i) inamba yenjini yemoto;

(j) inamba yokukhomba imoto (vehicle's identification number (VIN));

(k) isitatimende sokuthi ingabe ukufundwa kwe-odomitha kuqinisekisiwe yini noma cha; futhi

(l) isitatimende esishiwo kusimiso somthetho 21(2)(i).

Imfuyo, izinyamazane kanye nezindali ezivalelekile

33 Ukuhlinzeka kwesimiso somthetho 19(1) akusebenzi -

(a) endalini evalelekile; noma

(b) indali yemfuyo noma yezinyamazane, uma lokhu kuqhutshwa ngokuvamile ngesonto noma ngenyanga-

(i) ngesikhathi esifanayo, indawo efanayo kanye nomdayisi ofanayo noma indlu yendali;

(ii) kuncike emithethweni yendali efanayo; futhi

(iii) akukho lutho kodwa kunikezelwa ngemfuyo noma izinyamazane.

Inani eliphezulu lenhlawulo yokukhansela ekuleyibhayeni

34 (1) Ngezinhloso zesigaba 62(6) soMthetho, inhlawulo kufanele ibe kahle kodwa angeke kweqe iphesenti elilodwa lenani lentengo lokuthenga okugcwele kwezimpahla.

(2) Ekukhanseleni, umnikezeli wempahla kufanele uma ecelwa ngumthengi ngokushesha anikeze umthengi imininingwane ebhaliwe ngokuthi inhlawulo yayibalwa kanjani, ngaphandle uma umthengi eyekela ilungelo lokubhala.

(3) Nanoma yiziphi izaziso ezishintshisiwe maqondana nokukhanselwa kokuleyibhaya okungadluliswa noma okulondolozwa nge-elekthroniki uma kuhlangatshezwana nezidingo zomthetho i-Electronic Communications and Transactions Act, 2002 (Umthetho 25 ka-2002)

Ukuqala kwesikhalazo kuKhomishini

35 (1) Ngezinhloso zesigaba 71(1) soMthetho, nanoma yimuphi umuntu angaletha —

(a) ulwazi olumaqondana nokuphikiswana okusolwayo noma isimo sokungahambisani nemithetho noma ngaphansi kwalezi zimiso zomthetho kuKhomishini, ngananoma iyiphi indlela noma isimo; noma

(b) isikhalazo esiphikisana nokuphikiswa okusolwayo noma isimo sokungahambisani ngokwezimiso noma ngaphansi kwalezi zimiso zomthetho kuKhomishini, esimeni esiseSijobelelweni "E" kule Sheduli, kanye kanye namakhophi afakazisiwe ananoma yimiphi imibhalo okufanele Ikhomishini iyicabange, ngokuyiposela ku- __________ (Ikheli Leposi), ukuyihambisa ngesandla ku- __________ (Ikheli lendawo), ngokuyifayila nge-elekthroniki ku __________ (Webhusayithi) noma ukuyithumela nge-emeyili __________ (ikheli le-e-meyili).

(2) Akukho lutho kulesi simiso somthetho okuvimbela Ikhomishini ukuqala uphenyo lwayo.

(3) Ekuqaleni noma ekutholeni isikhalazo ngokwalesi simiso somthetho, Ukhomishina kufanele ayalele umhloli ukuthi aphenye isikhalazo ngokushesha okunokwenzeka.

(4) Nanoma nini ngesikhathi sophenyo, Ukhomishina angakhetha oyedwa noma abantu abangaphezulu ukuthi basize umhloli.

(5) Ikhomishini kufanele-

(a) kaningi kangangoba kungenzeka yazise umuntu okhalazile ngenqubekela phambili noma ngezinye izintuthuko ophenyweni; futhi

(b) ekuqedweni kophenyo ngokubhala yazisa umuntu okhalazayo ngomphumeke, futhi uma ingaluqhubeli phambili idaba, izizathu zesinqumo sayo sokungenzi kanjalo.

Uphenyo olwenziwa yiKhomishini

36 Ngezinhloso zesigaba 72(1)(a) soMthetho, Ikhomishini ingakhipha isaziso sokungadluliseli kufomu eseSijobelelweni "F" kule Sheduli.

Umphumela wophenyo

37 Ngezinhloso zesigaba 73(1)(a) soMthetho, Ikhomishini ingakhipha isaziso sokungadluliseli kufomu eseSijobelelweni "G" kule Sheduli.

Amazinga, izinqubo kanye nezindaba eziphathelene neKhomishini ukulandela ekuhloleni umfakisicelo sokuthola isitifiketi njengeqembu lokuvikela abathengi

38 (1) Ngezinhloso zalesi simiso somthetho, "umfakiscelo" kusho nanoma yiliphi iqembu lokuvikela abathengi elifisa ukuthi linikezwe isitifiketi yiKhomishini ngokwesigaba 78 soMthetho ngezinhloso ezishiwo kuleso sigaba noma kwenye indawo eMthethweni, kanye nento yokusebenza eyenziwe nelawula umfakisicelo" kusho kulesi simo -

(a) somuntu womthetho, amakhophi afakazisiwe ememorandamu kanye namaathikili enhlangano, isitifketi sokuhlanganyela noma isitatimende sokusungula, njengoba kungenzeka;

(b) sokubambisana, isivumelwano sokubambisana; noma

(c) setrasti, itayitela letrasti elisebenzisekayo.

(2) Ngezinhloso zesigaba 78(6) soMthetho, Ikhomishini kufanele ngokuzibonela kwayo kodwa icabanga izinto ezifanele kumfakisicelo kanye nesicelo ekuhloleni ukuthi lowo mfakisicelo sokuthola isitifiketi kuhlangabezana nezidingo zesigaba 78 ezisebenzayo -

(a) izinjongo noma inhloso yomfakisicelo;

(b) ukuthi ingabe umfakisicelo ubandakanyeka noma wenza iziphakamiso eziyiqiniso yini sokubandakanyeka, ezenzweni zokukhuthaza nokuqhubela phambili intshisekelo yomthengi kubantu abashiwo kusigaba 3(1)(b) soMthetho;

(c) amandla omfakisicelo okuhlinzeka ngokugcina umsebenzi kwababencishwe amathuba ngokomlando, abathengi abahola kancane ezindaweni zasemakhaya noma ezindaweni eziseduze namadolobha;

(d) ukusebenza kahle nokusebenza ngempumelelo komfakisicelo ekukhuthazeni izintshisekelo zabathengi;

(e) ukuthi ingabe ingqalasizinda yomfakisicelo kanye nezindlela zokusiza zanele yini futhi ziwufanele yini umsebenzi ezihlose ukuwufeza;

(f) izinqubo kanye nezinhlelo ezidingwa umfakisicelo ukunquma ukuthi ingabe kulandelwe udaba yini egameni labathengi noma cha;

(g) kungaba umfakisicelo unenqubomgomo eqinile yini ngokushayisana kothando noma cha;

(h) kungaba umfakisicelo unayo yini noma kukhona yini intshisekelo yananoma yiluphi uhlobo, kungaba eqonde ngqo noma engaqondile, kunanoma iyiphi inkampani esebenza embonini umfakiscelo asebenza kuyo noma ahlele ukusebenza kuyo;

(i) nanoma iyiphi enye into engafanela.

(3) Ikhomishini kufanele kuwebhusayithi yayo ishicilele lonke ulwazi olufanele lokwazisa umfakisicelo wesikhathi esizayo ngezidingo maqondana nokufaka isicelo sokunikezwa isitifiketi ngokwesigaba 78 soMthetho, kubandakanya izindlela zokukhetha ezizosetshenziswa ukuhlola izinto ezishiwo kusimiso somthetho esincane (2).

(4) Nanoma yimuphi umfakisicelo kufanele alethe isicelo esikuhlinzeka lonke ulwazi olushiwo kusimiso somthetho esincane (2) no-(5), kanjalo nesitatimende esenziwa ngusihlalo wayo, isikhulu esiphethe noma omunye umuntu ophethe womsebenzi wayo, eyesekelwa yisinqumo esithathwe emhlanganweni wamalungu ayo noma ababambiqhaza bayo, ukuthi umfakisicelo uzimisele ukufeza izinhloso zoMthetho.

(5) Ikhomishini kufanele ekutholeni isicelo ishicilele isaziso kuGazethi kanye nanoma yiliphi iphephandaba elihanjisiwe endaweni yokuhlala maqondana nesicelo esihanjisiwe, kuwebhusayithi yayo, isho-

(a) igama lomfakisicelo;

(b) ikheli lomfakisicelo elibhalisiwe;

(c) imboni kanye nendawo yokuhlala maqondana nesicelo esihanjisiwe;

(d) isikhathi okungahanjiswa ngaso kanye nekheli lapho ukuphikisana nokunikezelwa kwezitifiketi okumfakisicelo.

(6) Ikhomishini ekutholeni isicelo ukuhlinzeka kwananoma yiluphi ulwazi olwengeziwe lungathathwa ngokuthi lufanele.

(7) Ikhomishini ngokubona kwayo yodwa ingamema umfakisicelo kanye nabantu abathandayo ukuthi bezokwenza izethulo zomlomo ukweseka noma ukuphikisa isicelo.

(8) Ikhomishini kufanele ngesikhathi esikahle sokuthola isicelo icabange ngesicelo kanye nanoma yikuphi ukuphikiswa kwesicelo esilethiwe futhi kufanele ithathe isinqumo ngokunikezwa kwezitifiketi komfakisicelo ngokwesigaba 78(3) soMthetho.

(9) Ikhomishini kufanele ngokushesha emva kokunquma ngesicelo ngokubhala yazise umfakisicelo ngananoma yimuphi umuntu ofake ukuphikiswa -

(a) umphumela wodaba; kanye

(b) namalungelo ngokwe noma ngaphansi kwe-Promotion of Administrative Justice Act, 2000 (Umthetho Namba 3 ka-2000).

(10) Ukunikezwa kwesitifiketi kuyiqiniso isikhathi esiyiminyaka emihlanu, emva kokuba ukunikezwa kwesitifiketi kuphelelwe yisikhathi, futhi ngaphambilini iqembu lokuvikeleka komthengi onikezwe isitifiketi kufanele liphinde lifake isicelo sokunikezwa isitifiketi.

(11) Ikhomishini okwesikhashana inganikeza isitifiketi kumfakisicelo, kanti umfakisicelo kufanele ngesikhathi esishiwo yiKhomishini ngokubhala ahlangabezane nezidingo ezengeziwe ezibekwe yiKhomishini, uma umfakisicelo ehluleka ukuhlangabezana nemibandela ngokugcwele, okuphelelwa yisikhathi ngosuku leso sikhathi esiphela ngalo.

(12) Ikhomishini kufanele esimeni sokufaka isicelo ngempumelelo -

(a) ikhiphe isitifiketi sokunikezwa isitifiketi ngenamba ehlukile, esayinwe nguKhomishina, kumfakisicelo, okufanele akhombe isitifketi endaweni ebalulekile ehhovisi lakhe elikhulu ; futhi

(b) kuwebhusayithi yayo ifaka igama lomfakisicelo ohlwini lawo onke amaqembu okuvikela abathengi anikezwe izitifketi.

(13) Ikhomishini noma nini emva kokunikezwa izitifiketi -

(a) ingacela iqembu lokuvikela abathengi elinikezwe izitifiketi ukuthi linikezele ngolwazi nanoma yiluphi olwengeziwe Ikhomishini engaludinga;

(b) ekuboneni kwayo yodwa futhi uma ikubona kudingeka ekusizeni abathengi ukuthi benze kanjalo, yamiswa noma wahoxisa lokho kunikezwa kwesitifiketi kweqembu elivikela abathengi elinikeziwe izitifiketi, kodwa Ikhomishini kufanele kulezo zimo yazise umfakisicelo futhi isebenzise onke amalungelo ayo ahlinzekelwe yi-Promotion of Administrative Justice Act, 2000, futhi ichibiyele isizinda solwazi oluqoqiwe newebhusayithi ngendlela efanele.

(14) Iqembu lokuvikela abathengi elifakazisiwe kufanele ngonyaka, ezinsukwini zebhizinisi ezingama-30 zokuqeda unyaka ngamunye wokunikezwa izitifiketi, lilethe

umbiko ogcwele, kuKhomishini ngemisebenzi yalo ngesikhathi sonyaka owandulelayo ngaphandle uma Ikhomishini ivumile ngenye indlela ngokubhala.

(15) Iqembu elivikele abathengi elisemthethweni lingeze lakhokhisa umthengi nanoma iyiphi imali kunaleyo yezindleko ezikhokhelwa ngemali eliyikhipha lona.

Isimo, indlela kanye nemali yokubhalisa amagama amabhizinisi

39 (1) Ngezinhloso zesigaba 80(1) soMthetho, umuntu angafayila isaziso kuRejistra ngesimo esiseSijobelelweni "H" kule Sheduli, ngokuyiposela ku- _________ (Ikheli Leposi), idilivwa ngesandla ku- _________ (Ikheli lendawo), ngokuligcwalisa nge-elekthroniki ku- _________ (Webhusayithi) noma ngokulithumela nge-emeyili _________ (ikheli le-emeyili).

(2) Umuntu ofayila isaziso noRejistra njengoba kushiwo kusimiso somthetho esincane (1) kufanele akhokhe imali yokufaka isicelo ye-R 50.00 (Amarandi Angamashumi Amahlanu).

(3) Inkokhelo yemali yesicelo esishiwo kusimiso somthetho esincane (2) singenziwa ngokukhokha ngokheshe ku- _________ (Ikheli Lendawo), ngokudlulisa izimali nge-elekthroniki noma inkokhelo ku-akhawunti yeRejistra eBhange i- _________ nekhodi yegatsha _________ kanye nenamba ye-akhawunti _________.

(4) URejistra angeze asemukela isaziso esishiwo kusimiso somthetho esincane (1) ngaphandle uma isaziso sihambisana nerisidi lokuqala lenkokhelo yemali yokufaka isicelo.

(5) URejistra ngokubona kwakhe eyedwa angadinga ubufakazi benkokhelo mobengeziwe bemali yokufaka isicelo ngaphambi kokwamukela isaziso esishiwo kusimiso somthetho esincane (1).

Isaziso sokukhansela ukubhalisa

40 (1) Ngezinhloso zesigaba 80(4)(a) zoMthetho, uRejistra anganikeza isaziso kumuntu oqondene nakho ngefomu eliseSijobelelweni "I" kule Sheduli, kanye nanoma yimiphi imibhalo afuna ukuyifaka.

(2) Ngezinhloso zesigaba 80(4)(b) zoMthetho, uRejistra angakhansela ukubhaliswa kwegama lebhizinisi ngokuhambisana nokuhlinzeka kwesigaba 80(4)(b) efomini eliseSijobelelweni "J".

(3) Umuntu ibhizinisi elibhaliswe ngegama lakhe kufanele ezinsukwini ezingama-30 zokuthola isaziso esishiwo kusimiso somthetho esincane (1) ngeposi elirejistiwe noma ngesandla ahambise impendulo ekhelini elishiwo kuleso saziso.

Izilimi ezisemthetwheni okufanele zisetshenziswe yiKhomishini emibhalweni

41 Ngezinhloso zesigaba 92(4) soMthetho, izilimi ezisemthethweni okufanele zisetshenziswe yiKhomishini kunanoma yimiphi imibhalo kudingeka ukuthi idilive ngokwalo Mthetho ngesiNgisi nesiZulu.

Isaziso sokuhambisana

42 Ngezinhloso zesigaba 100(1) soMthetho, Ikhomishini ingakhipha isaziso sokuhambisana efomini eliseSijobelelweni "L".

Ulwazi oluyimfihlo

43 (1) Ulwazi oluyimfihlo lubandakanya nanoma yiluphi ullwazi olunalokhu -

(a) izimfihlo zokuhweba;

(b) ulwazi lwezezimali, ezokuhweba, ezesayensi noma olobuchwepheshe, uma ukudalulwa kolwazi kungenzeka kubange ukulimala othandweni lomuntu lwezokuhweba noma lwezezimali; noma

(c) ulwazi olunikeziwe ngokuthenjwa ngumuntu, uma ukudalulwa kolwazi kungalindeleka ngokukahle-

(i) ukubeka lowo muntu ebubini ezingxoxweni zenkontileka noma nezinye; noma

(ii) ukubandlulula lowo muntu emncintiswaneni wokuhweba.

(2) Nanoma yiluphi ulwazi oluyimfihlo olucatshangwayo lwenza ingxenye yesicelo, impendulo noma esinye isethulo esibhaliwe eNkantolo kufanele sibe kusijobelelo esiseceleni futhi esimakwe ngokucacile 'imfihlo' .

(3) Kuncike kokutholakele ekugcineni ukuthi ulwazi alusiyona imfihlo, ulwazi olumakwe imfihlo kungenzeka ukuthi lukhishwe emibhalweni edingekayo okufanele kusevwe ngayo emicimbini

(4) Uma uhambisa nanoma yiluphi ulwazi okuthiwa luyimfihlo, lowo muntu kufanele kanye kanye alethe ifomu Isijobelelo "M" kule Sheduli okuzobandakanya isitatimende esibhaliwe esibeka izimo zokufuna imfihlo.

(5) Ezinsukwini zokusebenza eziyiyishumi zokwethulwa kweFomu kuSijobelelo "M", Ikhomishini, Inkantolo noma umphenyi kufanele bazise lowo muntu ukuthi ingabe Ikhomishini noma cha, Inkantolo, umhloli noma umphenyi bazophatha ulwazi olulethiwe njengemfihlo yini.

(6) Uma Ikhomishini, Inkantolo, umhloli noma umphenyi bazise lowo muntu ukuthi ulwazi angeke luphathwe njengoluyimfihlo, kungenzeka ukuthi balwenze ulwazi ukuthi lungatholakali kunanoma yimuphi omunye umuntu ngesikhathi ngokushesha ngaphambi kwezinsuku ezinhlanu emva kokwazisa lowo muntu ngokwesimiso somthetho esincane (5).

Uhlu lwamatemu enkontileka okucatshangwa ukuthi alunglle futhi akahle

44 (1) Ngezinhloso zesigaba 120(d) soMthetho, itemu lesivumelwano somthengi phakathi komnikezeli wempahla osebenza ngesisekelo senzuzo nowenza ngokuphelele noma kakhulu ngezinhloso eziphathelene nebhizinisi lakhe noma ngokuqeqeshwa kanye nomthengi ongumuntu ngamunye noma abathengi ngabanye abangene kulo ngezinhloso eziphelele noma kakhulu ezingaphathelene nebhizinisi noma nephrofeshini kucatshangwa ukuthi akukahle uma —

(a) kunenhloso noma nomphumela wetemu elibalwe kusimiso somthetho esincane (3), futhi

(b) kungaweli ngaphakathi ohlelweni lwesimiso somthetho esincane (4).

(2) (a) Uhlu esimisweni somthetho esincane (3) luyinkomba nje kuphela, ukuze itemu elibalwe lapho lungaba kahle ngokubona kwezimo ezithize zesimo.

(b) Uhlu kusimiso somthetho esincane (3) asisho konke, ukuze amanye amatemu nawo angangabi yiqiniso ngezinhloso zesigaba 48 soMthetho.

(c) Itemu elingena esikokeleni sesimiso somthetho esincane (4) luhlala luncike ezigabeni 48 ukuya ku-52 zoMthetho.

(d) Lesi simiso somthetho asehlisi isithunzi ekuhlinzekweni okuseMthethweni noma komunye umthetho ngokwe noma maqondana nalelo temu lesivumelwano elingavunyelwe.

(3) Itemu lesivumelwano somthengi kuya ngokuhlinzeka kwesimiso somthetho (1) kucatshangwa ukuthi kukahle uma kunenhloso noma umphumela –

(a) wokukhiphela noma ukubeka umkhawulo esikweletwini somnikazi ngokufa noma ukulimala komuntu uqobo okubangwa umthengi ngesenzo noma ukweqa isihloko somnikezeli kusigaba 61(1) soMthetho;

(b) ukukhipha noma ukubeka umngcele kumalungelo omthetho noma amakhambi omthengi ukuphikisana nomnikezeli noma omunye umuntu esehlakalweni noma ukuphula kancane ngumnikezeli wempahla wananoma yiziphi izibopho ezihlinzekelwe isivumelwano, kubandakanya ilungelo lomthengi ukuqeda isikweletu esikweletwa umnikezeli wempahla ukulwa nanoma yikuphi ukufuna imali umthengi angaba nakho kumnikezeli wempahla;

(c) ukubekela umkhawulo isibopho somnikezeli wempahla ukuhlonipha izibopho ezenziwe umenzeli wakhe noma ukwenza izibopho zakhe kuncike ekuhambisaneni nesimo esithize okuncike ngokuphelele kumnikezeli wempahla;

(d) ukubeka umkhawulo, noma ukuba nomphumela wokubeka umkhawulo, isikweletu esethusayo somnikezeli wempahla kubenzeli bakhe bomsebenzi;

(e) ukuphoqa umthengi ukuthi axolele umnikezeli wempahla ukuphikisana nesikweletu asenze komunye umuntu;

(f) ukukhipha nokubeka umngcele elungelweni lomthengi ukuthembela ekuvikeleni umthetho wokusho ngokusemthethweni;

(g) ukuguqula imithetho ejwayelekile maqondana nokuhanjiswa kwengozi ekulimaleni komthengi;

(h) ukuvumela umnikezeli wempahla ukuthi akhulise inani lentengo okuvunyelwene ngalo nomthengi uma isivumelwano sesiphethi ngaphandle kokunikeza umthengi ilungelo lokumisa isivumelwano;

(i) ukuvumela umnikezeli wempahla yedwa aguqule imithetho yesivumelwano kubandakanya izimpawu zomkhiqizo noma zesevisi;

(j) ukunikeza umnikezeli wempahla ilungelo lokusho ukuthi ingabe izimpahla noma isevisi enikezelwe kuyavumelana yini nesivumelwano noma nokunikeza umnikezeli wempahla ilungelo elinomkhawulo lokuhumusha nanoma yiliphi itemu lesivumelwano;

(k) ukuvumela umnikezeli wempahla ukuthi amise isivumelwano ngokufisa lapho ilungelo elifanayo linganikeziwe kumthengi;

(l) ukuvumela umnikezeli wempahla ukumisa isivumelwano esivuleleke kakhulu ngaphandle kwesaziso esikahle ngaphandle lapho umthengi ephule khona isivumelwano sempahla;

(m) ukuphoqelela umthengi ukuthi afeze zonke izibopho zakhe lapho umnikezeli wempahla ehlulekile ukufeza zonke izibopho zakhe;

(n) ukuvumela umnikezeli wempahla, kodwa hhayi umthengi, ukugwema noma ukubeka umkhawulo wokwenza umsebenzi wesivumelwano;

(o) ukuvumela umnikezeli wempahla, kodwa hhayi umthengi, ukuthi avuselele noma angavuseleli isivumelwano;

(p) ukuvumela umnikezeli wempahla isikhathi eside ngokungenangqondo ukwenza umsebenzi ;

(q) ukuvumela umnikezeli wempahla ukuthi agcine inkokhelo eyenziwa ngumthengi lapho okwangemuva kwehluleka ukwenza isiphetho noma ukwenza isivunelwano, ngaphandle kokunikeza umthengi ilungelo

lokunxeshezelwa ngenani elifanayo uma umnikezeli wempahla ehluleka ukwenza isiphetho noma ukwenza isivumelwano (ngaphandle kokuncisha umthengi ilungelo lokufuna amademeshe njengokwehlukile);

(r) kudingeka nanoma yimuphi umthengi ohlulekayo ukufeza isibopho sakhe sokukhokha amademeshe okudlula kakhulu umonakalo owenzakele umnikezeli wempahla;

(s) ukuvumela umnikezeli wempahla, ekumisweni kwesivumelwano ngomunye umuntu, ukufuna iholo eliphezulu ngokungenangqondo lokusetshenziswa kwento noma ilungelo, noma ukwenziwa komsebenzi okwenziwe, noma ukufuna ukubuyiselwa imali okuphezulu okungenangqondo yezindleko;

(t) ukunikeza umnikezeli wempahla ithuba lokudlulisela izibopho zakhe ngaphansi kwesivumelwano ekulimazeni umthengi, ngaphandle kwesivumelwano somthengi;

(u) ukubeka umkhawulo elungelweni lomthengi lokuphinde athengise izimpahla ngokubeka umkhawulo wokudlulisekela nanoma yisiphi isiqinisekiso sohwebo okuhlinzekwa ngumnikezeli wempahla;

(v) ukuhlinzeka ukuthi umthengi kufanele athathwe sengathi wenze noma akenzanga isitatimende noma akavumanga ukulimala kwakhe, ngaphandle uma -

   (i) isikhathi esifanele sinikezwe yena sokwenza isifungo esisheshayo maqondana nalokhu; futhi

   (ii) ekuqaleni kwesikhathi umnikezeli wempahla udonsa ukunaka komthengi encazelweni ezofakwa ekuziphatheni kwakhe;

(w) ukuhlinzeka ukuthi isitatimende esenziwe ngumnikezeli wempahla okungesentshisekelo ethize kumthengi sithathwa ngokuthi sifinyelele kumthengi, ngaphandle uma leso sitatimende sithunyelwe ngeposi elirejistiwe elikhokhelwe kuqala siya ekhelini lomthengi;

(x) ukukhipha noma ukuvimbela ilungelo lomthengi lokuthatha isinyathelo somthetho noma ukusebenzisa nanoma yiliphi elinye ikhambi lomthetho, kubandakanya ngokudinga ukuthi umthengi athathe izimpikiswano ngokuphelele ezisa ezingxoxweni ezingakhavwa Umthetho noma omunye umthetho;

(y) ukubeka umngcele ebufakazini obukhona kumthengi noma ukubeka umthwalo wobufakazi, ngokomthetho osebenzayo, okufanele kube kumnikezeli wempahla;

(z) ukubeka isikhathi esiwumkhawulo esifushanyana kunesisebenzisekayo ngaphansi komthetho wabantu noma komthetho wezinyathelo zomthetho

okufanele uthathwe ngumthengi (kubandakanya owokwenza imfuno ebhaliwe kanye nesikhungo sezinqubo zomthetho);

(aa) ukunikeza umnikezeli wempahla ilungelo lokufuna izindleko zomthetho noma ezinye ezingeni eliphezudlwana kunelejwayelekile lapho okungekho khona futhi itemu elinikeza umthengi ilungelo lokufuna lezo zindleko ezingeni elifanayo;

(bb) uhlinzeka ngokuthi umthetho osebenzayo ngaphandle kowaseRiphabhliki esivumelwaneni somthengi ophethiwe nosetshenziswayo eRiphabhliki, lapho umthengi wayehlala eRiphabhliki ngaleso sikhathi kwakuphethwa isivumelwano .

(4) (a) Indima (k) yesimiso somthetho (3) ayisebenzi etemini ngokwalokho umnikezeli wezinsizakalo zezimali ugodle ilungelo lokumisa eyedwa isivumelwano esivulelekile ngaphandle kwesaziso, kodwa umnikzeli uyadingeka ukuthi ngokushesha azise umthengi .

(b) Indima (h) yesimiso somthetho esincane (3) ayisebenzi -

(i) emsebenzini webhizinisi ezimali ezivikelekile ezidluliswayo, izinto zokusebenza zezimali kanye neminye imikhiqizo noma izinsizakalo lapho amanani entengo exhumene nokwehla enyuka kukhotheshini yase-stock exchange noma inkomba noma izinga lezimakethe zezimali ezingalawulwa umhwebi;

(ii) isivumelwano sokuthenga noma sokuthengisa izimali zamazwe angaphandle, ama-traveller's cheque noma ama-oda ezimali zamazwe omhlaba ezilawulayo emalini yangaphandle;

(iii) isigatshana senkomba yenani lentengo, lapho ngokomthetho, kodwa indlela amanani entengo ehluka ngayo kufanele ichazwe ngokucacile .

(c) Indima (i) yesimiso somthetho esincane (3) ayisebenzi -

(i) itemu ngaphansi kwalo umnikezeli wezinsizakalo zezimali agodla ngalo ilungelo lokuguqula izinga lentela ekhokhwa ngumthengi noma okufanele ikhokhelwe umthengi, noma inani lemali yokunye ukukhokha kwemisebenzi yezezimali ngaphandle kwesaziso lapho kunesizathu esifanele, kodwa-

(aa) umnikezeli kufanele ngokushesha azise umthengi; futhi

(bb) umthengi ukhululekile ukuthi aqede isivumelwano ngethuba eliseduze alitholayo ;

(ii) umsebenzi webhizinisi ezimalini ezivikelekile ezidlulisekayo, izinto zokusebenza kwezezimali kanye neminye imikhiqizo noma izinsizakalo lapho inani lentengo lixhunywe khona ekwehleni lenyuka kukhotheshini

ye-stock exchange noma inkomba noma izinga lezimakethe zezimali elingalawulwa umhwebi;

(iii) isivumelwano sokuthenga noma sokuthengisa kwemali yamazwe angaphandle, ama-traveller's cheque noma ama-oda emali yamazwe omhlaba okwengamele imali yamazwe angaphandle;

(iv) itemu ngaphansi kwalo umnikezeli akagodle ilungelo lokuguqula izimo eyedwa zesivumelwano esivulelekile, kodwa -

(aa) umnikezeli kufanele ngokushesha azise umthengi; futhi

(bb) umthengi ukhululekile ukuqeda isivumelwano ngokushesha;

(d) Izindima (r) kanye no-(s) zesimiso somthetho esincane (3) azisebenzi kunanoma iyiphi inhlawulo, imali noma isinxephezelo umnikezeli wempahla anelungelo lokuyibiza ngaphansi kokuhlinzeka kwalo Mthetho noma nanoma yimuphi omunye umthetho.

IZIJOBELELO

Isijobelelo A - Isimiso somthetho 4(2)

AKUDINGEKI IZIKHANGISI (NO ADVERTS)

Isijobelelo B – Isigaba 14(4)(c)

Isaziso sosuku lokuphela kwesikhathi: isivumelwano sesikhathi esingaguquki

Isigaba 14(2)(c) se-Consumer Protection Act 68 of 2008

Mina, umnikezeli esivumelwaneni sesikhathi esingaguquki no-……………………………………………………

…………………………………………………………………………………………(igama lomthengi)

maqondana nesivumelwano sokuhlinzeka ………………………………………………………………

……………………………………………………………………………………(incazelo yezinsizakalo),

ngangena ngomhla ka- …………. (usuku) ……………………………………(inyanga) 20………………

lapha **nginikeza isaziso** kumthengi oshiwo ukuthi -

- usuku lokuphelelwa yisikhathi kwesivumelwano umhla ka- ………… usuku lwenyanga ka- ………………………………… (inyanga) 20 ……………., kanye
- ukuthi izinguquko ezizosebenza <u>uma</u> isivumelwano kwakufanele sivuselelwe noma ngenye indlela siqhubekele ngale kokuphelelwa yisikhathi kufakwe kulesi saziso esimakwe Isijobelelo "A", futhi
- ekuphelelweni yisikhathi kwesivumelwane esinesikhathi esingaguquki, kuzozenzakalela ukuqhubeka inyanga nenyanga, kuya ngananoma yiziphi izinguquko zempahla umnikezeli wempahla anikeze kuzo isaziso kuSijobelelo "A",

NGAPHANDLE UMA umthengi **ngokushesha** —

(i) eyalela umnikezeli ukuthi **aqede** isivumelwano ngosuku lokuphela kwesikhathi; noma

(ii) evuma ekuvuselelweni kwesivumelwano isikhathi esinye esingaguquki.

Isaziso kumthengi: Nangale kwananoma yikuphi ukuhlinzeka kwesivumelwano okuphikisanayo noma nanoma yikuphi noma ubani, kubandakanya umnikezeli, angathi kuwe, **unelungelo**, uma ufuna ukwenza kanjalo, lok**ukhansela** isivumelwamo uma sekuphele isikhathi sethemu engaguquki, **ngaphandle kwenhlawulo noma kwecala, kodwa** kuya ngokuthi -

- ngokuziphendulela kwakho okusele kumnikezeli ngananoma iyiphi imali ekweletwa umnikezeli ngokwesivumelwano ukufika osukwini lokukhansela, **uma lukhona**; futhi
- umnikezeli **unelungelo lokubeka Inhlawulo yokukhansela okukahle** maqondana nanoma yiziphi izimpahla ezinikezelwe, izinsizakalo ezinikezelwe, noma izaphulelo ezinikeziwe, kumthengi ocabanga ngesivumelwano kuqhubeka isikhathi saso sokwelulwa esingaguquki, **uma kukhona;** futhi
- umnikezeli wempahla onemsebenzi wokukunika ikhredithi ngananoma yimalini esele iyimali yakho kusukela ngosuku lokukhansela .

Isayinwe .... ngomhla ka- .... (inyanga) 20 ....

....

KuMnikezeli wempahla, oqinisekisa ukuthi ugunyaziwe ukwenza kanjalo

Igama: ....

Imininingwane yokuxhumana:

…………………………………………………………………………   …………………………………………………………………………………

Isijobelelo C – Isigaba 16

<table><tr><td>

<u>Ukuhoxiswa kwesivumelwavo</u>

<u>*(Isigaba 16 se- Consumer Protection Act 68 of 2008)*</u>

(Kufanele kugcwaliswe ngambili, ikhophi eyodwa isayiniwe yagcinwa ngumthengi kanti enye ngumnikezeli wempahla.)

(Lokhu akusebenzi uma umthengi enelungelo lokukhansela ngaphandle kwesizathu nangaphandle kwenhlawulo kunanoma yimuphi umsebenzi webhizinisi kanye nanoma yisiphi isivumelwano esiphathelene nekhredithi yokunikezelwa izimpahla ezinsukwini eziyisikhombisa emva kosuku lokwamukelwa kwezimpahla noma izinsizakalo ezinsukwini eziyisikhombisa emva kosuku lokuphethwa kwesivumelwano, ngokwesigaba 44 se-Electronic Communications and Transactions Act 25 of 2002.)

Mina, ……………………………………………… (igama lomthengi) lapha ngihoxisa umsebenzi webhizinisi ovela kunanoma yikuphi ukumaketha okuqondile okuqhutshwa ngu-noma egameni lika- ………………………………………………………………(igama lomnikezeli), ngokuhlinzeka kwe-

…………………………………………………………………

………………………………………………………………………………

<u>Isaziso kumthengi</u>: Lesi saziso kufanele sihanjiswe kumnikezeli wempahla <u>**ezinsukwini zebhizinisi ezinhlanu**</u> emva kosuku umsebenzi wesivumelwano waqedwa noma izimpahla izimpahla ezincike emsebenzini webhizinisi zadilivwa kumthengi, <u>**noma yikuphi okuwusuku oluza kamuva**</u>.

<u>Inothi kumnikezeli wempahla</u>: Umnikezeli wempahla ngaphandle kombandela noma kokugodla kufanele abuyisele nanoma iyiphi inkokhelo ayitholile kumthengi ngokomsebenzi webhizinisi <u>**ezinsukwini zebhizinisi eziyi- 15 ngemuva**</u>

- kokuthola isaziso sokuhoxisa, uma kungenazimpahla ezidiliviwe kumthengi

</td></tr></table>

ngokomsebenzi webhizinisi; noma

- kokuthola kumthengi nanoma yiziphi izimpahla ezinikezelwe ngokomsebenzi webhizinisi.

Umnikezeli wempahla angeze ngaphansi kwananoma yisiphi isimo wazama ukuqoqa nanoma iyiphi inkokhelo ngokokuhoxiswa komsebenzi webhizinisi, ngaphandle njengoba kuvunyiwe ngokwesigaba 29(6) se-Consumer Protection Act, 2008.

Kusayinwe ngomhla ka- ...... usuku luka .... (inyanga) 20 ....

....

Umthengi

Inothi kumthengi: Lesi saziso singahanjiswa kumnikezeli wempahla ngesandla, ngefeksi, nge-e-meyili noma ngeposi elijwayelekile eliya kumnikezeli wempahla, kukhunjulwa isikhathi okufanele kudilivwe ngaso. Uma umnikezeli wempahla ala ukwamukela noma ukuvuma ukuthi usitholile lesi saziso, rekhoda imininingwane yomzamo wakho yokuhambisa isaziso kumnikezeli wempahla bese ugcina lo mbhalo. Esimeni esinjalo, thinta Ikhomishini Yabathengi noma umgwamanda obhekene nalokhu noma umuntu ozokusiza kulolu daba. Uma umnikezeli wempahla ekuqinisekisa ukuthola lesi saziso, gcina ikhophi eyodwa yalesi saziso bese unika umnikezeli wempahla.

Ukuvuma ukwamukela isaziso ngumnikezeli:

Kusayinwe ngomhla ka- ...... usuku luka .... (inyanga) 20 ....

....

(lowo lapha oqinisekisile ukuthi ugunyaziwe ukwenza lokhu egameni lomnikezeli wempahla)

Igama lomuntu osayinayo: ....

Imininingwane yokuxhumana

....

....

....

Isijobelelo D - Isimiso somthetho 6(1)

1. Izindwangu njengoba zibalwe kuSahluko 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60 no-63 we-Harmonized Customs Tariff.

2. Izimpahla zokugqoka njengoba zibalwe kuSahluko 61, 62 no- 65 we-Harmonized Customs Tariff.

3. Izicathulo nezimpahla zesikhumba njengoba zibalwe kuSahluko 42, 43 no-64 se-Harmonized Customs Tariff.

Isijobelelo E - Isimiso somthetho 35

Ikhomishini Yabathengi Kuzwelonke	
Ifomu - Isikhalazo - isigaba 71(1)	
Amagama aphelele omuntu okhalazayo	
I-ID/Inamba yokubhalisa yomuntu okhalazayo	
Ikheli Leposi	
Ikheli Lendawo	
Inamba yeselula	
Inamba yocingo lwasendlini	
Inamba yefeksi	
Ikheli le-e-meyili	
Yisiphi isikhathi esingcono kakhulu sokukuthinta, uma lokhu kudingeka?	
Ingabe umuntu okhalazayo uke wenza ifayili ngaphambilini lesikhalazo ne-NCC?	
Uma kunjalo, sicela unikeze inamba yereferensi	
Isimo sesikhalazo	
Ukuhlinzeka kwe-Consumer Protection Act noma izimiso zomthetho ezisakazwe ngaphansi kwawo noma Ikhodi eyephuliwe (uma yaziwa)	
Igama lenkampani noma umuntu isikhalazo esenziwe ngaye	
Ikheli lenkampani noma umuntu okukhalazwa ngaye	
Incazelo emfushane yesikhalazo	

Imininingwane yezinyathelo ezithathiwe ukuxazulula isikhalazo	
Uhlu lwemibhalo efanele esikhalazweni esifakwe kulelí fomu	
Uphakamisa mphumela muni walesi sikhalazo?	
Usuku	
Indawo	
Isignesha	
Kusetshenziswa yihhovisi kuphela	
Inamba yereferensi	

Isijobelelo F - Isimiso somthetho 36

Ikhomishini Yabathengi Kazwelonke	
Ifomu - Isigaba 72(1)(a) **Isaziso sokungadluliseli**	
Inamba yereferensi	
Usuku	
Igama lomuntu okhalazayo	
ID/Inamba Yokubhalisa	
Ikheli Leposi	
Inamba yefeksi	
Ikheli le-e-meyili	

Sawubona ………………….

Isikhalazo: ……………………………………………………………………………………………
Usuku: …………………………..

Ngiyaxolisa ukukwazisa ukuthi Ikhomishini angeke isedlulise isikhalazo sakho, njengomuntu okhalazayo -

	sibukeka kuwumdlalo.
	asinamaqiniso, uma siyiqiniso, sizoba nezizathu zekhambi ngaphansi kwe-Consumer Protection Act, 2008.
	uvinjelwe, ngokwesigaba 116 se- Consumer Protection Act, 2008, ekudluliselweni eNkantolo Yabathengi Kuzwelonke, ngoba sekudlule iminyaka emithathu selokhu— (a) isenzo noma ukweqiwa okuyimbangela yesikhalazo; noma

	(b) esimeni sokuziphatha noma ukuqhubeka nokusebenza, usuku ukuziphatha noma ukusebenza okwama ngalo.
Yimina ozithobayo Ukhomishina/Isekela LikaKhomishina	

Isijobelelo G - Isimiso somthetho 37

Ikhomishini Yabathengi Kuzwelonke	
Ifomu - isigaba 73(1)(a) **Isaziso sokungadluliselwa**	
Inamba yereferensi	
Usuku	
Igama lomuntu okhalazayo	
ID/Inamba Yokubhalisa	
Ikheli Leposi	
Inamba yefeksi	
Ikheli le-e-meyili	

Swubona ……………….

Isikhalazo: ……………………………………………………………………………………………………

Usuku: …………………………

Ngiyaxolisa ukukwazisa ukuthi Ikhomishini angeke isedlulise isikhalazo sakho, njengomuntu okhalazayo.

Yimina ozithobayo

Ukhomishina/Isekela LikaKhomishina

Isijobelelo H - Isimiso somthetho 39

URejistra Wezinkampani	
Ifomu: isigaba 80(1) CPA	
Amagama aphelele omfakisicelo	
ID noma inamba yokubhalisa yomfakisicelo	
Ikheli Leposi	
Ikheli Lendawo	
Inamba yeselula	
Inamba yocingo Iwasendlini	
Inamba yefeksi	
Ikheli le-e-meyili	
Yisiphi isikhathi esingcono kakhulu sokukuthinta, uma kudingeka?	
Inhloso yokufaka isicelo (maka ngo- X)	
	Ukubhalisa nanoma iyiphi inamba yamagama ebhizinisi asetshenziswayo, okufanele asetshenziswe, yilowo muntu ukwenza ebhizinisini .
	Ukubhalisa ibhizinisi ngegama elifanayo elihunyushelwe kwezinye izilimi zeRiphabhliki ezisemthethewni .
	Ukushintsha igama lebhizinisi elibhalisile.
	Ukudlulisela igama lebhizinisi elibhalisile komunye umuntu.
Inamba yokubhalisa yebhizinisi	
Imininingwane yegama lebhizinisi elicatshangwayo (uma kufanele)	
Imininingwane yokuhunyushwa kwegama lebhizinisi (uma kufanele)	

Imininingwane yokushintsha igama lebhizinisi (uma kufanele)	
Imininingwane yokudlulisela igama lebhizinisi komunye umuntu (uma kufanele)	
Igama lomuntu okudluliselwe kuye	
ID noma inamba yokubhalisa yomuntu okudluliselwe kuye	
Ikheli Leposi	
Ikheli Lendawo	
Inamba yeselula	
Inamba yocingo lwasendlini	
Inamba yefeksi	
Ikheli le-e-meyili	
Uhlobo lwebhizinisi	
Usuku lokudlulisela	
Usuku	
Indawo	
Isignesha	
Isgnesha yomuntu okudluliselwa kuye (uma kufanele)	
Kusetshenziswa yihhovisi kuphela	
Ukubhaliswa kwenziwe	
Usuku	

Isijobelelo I - Isimiso somthetho 40(1)

<table>
<tr><td colspan="2">URejistra Wezinkampani</td></tr>
<tr><td colspan="2">Ifomu - isigaba 80(4)(a) CPA
Isaziso sokukhombisa ukuthi kungani ukubhaliswa kwegama lebhizinisi kufanele kungakhanselwa</td></tr>
<tr><td>Inamba yereferensi</td><td></td></tr>
<tr><td>Usuku</td><td></td></tr>
<tr><td>Igama lomuntu okurejistwe ngaye igama lebhizinisi</td><td></td></tr>
<tr><td>Ikheli Leposi</td><td></td></tr>
<tr><td>Inamba yefeksi</td><td></td></tr>
<tr><td>Ikheli le-e-meyili</td><td></td></tr>
<tr><td></td><td></td></tr>
<tr><td colspan="2">Sawubona ………………….

Isaziso sokukhombisa ukuthi kungani ukubhaliswa kwegama lebhizinisi kufanele kungakhanselwa:
……………………………………………………………………………………………………
Usuku: ……………………………

Ngikholwa ukuthi bewungenzi msebenzi ngaphansi kwegama elishiwo ngenhla isikhathi okungenani esiyizinyanga eziyisithupha.

Ngakho-ke, ngokwesigaba 80(4)(a) se-Consumer Protection Act, 2008 (Act No. 68 of 2008)</td></tr>
</table>

ngicela ukuthi ukhombise, ezinsukwini ezingama-30 zokuthola lesi saziso, kungani ukubhalisa kwakho kungafanele ukuthi kukhanselwe, uma uhluleka ukubhaliswa kwakho kuzokhanselwa futhi uzovinjelwa ukwenza umsenbenzi ngaphansi kwegama elishiwo ngenhla. Ikheli lapho ongahambisa khona impendulo yakho elokuthi uhambise ngezandla, lapha

....

....

uma kuhanjiswa ngeposi elirejistiwe, lapha ....

....

....

Yimina ozithobayo

uRejistra

Isijobelelo J - Isimiso somthetho 40(2)

URejistra Wezinkampani	
Ifomu - isigaba 80(4)(b) CPA **Ukukhanselwa kokubhaliswa kwegama lebhizinisi**	
Inamba yereferensi	
Usuku	
Igama lomuntu okurejistwe ngaye igama lebhizinisi	
Ikheli Leposi	
Inamba yefeksi	
Ikheli le-e-meyili	

Sawubona ....

Ukukhanselwa kokubhaliswa kwegama lebhizinisi:

....

Usuku: ....

Bewunikezwe isaziso ngokwesigaba 80(4)(a) se-Consumer Protection Act, 2008 (Act No. 68 of 2008) ukuthi ukhombise, ezinsukwini ezingama-30 zokuthola isaziso, ukuthi kungani ukubhaliswa kwakho kungafanele ukuthi kukhanselwe. Uhlulekile ukuphendula ngesikhathi esivunyelwe nesifanele, ukubhaliswa kwegama lebhizinisi elishiwo ngenhla kuyakhanselwa futhi uzovinjelwa ukuthi wenze ibhizinisi ngaphansi kwaleli gama.

Yimina ozithobayo

uRejistra

Isijobelelo K – Isigaba 88

<u>Isitifiketi Somhloli</u>

<u>Isigaba 88(1)(b) se-Consumer Protection Act 68 of 2008</u>

Mina, ……………………………………………………………………………., Khomishina/Sekela LikaKhomishina weKhomishina Yabathengi Kuzwelonke lapha ngifakazisa ukuthi ……………………………………………………………

……

uqokiwe njengomhloli ngokwe- Consumer Protection Act 68 of 2008.

Okunikezwe ngaphansi kwesandla sami ngomhla ka ………………………ngosuku luka ……………………………………20……

Ukhomishina/Isekele likaKhomishina

Isijobelelo L - Isimiso somthetho 42

<table>
<tr><th colspan="2">Ikhomishini Yabathengi Kazwelonke</th></tr>
<tr><th colspan="2">Ifomu - Isigaba 100(1) se- Consumer Protection Act, 2008 (Act No. 68 of 2008)</th></tr>
<tr><th colspan="2">Isaziso Sokumbisana</th></tr>
<tr><td>Igama lomuntu noma iyunithi okusebenza kuyo isaziso</td><td></td></tr>
<tr><td>Ikheli</td><td></td></tr>
<tr><td>Inamba Yereferensi</td><td></td></tr>
<tr><td>Usuku</td><td></td></tr>
<tr><td rowspan="2">Ukuhlinzeka koMthetho okungahanjiswananga nawo</td><td></td></tr>
<tr><td></td></tr>
<tr><td colspan="2">Imininingwane yesimo nobungako bokungahambisani kukanje:</td></tr>
<tr><td colspan="2">Imininingwane yananoma yiziphi izinyathelo ezidingekayo okufanele zithathwe kanye nesikhathi okufanele lezi zinyathelo zithathwe ngaso:</td></tr>
<tr><td colspan="2">Inhlawulo engabekwa ngokwalo Mthetho uma lezo zinyathelo zingathathwa:</td></tr>
</table>

Imibuzo ingaqondiswa ku-:		
Igama		
Imininingwane yokuxhuamana		
Amahora omsebenzi		
Ikheli okufanele kuhanjiswe kulo ukuphikisana nalesi saziso ngefomu elibekiwe		
Kusetshenziswa yihhovisi kuphela		
Imininingwane yempendulo		
Izincomo		
Isayiniwe		
Usuku:		

Isijobelelo M - Isimiso somthetho 43

Ikhomishini Yabathengi Kuzwelonke	
Ifomu - isigaba 106(1) se- Consumer Protection Act, 2008 (Act No. 68 of 2008)	
Ukufuna imfihlo	
IYA KU-: Ikhomishini Yabathengi Kuzwelonke, Inkantolo Yabathengi Kuzwelonke, umhloli noma umphenyi okhethwe ngokwe-Consumer Protection Act.	
Igama lomuntu ofuna imfihlo	
Ikheli	
Inamba yereferensi	
Usuku	
Ekhasini lephepha eliseceleni, bala ulwazi olulandelayo, bese uchaza ukuthi kungani ulwazi luyimfihlo. Ikhalamu 1- igama lombhalo onolwazi oluyimfihlo Ikhalamu 2- ikhasi kanye nenamba yomugqa lapho ulwazi oluyimfihlo luqala futhi lugcine khona Ikhalamu 3- igama lomnikazi wolwazi oluthize Ikhalamu 4- isimo sezinga lomnotho, uma kukhona, Ikhalamu 5- imingcele ekhona, uma ikhona, ekufinyeleleni olwazini	
Isitatimende Semfihlo: Mina ....ngihlanganise, noma ngasuphavayiza abantu abahlanganise, uhlu olufakiwe. Ngiyakholwa ukuthi ulwazi olukhonjiwe kulolo luhlu	

luwulwazi oluyimfihlo.

Igama neThayithili yoMuntu ogunyazwe ukuthi asayine:

....

Isignesha egunyaziwe

....

Usuku

....

ISAZISO

ISIKHATHI ESINGAVUNYELWE SOKUTHINTA ABATHENGI

1 Ngezinhloso zesigaba 12(2) soMthetho, okulandelayo izinsuku, izinsuku zenyanga, amaholide kahulumeni noma izikhathi zezinsuku lapho umnikezeli wempahla angeze azibandakanya kunanoma yikuphi ukumaketha okuqonde ngqo okuqondiswe kumthengi ekhaya:

(a) Amasonto noma amaholide kahulumeni ashiwo ku-Public Holidays Act, 1994 (Act No. 36 of 1994);

(b) Imigqibelo ngaphambi kuka- 09h00 nangemuva kuka-13h00; futhi

(c) zonke ezinye izinsuku phakathi kwamahora ka-20h00 no-08h00 ngelanga elilandelayo, ngaphandle kwezinga lapho umthengi esho khona noma ngokunacacile ecele noma evume ngenya indlela.

2 Ukumaketha ngqo kungeze kwabekelwa isikhathi sokwenziwa kumthengi ngesikhathi sezikhathi ezingavunyelwe ezishiwo ku-1 ngenhla ngaphandle uma kuvunywe kwezakala, ngokubhala, ngumthengi.

3 Umuntu omaketha ngqo akaphuli iphuzu 1 uma kuthunyelwe ukumaketha ngqo ngesikhathi esihlinzekwe ku-1, ngisho ngabe umthengi ukumaketha ngqo ukuthole ngaphandle kwesikhathi esishiwo ngenhla, kodwa ukufakazisa ukuthi ukumaketha ngqo kwakhishwa ngesikhathi esivumelekile kusala nomuntu omaketha ngqo ngokugcwele.

ISAZISO

ISINGENISO SOKUGUNYAZA NGAPHAMBI KOKULUNGISA NOMA KWEMISEBENZI YOKUNAKEKELA

1 Ngezinhloso zesigaba 15(1)(a) no-(5) soMthetho, isingeniso sokugunyaza ngaphambi kokulungisa noma kwemisebenzi yokunakekela ngokujwayelekile u-R1.00 (Ishumi) kungafakwanga intela efakwa enanini, ngaphandle uma ngokuhlukile ihlinzekelwe yisimiso somthetho noma ikhodi yemboni eshiwo kusigaba 82 soMthetho.

2 Ukulinganisela kufanele kucacise -

(a) ukunconzulula kanye nesamba semali okufanele ibizwe uma kulungisiwe noma kwenziwe ukunakekelwa;

(b) isimo kanye nezinga lokulungisa noma lokunakekela;

(c) isikhathi sokuba semthethweni kwekhotheshini ; kanye

(d) nesikhathi umthengi okufanele aqoqe ngaso izimpahla kanye nomphumela uma engenzanga kanjalo.

ISAZISO

UKUXOLELWA KWEZIGABA EZITHIZE ZEZIMPAHLA NOMA IZINSIZAKALO, NOMA IZIMO ZOHWEBO NGOKUHLINZEKA NGAMAREKHODI OKUTHENGISA

1 Kulesi saziso, "umthengisi" kusho umuntu wemvelo obandakanyeke ngokusemthethweni, kuphela ukuzuza kwakhe, ekuthengiseni izimpahla emgwaqeni noma ezindaweni zomphakathi noma ezindaweni maqondana nezindawo lapho onke amalungu omphakathi ethokozela ukufinyelela khona ngokungenamngcele futhi kungenambandela kuncike kuphela emthethweni.

2 Ngezinhloso zesigaba 26(4) soMthetho, nanoma yimuphi umuntu ohweba njengomthengisi wasemgwaqeni lapha uyaxolelwa ekusebenziseni izigatshana (2) no- (3) zesigaba 26 soMthetho,

3 Ngaphandle kokuhoxa kunanoma yimuphi umthetho, umnikezeli wempahla uyaxolelwa ekusebenzeni kwezigatshana (2) no-(3) zesigaba 26 soMthetho lapho umthengi ngokucacile engadingi irekhodi lokuthengisa.