NO. R. 2 **19 FEBRUARY 2016**

ISIHLOKOMISO SIKARHULUMENTE

ISEBE LOBULUNGISA NOPHUHLISO LOMGAQO-SISEKO

I-*RULES BOARD FOR COURTS OF LAW ACT* 107 KA-1985

KWENZIWA UTSHINTSHO KWIMIGAQO ELAWULA UKUQHUTYWA KWAMATYALA KWIINKUNDLA ZEEMANTYI ZASEMZANTSI-AFRIKA

Ngokwegunya lesiqendu 6 se*Rules Board for Courts of Law Act* 107 ka-1985, iBhodi YeMigaqo YeeNkundla ZoMthetho ithe, ngemvume yoMphathiswa Wobulungisa Neenkonzo Zolungiso-similo, yenza imigaqo kwiShedyuli.

ISHEDYULI

INKCAZELO GABALALA:

[ ] Amagama okanye amabinzana abhalwe ngqindilili kwizibiyeli ezisisikweri abonisa okukhutshiweyo kwimigaqo ekhoyo.

____ Amagama okanye amabinzana akrwelwe umgca ngaphantsi abonisa okufakelweyo kwimigaqo ekhoyo.

Ukuchazwa kwegama

1. Kule shedyuli elithi "iMigaqo" lithetha Elawula Ukuqhutywa Kwamatyala EeNkundla ZeeMantyi ZaseMzantsi-Afrika epapashwe kwiSihlokomiso SikaRhulumente esinguNombolo R. 740 sika-August 23, 2010, saza senziwa utshintsho ziZihlokomiso ZikaRhulumente ezilandelayo: R. 1222 sikaDisemba 24, 2010; R. 611 sikaJulayi 29, 2011; R. 1085 sikaDisemba 30, 2011; R. 685 sika-Agasti 31, 2012; R. 115 sikaFebruwari 15, 2013; R. 263 sika-Aprili 12, 2013; R. 760 sikaOktobha 11, 2013; R. 183 sikaMatshi 18, 2014; R. 215 sikaMatshi 28, 2014; R. 507 sikaJuni 27,2014; R. 5 sikaJanuwari 9, 2015; R. 32 sikaJanuwari 23, 2015; R. 33 sikaJanuwari 23, 2015; R. 318 sika-Aprili 17, 2015; nesinguNombolo R. 545 sikaJuni 30, 2015.

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Kwenziwa utshintsho kuMgaqo 12

2. Kwenziwa utshintsho kuMgaqo 12—

(a) ngokuthi umgaqwana (1) uthatyathelw' indawo ngumgaqwana olandelayo:

"(1)*(a)* Ukuba ummangalelwa akasithumelanga isaziso sokuba uzimisele ukuzithethelela ngexesha elixelwe kwisamani okanye singekafakwa isicelo esixelwe kwesi siqendu, abe kananjalo engavumanga ukunkqanyangelwa sisigwebo senkundla, ummangali unokuthi angenise kumgcini-zifayile okanye kumabhalane wenkundla isicelo esibhaliweyo esikwimo yeFomu 5 yeSongezelelo 1, sibe ziikopi ezimbini, kwakunye nesamani yantlandlolo nobungqina bokuba isiwe emntwini, ecela ukuba inkundla ikhuphele ummangalelwa umyalelo wokuba—

(i) ahlawule isixa-mali esingengaphezulu kweso sifunwa kwisamani okanye enze okunye okufunwayo;

(ii) ahlawule iindleko zesi simangalo; kwaye

(iii) ahlawule inzala ngomlinganiselo oxelwe kwisamani ukuza kuthi ga kumhla ahlawula ngawo okanye, ukuba awuxelwanga umlinganiselo wenzala, kube ngumlinganiselo oxelwe kwisiqendu 1(2) se*Prescribed Rate of Interest Act* 55 ka-1975.

(b) <u>Xa ummangalelwa ethe wavalwa ukuba angabi saphendula ngokomgaqo 21B(3), ummangali unokuthi angenise kumgcini-zifayile okanye kumabhalane wenkundla isicelo esibhaliweyo sokuba inkundla ikhuphe umyalelo njengaxa ummangalelwa oyisakele ukukhupha isaziso sokuba uzimisele ukuzithethelela.</u>

(c) Xa ummangalelwa engasikhuphanga isaziso sokuba uzimisele ukuzithethelela okanye, athi esikhuphile, **[angayithumeli impendulo ngexesha elixelwe kwisaziso asithunyelelweyo ngokwesiqendu (b)]** <u>avalwe ukuba angabi saphendula ngokomgaqo 21B3</u> abe ummangali efake isicelo sokuba inkundla ikhuphe umyalelo, umgcini-zifayile okanye umabhalane wenkundla makasiqhubele phambili isicelo ngokomgaqwana (2), (3), (4), (5), (6), (6A) nowesi-(7), aze azise ummangali ngesiphumo sesicelo ngokubuyisa ikopi eyidyuplikheyithi etyikityiweyo ebonisa isiphumo nomhla waso.

(d) Xa ummangalelwa esithumele isaziso sokuba uzimisele ukuzithethelela kodwa **[angayithumeli impendulo ngexesha elixelwe kwisaziso**

asithunyelelweyo ngokwesiqendu (b)] avalwe ukuba angabi saphendula ngokomgaqo 21B3 abe umgcini-zifayile okanye umabhalane wenkundla ebhale umyalelo ngokwesicelo esifakwe ngummangali, iindleko ziza kubalwa njengaxa ummangalelwa ebeye wazithethelela etyaleni.

(e) Ukuba isamani yantlandlolo ayinakufayilwa kunye nesicelo somyalelo njengoko kufunwa sisiqendu *(a)*, ummangali unokuthi—

(i) anike umgcini-zifayile okanye umabhalane wenkundla ikopi okanye iorijinali yesamani nekopi yobungqina obuvela kunothimba bokuba ihanjisiwe isamani; aze

(ii) angenise inkcazelo ebhaliweyo efungelweyo kunye namaxwebhu akhankanywe kwisiqendwana (i) echaza izizathu zokuba isamani yantlandlolo nobungqina bokuba ihanjisiwe zibe azinakufayilwa, kodwa ke kumatyala oqhawulo-mtshato okanye kumatyala okuwuphuthisa umtshato kuza kusebenza umgaqo 22(5).";

(b) ngokuthi umgaqwana (2) uthatyathelw' indawo ngumgaqwana olandelayo:

"(2) *(a)* Ukuba umgcini-zifayile okanye umabhalane wenkundla uphawula ukuba ummangalelwa uzimisele ukuzithethelela kwityala kodwa isaziso sakhe sokuba uzimisele ukuzithethelela sinempazamo, enjengokuthi—

(i) asithunyelwanga kakuhle;

(ii) asityikitywanga kakuhle;

(iii) asiyixeli idilesi yeposi yomntu osityikityileyo okanye idilesi emasisiwe kuyo njengoko kufunwa ngumgaqo 13; okanye

(iv) sineempazamo ezimbini kwezi zingentla okanye ezingaphezu koko okanye naluphi na olunye uhlobo lwempazamo,

[akayi] makangabhali myalelo onxamnye nommangalelwa ngaphandle kokuba ummangali uthumele isaziso esibhaliweyo kummangalelwa emxelela ukuba athumele isaziso sokuzimisela kwakhe ukuzithethelela ngendlela efanelekileyo ekwenza oko zingekapheli iintsuku ezi-5 esifumene isaziso.

(b) Isaziso esixelwe kumgaqwana (2)*(a)* **[siza]** masixele ukuba isaziso sommangalelwa sokuzimisela ukuzithethelela sinempazamo njani.

(c) Xa ummangalelwa engasithumeli isaziso sokuzimisela ukuzithethela njengoko kuxelwe kwisiqendu *(a)*, ummangali unokuthi angenise kumgcini-zifayile okanye

kumabhalane wenkundla isicelo esibhaliweyo sokuba kukhutshwe isigqibo njengoko singekho isaziso sokuzimisela ukuzithethelela, kodwa ke kumatyala oqhawulo-mtshato okanye kumatyala okucela ukuba kuphuthiswe umtshato kuza kusebenza umgaqo 22(5).";

(c) ngokuthi umgaqwana (3) uthatyathelw' indawo ngumgaqwana olandelayo:

"(3) Isigqibo esikhutshwa xa **[engavelanga]** singekho isaziso sokuzimisela ukuzithethelela **[asiyi]** masingabhalwa kwityala apho isamani ithunyelwe ngeposi erejistiweyo ngaphandle kokuba ummangalelwa uyavuma ukuba uyifumene njengoko kuxelwe kumgaqo 9(13)(a) kwaza oko kwangqinwa ngunothimba kwingxelo yakhe.";

(d) ngokuthi umgaqwana (3A) uthatyathelw' indawo ngumgaqwana olandelayo:

"(3A) Xa ibango ileletyala okanye ilelesixa semali esaziwayo ubungakanani baso abe ummangalelwa engasithumelanga isaziso sokuba uzimisele ukuzithethelela okanye, athi esithumele isaziso sokuba uzimisele ukuzithethelela, angayithumeli impendulo ngexesha elixelwe kwisaziso **[esingokomgaqwana (1)*(b)*(I)]** esingokomgaqo 21B(2) abe ummangali efake isicelo somyalelo, umgcini-zifayile okanye umabhalane wenkundla unokuthi, ngokulawulwa koko kutshiwo ngumgaqwana (2), (4), (5), (6) nowesi-(6A) akhuphe umyalelo okanye awubhekise umcimbi enkundleni ngokomgaqwana (7).'"

(e) ngokuthi umgaqwana (5) uthatyathelw' indawo ngumgaqwana olandelayo:

"(5) Umgcini-zifayile okanye umabhalane wenkundla **[uza]** makabhekise enkundleni nasiphi na isicelo somyalelo kwibango elisuselwa kwisivumelwano esilawulwa yi*National Credit Act* ka-2005 okanye yi*Credits Agreement Act* 75 ka-1980; iya kuthi ke inkundla ikhuphe umyalelo okanye yenze isigqbo esibona sifanelekile.".

Kwenziwa utshintso kuMgaqo 15

3. Kwenziwa utshintsho kuMgaqo 15—

(a) ngokuthi kucinywe umgaqwana (4); nangokuthi

(b) umgaqwana (5) uthatyathelw' indawo ngumgaqwana (5):

"(5) Xa ummangali evaliwe ngokomgaqo 21B(3) ukuba angabi saphendula, ummangalelwa unokuthi afun' umhla elinokuthi liphulaphulwe ngawo ityala

akuba emnike iintsuku ezingekho ngaphantsi kwe-10 zokuba azi ummmangali ongaphendulanga, aze acele ukuba akhululwe kweso simangalo okanye, emva kokuba enike ubungqina yena mmangalelwa, acele ukuba inkunlda igwebe ngecala lakhe, inokuthi ke inkundla ikhuphe nawuphi na umyalelo ewubona ifanelekile.".

UMgaqo 21B uthatyathelw' indawo ngomnye

4. Umgaqo olandelayo uthatyathelw' indawo nguMgaqo 21B:

"Ukungazithumeli iimpendulo — ukuvalwa

21B.(1) Nawuphi na umntu ongayithumeliyo impendulo ngexesha elixelwe kumgaqo 21 uza kuvalwa ngokuzenzekelayo.

(2) Ukuba umntu akayithumeli impendulo nokuba yeyiphi na ngexesha elixelwe kule migaqo okanye ngexesha eloluliweyo elivunyelwa yimigaqo, lowo ofanele athunyelelwe impendulo unokuthi athumelele lowo ongaphendulanga isaziso esithi makayithumele zingaphelanga iintsuku ezintlanu esifumene isaziso eso.

(3) Nawuphi na umntu ongayithumeliyo impendulo ekuthethwe ngayo kwisaziso esixelwe kumgaqwana (2) ngexesha elixelwe apho okanye ngexesha eloluliweyo ekunokuthi kuvunyelwane ngalo ngabo babambeneyo, uya kuthathwa ngokuthi akayithumelanga impendulo aze avalwe ngokuzenzekelayo, kodwa ke ngenjongo yokusebenza kwalo mgaqo, iintsuku ezigalela kumhla we-16 kuDisemba ukuya kowe-15 kuJanuwari, azibalwa kwixesha elivunyelweyo lokuthumela impendulo.".

Kwenziwa utshintsho kuMgaqo 22

5. Kwenziwa utshintsho kuMgaqo 22—

(a) ngokuthi umgaqwana (2) uthatyathelw' indawo ngumgaqwana olandelayo:

"(2) Ukuthunyelwa kwesaziso sokuxoxwa kwetyala lommangali kuya kuthi ngokuzenzekelayo kusebenze injongo yokuba kunike umhla wokuxoxwa kwetyala elifakwa ngummangalelwa.";

(b) ngokuthi umgaqwana (5) uthatyathelw' indawo ngumgaqwana olandelayo:

"(5) Kumatyala oqhawulo-mtshato okanye kumatyala okuphuthisa umtshato, kungakhathaliseki ukuba kuthiwani na kwenye indawo kulo mgaqo, umgcini-zifayile wenkundla uya kuthi ngokucelwa ngummangali ngencwadi amisele umhla wokuxoxwa kwetyala ngexesha nakwindawo nangomhla oya kuthi ugqitywe ngumgcini-zifayile wenkundla, ukuba ummangalelwa—

(a) akasithumelanga isaziso sokuba uzimisele ukuzithethelela;

(b) akayithumelanga impendulo emva kokuba efumene isaziso ngokomgaqo **[12(1)(b)]** 21B(2); okanye

(c) umnike isaziso esibhaliweyo ummangali nomgcini-zifayile okanye umabhalane wenkundla sokuba akazimiselanga kuzithethelela, kodwa kube kungekho mfuneko yokuba anikwe isaziso seso sicelo okanye sokumiselwa komhla ummangalelwa.".

Kwenziwa utshintsho kwiSongezelelo 2 seMigaqo

6. Kwenziwa utshintsho kwiSicangca A seSongezelelo 2 seMigaqo ngokuthi iNxalenye III yenxalenye ekwiSongezelelo sale Shedyuli ithatyathelw' indawo.

Ukuqalisa kwayo ukusebenza

7. Le migaqo iqalisa ukusebenza **ngowama-22 kuMatshi 2016**.

ISONGEZELELO

"ISICANGCA A

IINDLEKO

INXALENYE III
KUMATYALA OKUZITHETHELELA (NALAPHO KUBANGWA UBUNIKAZI)

Umsebenzi	**Intlawuliso A** **R**	**Intlawuliso B** **R**	**Intlawuliso C** **R**	**Intlawuliso D** **R**
1 Xa uyalelwe ukuba umangalele okanye uthethelele okanye ufake isimangalo esiphiklsana nesinye okanye uthethelele kuso, kananjalo ufunde onke amaxwebhu, uqwalasele nobunjani betyala, kwaye nibonisane, ukhuphe nesamani	R487,00	R647,50	R778,00	R1011,50
2 Isamanl	R244,50	R340,00	R406,50	R528,00
2A Iinkcukacha zebango	R244,50	R340,00	R406,50	R528,00
3 Ukuvela enkundleni	R41,00	R41,00	R49,50	R64,00
4 Isaziso esingokomgaqo **[12(1)*(b)* no- (2)]** <u>12(2) no-21B(2)</u>	R41,00	R41,00	R49,50	R64,00
5 Impendulo	R244,00	R340,00	R406,50	R528,00
6 Ibango eliphikisana nelinye	R244,00	R340,00	R406,50	R528,00
7 Impendulo, xa iylmfuneko	R244,00	R340,00	R406,50	R528,00
8 Ukubhalwa kwawo onke amaxwebhu angakhankanywanga ngagama, nokucela ezinye iinkcukacha, uluhlu lwamaxwebhu, zonke iinkcazelo ezibhaliweyo ezifungelweyo, isinyanzelisi sokuba uze noxwebhu oluthile, nasiphi na isaziso esingaxelwanga, nokubhala phantsi inkcazelo oyinikwe ngamangqina	-	-	-	-
9 Ukuveliswa kwamaxwebhu ukuze ahlolwe, okanye ukuhlola amaxwebhu, ngekota nganye yeyure okanye inxalenye yayo kwixesha elisetyenzisiweyo	R144,50	R144,50	R182,50	R235,50
10 Ikopi nganye yokwenziweyo, ikhasi ngalinye	R3,50	R3,50	R3,50	R3,50

11 Ukubhalwa kweenkcazelo ngamangqina, ngekota nganye yeyure okanye inxalenye yayo	R144,50	R144,50	R182,50	R235,50
12 Isaziso sokuxoxwa kwetyala okanye ukubuyiselwa kwalo	R41,00	R41,00	R49,50	R64,00
13 Ukulungiselela ukuxoxwa kwetyala (xa kungafunwanga gqwetha lejajl)	R810,00	R1 102,00	R1 322,00	R1 719,00
14 Ukubakho xa kuboniswana ngembuyekezo emakuvunyelwane ngayo, ngekota nganye yeyure okanye inxalenye yayo echithwe koko kubonisana	R144,50	R144,50	R182,50	R235,00
15 Ukubakho enkundleni xa kuxoxwa ityala, okanye xa kuhlolwa indawo ekwenzeke kuyo isiganeko, okanye xa Ilrhoxiselwa omnye umhla ityala, okanye xa kubuzwa imibuzo emayiphendulwe ngembalelwano, ngekota nganye yeyure okanye inxalenye yayo echithwe enkundleni xa kuphulaphulwe ityala				
(a) xa kungafunwanga gqwetha lejaji	R144,50	R144,50	R182,50	R235,50
(b) xa kufunwe igqwetha lejaji	Akukho mali	R58,50	R70,00	R91,00
16 Ukubakho kwintlanganiso yangaphambi kokuya kwetyala enkundleni, ngekota nganye yeyure okanye inxalenye yayo echithwe kuloo ntlanganiso	R144,50	R144,50	R182,50	R235,50
17 Ukuya enkundleni ukuya kuva islgqlbo senkundla ebesinkonylwe, ngekota nganye yeyure okanye inxalenye yayo	R28,50	R28,50	R35,00	R45,50
18 Imbalelwano—				
(a) ngeleta nganye eyimfuneko okanye itelegram, ngefoliyo nganye	R23,50	R23,50	R28,50	R37,00
(b) ngeleta nganye okanye itelegram nganye efunyenweyo, kodwa ke akuvumelekanga ukubiza imali ngokuyifunda xa ubize nale mali exelwe apha	R15,00	R23,50	R28,50	R37,00
19 Ukubakho: ukubakho nakwintoni na ekuyimfuneko ukubakho kuyo engaxelwanga apha, xa ngalinye othe wabakho	R15,00	R23,50	R28,50	R37,00

20 Ukutsal' umnxeba okuyimfuneko, xa ngalinye uthe watsal' umnxeba	R15,00	R23,50	R28,50	R37,00
21 Ukubonisana emnxebeni: Qho ngemizuzu emi-5 okanye inxalenye yayo, kodwa ke ingadluli kwimali yesihlandlo ngasinye sokubonisana eyl-R140,00 kwiNtlawuliso A ukuya ku-C ne-R181,00 kwiNtlawuliso D	R41,00	R41,00	R49,50	R64,00
22 Isihlandlo ngasinye sokubonisana, ngekota nganye yeyure okanye inxalenye yayo	R144,50	R144,50	R182,50	R235,50
23 Xa kwenziwe isicelo esenziwe ekuxoxweni kwetyala, inkundla inokuvumela intlawulo ephindwayo xa ityala lihlehliselwe elinye ixesha okanye lixoxwe alagqitywa, ikwenza oko ukongezelela kwintlawulo exelwe kumsebenzi 13	R504,00	R713,50	R856,00	R1 112,00
24 Ixesha olichithe ulindile enkundleni (ngenxa yokungafumaneki kwenkundla) ngekota nganye yeyure okanye inxalenye yayo	R97.50	R97,50	R117,50	R153,00
25 Ixesha lokuhamba [kodwa ke lilawulwa koko kutshiwo ngumgaqo 33(9)] ngekota nganye yeyure okanye inxalenye yayo	R97,50	R97,50	R117,50	R153,00
26 Iindleko zokutya nezohambo njengoko ziboniswe kumgaqo 33(9)	Eyona mali odleke yona kanye-kanye yokutya nohambo enolwazelelelo 33(9)			

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