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DEPARTMENT OF SOCIAL DEVELOPMENT

NO. R. 2119

31 May 2022

SOCIAL ASSISTANCE ACT, 2004 (ACT NO. 13 OF 2004)**REGULATIONS RELATING TO THE APPLICATION FOR AND PAYMENT OF
SOCIAL ASSISTANCE AND THE REQUIREMENTS OR CONDITIONS IN
RESPECT OF ELIGIBILITY FOR SOCIAL ASSISTANCE**

I, Ms Lindiwe Zulu, MP, the Minister of Social Development, has, in terms of section 32 of the Social Assistance Act, 2004 (Act No. 13 of 2004), and with the concurrence of the Minister of Finance, made the regulations in the Schedule in English and Isizulu.



.....
MS LINDIWE ZULU, MP
MINISTER OF SOCIAL DEVELOPMENT
DATE: 27/05/2022

SCHEDULE

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1. Definitions

In these Regulations, any word or expression to which a meaning has been assigned in the Act shall have the meaning so assigned and unless the context otherwise indicates-

“activity limitation” means some difficulty in managing ordinary self-care and other everyday activities independently even with some technical or personal assistance;

“additional payment” means additional payment referred to in section 12A of the Act;

“advanced electronic signature” means “advanced electronic signature as defined in section 1 of the Electronic Communications and Transactions Act;

“assessment” means-

- (a) the medical or activity limitation examination performed in the ordinary course of practice by a medical officer;
- (b) the evaluation of information in a medical or activity limitation report by a medical officer in the absence of the applicant or beneficiary; or
- (c) the evaluation of further reports should additional information be required by the assessing medical officer in the absence of the applicant or beneficiary where the information contained in the medical or activity limitation report is inconclusive or inadequate;

“assets” means assets referred to in regulation 21(3);

“biometrics” means “biometrics” as defined in section 1 of the Protection of Personal Information Act;

“birth certificate” means a birth certificate as referred to in the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992), and includes a birth certificate issued by a country other than the Republic, if the child is not a South African citizen;

“breadwinner” means a person who generates the main or sole source of income in the immediate family household;

“card” means a pocket-sized card with embedded integrated circuits, which is able to store data, process payment and communicate with a Card Reader;

"Child-headed household" means a "child-headed household" as defined in section 1 of the Children's Act;

"child in need of care and protection" means a child in need of care and protection referred to in section 150 of the Children's Act;

"Children's Act" means the Children's Act, 2005 (Act No. 38 of 2005) ;

"children's court" means a children's court as defined in section 1 of the Children's Act;

"cluster foster care scheme" means a cluster foster care scheme as defined in the Children's Act;

"credit provider" means a credit provider as defined in the National Credit Act, 2005 (Act No. 34 of 2005) ;

"date of application" means the date on which all the necessary documentation have been lodged with the Agency; **"electronic communication"** means electronic communication as defined in section 1 of the Electronic Communications and Transactions Act;

"Electronic Communications and Transactions Act" means the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);

"electronic signature" means an electronic signature as defined in section 1 of the Electronic Communications and Transactions Act;

"financial institution" means-

- (a) a bank as defined in section 1(1) of the Banks Act, 1990 (Act No. 94 of 1990), or a mutual bank as defined in section 1(1) of the Mutual Banks Act, 1993 (Act No. 124 of 1993);
- (b) a long-term insurer as defined in section 1 of the Long-Term Insurance Act, 1998 (Act No. 52 of 1998);
- (c) a short-term insurer as defined in section 1 of the Short-Term Insurance Act, 1998 (Act No. 53 of 1998); or
- (d) any other institution or body deemed or declared to be a financial institution in terms of any other law;

"foster parent" means a foster parent as defined in section 1 of the Children's Act;

"health practitioner" means a health practitioner as defined in section 1 of the Health Professions Act, 1974 (Act No. 56 of 1974);

"identity document" means the identity card referred to in the Identification Act, 1997 (Act No. 68 of 1997) and unless inconsistent with the provisions of

that Act, includes an identity document referred to in section 25(1) or (2) of that Act, and further includes an identity document issued to a refugee in terms of section 30 of the Refugees Act, 1998 (Act No. 130 of 1998);

"income" means income as contemplated in regulation 21;

"institution funded by the state" means a prison, a psychiatric hospital, a home for older persons, a treatment centre as defined in section 1 of the Prevention and Treatment of Drug Dependency Act, 1992 (Act No. 20 of 1992) or a child and youth care centre as described in section 191(1) of the Children's Amendment Act, 2007 (Act No. 41 of 2007), which is wholly funded by the State;

"life certificate" means-

- (a) an affidavit in a format prescribed by the Agency, made and signed by a beneficiary under oath or affirmed before a commissioner of oaths or a designated officer to prove that he or she is alive;
- (b) any electronic interface system which confirms that a beneficiary is still alive; or
- (c) a certification which verifies or proves that the beneficiary is still alive;

"means" for the purposes of the older persons grant, disability grant, war veterans grant and social relief of distress, excluding social relief of distress as contemplated in regulation 11(2), means the income and assets of-

- (a) an applicant; or
- (b) an applicant and his or her spouse;

"medical officer" means a medical practitioner or a health practitioner in the service of the State or a person appointed under a contract to perform the functions or render the services of a medical officer on behalf of the State;

"medical practitioner" means a medical practitioner as defined in section 1 of the Health Professions Act, 1974 (Act No. 56 of 1974);

"orphan" means an orphan as defined in section 1 of the Children's Act;

"pay-point" means a place designated by the Agency for the payment of social assistance;

"permanent care" means caring for a care dependent child referred to in section 7 of the Act on a 24-hour basis by-

- (a) a primary care giver;

- (b) a foster parent; or
- (c) a parent;

"person" for the purpose of social relief of distress in the event of a disaster means the head of the household or any person within the household acting on his or her behalf;

"prevention and early intervention programmes" means prevention and early intervention programmes referred to in Chapter 8 of the Children's Act;

"Protection of Personal Information Act" means the Protection of Personal Information Act, 2013 (Act No. 4 of 2013);

"refugee" means a person referred to in section 1 of the Refugees Act, 1998 (Act No. 130 of 1998);

"relative" in relation to an orphan includes a grandparent, brother, sister, uncle, aunt or cousin of the child;

"representative" means an authorised representative of a non-profit organisation registered as a child protection organisation managing a cluster foster care scheme;

"resident" means resident as defined in section 1 of the Immigration Act, 2000 (Act No.13 of 2000);

"review" means to verify whether or not a grant recipient still complies with the requirements for social assistance;

"SASSA Act" means the South African Social Security Agency Act, 2004 (Act No. 9 of 2004);

"service provider" means any person, excluding employees of the Agency, rendering social assistance or providing any service for the rendering of such social assistance on behalf of the Agency;

"sign" means the use of biometrics, electronic signature or advanced electronic signature and 'signature' has a corresponding meaning;

"social grant" means 'social grant' as defined in section 1 of the Act;

"social service professional" includes the probation officer, development worker, child and youth care worker, youth worker, social auxiliary worker, and social security worker registered as such in terms of the Social Service Professions Act, 1978 (Act No. 110 of 1978);

"spouse" means a person who is the spouse or partner of a person in accordance with the Marriage Act, 1961 (Act No. 25 of 1961), the Recognition of Customary Marriages Act, 1998 (Act No. 120 of 1998) or the Civil Union Act,

2006 (Act No. 17 of 2006) or the tenets of any Asiatic religion and **“spousal relationship”** has a corresponding meaning;

“support services”- means-

- (a) a day care facility;
- (b) a stimulation centre;
- (c) early childhood development services for children with disabilities; or
- (d) schools for learners with special education needs;

“temporary safe care” means temporary safe care as defined in the Children's Act;

“the Act” means the Social Assistance Act, 2004 (Act No. 13 of 2004); and

“verify” means the scrutinising of any document, report, completed application or any other evidence to determine whether or not a person qualifies for social assistance.

CHAPTER 1

GENERAL REQUIREMENTS FOR ELIGIBILITY TO QUALIFY FOR SOCIAL ASSISTANCE

Persons eligible for older person's grant

2. A person is eligible for an older person's grant if he or she-
- (a) is a person contemplated in section 10 of the Act;
 - (b) meets the requirements of the financial criteria set out in Annexure A;
 - (c) subject to regulation 6, does not derive a benefit for himself or herself from any other social grant;
 - (d) is not maintained in any institution funded by the State; and
 - (e) is a South African citizen, permanent resident or a refugee residing in the Republic of South Africa.

Additional payment linked to older person's grant

3.(1) Subject to regulation 2, a person who is 75 years old or older qualifies for an additional amount to be paid over and above the older person's grant.

(2) The additional amount shall be determined on an annual basis by the Minister with the concurrence of the Minister of Finance.

Persons eligible for disability grant

4. In addition to the requirements set out in section 9 of the Act and in regulation 2(b), (c), (d) and (e), a person is eligible for a disability grant if he or she is a person with a disability and who has attained the age of 18 years and-

(a) he or she is a South African citizen, permanent resident or a refugee residing in the Republic of South Africa;

(b) the disability is confirmed by an assessment which indicates that the disability is-

(i) permanent, in that the disability will continue for a period of more than 12 months; or

(ii) temporary, in that the disability will continue for a continuous period of not less than 6 months or for a continuous period of not more than 12 months as the case may be:

Provided that where an application for a disability grant was previously declined on medical reasons, the applicant must furnish proof that there has been a significant deterioration in his or her medical condition.

(c) he or she is unable to enter the open labour market or to support himself or herself in light of his or her disability;

(d) he or she does not unreasonably refuse to accept employment which is within his or her capabilities and from which he or she can generate income to provide fully or partially for his or her maintenance; and

(e) he or she does not, without good reason, refuse to undergo the necessary medical or other treatment recommended by a medical officer.

Persons eligible for war veteran's grant

5. In addition to the requirements contemplated in regulation 2(b), (c) and (d), a person is eligible for a war veteran's grant if he or she satisfies the requirements contemplated in section 11 of the Act.

Persons eligible for grant-in-aid

6.(1) In addition to the requirements contemplated in section 12 of the Act a person is eligible for a grant-in-aid if-

(a) he or she is in receipt of an older person's grant, disability grant or a war veteran's grant; and

(b) he or she is, due to his or her physical or mental condition, certified by a medical officer or medical practitioner as requiring regular attendance by another person as contemplated in section 12 of the Act.

(2) A grant-in-aid is not payable to a person maintained in any institution funded by the State.

Persons eligible for child support grant

7.(1) In addition to the requirements contemplated in section 6 of the Act and subject to subregulation (2), a primary care giver is eligible for a child support grant in respect of a child if-

(a) the child in respect of whom the application for the grant is made is his or her own child;

(b) he or she meets the requirements of the financial criteria set out in Annexure B;

(c) he or she is not formally or informally employed to take care of the child;

(d) the child concerned is not resident in an institution funded by the State;

(e) he or she is not already in receipt of a social grant in respect of that child; and

(f) he or she is a South African citizen, a permanent resident or a refugee residing in the Republic of South Africa.

(2) Where the child in respect of whom the application for the grant is made is not his or her biological or legally adopted child, he or she shall be entitled to such grant in respect of a maximum of six children

(3) A primary care giver who has applied for and has been granted a child support grant in terms of this regulation, shall, subject to subregulation (6)(a), continue to receive such a grant until the child reaches the age of 18 years or the primary care giver's income status changes.

(4) The primary care giver must continue to be a primary care giver of the child concerned for the duration of the period that he or she receives the child support grant or until substituted by another primary care giver in accordance with the provisions of section 19(3)(b) of the Act or upon the death of the primary care giver.

(5) If more than one person claims to be the primary care giver of the child, the Agency must, after having taken into account all factors contemplated in

regulation 13(3)(b), determine one of the persons to be the primary care giver for purposes of eligibility for a child support grant.

(6) The primary care giver must-

(a) in respect of a child between the ages of seven and 18 years, cause such a child to be enrolled at and to attend school or an educational institution;

(b) within one month of approval of a child support grant in respect of a child referred to in paragraph (a), provide proof of school or an educational institution enrolment and attendance to the Agency; and

(c) where a child referred to in paragraph (a) is not enrolled or fails to attend school or an educational institution, notify the Director-General of the National Department of Social Development, in writing.

(7) The Head of Department, as defined in section 1 of the South African Schools Act, 1996 (Act No. 84 of 1996) must, in addition to the provisions of section 3(5) of Act 84 of 1996, notify the Director-General of the National Department of Social Development, in writing, of any child referred to in regulation 7(1)(a) who is not enrolled at or fails to attend a school or an educational institution.

(8) The Director-General must, upon receipt of a notice, as contemplated in subregulation (1)(c) or subregulation (7), indicating that a child is not attending school or is not enrolled at a school or an educational institution-

(a) cause a social service professional to investigate, in consultation with the National Department of Basic Education, and report to him or her the circumstances which lead to such a child not to be enrolled at or fail to attend school; and

(b) upon receipt of a report as contemplated in paragraph (a) take appropriate steps to ensure that the child is enrolled at and attends school.

(9) A child who heads a child-headed household is, subject to regulation 7(1)(a) to (e) eligible for a child support grant in respect of himself or herself.

Additional payment linked to child support grant for orphaned children

8.(1) In addition to the child support grant contemplated in regulation 7, a person who is a relative of an orphan, subject to subregulation (2), qualifies for additional amount linked to a child support grant already being received or to be received in respect of the orphan in their care.

(2) A person contemplated in subregulation (1) who applies for an additional amount in respect of an orphan contemplated therein must produce proof that the child is an orphan in the form of-

- (a) certified copies of the death certificates of the child's parents; or
- (b) where the death certificate of one of the parents of the child cannot be obtained by the applicant, a certified copy of the death certificate of one parent and an affidavit in a format prescribed by the Agency by the applicant attesting to the unknown status of the child's other parent.

(3) The Agency must, after awarding an additional amount linked to a child support grant, refer the details of such a relative and the orphan, to the head of the Provincial Department of Social Development to enable such a Department to assess whether the -

- (a) orphan or family is in need of prevention and early intervention programmes; or
- (b) child is in need of care and protection.

(4) The amount referred to in this regulation is subject to the concurrence of the Minister of Finance as contemplated in section 12A of the Act.

Persons eligible for foster child grant

9.(1) In addition to the requirements contemplated in section 8 of the Act, a foster parent or representative is eligible for a foster child grant if -

- (a) the foster parent is-
 - (i) a South African citizen, a permanent resident, or a refugee; and
 - (ii) resides in the Republic;
- (b) the cluster foster care scheme is registered by the Head of the Provincial Department of Social Development;
- (c) the child is placed and remains in the care of the foster parent or cluster foster care scheme in terms of the Children's Act; and
- (d) the child is not admitted to an institution funded by the State.

(2) A foster parent may not be eligible for a foster child grant for more than six children except where the children are siblings or blood relations or the court considers this for any reason to be in the best interest of all the children as contemplated in section 185(1) of the Children's Act.

(3) A registered cluster foster care scheme may be eligible for a foster child grant for more than 6 children as contemplated in section 185(2) of the Children's Act.

Persons eligible for care-dependency grant

10. In addition to the requirements contemplated in section 7 of the Act, a parent, primary care giver or foster parent is eligible for a care-dependency grant in respect of a care-dependent child if-

- (a) an assessment confirms that the child, due to his or her physical or mental disability, requires and receives permanent care or support services;
- (b) he or she meets the requirements of the financial criteria set out in Annexure D; and
- (c) he or she is a South African citizen, a permanent resident or a refugee.

Persons eligible for social relief of distress

11.(1) Subject to the provisions of section 5 read with section 13 of the Act, a person in need of temporary assistance qualifies for social relief of distress if he or she is-

- (a) affected by a disaster whether declared or not in terms of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
- (b) a South African citizen or a permanent resident or a refugee who resides in the Republic and -
 - (i) is awaiting payment of an approved social grant; or
 - (ii) the breadwinner-
 - (aa) has been assessed to be disabled for a period of less than six months; or
 - (bb) of that household has died and an application for social relief of distress is made within 12 months following the death of the breadwinner; or
 - (cc) of that household has been admitted to a public or private institution for a period of at least one month; and
 - (dd) does not receive any form of maintenance from a person legally obliged to pay maintenance to him or her.

(2) Subject to the provisions of subregulation (1), a person may qualify for social relief of distress if refusal of the application may cause undue hardship as

contained in the Procedure Manual for Social Relief of Distress as approved by the Minister.

(3) A person is not entitled to a social grant in respect of himself or herself and social relief of distress simultaneously.

(4) Where a person has received both social relief of distress and a social grant for the same period, the amount paid for social relief of distress must, subject to the provisions of subregulation (5), be recovered from any social grant payment, including an arrear payment.

(5) Notwithstanding the provisions of subregulation (1), in the event of a declared disaster-

(a) a person may qualify for social relief of distress if that household has been affected by a disaster as defined in the Disaster Management Act, 2002 (Act 57 of 2002);

(b) the value of social relief of distress paid to a person as a result of a disaster referred to in paragraph (a), may not be recovered from any social grant payment, including an arrear payment;

(c) a list of persons or households affected by a disaster as verified by the Provincial or Local Disaster Management Response Unit will be regarded as the final list for the provision of immediate humanitarian relief

(6) Notwithstanding the provisions of subregulations (1) and (5)(a) and (b), in the event of an undeclared disaster-

(a) a person may qualify for social relief of distress if that household has been affected by a disaster; and

(b) a list of households affected by a disaster as verified by the provincial or local office of the Agency will be regarded as the final list of those who are affected for the purpose of disbursing social relief of distress.

(7) Notwithstanding the provisions of regulation 7(1)(c), regulation 18(1)(c) and 18(4), social relief of distress may be provided to a child where-

(a) the prevailing economic circumstances in the Republic warrants the provision of social relief of distress; or

(b) failure to provide such social relief of distress would cause undue hardship to the child.

CHAPTER 2

APPLICATION FOR SOCIAL ASSISTANCE

Procedure to be followed in application for social assistance

12.(1) A person or his or her procurator applying for social assistance must complete and sign the relevant application forms manually or electronically and submit it to the Agency.

(2) The Agency must assist the person or his or her procurator to complete an application form if he or she is, for whatever reason, unable to complete the application form.

(3) The application form must be accompanied by all the necessary documentation contemplated in regulation 13.

(4) The person or his or her procurator applying for social assistance must certify that all the application requirements have been complied with and the Agency shall verify that such requirements have been complied with.

(5) The person or his or her procurator must be furnished with an acknowledgement of receipt, issued electronically or generated by the system, which must-

- (a) be dated; and
- (b) reflect the name and identity number of that person.

(6) The Agency must keep a register of all applications received, which register must record the-

- (a) identifying particulars of the applicant;
- (b) date of application; and
- (c) type of social assistance applied for.

(7) The Agency must ensure that all personal information and biometrics received are processed, stored and protected in terms of the Protection of Personal Information Act and the Electronic Communications and Transactions Act.

Documents to accompany application for social assistance

13.(1) The following original documents or certified copies thereof, must accompany an application for a social assistance:

- (a) Identity document of the applicant and of his or her spouse; and

(b) in the case of a child support grant, a care-dependency grant or a foster child grant, the identity document or a birth certificate of each child, care-dependent child or foster child in respect of whom an application for a social grant is made; and

(c) proof of spousal relationship status: Provided that if no valid proof is obtainable, an affidavit in a format prescribed by the Agency may be accepted.

(2) An application for an older person's grant, disability grant or war veteran's grant must, in addition to the documents required in terms of subregulation (1), be accompanied by the following documents:

(a) an affidavit in a format prescribed by the Agency, indicating the income and assets of the applicant, together with any supporting documents that may be deemed necessary and in the case of a spousal relationship, that of his or her spouse. In the absence of supporting documents an applicant may submit an affidavit in a format prescribed by the Agency, stating that the applicant does not have supporting documents;

(b) in respect of a disabled person, an assessment; and

(c) in the case of a war veteran, proof of service as contemplated in the Act.

(3) An application for a child support grant must be made on the relevant form and in addition to the documents required in terms of subregulation (1), be accompanied by the following documents:

(a) An affidavit in a format prescribed by the Agency, indicating the income of the applicant, together with any supporting documents that may be deemed necessary and in the case of a spousal relationship, that of his or her spouse. In the absence of supporting documents an applicant may submit a sworn statement or an affidavit in a format prescribed by the Agency, stating that the applicant does not have supporting documents;

(b) proof that the applicant is the primary care giver of the child, which may take the form of any of the following:

(i) an affidavit in a format prescribed by the Agency from the primary care giver of the child;

(ii) a confirmation letter from a registered social service professional;

(iii) an affidavit in a format prescribed by the Agency from a biological parent of the child; or

(iv) a letter from the principal of the school attended by the child.

(4) An application for a foster child grant must be made on the relevant form and in addition to the documents required in terms of subregulation (1), be accompanied by the court order placing the child in foster care.

(5) An application for a care dependency grant must be made on the relevant form and in addition to the documents required in terms of subregulation (1), be accompanied by the following documents:

(a) An affidavit in a format prescribed by the Agency, indicating the income of the applicant, together with any supporting documents that may be deemed necessary and in the case of a spousal relationship, that of his or her spouse. In the absence of supporting documents an applicant may submit a sworn statement or an affidavit in a format prescribed by the Agency, stating that the applicant does not have supporting documents; and

(b) an assessment referred to in regulation 10(a).

(6) An application for a grant-in-aid must be made on the relevant form and in addition to the documents required in terms of subregulation (1), be accompanied by a medical certificate as contemplated in regulation 6(1)(b).

(7) Notwithstanding subregulation (1) to (6), the Agency may allow an application for social assistance to be completed by means of any other form of communication including electronic means and approved in the absence of documentation, where such information can be verified by alternative means.

(8) By virtue of application for Social Assistance, an applicant grants consent for the Agency or the Independent Tribunal, where relevant, to process; including collect, verify, use and share the information of the applicant including his or her identity, residency, sources of income, social security benefits or any other information required to assess an application with:

(a) the Department of Home Affairs;

(b) social security institutions;

(c) financial institutions; and

(d) any other government or private institution deemed necessary.

(9) By virtue of application for social assistance, an applicant grants consent to the institutions listed in subregulation (8)(a) to (d) to disclose information requested in terms of subregulation (8) to the Agency or the Independent Tribunal.

Date of application for social assistance

14.(1) The date on which an application for social assistance is lodged with the Agency in accordance with regulation 12(5) is deemed to be the date on which the application is made.

(2) Despite the provisions of subregulation (1), the date on which a child is placed in foster care in terms of a court order is deemed to be the date of application for the foster child grant.

(3) Social assistance, if approved, must be paid from the date on which the application was made: Provided that a person contemplated in regulation 2(d) may apply for a social grant at the time when he or she is in an institution funded by the State: Provided further that the social assistance may only be paid from the date when he or she is no longer in an institution funded by the State.

Notification of outcome

15.(1) The Agency must, within three months of the date of the application for social assistance notify the applicant of the outcome of the application for the social assistance.

(2) A notification contemplated in subregulation (1) may be given by electronic communication or any other means of communication.

(3) Upon approval of an application for social assistance, the Agency must inform the applicant, subject to the means of communication referred to in subregulation (2), of such approval including-

(a) the payment details;

(b) the obligations of the applicant to notify the Agency of a change in his or her circumstances;

(c) in the case of refugees, the date of lapsing of the social assistance; and

(d) in the case of a temporary disability grant, the reasons therefor, the duration of the social grant and the date upon which it lapses.

(4) Upon refusal of a social assistance application, the Agency must inform the applicant in writing of such refusal and of-

(a) the reasons for such refusal; and

(b) the applicant's right to appeal the decision and the mechanism and procedure to lodge an appeal.

Procedure to be followed in application for social relief of distress

16.(1) An application for social relief of distress must be made on the relevant form, manually or electronically and be completed and signed by the applicant or his or her procurator.

(2) The Agency must approve or reject the application for social relief of distress immediately.

(3)(a) The Agency must inform the applicant for social relief of distress that if the documentation required in terms of regulation 17(1) is not available when the application is made, such documentation must be produced before any subsequent payments are made.

(b) The applicant for social relief of distress must be furnished with an electronic receipt or notification of outcome for the application for social relief of distress and must contain the name of the applicant, and the date of the application.

(4) Where an application for social relief of distress is approved, the Agency must inform the applicant by electronic communication or any other means of communication of such approval, the amount or form of relief granted.

(5) Where an application for social relief of distress is rejected, the Agency must inform the applicant by electronic communication or any other means of communication of such rejection and of-

- (a) the reasons for such rejection;
- (b) the applicant's right, if he or she is aggrieved by the Agency's decision, to lodge an appeal in writing with the Independent Tribunal; and
- (c) the mechanism and procedure for lodging such an appeal.

(6) With regard to the extension of social relief of distress, the Agency may request a social service professional or any other designated person to investigate the circumstances of an applicant and to submit to the Agency a written report containing a recommendation whether social relief of distress should be extended.

(7) The Agency must keep a register of all applications for social relief of distress that are received in which the following must be recorded, where applicable:

- (a) Identifying particulars;
- (b) the date of application;
- (c) the date on which social relief of distress is granted for the first time;
- (d) the form of social relief of distress granted, whether in cash or in any other form and the value thereof; and
- (e) the date to which social relief of distress is extended.

(8) The Agency must ensure that all personal information and biometrics received are processed, stored and protected in terms of the Protection of Personal Information Act 2013 (Act No. 4 of 2013) and the Electronic Communications and Transactions Act 2002 (Act No. 25 of 2002).

Documents to accompany application for social relief of distress

17.(1) The following documents or certified copies thereof must, subject to regulation 16(3)(a), accompany an application for social relief of distress, where applicable:

(a) Identity document or birth certificate or any other document acceptable to the Agency, which proves the identity of-

- (i) the applicant;
- (ii) his or her spouse; and
- (iii) children dependent on the applicant;

(b) proof of spousal relationship;

(c) proof of admission of the breadwinner to a public or private institution;

(d) proof of temporary medical disability; or

(e) alternative proof to what is contemplated in paragraphs (a), (b), (c) and (d) as may be approved by the Agency; and

(f) in the case of a disaster, the list of households affected by a disaster as verified by the Provincial or Local Disaster Management Response Unit.

(2) The Agency may, in exceptional circumstances, such as when the prescribed document is lost, stolen or destroyed, allow an application for social relief of distress to be completed by means of any other form of communication including electronic means and approved in the absence of the required documentation.

Determination of amount and period of social relief of distress

18.(1) Subject to the provisions of the Act, the amount of social relief of distress may, in the case of-

(a) a single person, not exceed the maximum amount payable per month in respect of an older person's grant;

(b) a person in a spousal relationship, where both spouses living together apply, not exceed the maximum amount payable per month in respect of an older person's grant for each spouse;

(c) a child, not exceed the maximum amount payable per month in respect of a child support grant for the child concerned: Provided that in the case of a child awaiting the payment of an approved care dependency grant, the amount must not exceed the maximum amount of the care dependency grant payable per month for the child concerned: Provided further that in the case of a foster parent awaiting the payment of an approved foster child grant, the amount must not exceed the maximum amount of the foster child grant payable per month for the child concerned;

(d) a disaster be -

- (i) a once off payment for each affected household which may not exceed the amount payable per month for an older person's grant, for each affected household; or
- (ii) humanitarian relief determined by the Agency to the displaced person.
- (iii) notwithstanding the provisions of subregulation 18(1)(d), the Agency may provide a once off payment contemplated in 18(1)(d)(i) in addition to the humanitarian relief contemplated in 18(1)(d)(ii) to displaced persons or households.

(2) Social relief of distress may be issued monthly but may not be paid for a period exceeding three successive months.

(3) Social relief of distress may, at the end of the period contemplated in subregulation (2), and on the recommendation of a social service professional or any other person designated by the Agency, be extended for a further period not exceeding three months.

(4) Subsequent applications for social relief of distress within one calendar year from the date of application must be supported by a report from a social service professional.

(5) The Agency may provide non-financial assistance or relief to eligible applicants for social relief of distress.

Date of application for social relief of distress

19. The date on which an application for social relief of distress is submitted is deemed to be the date on which the application is lodged.

CHAPTER 3

DETERMINATION OF FINANCIAL CRITERIA

Determination of financial criteria for older person's grant, disability grant, war veteran's grant, child support grant, foster child grant and care-dependency grant

20.(1) The financial criteria in terms of which applicants for an older person's grant, a disability grant, a war veteran's grant, a child support grant, a foster child grant and a care-dependency grant, respectively, qualify are set out in Annexures A, B, C and D, respectively.

(2) The income of an applicant and his or her spouse must be taken into account irrespective of whether the couple is married in or out of community of property under the Marriage Act, 1961 or any provisions contained in an ante-nuptial contract.

(3) The Agency must, if it is satisfied that an applicant has been deserted by his or her spouse for a continuous period of at least three months, and the spouse is unwilling to support the applicant, grant approval for the means of that spouse not to be taken into consideration when determining the means of the applicant.

Determination of means

21.(1) For the purposes of determining means, in respect of social assistance, except for a grant in-aid and the foster child grant, the income of the applicant is deemed to be the annual income for an applicant not in a spousal relationship, or half the annual income of the applicant and his or her spouse, where the applicant is in a spousal relationship, and 'income' means-

(a) any compensation payable to an applicant or his or her spouse in cash or otherwise;

(b) any profits, withdrawals or other benefits derived from a business concern or farm of which the applicant or his or her spouse is the owner or holds property rights in respect thereof;

(c) any payment which an applicant or his or her spouse receives from a trust or inheritance or as an employee;

(d) any payment which an applicant or his or her spouse derives from property rights;

(e) any pension or annuity payable to an applicant or his or her spouse in terms of the provisions of a pension or provident or retirement annuity fund established in terms of any Act, but excluding benefits received in terms of the Act;

(f) any rental payable to an applicant or his or her spouse for providing accommodation;

(g) any profits, withdrawals or other benefits derived from farming activities where fixed property is rented by an applicant or his or her spouse;

(h) any maintenance received from a person obliged in law to provide such maintenance;

(i) any other income, not mentioned in these Regulations including interest and dividends, generated from assets of an applicant or his or her spouse; and

(j) any income or financial support derived from a South African or international organisation, excluding social assistance.

(2)(a) The provisions of subregulation (1)(a), (b) and (c) apply with the necessary changes if the applicant or his or her spouse donated or relinquished income in order to obtain a social grant.

(b) Despite the provisions of paragraph (a) the income contemplated in paragraph (a) must not be taken into account after a period of five years has lapsed from the date of donation or relinquishment.

(3) Regarding the assets of the applicant and his or her spouse, in the case of an older person's grant, disability grant and a war veteran's grant, the following must be taken into account:

(a) The municipal value of any property owned, but not occupied by the applicant and his or her spouse: Provided that any outstanding bond amount must be deducted;

(b) immovable property owned by the applicant or his or her spouse, or property held under leasehold;

(c) cash investments, bonds or loans or any outstanding debts in favour of the applicant or his or her spouse;

(d) shares, share capital or interest in assets of a company or other institution;

(e) endowment policies after maturity date and cash in hand or in any account with a financial institution;

(f) any property rights held by the applicant or his or her spouse; and

(g) any lump sum invested by the applicant or his or her spouse in a company or a financial institution with the aim of procuring an annuity.

(4) Despite subregulation (3) the value of immovable property owned and occupied by the applicant and his or her spouse must not be taken into account when regard is had to the assets of the applicant and his or her spouse, in the case of an older person's grant, a disability grant and a war veteran's grant.

(5) The Agency must, if it is of the opinion that an applicant or his or her spouse impoverished himself or herself or relinquished assets to obtain a social grant, take such assets into account, which may include any property or asset donated, transferred or sold below market value by either the applicant or his or her spouse to a connected party: Provided that such impoverishment or relinquishment shall not be taken into account after a period of five years has lapsed from the date of such impoverishment or relinquishment.

Permissible deductions when calculating applicant's income

22. When determining the income of an applicant and his or her spouse in the case of a social grant, the Agency must, on submission of acceptable documentary proof, allow the following deductions or contributions:

(a) Current obligatory contributions of an employee to a pension, provident or retirement annuity fund established in terms of an Act or, in the absence of such an obligatory contribution, another contribution which does not exceed 22 per cent of the net income of the applicant;

(b) current deductions in respect of an employee's tax or standard income tax;

(c) current membership fees to an approved medical scheme in the Republic, established in terms of the Medical Schemes Act 1998 (Act 131 of 1998), paid from income generated from services rendered or income from any other source; and

(d) current contributions to the unemployment insurance fund paid from income generated from services rendered.

CHAPTER 4

PAYMENT OF SOCIAL ASSISTANCE

Method of payment of social assistance

23.(1) The Agency shall pay a social grant-

(a) into a bank account of the beneficiary or institution where the beneficiary resides: provided that-

(i) the beneficiary of the social grant has consented to such payment by electronic communication or any means of communication and has submitted such consent to the Agency;

(ii) where a beneficiary is unable to submit the consent contemplated in subparagraph (i) alternative arrangements must be made with the Agency; or

(b) by the payment method determined by the Agency.

(2) Social assistance must be paid monthly by the Agency, or a person appointed by the Agency for that purpose in terms of section 4 of the SASSA Act.

(3) Subject to the provisions of subregulation (2) where the beneficiary is unable to personally receive social assistance due to illness or temporary incapacity the beneficiary may apply and complete an application form for the authorisation of the grant to be paid to a person duly authorised by him or her for a period not exceeding three consecutive months.

(4) The method of payment contemplated in subregulation (1)(b) shall not allow for any deductions, except for deductions allowed for in terms of the Act.

Payment of reduced social grant to person maintained in certain institutions

24.(1) If a beneficiary of an older person's grant, disability grant or war veteran's grant is admitted to an institution funded by the State to care for and maintain such beneficiary, the relevant social grant must be reduced to an amount equal to 25 per cent of the maximum amount of the social grant with effect from the first day of the fourth month following the month of the beneficiary's admission to that institution.

(2) A social grant reduced in terms of subregulation (1) must be reinstated immediately from the date of discharge of the beneficiary from the institution contemplated in that subregulation.

Conversion of social grant

25.(1) A social grant payable to a disabled person must be converted to an older person's grant as soon as that person qualifies for an older person's grant.

(2) If a person who receives an older person's grant or disability grant qualifies for a war veteran's grant, the person may request that the older person's grant or disability grant, as the case may be, be converted to a war veteran's grant subject to the following conditions:

- (a) The request must be accompanied by the necessary documents; and
- (b) the date of conversion may not be earlier than the date of the request.

Appointment of procurator

26.(1)(a) When the person applying for or receiving social assistance cannot personally apply for or receive social assistance or if it will cause undue hardship for the person to apply for or receive the social assistance in person, the person may appoint, by way of a power of attorney, a procurator to apply or receive social assistance on his or her behalf.

(b) Where the person applying for or receiving social assistance is unable to appoint someone to apply or receive social assistance on his or her behalf, the Agency may nominate a person to apply or receive social assistance on behalf of the person unable to do so.

(2) A procurator contemplated in subregulation (1) may not receive social assistance on behalf of more than five beneficiaries.

(3) A beneficiary may appoint a person as a procurator, only if-

- (a) that person has an identification document;
- (b) that person is not younger than 18 years of age;
- (c) that person is permanently resident in the Republic;
- (d) that person is not an unrehabilitated insolvent;
- (e) that person is willing to be appointed as the procurator of the beneficiary; and

(f) the applicant or beneficiary is not indebted to the procurator.

(4) Upon appointment of the procurator by the beneficiary, in terms of section 15(1) of the Act, such procurator must furnish proof of identification, a life certificate in respect of the beneficiary and an affidavit to the effect that social assistance will be handed over to the beneficiary.

(5) Whenever a beneficiary terminates the services of the procurator appointed by him or her in terms of section 15(1) of the Act, the beneficiary must-

(a) notify the Agency in writing of such termination and the effective date thereof; or

(b) where the beneficiary is unable to read or write, the Agency may obtain a sworn statement from such beneficiary.

(6) A procurator whose power of attorney is being or has been terminated must, upon becoming aware or gaining knowledge of the termination or the intention of the beneficiary to terminate the power of attorney-

(a) immediately give notice in writing of such termination to the Agency; and

(b) within 10 days of such termination, transfer to the beneficiary any money belonging to the beneficiary still in the procurator's possession.

Conditions of appointment of welfare organization or person by Agency

27. Whenever the Agency considers the nomination of a welfare organisation or an adult person in terms of section 15(3) of the Act, the Agency must ensure that the organisation or person concerned-

(a) is, with regard to the organisation, prior to such appointment, registered as a welfare organisation;

(b) has the financial and administrative capacity to act as contemplated in section 15(3) of the Act;

(c) will not require the person for whom he or she is nominated, to pay any fees, surcharges, bank or administration charges or make any contribution in any form to the welfare organization concerned;

(d) operates an account with a financial institution into which social assistance will be paid; and

(e) acts in the best interests of the applicant or beneficiary.

Appointment of person to receive and manage social grant in case of abuse of social grant

28.(1) Whenever the Agency appoints a person to receive a social grant on behalf of a beneficiary in terms of section 19(2) of the Act, it must ensure that the person acts in the best interest of the applicant or beneficiary.

(2) Whenever the Agency appoints a person contemplated in terms of subregulation (1), the provisions of regulation 26(2) apply with the necessary changes.

(3) Upon the appointment of a person contemplated in subregulation (1), the person so appointed must furnish the Agency with proof of identification, a life certificate in respect of the beneficiary and an affidavit to the effect that the social grant will be used in the best interest of the beneficiary.

(4) The Agency may of its own accord or at the request of any person investigate the conduct of a person appointed in terms of section 19(2) of the Act.

(5) The Agency must terminate the appointment contemplated in subregulation (1) if the person is not acting in the best interests of the beneficiary.

(6) The Agency must inform the person of the termination contemplated in subregulation (5) and provide reasons to that person for the termination in writing.

(7) The person whose appointment is terminated in terms of subregulation (5) must within 10 days of such termination, transfer to the beneficiary any money belonging to the beneficiary still in his or her possession.

Circumstances under which a deduction may be made directly from a social grant

29.(1) The Agency may allow only one deduction per month not exceeding 10 per cent of the value of the beneficiary's social grant for a funeral policy issued by an insurer registered under the Long-term Insurance Act, 1998 (Act No. 52 of 1998) to be made directly from a social grant where-

(a) the beneficiary of the social grant consents to such deduction by electronic communication or any other means of communication and has submitted such consent by electronic communication or any other means of communication to the Agency;

(b) a beneficiary is unable to submit the consent contemplated in paragraph (a) in person, alternative arrangements must be made with the Agency.

(2) Notwithstanding subregulation (1) no deduction may be made from a-

- (a) foster child grant;
- (b) care dependency grant;
- (c) child support grant; and
- (d) social grant awarded for a period not exceeding 12 months.

CHAPTER 5

REVIEW OF SOCIAL ASSISTANCE

Powers of Agency to suspend, increase or decrease amount of social assistance on review

30.(1) The Agency must, within 30 days of the date on which social assistance will be reviewed, inform the beneficiary, primary care giver, care giver or a foster parent by electronic communication or any other means of communication of the date of such review.

(2) The Agency must review social assistance-

(a) at any time where it has reason to believe that changes in the beneficiary's financial circumstances may have occurred;

(b) on expiry of the validity of the identity document of a beneficiary, if the beneficiary is a refugee;

(c) in case of a foster child grant, on expiry of the court order; or

(d) in the case of a care dependency grant, where there is reasonable belief that the physical or mental disability of the child is no longer permanent.

(3) In the case of a review contemplated in subregulation (2)(d) the Agency may request the parent, primary care giver, or a foster parent to make the child available for re-assessment of his or her physical or mental disability by a medical officer.

(4) Upon receipt of a report by a medical officer contemplated in subregulation (3) to the effect that the child's physical or mental disability is no longer permanent or has changed, the Agency may either suspend or cancel a care dependency grant in respect of that child.

(5) The Agency must, by electronic communication or by any other means of communication, request a beneficiary to submit a life certificate annually to prove that he or she is still alive.

(6) If a beneficiary fails to provide the requested information or documentation contemplated in section 4(1)(b) of the SASSA Act, the Agency may within 30 days of notifying the beneficiary thereof by electronic communication or by any other means of communication, suspend payment of social assistance, in which case the beneficiary must, by completing the relevant documents, apply within 30 working days of the suspension for the restoration of such social grant.

(7) If an application is made for the restoration of social assistance contemplated in subregulation (4), the Agency may restore the social assistance from the date on which it was suspended.

(8) If a beneficiary applies for social assistance to be increased and the Agency is satisfied that it should be increased, the social assistance must be increased with effect from the date of application for such increase.

(9) (a) When a beneficiary informs the Agency of a change in financial circumstances and the social assistance is to be decreased as a result of the change, the decrease will be effected from the first day of the month following the change in the beneficiary's financial circumstances.

(b) The beneficiary must be informed by electronic communication or by any other means of communication of the decrease, the reasons therefor and of the 30-day period for application to review the decision to decrease his or her social assistance.

(10)(a) Where evidence exists that changes in the medical or financial circumstances of a permanently disabled person have or may have occurred, the review of the social grant may be done in accordance with paragraph (b).

(b) The Agency, may, at any time from the date of application for a disability grant, request the beneficiary to undergo an assessment in terms of regulation 4(b).

Lapsing of social grant

31.(1) An older person's grant, a disability grant and a war veteran's grant lapse-

(a) on the last day of the month in which the beneficiary dies;

(b) when a beneficiary is admitted to an institution contemplated in regulation 2(d);

(c) six months after the date on which the beneficiary was admitted temporarily to a psychiatric hospital for observation or treatment and such beneficiary remains so admitted;

(d) when the period of temporary disability has expired in the case of a temporary disability grant; or

(e) if a refugee ceases to be a refugee.

(2) A child support grant lapses on the last day of the month-

(a) in which the child in respect of whom the child support grant is paid, dies;

(b) in which the child in respect of whom the child support grant is paid, attains the age of 18 years;

(c) in which the child is no longer in the custody of the primary care giver; or

(d) if a primary care giver, in respect of that child, ceases to be a refugee.

(3) A foster child grant lapses-

(a) on the last day of the month in which the foster child dies;

(b) on the last day of the month in which the last living foster parent dies or ceases to be a refugee;

(c) on the last day of the month in which the foster child, in terms of the Children's Act, is no longer in the care of the foster parent or a cluster foster care scheme; or

(d) at the end of the calendar year in which the foster child attains the age of 18 years.

(4) Notwithstanding the provisions of subregulation (3)(b), (c) and (d) the Agency may continue payment of a foster child grant-

(a) in respect of a foster child under the age of 18 years to an alternative caregiver or designated child protection organisation on the recommendation of a social service professional for an interim period not exceeding 6 months pending placement; or

(b) in respect of a foster child who has attained the age of 18 years, provided that the provincial head of social development allows such a person to remain in the care of the current alternative care giver to enable the person to complete his or her education or training.

(5) Subject to the provisions of subregulation (4)(b) a foster child grant may be payable until the end of the calendar year in which the person attains the age of 21 years provided that the provincial head of social development's decision that the person remain in the care of the current alternative care giver be submitted to the Agency annually.

(6)(a) A care-dependency grant lapses on the-

(i) last day of the month in which the care-dependent child dies;

(ii) last day of the month in which the care-dependent child attains the age of 18 years and becomes eligible for a disability grant; or

(iii) first day of the seventh month following the date on which the care-dependent child was admitted to an institution funded by the State as contemplated in section 7(b) of the Act.

(iv) if a parent, primary care giver or foster parent ceases to be a refugee.

(b) The Agency may, on the recommendation of a medical officer or social service professional, authorise the continuation of the payment of a care dependency grant to a person other than the beneficiary for an interim period not exceeding 12 months, pending placement of the care-dependent child.

Procedure to be followed for suspension or cancellation of social assistance

32.(1) The Agency may suspend or cancel social assistance if the social assistance was-

(a) obtained fraudulently or through misrepresentation by any person contemplated in section 21 of the Act; or

(b) approved and granted in error.

(2) Except for the circumstances contemplated in subregulation 1(a) the Agency must before suspending or cancelling social assistance give a beneficiary 30 days' notice, by communication means chosen by the beneficiary or by electronic communication or by any other means of communication of its intention to suspend or cancel the social assistance, and provide the beneficiary with information regarding the –

(a) effective date of the intended suspension or cancellation;

(b) reasons for the intended suspension or cancellation;

(c) right to make a representation contemplated in subregulation (5); and

(d) procedure for appealing against the decision of the Agency should the representation contemplated in subregulation (5) not be successful.

(3) The notice of suspension or cancellation of social assistance contemplated in subregulation (2) must be delivered to the beneficiary or the procurator electronic communication or any other means of communication.

(4) The Agency must, prior to suspending or cancelling any social assistance, investigate, obtain and verify all the facts and circumstances surrounding the social assistance.

(5) The Agency must afford a beneficiary an opportunity to show cause why the social assistance should not be suspended or cancelled by-

(a) requiring the beneficiary to appear in person before the Agency or a person designated by the Agency;

(b) requiring the beneficiary to submit any reports or certificates as the Agency may direct; and

(c) ensuring that the beneficiary obtains the necessary assistance to make representations to the Agency including, but not limited to, referring the beneficiary to any organisation or institution that may assist the beneficiary to make representations.

CHAPTER 6

SPECIAL CONDITIONS FOR CONTINUATION OF PAYMENT OF SOCIAL ASSISTANCE

Information to be furnished to Agency by financial institution

33. A financial institution must, at the request of the Agency, furnish the Agency with the following information:

(a) Cash investments, bonds or loans or any outstanding debts in favour of the applicant or his or her spouse;

(b) any interest in shares, share capital or assets of a company or other institution;

(c) any endowment policies after maturity date and cash on hand or in any account with a financial institution;

(d) any property rights held by the applicant or his or her spouse; and

(e) any lump sum investment by the applicant or his or her spouse in a company or financial institution with the aim of procuring an annuity.

Payment of social assistance to beneficiary who is absent from the Republic

34.(1) The Agency may continue payment of social assistance to a beneficiary who is absent from the Republic for a period not exceeding 90 days under the following circumstances:

(a) Where the beneficiary is outside the Republic for purposes of receiving medical attention;

(b) where the beneficiary is absent from the Republic and is certified by a medical practitioner to be unfit to travel back to the Republic; or

(c) where the Agency is satisfied that, for reasons beyond the control of the beneficiary, he or she is unable to return to the Republic: Provided that the Agency shall not accept as a reason the lawful arrest and detention of a beneficiary outside the Republic.

(2) The Agency may require any person who is absent from the Republic as contemplated in subregulation (1) and who continues to receive social assistance to-

(a) report at such frequency as the Agency may determine, to a South African mission or office designated by the Agency for purposes of identification; or

(b) present any qualifications as the Agency may determine for purposes of verifying any information in connection with the beneficiary.

CHAPTER 7

STANDARD RULES AND PROCEDURE APPLICABLE AT AGENCY OFFICES AND PAY-POINTS

Prohibition of credit providers and other persons conducting and marketing credit provider services within areas of Agency offices and pay-points

35.(1) Subject to the provisions of section 20(1) and (2) of the Act-

(a) a person must not market or offer any form of credit, whether or not that person is registered as a credit provider, within any Agency offices or pay-point for the purposes of soliciting or enticing a beneficiary to engage in any form of credit or credit granting, funeral scheme or life insurance scheme;

(b) the card must not be ceded, pledged or retained to secure a loan, repayment of debt or payment of a funeral or insurance premium.

Prohibition of credit providers and other persons enforcing credit agreements within areas of Agency offices and pay-points

36. Subject to the provisions of section 20(1) and (2) of the Act a credit provider, credit agent or any person must not-

(a) enter any Agency office or any pay-point premises, building or place on any day or any time during the payment of social assistance for the purposes of engaging or offering to engage in any form of credit or concluding a credit agreement or contract or collecting from any such beneficiaries any money owing in terms of any verbal or written credit agreement or contract;

(b) accompany a beneficiary or a procurator to any Agency office or pay-point on any day or at any time during which a beneficiary or a procurator is to receive payment of social assistance for the purposes of engaging or offering to engage in any form of credit, concluding a credit agreement, funeral policy, life insurance policy or collecting money owing to such person by the beneficiary in terms of any form of credit agreement; or

(c) be within 100 metres of any pay-point for purposes of engaging or offering to engage in any form of credit, concluding a credit agreement, funeral policy, life insurance policy or collecting money owing to such person by the beneficiary in terms of any form of credit agreement.

Approval for person accompanying beneficiary to pay-point

37.(1) The Agency may grant approval to a non-profit organisation, a non-governmental organisation or a faith-based organisation, a member of staff, a person acting on behalf of any such organisation or a community service worker to attend upon and be present during the payment of social assistance at a pay-point.

(2) The Agency may grant approval to an organisation or person authorised by the Agency to render any service to a beneficiary for the comfort or well-being of the beneficiary.

(3) An organisation or person contemplated in subregulation (2) must not require a beneficiary to-

(a) contribute financially or donate anything to such organisation or person in recompense for any such service rendered at the pay-point;

(b) do anything or act in any other manner inconsistent with the Act, any rule or procedure applicable to a pay-point in recompense for any such service;

(c) give any undertaking to support the activities of any such organisation or person.

CHAPTER 8 GENERAL PROVISIONS

Application for unclaimed benefits

38. Social assistance is payable until the last day of the month in which a beneficiary or child dies, and unclaimed benefits must be paid by the Agency to the beneficiary or child's next of kin: Provided that an application for such payment is made within six months after the death of the beneficiary or child.

Penalties

39. A person who contravenes any provision of the regulations to the Social Assistance Act, 2004 will be guilty of an offence and liable on conviction to a fine or imprisonment or both such fine and imprisonment.

Repeal of regulations

40. Regulations relating to the Application for and Payment of Social Assistance and the Requirements or Conditions in respect of Eligibility for Social Assistance published by Government Notice R898 of 2008, in Government Gazette 31356 of 22 Aug 2008, and Method of Payment of Social Assistance, published by Government Notice R487 of 2018, in *Government Gazette* 41622 of 11 May 2018, are hereby repealed.

Commencement

41. These Regulations come into effect on the date of publication of this notice.

ANNEXURE A**DETERMINATION OF FINANCIAL CRITERIA FOR OLDER PERSONS GRANT,
DISABILITY GRANT AND WAR VETERAN'S GRANT**

(1) The maximum amount of an older person's grant, disability grant or war veteran's grant shall from time to time be determined by the Minister with the concurrence of the Minister of Finance by notice in the Gazette.

(2) The formula for the determination of the value of the older persons' grant, disability grant and war veterans' grant to be paid to an applicant is-

$$D = 1,6A - 0,4B$$

where-

- (i) A = the maximum social grant payable per annum as approved;
- (ii) B = the annual income of the applicant in accordance with regulation 19, which shall include the income from assets as determined in regulation 21(3), after permissible deductions contemplated in regulation 22 are effected; and
- (iii) D = annual social grant amount payable, which must not exceed the amount equal to A.

(3) Where a person in a spousal relationship has been deserted by his or her spouse for a continuous period of at least three months and the spouse is unwilling to support that person, the applicant is to be regarded as not being in a spousal relationship for the purpose of determining the means as contemplated in regulation 21.

(4) The Agency must, if it is convinced that a person in a spousal relationship was deserted by his or her spouse for a continuous period of at least three months, and the spouse is unwilling to support that person, grant approval to disregard the means of the spouse.

(5) No grant amounting to less than R100 per month is payable.

(6) No grant may be paid to any person not in a spousal relationship whose total assets as contemplated in regulation 21 exceeds 55 times A or to any person in a spousal relationship whose total assets exceeds 110 times [A].

ANNEXURE B**DETERMINATION OF FINANCIAL CRITERIA FOR CHILD SUPPORT GRANT**

(1) The amounts payable per child in respect of a child support grant shall from time to time be determined by the Minister with the concurrence of the Minister of Finance by notice in the Gazette.

(2)(a) A primary care giver meets the financial criteria as contemplated in regulation 7(1)(b) if the income of the applicant, contemplated in regulation 21 after permissible deductions contemplated in regulation 22 are effected, is below the income threshold as referred to in paragraph (b).

(b) The formula for the determination of the income threshold for the child support grant is:

$A = B \times 10$; where-

(I) A = annual income threshold; and

(II) B = annual value of the child support grant.

(3) Where a person in a spousal relationship has been deserted for a period of at least three months by his or her spouse and the spouse is unwilling to support that person, the applicant is to be regarded as not being in a spousal relationship for the purpose of determining the means as contemplated in regulation 21.

ANNEXURE C**DETERMINATION OF FINANCIAL CRITERIA FOR FOSTER CHILD GRANT**

- (1) The amount payable in respect of a foster child grant shall from time to time be determined by the Minister with the concurrence of the Minister of Finance by notice in the Gazette.
- (2) A foster parent qualifies for a foster child grant regardless of such foster parent's income.

ANNEXURE D**DETERMINATION OF FINANCIAL CRITERIA FOR CARE-DEPENDENCY GRANT**

(1) The amount payable per child in respect of a care-dependency grant shall from time to time be determined by the Minister with the concurrence of the Minister of Finance by notice in the *Gazette*.

(2)(a) A care-dependency grant is not payable if the income of the applicant, contemplated in regulation 21, after the permissible deductions as prescribed in regulation 22, exceeds the income threshold as referred to in paragraph (b).

(b) The formula for the determination of the income threshold for the care-dependency grant to be paid to an applicant is

$A = B \times 10$; where-

(i) A = annual income threshold; and

(ii) B = annual value of the care dependency grant.

(c) A foster parent qualifies for a care dependency grant regardless of such foster parent's income.

ISHEJULI**ITHEBULA LOKUPHAKATHI**

1. Izincazelo

ISAPHLUKO 1**IZIMFUNOKO EZIVAMILE ZOKUFANELEKA****USIZO LWEZENHLALO**

2. Abantu abafanelekela uxhaso lomuntu omdala
3. Inkokhelo eyengeziwe exhumene noxhaso lomuntu omdala
4. Abantu abafanelekela uxhaso lokukhubazeka
5. Abantu abafanelekela uxhaso lwamaqhawe ezempi
6. Abantu abafanelekela olunye uxhaso lokulekelela
7. Abantu abafanelekela uxhaso lwengane
8. Inkokhelo eyengeziwe ehlangene noxhaso lwengane
9. Abantu abafanelekela uxhaso lwengane yokutholwa
10. Abantu abafanelekela uxhaso lomuntu onakekelwayo
11. Abantu abafanelekela usizo usizo lwezenhlalo kubantu abaxakekile

ISAPHLUKO 2**ISICELO SOSIZO LWEZENHLALO**

12. Inqubo okumelwe ilandelwe ekufakeni isicelo soxhaso lwezenhlalo
13. Amadokhumenti okumelwe ahambisane nesicelo soxhaso lwezenhlalo
14. Usuku lwesicelo soxhaso lwezenhlalo
15. Ukwazisa ngomphumela
16. Inqubo okumelwe ilandelwe ekufakeni isicelo sosizo lwezenhlalo kubantu abaxakekile
17. Amadokhumenti okumelwe ahambisane nesicelo sosizo lwezenhlalo kubantu abaxakekile
18. Ukunquma imali nesikhathi sosizo lwezenhlalo kubantu abaxakekile
19. Usuku lwesicelo sosizo lwezenhlalo kubantu abaxakekile

ISAPHLUKO 3
UKUNQUMA IZIMFUNKO EZINGOKWEZIMALI

20. Ukunquma izimfuneko ezingokwezimali zoxhaso lo muntu omdala, uxhaso lokukhubazeka, uxhaso lweqhawe lezempi, uxhaso lwengane, uxhaso lwengane yokutholwa noxhaso lomuntu onakekelwayo
21. Ukunquma amandla angokwezimali
22. Izimali ezivumelekile ukubanjwa lapho kubalwa iholo lomfaki wesicelo

ISAPHLUKO 4
INKOKHELO YOSIZO LWEZENHLALO

23. Indlela yokukhokhela usizo lwezenhlalo
24. Inkokhelo yoxhaso lwezenhlalo oluncishisiwe kumuntu onakekelwa esikhungweni esithile
25. Ukushintshwa koxhaso lwezenhlalo
26. Ukukhethwa kommeleli ongokomthetho
27. Imibandela yokukhethwa kwenhlangano noma komuntu wezenhlalakahle yi-Ejensi
28. Ukukhethwa komuntu ukuba athole futhi apha the uxhaso lwezenhlalo uma uxhaso lwezenhlalo luxhashazwa
29. Izimo lapho imali ingase ibanjwe ngokuqondile oxhasweni lwezenhlalo

ISAPHLUKO 5
ISIBUYEKEZO SOXHASO LWEZENHLALO

30. INcwadi Eyisigunyazo sokumiswa, ukunyuswa noma ukuncishiswa kwemali yoxhaso ebuyekezwayo
31. Ukuphelelwa yisikhathi koxhaso lwezenhlalo
32. Inqubo okumelwe ilandelwe yokumisa noma ukukhansela usizo lwezenhlalo

ISAPHLUKO 6
IMIBANDELA EKHETHEKILE YOKUQHUBEKA NOKUKHOKHWA
KOXHASO LWEZENHLALO

- 33. Imininingwane okumelwe ilethwe yisikhungo sezimali se-Ejensi
- 34. Inkokhelo yoxhaso lwezenhlalo kozuzayo ongekho e-Riphabhuliki

ISAPHLUKO 7
IMITHETHO NENQUBO EVAMILE ESEBENZAYO EMAHHOVISI E-EJENSI
NASEZINDAWENI OKUKHOKHWA KUZO

- 35. Ukuvinjelwa kwabahlinzeki bezikweletu nabanye abantu ukuba baqhube futhi bathengise ngamasevisi okunikeza izikweletu ezindaweni zamahhovisi e-Ejensi nasezindaweni okukhokhwa kuzo
- 36. Ukuvinjelwa kwabahlinzeki bezikweletu nabanye abantu ukuba benze izivumelwano zezikweletu ezindaweni zamahhovisi e-Ejensi nasezindaweni okukhokhwa kuzo
- 37. Ukuvunyelwa komuntu ophlezela ozuzayo endaweni okukhokhwa kuyo

ISAPHLUKO 8
IMIBANDELA EVAMILE

- 38. Isicelo sezinzuzo ezingalandwanga
- 39. Izinhlawulo
- 40. Ukuchibiyelwa kwezinqubomgomo
- 41. Ukuqala

IZITHASISELO

Isithasiselo A

Ukunquma izimfuneko ezingokwezimali zoxhaso lomuntu omdala, uxhaso
lokukhubazeka noxhaso lweqhawe lezempi

Isithasiselo B

Ukunquma izimfuneko ezingokwezimali zoxhaso lwengane

Isithasiselo C

Ukunquma izimfuneko ezingokwezimali zoxhaso lwengane yokutholwa

Isithasiselo D

Ukunquma izimfuneko ezingokwezimali zoxhaso lomuntu onakekelwayo

1. Izincazelo

Kulezi Zinqubomgomo, noma yiliphi igama noma umushwana onikezwe incazelo eMthethweni uzoba naleyo ncazelo enikeziwe ngaphandle uma umongo ubonisa okwehlukile-

ukuthi **“ukulinganiselwa ekusebenzeni”** kusho ubunzima obuthile ekuzinakekeleni nasekuzenzeleni eminye imisebenzi yansuku zonke ngisho noma unosizo oluthile lwezobuchwepheshe noma lomuntu siqu;

ukuthi **“inkokhelo eyengeziwe”** kusho inkokhelo eyengeziwe okubhekiselwe kuyo esigabeni 12A soMthetho;

ukuthi **“isignesha ethuthukile yezobuchwepheshe”** kusho “isignesha ethuthukile yezobuchwepheshe njengoba ichazwe esigabeni 1 soMthetho Wezokuxhumana Ngezobuchwepheshe Nokuhwebelana;

ukuthi **“isihlaziyo”** kusho-

- (a) ukuxilongwa kwezokwelapha noma kokulinganiselwa kokusebenza okwenziwa udokotela ekuqhubeni umsebenzi wakhe ovamile;
- (b) ukuhlolwa kwemininingwane esembikweni wezokwelapha noma wokinganiselwa kokusebenza okwenziwa isikhulu sezokwelapha uma engekho umfaki wesicelo noma ozuzayo; noma
- (c) ukuhlolwa kwemibiko eyengeziwe uma isikhulu sezokwelapha sidinga imininingwane eyengeziwe uma engekho umfaki wesicelo noma ozuzayo lapho imininingwane equkethwe embikweni wezokwelapha noma wokulinganiselwa kokusebenza ungaphelele noma ungenele;

ukuthi **“izimpahla”** kusho izimpahla okubhekiselwe kuzo kunqubomgomo 21(3);

ukuthi **“amabhayomethriki”** kusho “amabhayomethriki” njengoba echazwe esigabeni 1 soMthetho Wokuvikelwa Kwemininingwane Yomuntu;

ukuthi **“isitifiketi sokuzalwa”** kusho isitifiketi sokuzalwa njengoba kuhekiselwe kuso eMthethweni Wokuhaliswa Kokuzalwa Nokufa, 1992 (uMthetho No. 51 ka-1992), futhi kubandakanya isitifiketi sokuzalwa

esikhishwa elinye izwe ngaphandle kweRiphabhuliki, uma ingane ingesona isakhamuzi saseNingizimu Afrika;

ukuthi **“umuntu owondlayo”** kusho ukuthi umuntu ongenisa iholo eliyinhloko noma okuwukuphela kwalo emndenini wakhe;

ukuthi **“ikhadi”** kusho ikhadi elingena ephaketheni elinamasekhethi aqoshelwe kulo, elikwazi ukugcina idatha, likhokhe futhi lixhumane neSifundi Sekhadi;

ukuthi **“ikhaya elinenhloko eyingane”** kusho ukuthi “ikhaya elinenhloko eyingane” njengoba kuchazwe esigabeni 1 soMthetho Wezingane;

ukuthi **“ingane edinga ukunakekelwa nokuvikelwa”** kusho ingane edinga ukunakekelwa nokuvikelwa okubhekiselwe kukho esigabeni 150 soMthetho Wezingane;

ukuthi **“uMthetho Wezingane”** kusho uMthetho Wezingane, 2005 (uMthetho No. 38 ka-2005);

ukuthi **“inkantolo yezingane”** kusho inkantolo yezingane njengoba kuchazwe esigabeni 1 soMthetho Wezingane;

ukuthi **“isikimu sezindawo ezinakekela izingane zokutholwa”** kusho isikimu sezindawo ezinakekela izingane zokutholwa njengoba kuchazwe eMthethweni Wezingane;

ukuthi **“umhlinzeki wezikweletu”** kusho umhlinzeki wezikweletu njengoba kuchazwe eMthethweni Wezikweletu Kazwelonke, 2005 (uMthetho No. 34 ka-2005);

ukuthi **“usuku lwesicelo”** kusho usuku okwafakwa ngalo wonke amadokhumenti adingekayo kwi-Ejensi;

ukuthi **“ukuxhumana ngezobuchwepheshe”** kusho ukuxhumana ngezobuchwepheshe njengoba kuchazwe esigabeni 1 soMthetho Wezokuxhumana Ngezobuchwepheshe Nokuhwebelana;

ukuthi **“uMthetho Wezokuxhumana Ngezobuchwepheshe Nokuhwebelana”** kusho uMthetho Wezokuxhumana Ngezobuchwepheshe Nokuhwebelana, 2002 (uMthetho No. 25 ka-2002);

ukuthi **“isignesha yezobuchwepheshe”** kusho isignesha yezobuchwepheshe njengoba ichazwe esigabeni 1 soMthetho Wezokuxhumana Ngezobuchwepheshe Nokuhwebelana;

ukuthi **“isikhungo sezimali”** kusho-

- (a) ibhange njengoba lichazwe esigabeni 1(1) soMthetho Wamabhange, 1990 (uMthetho No. 94 ka-1990), noma ibhange eliwumfelandawonye njengoba lichazwe esigabeni 1(1) soMthetho Wamabhange Omfelandawonye, 1993 (uMthetho No. 124 ka-1993);
- (b) umhlinzeki womshwalensi wesikhathi eside ochazwe esigabeni 1 soMthetho Wemishwalensi Yokuphila, 1998 (uMthetho No. 52 ka-1998);
- (c) umhlinzeki womshwalensi wesikhathi esifushane ochazwe esigabeni 1 soMthetho Womshwalensi Wesikhathi Esifushane, 1998 (uMthetho No. 53 ka-1998); noma
- (d) noma yisiphi esinye isikhungo noma inhlango ebhekwa noma emenyezelwe ngokuthi iyisikhungo sezimali ngokwemigomo yanoma yimuphi omunye umthetho;

ukuthi **"umzali wokutholwa"** kusho umzali wokutholwa njengoba kuchazwe esigabeni 1 soMthetho Wezingane;

ukuthi **"umsebenzi wezempilo"** kusho umsebenzi wezempilo njengoba kuchazwe sigabeni 1 soMthetho Wabasebenzi Bezempilo, 1974 (uMthetho No. 56 ka-1974);

ukuthi **"umazisi"** kusho ikhadi lokuzazisa okubhekiselwe kulo eMthethweni Wokuzazisa, 1997 (uMthetho No. 68 ka-1997) futhi ngaphandle uma kungahambisani nemigomo yalowo Mthetho, kubandakanya nomazisi odingidwa esigabeni 25(1) noma (2) salowo Mthetho, futhi ubandakanya amazisi okhishelwe kumuntu owumbaleki ngokwemigomo yesigaba 30 soMthetho Wababaleki, 1998 (uMthetho No. 130 ka-1998);

ukuthi **"iholo"** kusho iholo njengoba kudingidwa kunqubomgomo 21;

ukuthi **"isikhungo esixhaswa uhulumeni"** kusho ijele, isibhedlela sabagula ngengqondo, ikhaya labantu abadala, isikhungo sokwelashwa njengoba kuchazwe engxenyeni 1 yoMthetho Wokuvinjelwa Nokwelashwa Kokuluthwa Izidakamizwa, 1992 (uMthetho No. 20 ka-1992) noma isikhungo sezingane nentsha njengoba sichazwe esigabeni 191(1) soMthetho Wezingane Ochibiyelwe, 2007 (uMthetho No. 41 ka-2007), esixhaswa uHulumeni ngokuphelele;

ukuthi **"isitifiketi sokuphila"** kusho-

- (a) i-afidavithi engohlobo olushiwo yi-Ejensi, eyenziwe futhi yasayinwa ozuzayo ngokufunga noma ngokuqinisekisa

ngaphambi kukakhomishana wezifungo noma isikhulu esikhethiwe esifakazela ukuthi usaphila;

(b) noma iyiphi isistimu yezobuchwepheshe eqinisekisa ukuthi ozuzayo usaphila; noma

(c) isiqinisekiso esiqinisa noma esifakazela ukuthi ozuzayo usaphila; ukuthi **“amandla angokwezimali”** ngezinjongo zoxhaso lwabantu abadala, uxhaso lokukhubazeka, uxhaso lwamaqhawe ezempi kanye nosizo lwezenhlalo kubantu abaxakekile, kungabandakanyi usizo lwezenhlalo kubantu abaxakekile njengoba kudingidwa kunqubomgomo 11(2), kusho iholo nezimpahla-

(a) umfaki wesicelo; noma

(b) umfaki wesicelo nomlingani wakhe;

ukuthi **“isikhulu sezokwelapha”** kusho udokotela noma umsebenzi wezempilo osebenzela uHulumeni noma umuntu okhethwe ngenkontileka ukuba enze noma ahlinzeke ngamasevisi esikhulu sezokwelapha egameni likaHulumeni;

ukuthi **“udokotela”** kusho udokotela njengoba kuchazwe esigabeni 1 soMthetho Wabasebenzi Bezempilo, 1974 (uMthetho No. 56 ka-1974);

ukuthi **“intandane”** kusho intandane njengoba kuchazwe esigabeni 1 soMthetho Wezingane;

ukuthi **“indawo okukhokhwa kuyo”** kusho indawo ekhethwe yi-Ejensi ukuba kukhokhwe kuyo usizo lwezenhlalo;

ukuthi **“ukunakekelwa unomphela”** kusho ukunakekela ingane engakwazi ukuzinakekela okubhekiselwe kuyo esigabeni 7 soMthetho amahora angu-24 ngosuku-

(a) umnakekeli oyinhloko;

(b) umzali wokutholwa; noma

(c) umzali;

ukuthi **“umuntu”** ngenjongo yosizo lwezenhlalo kubantu abaxakekile uma kwenzeka kuba nenhlekelele kusho inhloko yomndeni noma omunye umuntu osemndenini omelele yena;

ukuthi **“izinhlelo zokuvimbela nokungenela kusenesikhathi”** kusho izinhlelo zokuvimbela nokungenela kusenesikhathi okubhekiselwe kuzo eSahlukweni 8 soMthetho Wezingane;

ukuthi **“uMthetho Wokuvikelwa Kwemininingwane Yomuntu”** kusho uMthetho Wokuvikelwa Kwemininingwane Yomuntu, 2013 (uMthetho No. 4 ka-2013);

ukuthi **“umbaleki”** kusho umuntu okubhekiselwe kuye esigabeni 1 soMthetho Wababaleki, 1998 (uMthetho No. 130 ka-1998);

ukuthi **“isihlobo”** ngokuphathelene nentandane kubandakanya ugogo/umkhulu, umfowabo, udadewabo, umalume, umalumekazi noma umzala wengane;

ukuthi **“ummeleli”** kusho ummeleli ogunyaziwe wenhlangano engenzi nzuzo ebhaliswe njengenhlango evikela izingane ephethe isikimu sezindawo ezinakekela izingane zokutholwa;

ukuthi **“umhlali”** kusho umhlali njengoba kuchazwe esigabeni 1 soMthetho Wokungena Kuleli Zwe, 2000 (uMthetho No. 13 ka-2000);

ukuthi **“isibuyekezo”** kusho ukuqinisekisa ukuthi umamukeli woxhaso usahambisana yini nezimfuneko zosizo lwezenhlalo noma cha;

ukuthi **“uMthetho we-SASSA”** kusho uMthetho we-Ejensi Yezimpesheni WaseNingizimu Afrika, 2004 (uMthetho No. 9 ka-2004);

ukuthi **“umhlinzeki wesevisi”** kusho noma yimuphi umuntu, kungabandakanyi abasebenzi be-Ejensi, ohlinzeka ngosizo lwezenhlalo noma onikeza noma iyiphi isevisi ukuze kuhlinzekwe ngalolo sizo lwezenhlalo egameni le-Ejensi;

ukuthi **“ukusayina”** kusho ukusebenzisa amabhayomethriki, isignesha yezobuchwepheshe noma isignesha ethuthukile yezobuchwepheshe futhi ukuthi ‘isignesha’ kunencazelo ehambisana nalena;

ukuthi **“uxhaso lwezenhlalo”** kusho 'uxhaso lwezenhlalo' njengoa luchazwe esigabeni 1 soMthetho;

ukuthi **“isisebenzi sesevisi yezenhlalo”** kubandakanya isikhulu sokukhululwa kweziboshwa, isisebenzi sokuthuthukisa, isisebenzi sokunakekelwa kwezingane nentsha, isisebenzi sentsha, isisebenzi esilekelela kwezenhlalo, kanye nesisebenzi sezimpesheni esibhaliswe kanjalo ngokoMthetho Wabasebenzi Besevisi Yezenhlalo, 1978 (uMthetho No. 110 ka-1978);

ukuthi **“umlingani”** kusho umuntu ongumlingani noma uphathina womuntu ngokoMthetho Wemishado, 1961 (uMthetho No. 25 ka-1961), uMthetho Wokuqashelwa Kwemishado Yesintu, 1998 (uMthetho No. 120 ka-1998) noma

uMthetho Wemishado Engachemile, 2006 (uMthetho No. 17 ka-2006) noma izimiso zanoma iyiphi inkolo yase-Asia futhi **“umuntu onomlingani”** kunenzuzo ehambelana nalena;

ukuthi **“amasevisi okusekela”**- kusho-

- (a) isikhungo sokunakekela phakathi nosuku;
- (b) isikhungo sokuvuselela;
- (c) amasevisi ezingane ezikhubazekile okuzithuthukisa zisencane; noma
- (d) izikole zabafundi abanezidingo zemfundo ezikhethekile;

ukuthi **“ukunakekela okuphephile kwesikhashana”** kusho ukunakekela okuphephile kwesikhashana njengoba kuchazwe eMthethweni Wezingane;

ukuthi **“uMthetho”** kusho uMthetho Wosizo Lwezenhlalo, 2004 (uMthetho No. 13 ka-2004); futhi

ukuthi **“ukuqinisekisa”** kusho ukucwaninga noma iyiphi idokhumenti, umbiko isicelo esigcwalisiwe kanye nanoma yibuphi ubufakazi ukuze kunqunywe ukuthi umuntu uyalufanelekela yini usizo lwezenhlalo noma cha.

ISAPHLUKO 1

IZIMFUNENKO EZIVAMILE ZOKUFANELEKELA USIZO LWEZENHLALO

Abantu abafanelekela uxhaso lomuntu omdala

2. Umuntu uyalufanelekela uxhaso lomuntu omdala uma-

- (a) engumuntu odingidwa esigabeni 10 soMthetho;
- (b) ehlangabezana nezimfuneko ezingokwezimali ezikuSithasiselo A;
- (c) ngokuxhomeke kunqubomgomo 6, engazitholeli inzuzo kunoma yiluphi olunye uxhaso lwezenhlalo;
- (d) engagciniwe esikhungweni esithile esixhaswa uHulumeni; futhi
- (e) eyisakhamuzi saseNingizimu Afrika, engumhlali wakhona noma engumbaleki ohlala eRiphabhuliki yaseNingizimu Afrika.

Inkokhelo eyengeziwe exhumene noxhaso lomuntu omdala

3.(1) Ngokuxhomeke kunqubomgomo 2, umuntu oneminyaka engu-75 yobudala noma ngaphezulu ufanelekela ukukhokhelwa imali eyengeziwe ngaphezu kochaso lomuntu omdala.

(2) UNgqongqoshe uzoyinquma njalo ngonyaka imali eyengeziwe ngemva kokubonisana noNgqongqoshe Wezimali.

Abantu abafanelekela uxhaso lokukhubazeka

4. Ngaphezu kwezimfuneko ezibekwe esigabeni 9 soMthetho nakunqubomgomo 2(b), (c), (d) no-(e), umuntu ufanelekela uxhaso lokukhubazeka uma engumuntu okhubazekile futhi useyihlanganisile iminyaka engu-18 ubudala futhi-

(a) eyisakhamuzi saseNingizimu Afrika, engumhlali wakhona noma engumbaleki ohlala eRiphabhuliki yaseNingizimu Afrika;

(b) ukukhubazeka kuqinisekiswa ngesihlaziyo esibonisa ukuthi lokho kukhubazeka-

(i) okwanomphela, ngokuthi ukukhubazeka kuzoqhubeka isikhathi esingaphezu kwezinyanga ezingu-12; noma

(ii) okwesikhashana, ngokuthi ukukhubazeka kuzoqhubeka isikhathi esiqhubekayo esingaphezu kwezinyanga ezingu-6 noma isikhathi esiqhubekayo esingaphezu kwezinyanga ezingu-12 kuye ngesimo:

Kuxhomeke ekutheni lapho isicelo soxhaso lokukhubazeka sasingatshiwe ngaphambilini ngezizathu zokwelapha, umfaki wesicelo kumelwe anikeze ubufakazi bokuthi kube nokuqhubeka okubi esimweni sakhe sempilo.

(c) akakwazi ukusebenza noma ukuzisekela ngenxa yokukhubazeka kwakhe;

(d) akenqabi ngokungenangqondo ukwamukela umsebenzi anamakhono okuwenza futhi angathola kuwo iholo lokuzondla ngokugcwele noma ngokwengxenye; futhi

(e) akenqabi, ngaphandle kwesizathu esihle, ukuthola ukwelashwa okudingekile noma okunye okunconywe udokotela.

Abantu abafanelekela uxhaso lwamaqhawe ezempi

5. Ngaphezu kwezimfuneko ezidingidwa kunqubomgomo 2(b), (c) no-(d), umuntu uyalufanelekela uxhaso lwamaqhawe ezempi uma ezifeza izimfuneko ezidingidwa esigabeni 11 soMthetho.

Aantu abafanelekela olunye uxhaso lokulekelela

6.(1) Ngaphezu kwezimfuneko ezidingidwa esigabeni 12 soMthetho umuntu uyalufaneleka uxhaso lokulekelela uma-

(a) ethola uxhaso lomuntu omdala, uxhaso lokukhubazeka noma uxhaso

lweqhawe lezempi; futhi

(b) ngenxa yokugula kwakhe ngokomzimba noma ngengqondo, eqinisekiswa isikhulu sezokwelapha noma udokotela ngokuthi udinga ukunakwa ngaso sonke isikhathi ngomunye umuntu njengoba kudingidwa esigabeni 12 soMthetho.

(2) Uxhaso lokulekelela alukhokhelwa umuntu ogcinwe kunoma yisiphi isikhungo eixhaswa uHulumeni.

Abantu abafanelekela uxhaso lwengane

7.(1) Ngaphezu kwezimfuneko ezidingidwa esigabeni 6 soMthetho futhi kuxhomeke kunqubomgomo engaphansi (2), umnakekeli oyinhloko uyalufanelekela uxhaso lwengane uma-

(a) ingane eyenzelwa isicelo soxhaso kungeyakhe;

(b) uhlangabezana nezimfuneko ezingokwezimali ezikuSithasiselo B;

(c) engaqashiwe ngokusemthethweni noma ngokuzizamela ukuba anekekele

ingane;

(d) leyo ngane ingeyena umhlali esikhungweni esixhaswa uHulumeni;

(e) engalutholi kakade uxhaso lwezenhlalo lwaleyo ngane; futhi

(f) eyisakhamuzi saseNingizimu Afrika, engumhlali wakhona noma engumbaleki oseRiphabhuliki yaseNingizimu Afrika.

(2) Lapho ingane eyenzelwa isicelo soxhaso kungeyona ingane yakhe ngokwemvelo noma ingane yokutholwa ngokusemthethweni, uzoba nelungelo kulolo xhaso kungadluli ezinganeni eziyisithupha

(3) Umnakekeli oyinhloko ofake isicelo futhi wanikezwa uxhaso lwengane ngokwale nqubomgomo, kuxhomeke kunqubomgomo engaphansi (6)(a), uzoqhubeka ethola lolo xhaso ingane ize ibe neminyaka engu-18 ubudala noma kushintshe isimo seholo lomnakekeli oyinhloko.

(4) Umnakekeli oyinhloko kumelwe aqhubeke engumnakekeli oyinhloko waleyo ngane kuze kuphele isikhathi athola ngaso uxhaso lwengane noma kube nomunye umnakekeli oyinhloko esikhundleni sakhe ngokwemigomo yesigaba 19(3)(b) soMthetho noma kufe umnakekeli oyinhloko.

(5) Uma abantu abangaphezu koyedwa bethi bangabanakekeli abayinhloko bengane, i-Ejensi kumelwe, ngemva kokubhekisisa zonke izici

ezidingidwa kunqubomgomo 13(3)(b), iqoke oyedwa walabo bantu ukuba abe umnakekeli oyinhloko ngezinjongo zokufanelekela uxhaso lwengane.

(6) Umnakekeli oyinhloko kumelwe-

(a) ngokuphathelene nengane ephakathi kweminyaka eyisikhombisa nengu 18 ubudala, ayibhalise noma ayiyise esikoleni noma esikhungweni sezemfundo;

(b) phakathi nenyanga eyodwa yokugunyazwa koxhaso lwengane ngokuphathelene nengane okubhekiselwe kuyo esigabeni (a), ahlinzeke ngobufakazi bokubhalisa nokuya esikoleni noma esikhungweni sezemfundo kwi-Ejensi; futhi

(c) lapho ingane okubhekiselwe kuyo esigabeni (a) ingabhalisiwe noma ingayi

esikoleni noma esikhungweni sezemfundo, yazise uMqondisi-Jikelele woMnyango Kazwelonke Wokuthuthukiswa Kwezenhlalo, ngokubhala.

(7) Inhloko Yomnyango, njengoba ichazwe esigabeni 1 soMthetho Wezikole ZaseNingizimu Afrika, 1996 (uMthetho No. 84 ka-1996) kumelwe, ngaphezu kwemigomo yesigaba 3(5) soMthetho 84 ka-1996, yazise uMqondisi-jikelele woMnyango Kazwelonke Wokuthuthukiswa Kwezenhlalo, ngokubhala phansi, nganoma iyiphi ingane okubhekiselwe kuyo kunqubomgomo 7(1)(a) engabhalisiwe noma engayi esikoleni noma esikhungweni sezemfundo.

(8) UMqondisi-Jikelele kumelwe, lapho ethola isaziso, njengoba kudingidwa kunqubomgomo engaphansi (1)(c) noma kunqubomgomo engaphansi (7), esithi ingane ayiyi esikoleni noma ayibhalisiwe esikoleni noma esikhungweni sezemfundo-

(a) acele isisebenzi sesevisi yezenhlalo ukuba siphanye, sibambisene noMnyango Kazwelonke Wemfundo Eyisisekelo, bese simbikela izimo eziholele ekubeni leyo ngane ingabhaliswa noma ingayi esikoleni; futhi

(b) lapho ethola umbiko njengoba udingidwa esigabeni (a) athathe izinyathelo ezifanele ukuze aqiniseke ukuthi ingane iyabhaliswa futhi iyaya esikoleni.

(9) Ingane eyinhloko yekhaya eliphethwe yingane, kuxhomeke kwinqubomgomo 7(1)(a) kuya ku-(e) iyalufanelekela uxhaso lwengane.

Inkokhelo eyengeziwe exhunyaniswa noxhaso lwengane lwezingane eziyizintandane

8.(1) Ngaphezu kwalolo xhaso lwengane oludingidwa kunqubomgomo 7, umuntu oyisihlobo sentandane, ngokuxhomeke kunqubomgomo engaphansi (2),

uyayifanelekela imali eyengeziwe exhunyaniswa noxhaso lwengane oselukhokhelwa kakade noma oluzokhokhelwa intandane ayinakekelayo.

(2) Umuntu odingidwa kunqubomgomo engaphansi (1) ofaka isicelo semali eyengeziwe ngokuphathelene nentandane edingidwa lapho kumelwe abonise ubufakazi bokuthi ingane iyintandane-

(a) ngamakhophi asethifayiwe ezitifiketi zokufa kwabazali bengane; noma

(b) lapho umfaki wesicelo engasitholi isitifiketi sokufa somunye wabazali, ikhophi esethifayiwe yomzali oyedwa kanye ne-afidavithi eyenziwe umfaki wesicelo ebhalwe ngendlela eshiwo yi-Ejensi efakazela ukuthi akasazi isimo somunye umzali wengane.

(3) I-Ejensi kumele, ngemva kokunikeza imali eyengezwe exhunyaniswe noxhaso lwengane, idlulisele imininingwane yaleso sihlobo nentandane, kunhloko yoMnyango Wesifunda Wokuthuthukiswa Kwezenhlalo ukuze lowo Mnyango ukwazi ukuhlaziya ukuthi -

(a) intandane noma umndeni udinga izinhlelo zokuvimbela nokungenela kusenesikhathi; noma

(b) ingane idinga ukunakekelwa nokuvikelwa.

(4) Imali okubhekiselwe kuyo kule nqubomgomo izoxhomeka ekuvumeni kukaNgqongqoshe Wezimali njengoba kudingidwa esigabeni 12A soMthetho.

Abantu abafanelekela uxhaso lwengane yokutholwa

9.(1) Ngaphezu kwezimfuneko ezidingidwa esigabeni 8 soMthetho, umzali wokutholwa noma ummeleli uyalufanelekela uxhaso lwengane yokutholwa uma -

(a) umzali wokutholwa-

(i) eyisakhamuzi saseNingizimu Afrika, engumhlali wakhona, noma engumbaleki; futhi

(ii) ehlala eRiphabhuliki;

(b) isikimu esinakekela izingane zokutholwa sibhaliswe yiNhloko yoMnyango

Wesifunda Wokuthuthukiswa Kwezenhlalo;

(c) ingane ifakwa futhi ihlale ekunakekeleni komzali wokutholwa noma kwesikimu esinakekela izingane zokutholwa ngokoMthetho Wezingane; futhi

(d) ingane ayingenisiwe esikhungweni esixhaswa uHulumeni.

- (2) Umzali wokutholwa angase angalufanelekeli uxhaso lwengane yokutholwa

lwezingane ezingaphezu kweziyisithupha ngaphandle kwalapho izingane ziyizelamani noma ziyizihlobo zegazi noma inkantolo ibona lokhu ngasizathu simbe kuzozizuzisa kakhulu zonke izinga njengoba kudingidwa esigabeni 185(1) soMthetho Wezingane.

- (3) Isikimu esinakekela izingane zokutholwa esibhalisiwe singase silufanelekele uxhaso lwengane yokutholwa lwezingane ezingaphezu kuka-6 njengoba kudingidwa esigabeni 185(2) soMthetho Wezingane.

Abantu abafanelekela uxhaso lomuntu onakekelwayo

10. Ngaphezu kwezimfuneko ezidingidwa esigabeni 7 soMthetho, umzali, umnakekeli oyinhloko noma umzali wokutholwa uyalufanelekela uxhaso lomuntu onakekelwayo ngokuphathelene nengane enakekelwayo uma-

(a) isihlaziyo siqinisekisa ukuthi ingane, ngenxa yokukhubazeka kwayo ngokomzimba noma ngengqondo, idinga futhi ithola ukunakekelwa unomphela noma amasevisi okusekelwa;

(b) uhlangabezana nezimfuneko ezingokwezimali ezikuSithasiselo D; futhi

(c) uyisakhamuzi saseNingizimu Afrika, engumhlali wakhona noma engumbaleki.

Abantu abafanelekela usizo usizo lwezenhlalo kubantu abaxakekile

11.(1) Ngokuxhomeke emigomweni yesibaba 5 esifundwa nesigaba 13 soMthetho, umuntu odinga usizo lwesikhashana uyalufanelekela usizo lwezenhlalo kubantu abaxakekile uma -

(a) ehlukunyezwe yinhlekelele emenyezeliwe noma engamenyezeliwanga ngokoMthetho Wokuphathwa Kwezinhlekelele, 2002 (uMthetho No. 57 ka-2002); noma

(b) eyisakhamuzi saseNingizimu Afrika noma engumhlali wakhona noma umbaleki ohlala eRiphabhuliki futhi-

(i) elindele inkokhelo yoxhaso lwezenhlalo olugunyaziwe; noma

(ii) umuntu owondlayo-

(aa) kuhlaziye ukuthi unokukhubazeka okuzothatha ngaphansi kwezinyanga eziyisithupha; noma

- (bb) walelo khaya ushonile futhi isicelo sosizo lwezenhlalo kubantu abaxakekile senziwa phakathi nezinyanga ezingu-12 ngemva kokufa komuntu owondlayo, noma
- (cc) walelo khaya ungeniswe esikhungweni sikahulumeni noma sangasese okungenani inyanga eyodwa; futhi
- (dd) alukho uhlobo lwemali yesondlo alutholayo kumuntu onesibopho esingokomthetho sokumkhokhela imali yesondlo.

(2) Ngokuxhomeke emigomweni yenqubomgomo engaphansi (1), umuntu angase alufanelekele usizo lwezenhlalo kubantu abaxakekile uma ukwenqatshwa kwesicelo kungase kubange ubunzima obungafanele njengoba kuqukethwe kuSomqulu Wezinqubo Zosizo lwezenhlalo kubantu abaxakekile njengoba kugunyazwe uNgqongqoshe.

(3) Umuntu akanalo iungelo lokuthola uxhaso lwezenhlalo oluqondene naye kanye nosizo lwezenhlalo kubantu abaxakekile ngasikhathi sinye.

(4) Lapho umuntu ethole kokubili usizo lwezenhlalo kubantu abaxakekile kanye noxhaso lwezenhlalo ngesikhathi esifanayo, imali ekhokhelwe usizo lwezenhlalo kubantu abaxakekile kumelwe, kuxhomeke emigomweni yenqubomgomo engaphansi (5), ibanjwe kunoma iyiphi inkokhelo yoxhaso lwezenhlalo, kubandakanya nenkokhelo eyisikweletu.

(5) Naphezu kwemigomo yenqubomgomo engaphansi (1), esimweni lapho kumenyezwelele-

(a) umuntu angase afanelekele usizo lwezenhlalo kubantu abaxakekile uma lowo mndeni uhlukeywelele yinhlekelele njengoba kuchazwe eMthethweni Wokuphathwa Kwezinhlekelele, 2002 (uMthetho 57 ka-2002);

(b) inani losizo lwezenhlalo kubantu abaxakekile olukhokhelwa umuntu ngenxa yenhlekelele okubhekiselwe kuyo esigabeni (a), ngeke ibanjwe enkokhelweni yoxhaso lwezenhlalo, kubandakanya nenkokhelo eyisikweletu;

(c) uhlu lwabantu noma lwemindeni ehlukeywelele yinhlekelele eqinisekise uMnyango Osabela Ezinhlekeleleni Zesifunda noma Zendawo luzobhekwa njengohlu lokugcina elizohlinzekwa ngosizo lobuntu oluphuthumayo

(6) Naphezu kwemigomo yezinqubomgomo ezingaphansi (1) no-(5)(a) no (b), uma kwenzeka inhlekelele engamenyezwelelwa-

(a) umuntu angase afanelekele usizo lwezenhlalo kubantu abaxakekile uma

lowo mndeni uhlukeyezwe yinhlekelele; futhi

(b)uhlu lwemindeni ehlukeyezwe yinhlekelele eqinisekise yihhovisi lesifunda noma lendawo le-Ejensi luzobhekwa njengohlu lokugcina lwalabo abahlukumezekile ngenjongo yokwaba usizo lwezenhlalo kubantu abaxakekile.

(7) Naphezu kwemigomo yenqubomgomo 7(1)(c), inqubomgomo 18(1)(c) no-18(4), usizo lwezenhlalo kubantu abaxakekile lungase luhlinzekwe ingane lapho-

(a)izimo zomnotho ezivamile eRiphabhuliki zidinga ukuba kuhlinzekwe ngosizo lwezenhlalo kubantu abaxakekile; noma

(b)ukwehluleka ukuhlinzeka ngalolo sizo lwezenhlalo kubantu abaxakekile kuzobangela ingane ubunzima obungafanele.

ISAHLUKO 2

ISICELO SOSIZO LWEZENHLALO

Inqubo okumelwe ilandelwe lapho kufakwa isicelo sosizo lwezenhlalo

12.(1) Umuntu noma ummeleli wakhe ongokomthetho ofaka isicelo sosizo lwezenhlalo kumelwe agcwalise futhi asayine amafomu esicelo afanele ngesandla noma ngezobuchwepheshe bese ewathumela kwi-Ejensi.

(2) I-Ejensi kumelwe isize umuntu noma ummeleli wakhe ongokomthetho ukuba agcwalise ifomu lesicelo uma, ngasizathu simbe, engakwazi ukugcwalisa ifomu lesicelo.

(3) Ifomu lesicelo kumelwe lihambisane nawo wonke amadokhumenti adingekayo adingidwa kunqubomgomo 13.

(4) Umuntu noma ummeleli wakhe ongokomthetho ofaka isicelo sosizo lwezenhlalo kumelwe aqiniseke ukuthi kuhrangatshezwane nazo zonke izimfuneko zezicelo futhi i-Ejensi izoqinisekisa ukuthi kuhrangatshezwane nalezo zimfuneko.

(5) Umuntu noma ummeleli wakhe ongokomthetho kumelwe anikezwe isaziso

sokwamukelwa, esikhishwe ngezobuchwepheshe noma esiphume kwisistimu, okumelwe -

(a)sifakwe usuku; futhi

(b)sibonise igama nenombolo kamazisi yalowo muntu.

(6) I-Ejensi kumelwe igcine irejista yazo zonke izicelo ezamukelwe, leyo rejista kumelwe ibonise-

(a)imininingwane ehlonza lowo mfaki wesicelo;

(b) usuku lwesicelo; kanye

(c) nohlobo losizo lwezenhlalo olucelwayo.

(7) I-Ejensi kumelwe iqinisekise ukuthi yonke imininingwane yomuntu siqu namabhayomethrikhi amukelwe kuyacutshungulwa, kugcinwe futhi kuvikelwe ngokoMthetho Wokuvikelwa Kwemininingwane Yomuntu noMthetho Wokuhwebelana.

Amadokhumenti okumelwe ahambisane nesicelo sosizo lwezenhlalo

13.(1) Amadokhumenti alandelayo okuqala noma amakhophi awo asethifayiwe,

kumelwe ahambisane nesicelo sosizo lwezenhlalo:

(a) Umazisi womfaki wesicelo nowomlingane wakhe; kanye

(b) uma kuwuxhaso lwengane, uxhaso lomuntu onakekelwayo noma uxhaso

lwengane yokutholwa, umazisi noma isitifiketi sokuzalwa sengane ngayinye, sengane enakekelwayo noma sengane yokutholwa eyenzelwa isicelo; kanye

(c) ubufakazi besimo somuntu onomlingani: Uma bungatholakali ubufakazi obufanele, ingase yamukeleke i-afidavithi engohlobo olushiwo yi-Ejensi.

(2) Isicelo soxhaso lomuntu omdala, uxhaso lokukhubazeka noma uxhaso lweqhawe lezempi kumelwe, ngaphezu kwamadokhumenti adingekayo ngokwenqubomgomo engaphansi (1), sihambisane namadokhumenti alandelayo:

(a) i-afidavithi engohlobo olushiwo yi-Ejensi, ebonisa iholo nezimpahla zomfaki wesicelo, kanye nanoma yimaphi amadokhumenti asekelayo angase abhekwe njengadingekile futhi endabeni yomuntu onomlingani, naleyo yomlingani wakhe. Uma engekho amadokhumenti asekelayo umfaki wesicelo angathumela i-afidavithi ngohlobo olushiwo yi-Ejensi, asho ukuthi umfaki wesicelo akanawo amadokhumenti asekelayo;

(b) ngokuphathelene nomuntu okhubazekile, isihlaziyo; futhi

(c) esimweni seqhawe lezempi, ubufakazi besevisi njengoba kudingidwa eMthethweni.

(3) Isicelo soxhaso lwengane kumelwe senziwe efomini elifanele futhi ngaphezu kwamadokhumenti adingekayo ngokwenqubomgomo engaphansi (1), sihambisane namadokhumenti alandelayo:

(a) I-afidavithi ngohlobo olushiwo yi-Ejensi, ebonisa iholo lomfaki wesicelo,

kanye namadokhumenti asekelayo angase abhekwe njengadingekile futhi endabeni yomuntu onomlingani, naleyo yomlingani wakhe. Lapho engekho amadokhumenti asekelayo umfaki wesicelo angase athumele isitatimende esifungelwe noma i-afidavithi ngohlobo olushiwo yi-Ejensi, asho ukuthi umfaki wesicelo akanawo amadokhumenti asekelayo;

(b) ubufakazi bokuthi umfaki wesicelo ungumnakekeli oyinhloko wengane, obungase bube nganoma yiluphi kulolu hlobo:

- (i) i-afidavithi ngohlobo olushiwo yi-Ejensi evela kumnakekeli oyinhloko wengane;
- (ii) incwadi yesiqinisekiso evela kusisebenzi sesevisi yezenhlalo esibhalisiwe;
- (iii) i-afidavithi engohlobo olushiwo yi-Ejensi evela kumzali ongokwemvelo wengane; noma
- (iv) incwadi evela kuthishanhloko wesikole ingane eya kuso.

(4) Isicelo soxhaso lwengane yokutholwa kumelwe senziwe efomini elifanele futhi ngaphezu kwamadokhumenti adingekayo ngokwemigomo ye-nqubomgomo engaphansi (1), sihambisane nomyelelo wenkantolo obeka ingane ekunakekelweni kokutholwa.

(5) Isicelo soxhaso lomuntu onakekelwayo kumelwe senziwe efomini elifanele

futhi ngaphezu kamadokhumenti adingekayo ngokwenqubomgomo engaphansi (1), sihambisane namadokhumenti alandelayo:

(a) I-afidavithi ngohlobo olushiwo yi-Ejensi, ebonisa iholo lomfaki wesicelo, kanye namadokhumenti asekelayo angase abhekwe njengadingekile futhi endabeni yomuntu onomlingani, naleyo yomlingani wakhe. Lapho engekho amadokhumenti asekelayo umfaki wesicelo angase athumele isitatimende esifungelwe noma i-afidavithi ngohlobo olushiwo yi-Ejensi, asho ukuthi umfaki wesicelo akanawo amadokhumenti asekelayo; kanye

(b) nesihlaziyo okubhekiselwe kusho kunqubomgomo 10(a).

(6) Isicelo soxhaso lokulekelela kumelwe senziwe efomini elifanele futhi ngaphezu kwamadokhumenti adingekayo ngokwenqubomgomo engaphansi (1), sihambisane nesitifiketi sikadokotela njengoba sidingidwa kunqubomgomo 6(1)(b).

(7) Naphezu kwenqubomgomo engaphansi (1) kuya ku-(6), i-Ejensi ingase ivumele isicelo sosizo lwezenhlalo ukuba sigwaliswe nganoma yiluphi oluhlobo lokuxhumana kubandakanya izindlela zobuchwepheshe futhi egunyaziwe lapho

engekho amadokhumenti, lapho leyo mininingwane ingase iqinisekiswa ngezindlela ezihlukile.

(8) Ngamandla esicelo Sosizo Lwezenhlalo, umfaki wesicelo unikeza imvume

yokuthi i-Ejensi noma iSigungu Esizimele, lapho kusebenza, ukuba sicubungule; kubandakanye nokuqoqa, ukuqinisekisa, ukusebenzisa nokwabelana ngemininingwane yomfaki wesicelo kubandakanya negama lakhe, ikheli, umthombo weholo, izimpesheni noma eminye imininingwane edingekayo ukuze sihlaziye isicelo-:

- (a) eMnyangweni Wezasekhaya;
- (b) izikhungo zezimpesheni;
- (c) izikhungo zezimali; kanye
- (d) noma yimuphi nom isikhungo sangasese esibonakala sidingekile.

(9) Ngamandla esicelo sosizo lwezenhlalo, umfaki wesicelo unikeza imvume ezikhungweni ezibhalwe kunqubomgomo engaphansi (8)(a) kuya ku-(d) ukuba zidalule imininingwane ecelwe ngokwenqubomgomo engaphansi (8) kwi-Ejensi noma kwiSigungu Esizimele.

Usuku lwesicelo sosizo lwezenhlalo

14.(1) Usuku isicelo sosizo lwezenhlalo esafakwa ngalo kwi-Ejensi ngokwenqubomgomo 12(5) lubhekwa njengosuku isicelo esenziwe ngalo.

(2) Naphezu kwemigomo yenqubomgomo engaphansi (1), usuku ingane efakwe ngalo ekunakekelweni kokutholwa ngokwemigomo yomyalelo wenkantolo lubhekwa njengosuku lwesicelo soxhaso lwengane yokutholwa.

(3) Usizo lwezenhlalo, uma lugunyazwa, kumelwe lukhokhwe kusukela ngosuku isicelo esenziwa ngalo: Uma umuntu odingidwa kunqubomgomo 2(d) engase afake isicelo soxhaso lwezenhlalo ngesikhathi isikhungweni esixhaswa uHulumeni: Uma futhi lolo sizo lwezenhlalo lungase lukhokhwe kuphela kusukela ngosuku ingasekho esikhungweni esixhaswa uHulumeni.

Ukwazisa ngomphumela

15.(1) I-Ejensi kumelwe, phakathi nezinyanga ezintathu zosuku lokufakwa kwesicelo sosizo lwezenhlalo yazise umfaki wesicelo ngomphumela wesicelo sosizo lwezenhlalo.

(2) Isaziso esidingidwa kunqubomgomo engaphansi (1) singase sinikezwe ngokuxhumana ngezobuchwepheshe noma nganoma iyiphi enye indlela yokuxhumana.

(3) Lapho kugunyazwa isicelo sosizo lwezenhlalo, i-Ejensi kumelwe yazise umfaki wesicelo, kuye ngezindlela zokuxhumana okubhekiselwe kuzo kunqubomgomo engaphansi (2), ngalokho kugunyazwa kubandakanya-

(a) imininingwane yenkokhelo;

(b) izibopho zomfaki wesicelo zokwazisa i-Ejensi ngoshintsho ezimweni zakhe;

(c) esimweni sababaleki, usuku lokuphelelwa yisikhathi kosizo lwezenhlalo; futhi

(d) esimweni soxhaso lokukhubazeka lwesikhashana, izizathu zalokho, isikhathi soxhaso lwezenhlalo kanye nosuku oluphela ngaso.

(4) Lapho isicelo sosizo lwezenhlalo senqatshwa, i-Ejensi kumelwe yazise umfaki wesicelo ngokubhala phansi ngalokho kwenqatshwa kanye-

(a) nezizathu zalokho kwenqatshwa; kanye

(b) nangelungelo lomfaki wesicelo lokufaka isikhalo sokubuyekezwa kwesinqumo ngesinqumo nangendlela nenqubo yokufaka isikhalo.

Inqubo okumelwe ilandelwe ekufakeni isicelo sosizo lwezenhlalo kubantu abaxakekile

16.(1) Isicelo sosizo lwezenhlalo kubantu abaxakekile kumelwe senziwe efomini elifanele, ngokulibhala ngesandla noma ngezobuchwepheshe futhi sigcwaliswe futhi sisayinwe umfaki wesicelo noma ummeleli wakhe ongomthetho.

(2) I-Ejensi kumelwe igunyaze noma yenqabe isicelo sosizo lwezenhlalo kubantu abaxakekile ngokushesha.

(3)(a) I-Ejensi kumelwe yazise umfaki wesicelo sosizo lwezenhlalo kubantu abaxakekile ukuthi uma amadokhumenti adingekayo ngokwenqubomgomo 17(1) engatholakali ngesikhathi kwenziwa isicelo, lawo madokhumenti kumelwe alethwe ngaphambi kokuba kwenziwe noma yiziphi izinkokhelo ezilandelayo.

(b) Umfaki wesicelo sosizo lwezenhlalo kubantu abaxakekile kumelwe anikezwe irisidi noma isaziso esikhishwe ngezobuchwepheshe ngomphumela wesicelo sosizo lwezenhlalo kubantu abaxakekile futhi kumelwe sibe negama lomfaki wesicelo, nosuku lwesicelo.

- (4) Lapho isicelo sosizo lwezenhlalo kubantu abaxakekile sigunyazwa, i-Ejensi

kumelwe yazise umfaki wesicelo ngokuxhumana ngezobuchwepheshe noma nganoma yiziphi ezinye izindlela zokuxhumana ngaleso sigunyazo, imali noma uhlobo losizo olugunyaziwe.

- (5) Lapho isicelo sosizo lwezenhlalo kubantu abaxakekile senqatshwa, i-Ejensi

kumelwe yazise umfaki wesicelo ngokuxhumana ngezobuchwepheshe noma nganoma iyiphi enye indlela yokuxhumana ngalokho kwenqatshwa kanye-

(a) nangezizathu zalokho kwenqatshwa;

(b) ngelungelo lomfaki wesicelo, uma enganelisekile ngesinqumo se-Ejensi, lokufaka isikhalo sokubuyezwa kwesinqumo ngokubhalela iSigungu Esizimele; kanye

(c) nangendlela nenqubo yokufaka lesi sikhalo sokubuyezwa kwesinqumo.

(6) Mayelana nokunikezwa kosizo lwezenhlalo kubantu abaxakekile, i-Ejensi ingase icele isisebenzi sesevisi yezenhlalo noma omunye okhethiwe ukuba aphenye izimo zomfaki wesicelo futhi athumele kwi-Ejensi umbiko obhaiwe oqukethe isincomo sokuthi usizo lwezenhlalo kubantu abaxakekile kufanele lwelulwe yini.

(7) I-Ejensi kumelwe igcine irejista yazo zonke izicelo zosizo lwezenhlalo kubantu abaxakekile ezamukelwayo okurekhodwe kuyo okulandelayo, lapho kusebenza:

(a) Imininingwane yokuhlonza;

(b) usuku lwesicelo;

(c) usuku okwanikezwa ngalo okokuqala usizo lwezenhlalo kubantu abaxakekile;

(d) uhlobo losizo lwezenhlalo kubantu abaxakekile olwanikezwa, ukuthi kwakuyimali noma kwakungolunye uhlobo kanye nenani lwalo; kanye

(e) usuku usizo lwezenhlalo kubantu abaxakekile olwelulwa lwafika kulo.

(8) I-Ejensi kumelwe iqiniseke ukuthi yonke imininingane yomuntu siqu namabhayomethrikhi okwamukelwe kuyacutshungulwa, kugcinwe futhi kuvikelwe ngokoMthetho Wokuvikwa Kwemininingwane Yomuntu 2013 (uMthetho No. 4 ka-2013) noMthetho Wokuxhumana Ngezobuchwepheshes Nokuhwebelana 2002 (uMthetho No. 25 ka-2002).

**Amadokhumenti okumelwe ahambisane nesicelo sosizo lwezenhlalo
kubantu abaxakekile**

17.(1) Amadokhumenti alandelayo noma amakhophi asethifayiwe awo kumelwe, ngokuxhomeke kunqubomgomo 16(3)(a), ahambisane nesicelo sosizo lwezenhlalo kubantu abaxakekile, lapho kusebenza:

(a) Umazisi noma isitifiketi sokuzalwa noma enye idokhumenti eyamukelekayo kwi-Ejensi, efakazela ukuthi ungubani-

- (i) umfaki wesicelo;
- (ii) umlingani wakhe; kanye
- (iii) nezingane ezondliwa umfaki wesicelo;

(b) ubufakazi bomuntu onomlingani;

(c) ubufakazi bokwamukelwa komuntu owondlayo esikhungweni sikahulumeni noma sangasese;

(d) ubufakazi bokukhubazeka kwezokwelapha kwesikhashana noma unomphela;

(e) ubufakazi obuhlukile kulokho okudingidwa ezigabeni (a), (b), (c) no-(d) njengoba bungase bugunyazwe yi-Ejensi; futhi

(f) esimweni senhlekelele, uhlu lwemindeni ehlukeyezwe yinhlekelele okuqinisekiswa Umnyango Wesifunda noma Wendawo Osabela Ezinhlekeleleni.

(2) I-Ejensi ingase, ezimweni ezingavamile, njengalapho idokhumenti efunekayo ilahlekile, intshontshiwe noma ishabalalisiwe, ivumele ukuba isicelo sosizo lwezenhlalo kubantu abaxakekile sigwaliswe nganoma yiluphi olunye uhlobo lokuxhumana kubandakanya ngezindlela zobuchwepheshe futhi ezigunyaziwe uma engekho amadokhumenti adingekayo.

Ukunquma imali nesikhathi sosizo lwezenhlalo kubantu abaxakekile

18.(1) Ngokuxhomeke emigomweni yoMthetho, inani losizo lwezenhlalo kubantu

abaxakekile lingase, esimweni-

(a) somuntu ongashadile, lingaledluli inani eliphezulu elikhokhwa njalo ngenyanga ngoxhaso lomuntu omdala;

(b) somuntu onomlingani, lapho bobabili abalingani abahlala ndawonye befaka isicelo, lingaledluli inani eliphezulu elikhokhwa njalo ngenyanga ngoxhaso lomuntu omdala lomuntu ngamunye kubo;

(c) sengane, lingaledluli inani eliphezulu elikhokhwa njalo ngenyanga

ngoxhaso lwaleyo ngane: Kodwa-ke uma kuyisimo sengane elindele inkokhelo yoxhaso lomuntu onakekelwayo olugunyaziwe, inani akumelwe lidlule inani eliphezulu loxhaso lomuntu onakekelwayo olukhokhwa njalo ngenyanga ngaleyo ngane: Kodwa-ke uma futhi kuyisimo somzali wokutholwa olindele inkokhelo yoxhaso lwengane yokutholwa, inani akumelwe lidlule inani eliphezulu loxhaso lwengane yokutholwa olukhokhwa njalo ngenyanga ngaleyo ngane;

(d)senhlekelele libe -

- (i) inkokhelo ekhokhwa kanye kuphela emndenini ngamunye ohlukumezekile engase ingaledluli inani elikhokhwa njalo ngenyanga ngoxhaso lomuntu omdala, emndenini ngamunye ohlukumezekile; noma
- (ii) usizo lobuntu olunqunywe yi-Ejensi oluya kumuntu olahlekelwe yikhaya.
- (iii) naphezu kwemigomo yenqubomgomo engaphansi 18(1)(d), i-Ejensi ingase ihlinzeke ngenkokhelo ekhokhwa kanye kuphela edingidwa ku-18(1)(d)(i) ngaphezu kosizo lobuntu oludingidwa ku-18(1)(d)(ii) kubantu noma imindeni elahlekelwe amakhaya.

(2) Usizo lwezenhlalo kubantu abaxakekile lungase lukhishwe nyanga zonke be issued monthly but may not be paid for a period exceeding three successive months.

(3) Usizo lwezenhlalo kubantu abaxakekile lungase, ekupheleni kwesikhathi esidingidwa kunqubomgomo engaphansi (2), nangesincomo sesisebenzi sesevisi yezenhlalo noma omunye umuntu okhethwe yi-Ejensi, lwelulwe ngesinye isikhathi esingadluli ezinyangeni ezintathu.

(4) Izicelo ezilandelayo zosizo lwezenhlalo kubantu abaxakekile phakathi nonyaka wekhalenda owodwa kusukela ngosuku lokufakwa kwesicelo kumelwe zisekelwe ngombiko ovela kusisebenzi sesevisi yezenhlalo.

(5) I-Ejensi ingase ihlinzeke ngosizo olungelona olwezimali noma uxhaso oluthile kubafaki bezicelo zosizo lwezenhlalo kubantu abaxakekile abafanelekayo.

Usuku lwesicelo sosizo lwezenhlalo kubantu abaxakekie

- 19.** Usuku okuthunyelwe ngalo isicelo sosizo lwezenhlalo kubantu abaxakekile lubhekwa njengosuku okufakwe ngalo isicelo.

ISAPHLUKO 3

UKUNQUMA IZIMFUNKO EZINGOKWEZIMALI

Ukunqunywa kwezimfuneko zezimali zoxhaso lomuntu omdala, uxhaso lokukhubazeka, uxhaso lweqhawe lezempi, uxhaso lwengane, uxhaso lwengane yokutholwa noxhaso lomuntu onakekelwayo

20.(1) Izimfuneko ezingokwezimali ngokwemigomo yazo abafaki bezicelo abalufanelekelayo uxhaso lomuntu omdala, uxhaso lokukhubazeka, uxhaso lweqhawe lezempi, uxhaso lwengane, uxhaso lwengane yokutholwa noxhaso lomuntu onakekelwayo, ngokulandelana kwazo, zibekwe eZithasiselweni A, B, C no-D, ngokulandelana kwazo.

(2) Iholo lomfaki wesicelo nomlingani wakhe kumelwe licatshangelwe kungakhathaliseki ukuthi bashade ngokuhlanganisa amafa noma ngokuwahlukanisa ngaphansi koMthetho Wemishado, 1961 kanye nanoma yimiphi imigomo equkethwe esivumelwaneni sokuhlukanisa amafa.

(3) I-Ejensi kumelwe, uma yanelisekile ngokuthi umlingani womfaki wesicelo umshiye isikhathi esiqhubekayo sezinyanga okungenani ezintathu, futhi umlingani akazimisele ukusekela umfaki wesicelo, inikeze imvume yokuba angacatshangelwa amandla angokwezimali alowo mlingani lapho kunqunywa amandla angokwezimali omfaki wesicelo.

Ukunquma amandla angokwezimali

21.(1) Ngezinjongo zokunquma amandla angokwezimali, ngokuphathelene nosizo lwezenhlalo, ngaphandle koxhaso lokulekelela noxhaso lwengane yokutholwa, iholo lomfaki wesicelo libhekwa njengeholo lonyaka kumfaki wesicelo ongenaye umuntu onomlingani, noma uhhafu weholo lonyaka lomfaki wesicelo nomlingani wakhe, lapho umfaki wesicelo enomuntu owumlingani, futhi ukuthi 'iholo' kusho-

(a) noma iyiphi imali ekhokhelwa umfaki wesicelo noma umlingani wakhe ngokheshi noma ngenye indlela;

(b) noma yimaphi amaphrofithi, izimali ezidonswayo noma ezinye izinzuzo ezivela ebhizinisini noma epulazini lapho umfaki wesicelo noma umlingani wakhe ewumnikazi noma enamalungelo endawo kulo;

(c) noma iyiphi inkokhelo umfaki wesicelo noma umlingani wakhe ayitholayo

kwi-trust noma efeni noma njengomqashwa;

(d) noma iyiphi inkokhelo umfaki wesicelo noma umlingani wakhe ayitholayo

emalungelweni empahla;

(e) noma iyiphi impesheni noma imali ekhokhwa nyanga zonke kumfaki wesicelo noma umkakhe ngokwemigomo yesikhwama sezimpesheni noma ze-provident noma zomhlalaphansi esamiswa ngokwemigomo yanoma yimuphi uMthetho, kodwa kungahlanganisi izinzuzo ezitholakala ngokwemigomo yoMthetho;

(f) noma iyiphi irenti ekhokhelwa umfaki wesicelo noma umkakhe ngokuhlinzeka ngendawo yokuhlala;

(g) noma yimaphi amaphrofithi, izimali ezidonswayo noma ezinye izinzuzo ezitholakala emisebenzini yezolimo lapho ipulazi liqashwe umfaki wesicelo noma umlingani wakhe;

(h) noma iyiphi imali yesondlo etholakala kumuntu onesibopho esingokomthetho sokukhokha leyomali yesondlo;

(i) noma yiliphi elinye iholo, elingashiwongo kulezi Zinqubomgomo kubandakanya inzalo nezabelo, ezivela ezimpahleni zomfaki wesicelo noma zomingani; futhi

(j) noma yiliphi iholo noma ukusekela okungokwezimali okuvela enhlanganweni yaseNingizimu Afrika noma yamazwe ngamazwe, kungahlanganisi usizo lwezenhlalo.

(2)(a) Imigomo yenqubomgomo engaphansi (1)(a), (b) no-(c) isebenza ngezinguquko ezidingekayo uma umfaki wesicelo noma umlingani wakhe enikele noma ehlukane nehoho ukuze athole uxhaso lwezenhlalo.

(b) Naphezu kwemigomo yesigaba (a) iholo elidingidwa esigabeni (a) akumelwe licatshangelwe ngemva kokuba sekudlule iminyaka emihlanu kusukela ngosuku lokunikela ngehoho noma lokuhlukana nalo.

(3) Ngokuphathelene nomfaki wesicelo nomlingani wakhe, esimweni soxhaso

lomuntu omdala, uxhaso lokukhubazeka noxhaso lweqhawe lezempi, kumelwe kucatshangelwe okulandelayo:

(a) Inani likamasipala lanoma iyiphi indawo umfaki wesicelo nomlingani

wakhe abanayo, kodwa abangahlali kuyo: Kodwa-ke noma iyiphi imali ekweletwayo kumelwe idonswe;

(b) indawo okungeyomfaki wesicelo noma umlingani wakhe, noma indawo eqashiwe;

(c) izimali ezongiwe, amabhondi noma izimalimboleko kanye nanoma yiziphi

ezinye izikweletu ezingakakhokhelwa umfaki wesicelo noma umlingani wakhe;

(d) amasheya, isamba samasheya noma inzalo yezimpahla zenkampani noma enye inhlango;

(e) amapholisi okonga ngemva kosuku lokuvuthwa kwawo kanye nokheshi osesandleni noma okunoma iyiphi i-akhawunti esesikhungweni sezimali;

(f) noma yimaphi amalungelo empahla omfaki wesicelo noma umlingani wakhe; futhi

(g) noma iyiphi imali eyisamba eyongiwe umfaki wesicelo noma umlingani wakhe enkampanini noma esikhungweni sezimali ngenhloso yokuthola imali yanyanga zonke.

(4) Naphezu kwenqubomgomo engaphansi (3) inani lendawo okungeyomfaki

wesicelo nomlingani wakhe futhi abahlalayo kuyo akumelwe icatshangelwe lapho kubhekwa izimpahla zomfaki wesicelo nomlingani wakhe, esimweni soxhaso lomuntu omdala, uxhaso lokukhubazeka noxhaso lweqhawe lezempi.

(5) I-Ejensi kumelwe, uma inombono wokuthi umfaki wesicelo noma umlingani wakhe uzenze yena waba mpofu noma uhlukane nezimpahla ukuze athole uxhaso lwezenhlalo, icabangele lezo zimpahla, ezingase zibandakanye noma iyiphi indawo noma impahla enikelwe, edlulisiwe noma ethengiswe ngaphansi kwenani lemakethe ngumfaki wesicelo noma umlingani wakhe kumuntu oxhumene naye: Kodwa-ke uma lokho kuzenza mpofu noma kuhlukana nezimpahla kungeke kucatshangelwe ngemva kokuba sekudlule iminyaka emihlanu kusukela ngosuku lwalokho kuzenza mpofu noma kwahlukana nezimpahla.

Izimali ezivumelekile ukubanjwa lapho kubalwa iholo lomfaki wesicelo

22. Lapho kunqunywa iholo lomfaki wesicelo nomlingani wakhe esimweni soxhaso lwezenhlalo, i-Ejensi kumelwe, lapho kuthunyelwa ubufakazi obubhaliwe obamukelekayo, ivumele ukudonswa noma ukukhokhwa kokulandelayo:

(a) Izimali zamanje ezikhokhwa umqashwa esikhwameni sempesheni, se

provident noma somhlalaphansi esamisa ngokwemigomo yoMthetho, noma lapho zingekho izimali ezikhokhwayo, ezinye ezikhokhwayo ezingadluli kumaphesenti angu-22 ehlo lomfaki wesicelo;

(b) izimali zamanje ezidonswayo ngokuphathelene nentela yomqashwa noma intela yeholo evamile;

(c) izimali zamanje zobulungu ezikhokhwa kumshwalensi wempilo ogunyaziwe eRiphabhuliki, omiswe ngokoMthetho Wemishwalensi Yempilo 1998 (uMthetho 131 ka-1998), ezikhokhwa ngehlo elivela kumasevisi ahlinzekiwe noma ngehlo elivela kunoma yimuphi omunye umthomo; futhi

(d) izimali ezikhokhelwa isikhwama somshwalensi wokungasebenzi ezikhokhwa ngehlo elivela kumasevisi ahlinzekiwe.

ISAPHLUKO 4 INKOKHELO YOSIZO LWEZENHLALO

Indlela yokukhokhela usizo lwezenhlalo

23.(1) I-Ejensi izokhokha uxhaso lwezenhlalo-

(a) kwi-akhawunti yasebhangwe yomuntu ozuzayo noma yesikhungo lapho ozuzayo ahlala khona: uma nje-

(i) ozuzayo kulolo xhaso lwezenhlalo eyivumile leyo nkokhelo ngokuxhumana ngezobuchwepheshe noma nganoma iyiphi enye indlela yokuxhumana futhi ethumele leyo mvume kwi-Ejensi;

(ii) lapho ozuzayo engenakukwazi ukuthumela imvume edingidwa esigabeni esingaphansi (i) kumelwe kwenziwe amalungiselelo ahlukile ne-Ejensi; noma

(b) ngendlela yokukhokhela enqunywe yi-Ejensi.

(2) Usizo lwezenhlalo kumelwe lukhokhwe njalo ngenyanga yi-Ejensi, noma umuntu okhethwe yi-Ejensi ngaleyo njongo ngokwemigomo yesigaba 4 soMthetho we-SASSA.

(3) Ngokuxhomeke emigomweni yenqubomgomo engaphansi (2) lapho ozuzayo engenakukwazi ukulwamukela ngokwakhe usizo lwezenhlalo ngenxa yokugula noma ukukhubazeka kwesikhashana ozuzayo angase afake isicelo futhi agcwalise ifomu lesicelo sokugunyaza ukuba uxhaso lukhokhwe kumuntu ogunyazwe nguye isikhathi esingadluli ezinyangeni ezintathu ezilandelanayo.

- (4) Indlela yokukhokha edingidwa kunqubomgomo engaphansi (1)(b) ngeke

ivumele ukuba kudonswe izimali, ngaphandle kwalezo ezivunyelwe ngokwemigomo yoMthetho.

Inkokhelo yoxhaso lwezenhlalo oluncishisiwe kumuntu onakekelwa ezikhungweni ezithile

24.(1) Uma ozuzayo oxhasweni lomuntu omdala, uxhaso lokukhubazeka noma uxhaso lweqhawe lezempi engeniswa esikhungweni esixhaswa uHulumeni ukuba sinakekele futhi sondle lowo ozuzayo, lolo xhaso lwezenhlalo kumelwe luncishisiwe lulingane nenani elingamaphesenti angu-25 le mali ephezulu yoxhaso lwezenhlalo kusukela ngosuku lokuqala lwenyanga yesine ngemva kwenyanga yokungeniswa kozuzayo kuleso sikhungo.

(2) Uxhaso lwezenhlalo oluncishisiwe ngokwenqubomgomo engaphansi (1) kumelwe lubuyiselwe ngokushesha kusukela ngosuku lokukhishwa kozuzayo esikhungweni esidingidwa kunqubomgomo engaphansi.

Ukushintshwa koxhaso lwezenhlalo

25.(1) Uxhaso lwezenhlalo olukhokhelwa umuntu okhubazekile kumelwe lushintshwe lube uxhaso lomuntu omdala ngokushesha nje lapho lowomuntu efanelekela uxhaso lomuntu omdala.

(2) Uma umuntu amukela uxhaso lomuntu omdala noma uxhaso lokukhubazeka uyalufanelekela uxhaso lweqhawe lezempi, umuntu angase acele ukuthi uxhaso lomuntu omdala noma uxhaso lokukhubazeka, kuye ngokuthi yikuphi, lushintshwe lube uxhaso lweqhawe lezempi kuxhomeke emibandeleni elandelayo:

- (a) Isicelo kumelwe sihambisane namadokhumenti adingekayo; futhi
- (b) usuku lokushintsha alunakuba ngaphambi kosuku lwesicelo.

Ukukhethwa kommeleli ongokomthetho

26.(1)(a) Lapho umuntu ofaka isicelo sokwamukela usizo lwezenhlalo engenakukwazi ukuzifakela isicelo noma ukuzamukelela usizo lwezenhlalo noma uma kuzombangela ubunzima obungafanele umuntu ukufaka isicelo noma ukwamukela usizo lwezenhlalo bukhoma, umuntu angase akhethwe, ngencwadi egunyazayo, ummeleli ongokomthetho ukuba afake isicelo noma amukele usizo lwezenhlalo egameni lakhe.

(b) Lapho umuntu ofaka isicelo sokwamukela usizo lwezenhlalo engenakukwazi ukukhetha umuntu ozofofaka isicelo noma ozokwamukela usizo lwezenhlalo egameni lakhe, i-Ejensi ingase iqoke umuntu ukuba afake isicelo noma amukele usizo lwezenhlalo egameni lomuntu ongenakukwazi ukukwenza lokho.

(2) Ummeleli ongokomthetho odingidwa kunqubomgomo engaphansi (1) angase angalwamukeli usizo lwezenhlalo egameni labazuzayo abangaphezu kwabayisihlanu.

(3) ozuzayo angase akhethe umuntu abe ummeleli ongokomthetho, kuphela uma-

(a) lowo muntu enomazisi;

(b) lowo muntu engengaphansi kweminyaka engu-18 ubudala;

(c) lowo muntu engumhlali waseRiphabhuliki;

(d) lowo muntu engawile ngokwezimali ngokusemthethweni;

(e) lowo muntu ezimisele ukukhethwa njengommeleli ongokomthetho

wozuzayo; futhi

(f) umfaki wesicelo noma ozuzayo engmkweleti ummeleli ongokomthetho.

(4) Lapho ozuzayo ekhetha ummeleli ongokomthetho, ngokwemigomo yesigaba 15(1) soMthetho, lowo mmeleli ongokomthetho kumelwe ahlinzeke ngobufakazi bokuthi ungubani, isitifiketi sokuphila ngokuphathelene nozuzayo kanye ne-afidavithi ethi usizo lwezenhlalo luzodluliselwa kozuzayo.

(5) Noma nini lapho ozuzayo eyeka amasevisi ommeleli ongokomthetho amkhethe ngokwemigomo yesigaba 15(1) soMthetho, ozuzayo kumelwe-

(a) azise i-Ejensi ngokukubhala phansi lokho kuyeka kanye nosuku okuzoqala

ngalo; noma

(b) lapho ozuzayo engakwazi ukuzifundela nokubhala, i-Ejensi ingase ithole isitatimende esifungelwe kulowo ozuzayo.

(6) Ummeleli ongokomthetho onesigunyazo esiyekiswayo noma esiyekisiwe kumelwe, lapho ezwa noma esazi ngokuyekiswa noma ngenhloso yozuzayo yokuyekisa isigunyazo-

(a) unikeza ngokushesha isaziso esibhaliwe salokho kuyekiswa kwi-Ejensi; futhi

(b) akwenze phakathi nezinsuku ezingu-10 zalokho kuyekiswa, adlulisele kozuzayo noma iyiphi imali yozuzayo esagcinwe ummeleli ongokomthetho.

**Imibandela yokukhethwa kwenhlangano noma komuntu wezenhlalakahle
yi-Ejensi**

27. Noma nini lapho i-Ejensi ibhekisisa ukuqokwa kwenhlangano yezenhlalakahle noma komuntu omdala ngokwemigomo yesigaba 15(3) soMthetho, i-Ejensi kumelwe iqiniseke ukuthi leyo nhlangano noma lowo muntu-

(a) uma kuyinhlangano, ngaphambi kwalokho kukhethwa, ibhalisiwe njengenhlangano yezenhlalakahle;

(b) inawo amandla angokwezimali nawokuphatha ukuba isebenze njengoba kudingidwa esigabeni 15(3) soMthetho;

(c) ingeke idinge ukuba umuntu eqokelwe yena, akhokhe izimali, izindleko ezithile, izindleko zebhange noma zokuphatha noma anikele nganoma yiluphi uhlobo kuleyo nhlangano yezenhlalakahle;

(d) abe ne-akhawunti esikhungweni sezimali okuzokhokhwa kuso usizo lwezenhlalo; futhi

(e) enze ngokwezinzuzo ezinhle kakhulu zomfaki wesicelo noma ozuzayo.

**Ukukhethwa komuntu ukuba athole futhi aphanthe uxhaso lwezenhlalo uma
uxhaso lwezenhlalo luxhashazwa**

28.(1) Noma nini lapho i-Ejensi ikhetha umuntu ukuba amukele uxhaso lwezenhlalo egameni lozuzayo nokwesigaba 19(2) soMthetho, kumelwe iqiniseke ukuthi umuntu wenza ngokwenzuzo enhle kakhulu yomfaki wesicelo noma yozuzayo.

(2) Noma nini lapho i-Ejensi ikhetha umuntu odingidwa kunqubomgomo engaphansi (1), imigomo yenqubomgomo 26(2) isebenza ngezinguquko ezidingekayo.

(3) Lapho kukhethwa umuntu odingidwa kunqubomgomo engaphansi (1), lowo muntu okhethiwe kumelwe ahlinzeke i-Ejensi ngobufakazi bokuthi ungubani, isitifiketi sokuphila ngokuphathelene nozuzayo kanye ne-afidavithi ethi uxhaso lwezenhlalo luzosetshenziswa ngokwenzuzo enhle kakhulu yozuzayo.

(4) I-Ejensi ngokwayo noma ngokucelwa yinoma imuphi umuntu ingase iphenye ukuziphatha komuntu okhethiwe ngokwemigomo yesigaba 19(2) soMthetho.

(5) I-Ejensi kumelwe iyekise ukukhethwa okudingidwa kunqubomgomo engaphansi (1) uma umuntu engenzi ngokwezinzuzo ezinhle kakhulu zozuzayo.

(6) I-Ejensi kumelwe yazise umuntu ngokuyekiswa okudingidwa

kunqubomgomo engaphansi (5) futhi ihlinzeke lowo muntu ngezizathu zalokho kuyekiswa ngokuzibhala phansi.

(7) Umuntu okukhethwa kwakhe kuyekisiwe ngokwenqubomgomo engaphansi (5) kumelwe phakathi nezinsuku ezingu-10 zalokho kuyekiswa, adlulisele kozuzayo noma iyiphi imali yozuzayo esagcinwe nguye.

Izimo lapho imali ingase ibanjwe ngokuqondile oxhasweni lwezenhlalo

29.(1) I-Ejensi ingase ivumele imali edonswayo eyodwa kuphela ngenyanga engadluli amaphesenti angu-10 enani loxhaso lwezenhlalo lozuzayo yomshwalensi womngcwabo okhishwa yinkampani yomshwalensi ebhaliswe ngaphansi koMthetho Wemishwalensi Yokuphila, 1998 (Act No. 52 ka-1998) ukuba idonswe ngokuqondile oxhasweni lwezenhlalo lapho-

(a) ozuzayo oxhasweni lwezenhlalo ekuvumela lokho kudonswa kwemali ngokuxhumana ngezobuchwepheshe noma nganoma yiziphi ezinye izindlela zokuxhumana futhi esethumele leyo mvume ngokuxhumana ngezobuchwepheshe noma nganoma yiziphi ezinye izindlela zokuxhumana kwi-Ejensi;

(b) ozuzayo engenakukwazi ukuthumela imvume edingidwa esigabeni (a) bukhoma, kumelwe kwenziwe amalungiselelo ahlukile ne-Ejensi.

(2) Naphezu kwenqubomgomo engaphansi (1) akukho ukudonswa kwemali okungenziwa-

(a) oxhasweni lwengane yokutholwa;

(b) oxhasweni lomuntu onakekelwayo;

(c) oxhasweni lwengane; kanye

(d) nasoxhasweni lwezenhlalo oluvunyelwe isikhathi esingadluli ezinyangeni ezingu-12.

ISAHLUKO 5

ISIBUYEKEZO SOSIZO LWEZENHLALO

Amandla e-Ejensi okumisa, okunyusa noma okunciphisa usizo lwezenhlalo olubuyezwayo

30.(1) I-Ejensi kumelwe, phakathi nezinsuku ezingu-30 zosuku okuzobuyezwayo ngalo usizo lwezenhlalo, yazise ozuzayo, umnakekeli oyinhloko, umnakekeli noma umzali wokutholwa ngokuxhumana ngezobuchwepheshe noma nganoma yiziphi ezinye izindlela zokuxhumana ngosuku lwaleso sibuyezwayo.

- (2) I-Ejensi kumelwe ibuyekeze usizo lwezenhlalo-
- (a) noma nini lapho inesizathu sokukholelwa ukuthi kungenzeka ukuthi kwenzeke izinguquko ezimweni zozuzayo ezingokwezimali;
 - (b) lapho ukusebenza kukamazisi wozuzayo kuphelelwa yisikhathi, uma ozuzayo engumbaleki;
 - (c) esimweni soxhaso lwengane yokutholwa, lapho umyalelo wenkantolo uphelelwa yisikhathi; noma
 - (d) esimweni soxhaso lomuntu onakekelwayo, lapho kunenkolelo enengqondo yokuthi ukukhubazeka ngokomzimba noma ngengqondo kwengane akusekhona okwanomphela.
- (3) Esimweni sesibuyekezo esidingidwa kunqubomgomo engaphansi (2)(d) Ejensi ingase icele ukuba umzali, umnakekeli oyinhloko, noma umzali wokutholwa ukuba alethe ingane ukuba isikhulu sezokwelapha siphinde siyihlaziye ukukhubazeka kwayo ngokomzimba noma ngengqondo.
- (4) Lapho kufika umbiko ovela esikhulwini sezokwelapha esidingidwa kunqubomgomo engaphansi (3) othi ukukhubazeka kwengane ngokomzimba noma ngengqondo akusekhona okwanomphela noma sekushintshile, i-Ejensi ingase imise noma ikhansela uxhaso lomuntu onakekelwayo ngokuphathelene naleyo ngane.
- (5) I-Ejensi kumelwe, ngokuxhumana ngezobuchwepheshe noma nganoma yiziphi ezinye izindlela zokuxhumana, icele ozuzayo ukuba athumele isitifiketi sokuphila njalo ngonyaka ukuze afakazele ukuthi usaphila.
- (6) Uma ozuzayo ehluleka ukuhlinzeka ngemininingwane eceliwe noma ngamadokhumenti adingidwa esigabeni 4(1)(b) soMthetho we-SASSA, i-Ejensi ingase phakathi nezinsuku ezingu-30 zokwazisa ozuzayo ngalokho ngokuxhumana ngezobuchwepheshe noma nganoma yiziphi ezinye izindlela zokuxhumana, imise inkokhelo yosizo lwezenhlalo, kuleso simo ozuzayo kumelwe, ngokugcwalisa amadokhumenti afanele, afake isicelo phakathi nezinsuku ezingu-30 zaphakathi neviki sokumiswa kokubuyiselwa kwalolo xhaso lwezenhlalo.
- (7) Uma kwenziwa isicelo sokubuyiselwa kosizo lwezenhlalo okudingidwa kunqubomgomo engaphansi (4), i-Ejensi ingase ibuyisele usizo lwezenhlalo kusukela ngosuku olwamiswa ngalo.
- (8) Uma ozuzayo efaka isicelo sokuba kunyuswe usizo lwezenhlalo futhi i-Ejensi yanelisekile ngokuthi kufanele sinyuswe, usizo lwezenhlalo kumelwe lunyuswe kusukela ngosuku lokufakwa kwesicelo salokho kunyuswa.

(9)(a) Lapho ozuzayo azisa i-Ejensi ngoshintsho ezimweni ezingokwezimali futhi

usizo lwezenhlalo kumelwe luncishiswe ngenxa yoshintsho, ukuncishiswa kuzoqala ngosuku lokuqala lwenyanga elandela ushintsho lwezimo zozuzayo ezingokwezimali.

(b) Ozuzayo kumelwe aziswe ngokuxhumana ngezobuchwepheshe noma nganoma yiziphi ezinye izindlela zokuxhumana ngokuncishiswa, ngezizathu zako nangesikhathi esiyizinsuku ezingu-30 zokufaka isicelo sokubuyekeza isinqumo sokunciphisa usizo lwakhe lwezenhlalo.

(10)(a) Lapho kunobufakazi bokuthi sekube nezinguquko ezimweni zezokwelapha nezingokwezimali zomuntu okhubazeke unomphela noma kungenzeka zibe khona, isibuyekezo soxhaso lwezenhlalo singase senziwe ngokuvumelana nesigaba (b).

(b) I-Ejensi, ingase, noma nini kusukela ngosuku lokufaka isicelo soxhaso lokukhubazeka, icele ozuzayo ukuba enze isihlaziyo ngokwenqubomgomo 4(b).

Ukuphelelwa yisikhathi koxhaso lwezenhlalo

31.(1) Uxhaso lomuntu omdala, uxhaso lokukhubazeka noxhaso lweqhawe lezempi luphelelwa yisikhathi-

(a) ngosuku lokugcina lwenyanga ozuzayo afa ngayo;

(b) lapho ozuzayo engeniswa esikhungweni edingidwa kunqubomgomo 2(d);

(c) ezinyangeni eziyisithupha ngemva kosuku ozuzayo angeniswe ngalo okwesikhashana esibhedlela sabagula ngengqondo ukuze aqashelwe noma elashwe futhi lowo ozuzayo eqhubeka ehlala lapho;

(d) lapho isikhathi sokukhubazeka kwesikhashana sesiphelile esimweni soxhaso lokukhubazeka lwesikhashana; noma

(e) uma umbaleki eyeka ukuba umbaleki.

(2) Uxhaso lwengane luphelelwa yisikhathi ngosuku lokugcina lwenyanga-

(a) ingane ekhokhelwa uxhaso lwengane, efa ngayo;

(b) ingane ekhokhelwa uxhaso lwengane, iba neminyaka engu-18 ubudala;

(c) ingane ingasekho ngaphansi komnakekeli oyinhloko; noma

(d) uma umnakekeli oyinhloko, ngokuphathelene naleyo ngane, eyeka ukuba

umbaleki.

(3) Uxhaso lwengane yokutholwa luphelelwa yisikhathi-

(a) ngosuku lokugcina lwenyanga ingane yokutholwa efa ngayo;

(b) ngosuku lokugcina lwenyanga umzali wokugcina wokutholwa afa ngayo noma eyeka ngayo ukuba umbaleki;

(c) ngosuku lokugcina lwenyanga ingane yokutholwa efa ngayo, ngokoMthetho Wezingane, ingasekho ekunakekeleni komzali wokutholwa noma kwesikimu isikimu esinakekela izingane zokutholwa; noma

(d) ekupheleni konyaka wekhalenda ingane yokutholwa eba ngayo neminyaka engu-18 ubudala.

(4) Naphezu kwemigomo yenqubomgomo engaphansi (3)(b), (c) no-(d) i-Ejensi ingase iqhubeke ikhokhela uxhaso lwengane yokutholwa-

(a) ngokuphathelene nengane yokutholwa engaphansi kweminyaka engu-18

ubudala kumnakekeli ohlukile noma enhlanganweni ekhethiwe evikela izingane ngesincomo sesisebenzi sesevisi yezenhlalo isikhathi esifushane esingadluli izinyanga ezingu-6 kusalindwe ozothatha indawo; noma

(b) ngokuphathelene nengane yokutholwa esineminyaka engu-18 ubudala, kuxhomeke ekutheni inhloko yesifunda yokuthuthukiswa kwezenhlalo ivumela lowo muntu ukuba ahlale ekunakekelweni umnakekeli wamanje ohlukile ukuze lowo muntu aqedele imfundo yakhe noma ukuqeqeshwa.

(5) Ngokuxhomeke emigomweni yenqubomgomo engaphansi (4)(b) uxhaso lwengane yokutholwa ingase ikhokhwe kuze kuphele unyaka wekhalenda omuntu oba ngayo neminyaka engu-21 inqobo nje uma isinqumo senhloko yesifunda yokuthuthukiswa kwezenhlalo sokuthi umuntu ahlale ekunakekelweni umnakekeli wamanje ohlukile sithunyelwa kwi-Ejensi njalo ngonyaka.

(6)(a) Uxhaso lomuntu onakekelwayo luphelelwa yisikhathi-

(i) ngosuku lokugcina lwenyanga ingane engakwazi ukuzinakekela efa

ngayo;

(ii) ngosuku lokugcina lwenyanga ingane engakwazi ukuzinakekela eba ngayo neminyaka engu-18 ubudala futhi ifanelekela uxhaso lokukhubazeka; noma

(iii) ngosuku lokuqala lwenyanga yesikhombisa ngemva kosuku ingane engakwazi ukuzinakekela engeniswa ngalo esikhungweni esixhaswa uHulumeni njengoba kudingidwa esigabeni 7(b) soMthetho.

(iv) uma umzali, umnakekeli oyinhloko noma umzali wokutholwa eyeka ukuba umbaleki.

(b) I-Ejensi ingase, ngesincomo sesikhulu sezokwelapha noma isisebenzi sesevisi yezenhlalo, igunyaze ukuba kuqhubeke ukukhokhwa koxhaso lokunakekelwa komunye umuntu ongeyena ozuzayo okwesikhashana esingadluli ezinyangeni ezingu-12, kusalindwe ukutholakala kozonakekela ingane engakwazi ukuzinakekela.

Inqubo okumelwe ilandelwe yokumisa noma ukukhansela usizo lwezenhlalo

32.(1) I-Ejensi ingase imise noma ikhansela usizo lwezenhlalo uma usizo lwezenhlalo-

(a) lwalutholakale ngokukhwabanisa noma ngokuqamba amanga komuntu odingidwa esigabeni 21 soMthetho; noma

(b) sigunyazwe noma sivunywe ngephutha.

(2) Ngaphandle kwezimo ezidingidwa kunqubomgomo engaphansi 1(a) i-Ejensi kumelwe ngaphambi kokumisa noma kokukhansela usizo lwezenhlalo inikeze ozuzayo isaziso sezinsuku ezingu-30, ngendlela yokuxhumana ekhethwe ozuzayo noma ngokuxhumana ngezobuchwepheshe noma nganoma yiziphi ezinye izindlela zokuxhumana ngenhloso yayo yokumisa noma yokukhansela usizo lwezenhlalo, futhi ihlinzeke ozuzayo ngemininingwane ephathelene –

(a) nosuku lokuqala kokumisa noma ukukhansela okuhlosiwe;

(b) nezizathu zokumisa noma zokukhansela okuhlosiwe;

(c) nelungelo lokuzikhulumela elidingidwa kunqubomgomo engaphansi (5); kanye

(d) nenqubo yokufaka isikhalo sokubuyezwa kwesinqumo ngesinqumo se Ejensi uma ukuzikhulumela okudingidwa kunqubomgomo engaphansi (5) kungaphumeleli.

(3) Isaziso sokumiswa noma sokukhanselwa kosizo lwezenhlalo okudingidwa kunqubomgomo engaphansi (2) kumelwe sithunyelwe kozuzayo noma kummeleli ongokomthetho ngokuxhumana ngezobuchwepheshe noma nganoma yiziphi ezinye izindlela zokuxhumana.

(4) I-Ejensi kumelwe, ngaphambi kokumisa noma kokukhansela noma yiluphi

usizo lwezenhlalo, iphenye, ithole futhi iqinisekise wonke amaqiniso nezimo ezimayeana nosizo lwezenhlalo.

(5) I-Ejensi kumelwe inikeze ozuzayo ithuba lokubonisa ukuthi kungani usizo

lwezenhlalo kungamelwe lumiswe noma lukhanselwe ngokuba-

(a) icele ozuzayo ukuba avele bukhoma phambi kwe-Ejensi noma komuntu okhethwe yi-Ejensi;

(b) icele ozuzayo ukuba athumele noma yimiphi imibiko noma izitifiketi eziyalelwe yi-Ejensi; futhi

(c) iqinisekise ukuthi ozuzayo uthola usizo oludingekayo ukuze azikhulumele

kwi-Ejensi kubandakanya, kodwa kungalinganiselwe, ukudlulisela ozuzayo kunoma iyiphi inhlango noma isikhungo esingase sisize ozuzayo azikhulumele.

ISAHLUKO 6

IMIBANDELA EKHETHEKILE YOKUQHUBEKA NOKUKHOKHWA KOSIZO LWEZENHLALO

Imininingwane okumelwe ilethwe yisikhungo sezimali se-Ejensi

33. Isikhungo sezimali kumelwe, ngesicelo se-Ejensi, sinikeze i-Ejensi imininingwane elandelayo:

(a) Izimali ezongiwe, amabhondi noma izimalimboleko kanye nanoma yiziphi

ezinye izikweletu ezingakakhokhelwa umfaki wesicelo noma umlingani wakhe;

(b) noma iyiphi inzalo yamasheya, isamba samasheya noma izimpahla zenkampani noma esinye isikhungo;

(c) amapholisi okonga ngemva kosuku lokuvuthwa kwawo kanye nokheshi osesandleni noma okunoma iyiphi i-akhawunti esesikhungweni sezimali;

(d) noma yimaphi amalungelo empahla omfaki wesicelo noma umlingani wakhe; futhi

(e) noma iyiphi imali eyisamba eyongiwe umfaki wesicelo noma umlingani wakhe enkampanini noma esikhungweni sezimali ngenhloso yokuthola imali yanyanga zonke.

Inkokhelo yosizo lwezenhlalo kozuzayo ongekho eRiphabhuliki

34.(1) I-Ejensi ingase iqhubeke ikhokhela ozuzayo ongekho eRiphabhuliki usizo

lwezenhlalo isikhathi esingadluli ezinsukwini ezingu-90 ngaphansi kwezimo eziandelayo:

(a) Lapho ozuzayo ongekho eRiphabhuliki ngezinjongo zokuthola ukwelashwa;

(b) lapho ozuzayo ongekho eRiphabhuliki futhi udokotela eqinisekise ukuthi

akakulungele ukubuyela eRiphabhuliki; noma

(c) lapho i-Ejensi yanelisekile ngokuthi, ngezizathu ozuzayo angenakuzilawula, ngeke akwazi ukubuyela eRiphabhuliki: Uma nje i-Ejensi ingeke yamukele njengesizathu ukuboshwa okusemthethweni nokuvalelwa kozuzayo ngaphandle kweRiphabhuliki.

(2) I-Ejensi ingase idinge noma yimuphi umuntu ongekho eRiphabhuliki njengoba kudingidwa kunqubomgomo engaphansi (1) futho oqhubeka ethola usizo lwezenhlalo ukuba-

(a) abike kaningi kangangalokho okunganqunywa yi-Ejensi, kwimishini yaseNingizimu Afrika noma ehhovisi elikhethwe yi-Ejensi ngenjongo yokuba aziwe ukuthi ungubani; noma

(b) anikeze noma yiziphi izitifiketi zemfundo ezingase zinqunywe yi-Ejensi ngezinjongo zokuqinisekisa noma yimiphi imininingwane ephathelene nozuzayo.

ISAHLUKO 7

IMITHETHO NENQUBO EVAMILE ESEBENZAYO EMAHHOVISI E-EJENSI NASEZINDAWENI OKUKHOKHWA KUZO

Ukuvinjelwa kwabahlinzeki bezikweletu nabanye abantu ukuba baqhube futhi bathengise ngamasevisi okunikeza izikweletu ezindaweni zamahhovisi e-Ejensi nasezindaweni okukhokhwa kuzo

35.(1) Ngokuxhomeke emigomweni yesigaba 20(1) no-(2) soMthetho-

(a) umuntu akumelwe athengise noma anikeze noma yiluphi uhlobo lwesikweletu, kungakhathaliseki ukuthi lowo muntu ubhalisiwe njengomhlinzeki wezikweletu noma cha, emahhovisi e-Ejensi noma endaweni okukhokhwa kuyo

ngezinjongo zokuheha noma ukunxenxa ozuzayo ukuba angene kunoma yiluphi uhlobo lwesikweletu noma lokunikeza isikweletu, umshwalensi womngcwabo noma umshwalensi wokuphila;

(b) ikhadi akumelwe linikezwe omunye umuntu, kubanjiswe ngalo noma ligcinwe ukuze kukhokhwe imalimboleko, kukhokhwe isikweletu noma kukhokhwe imali yomngcwabo noma yomshwalensi.

Ukuvinjelwa kwabahlinzeki bezikweletu nabanye abantu ukuba benze izivumelwano zezikweletu ezindaweni zamahhovisi e-Ejensi nasezindaweni okukhokhwa kuzo

36. Ngokuxhomeke emigomweni yesigaba 20(1) no-(2) soMthetho womhlinzeki wezikweletu, i-ejenti yezikweletu kanye nanoma yimuphi umuntu akumelwe-

(a) angene kunoma yiliphi ihhovisi le-Ejensi noma kunoma yiziphi izindawo okukhokhwa kuzo, isakhiwo noma indawo nganoma yiluphi usuku noma nganoma yisiphi isikhathi phakathi nokukhokhwa kosizo lwezenhlalo ngezinjongo zokukhuluma noma ukucela ukukhuluma nganoma yiluphi uhlobo lwesikweletu noma ukwenza isivumelwano noma inkontileka yesikweletu noma ukuqoqa kunoma yiba abazuzayo abanjalo noma iyiphi imali abayikweletayo ngokwesivumelwano noma inkontileka yesikweletu eyenziwe ngomlomo noma ebhaliwe;

(b) aphelezele ozuzayo noma ummeleli ongokomthetho kunoma yiliphi ihhovisi le-Ejensi noma indawo okukhokhwa kuyo nganoma yiluphi usuku noma nganoma yisiphi isikhathi ozuzayo noma ummeleli ongokomthetho azokwamukela ngaso inkokhelo yosizo lwezenhlalo ngezinjongo zokukhuluma nganoma yiluphi uhlobo lwesikweletu, ukwenza isivumelwano sesikweletu, umshwalensi womngcwabo, umshwalensi wokuphila noma ukuqoqa imali ozuzayo ayikweleta lowo muntu ngokwanoma yiluphi uhlobo lwesivumelwano sesikweletu; noma

(c) abe phakathi namamitha angu-100 anoma iyiphi indawo okukhokhwa kuyo ngezinjongo zokukhuluma noma ukucela ukukhuluma nganoma yiluphi uhlobo lwesikweletu, ukwenza isivumelwano sesikweletu, umshwalensi womngcwabo, umshwalensi wokuphila noma ukuqoqa imali ozuzayo ayikweleta lowo muntu ngokwanoma yiluphi uhlobo lwesivumelwano sesikweletu.

Ukuvunyelwa komuntu ophelezela ozuzayo endaweni okukhokhwa kuyo

37.(1) I-Ejensi ingase inikeze imvume enhlanganweni engenzi nzuzo, enhlanganweni okungeyona ekahulumeni noma enhlanganweni engokwenkolo, elungwini labasebenzi, kumuntu osebenza egameni lanoma iyiphi inhlango enjalo noma isisebenzi sesevisi yomphakathi ukuba abe khona phakathi nokukhokhwa kosizo lwezenhlalo endaweni okukhokhwa kuyo.

(2) I-Ejensi ingase inikeze imvume enhlanganweni noma kumuntu ogunyazwe yi-Ejensi ukuba ahlinzeke nganoma iyiphi isevisi kozuzayo ukuze anethezeke noma aphile kahle.

(3) Inhlango noma umuntu odingidwa kunqubomgomo engaphansi (2) akumelwe acele ozuzayo ukuba-

(a) anikele ngemali noma nganoma yini kuleyo nhlangano noma umuntu njengembuyiselo nganoma iyiphi isevisi enjalo ayinikeze endaweni okukhokhwa kuyo;

(b) enze noma yini noma aziphathe nganoma iyiphi enye indlela engahambisani noMthetho, noma yisiphi isiqondiso noma inqubo esebenza endaweni okukhokhwa kuyo ekhokhela leyo sevisi;

(c) athembise ukusekela imisebenzi yanoma iyiphi inhlango enjalo noma umuntu.

ISAHLUKO 8**IMIBANDELA EVAMILE****Isicelo sezinzuzo ezingalandwanga**

38. Usizo lwezenhlalo lukhokhwa kuze kube usuku lokugcina lwenyanga ozuzayo noma ingane efa ngalo, futhi izinzuzo ezingalandiwe kumelwe zikhokhwe yi-Ejensi kozuzayo noma esihlotsheni esiseduze sengane: Uma nje isicelo saleyo nkokhelo senziwa phakathi nezinyanga eziyisithupha ngemva kokufa kozuzayo noma kwengane.

Izinhlawulo

39. Umuntu ophula noma yimuphi umgomo walezi zinqubomgomo zoMthetho

Wosizo Lwezenhlalo, 2004 uzoba necala lokwephula umthetho futhi uzohlawuliswa noma aboshwe noma kokubili ukuhlawuliswa nokuboshwa.

Ukuchibiyelwa kwezinqubomgomo

40. Izingqubomgomo eziphathelele Nokufaka Isicelo Nokukhokhelwa Usizo Lwezenhlalo neZimfuneko noma Imibandela ephathelene Nokufanelekela Usizo Lwezenhlalo ezishicilelwe yi-Government Notice R898 ka-2008, ku-Government Gazette 31356 ka-22 Aug 2008, Nendlela Yokukhokhwa Kosizo Lwezenhlalo, eshicilelwe yi-Government Notice R487 ka-2018, ku-Government Gazette 41622 ka-11 May 2018, manje ziyachibiyelwa.

Ukuqala

41. Lezi Zinqubomgomo zizoqala ukusebenza ngosuku lokushicilelwa kwalesi saziso.

ISITHASISELO A**UKUNQUMA IZIMFUNeko EZINGOKWEZIMALI ZOxHASO LWABANTU
ABADALA, UXHASO LOKUKHUBAZEKA NOxHASO LWEQhawe LEZEMPI**

- (1) Imali ephezulu yoxhaso lomuntu omdala, uxhaso lokukhubazeka noma uxhaso lweqhawwe lezempi luzonqunywa ngezikhathi ezithile nguNgqongqoshe ngokuvumelana noNgqongqoshe Wezimali ngesaziso kuGazethi.
- (2) Indlela yokunquma inani loxhaso lwabantu abadala, uxhaso lokukhubazeka noxhaso lwamaqhawwe ezempi oluzokhokhelwa umfaki wesicelo yilena-
- $$D = 1,6A - 0,4B$$
- lapho-
- (i) A = uxhaso oluphezulu lwezenhlalo olukhokhwayo ngonyaka njengoba lugunyaziwe;
 - (ii) B = iholo lonyaka lomfaki wesicelo ngokuvumelana nenqubomgomo 19, oluzobandakanya izimpahla njengoba zinqunywe kunqubomgomo 21(3), ngemva kokuba sekudonswe izimali ezivumelekile ezidingidwa kunqubomgomo 22; futhi
 - (iii) D = imali yonyaka yoxhaso lwezenhlalo olukhokhwayo, okungamelwe ludlule imai elingana neku-A.
- (3) Lapho umuntu onomlingani eseshiywe umlingani wakhe isikhathi esiqhubekayo sezinyanga okungenani ezintathu futhi umlingani engazimisele ukusekela lowo muntu, umfaki wesicelo kumelwe abhekwe njengomuntu ongenaye umlingani ngenjongo yokunquma amandla angokwezimali njengoba kudingidwa kunqubomgomo 21.
- (4) I-Ejensi kumelwe, uma ikholiseka ukuthi umuntu onomlingani washiywa umlingani wakhe isikhathi esiqhubekayo sezinyanga okungenani ezintathu, futhi umlingani engazimisele ukusekela lowo muntu, inikeze isigunyazo sokungawanaki amandla angokwezimali alowo mlingani.
- (5) Alukho uxhaso olulingana nemali engaphansi kuka-R100 ngenyanga oluzokhokhwa.
- (6) Alukho uxhaso olungase lukhokhelwe noma yimuphi umuntu ongenayo umlingani onezimpahla sezizonke njengoba kudingidwa kunqubomgomo 21 ezidlula ukuphinda u-A izikhathi ezingu-55 kanye nanoma yimuphi umuntu onomlingani onezimpaha sezizonke ezidlula u-[[A] izikhathi ezingu-110.

ISITHASISELO B**UKUNQUMA IZIMFUNeko EZINGOKWEZIMALI ZOxHASO LWENGANE**

- (1) Izimali ezikhokhelwa ingane ngayinye ngokuphathelene noxhaso lwengane luzonqunywa ngezikhathi ezithile nguNgqongqoshe ngokuvumelana noNgqongqoshe Wezimali ngesaziso kuGazethi.
- (2)(a) Umnakekeli oyinhloko uhlangabezana nezimfuneko ezingokwezimali njengoba kudingidwa kunqubomgomo 7(1)(b) uma iholo lomfaki wesicelo, elidingidwa kunqubomgomo 21 ngemva kokuba sekudonswe izimali ezivumelekile ezidingidwa kunqubomgomo 22, lingaphansi komkhawulo weholo okubhekiselwe kukho esigabeni (b).
- (b) Indlela yokunquma umkhawulo wehlo loxhaso lwengane yilena:
- A = B x 10; lapho-
- (I) A = umkhawulo weholo lonyaka; futhi
- (II) B = inani lonyaka loxhaso lwengane.
- (3) Lapho umuntu onomlingani eseshiywe umlingani wakhe isikhathi sezinyanga okungenani ezintathu futhi umlingani engazimisele ukusekela lowo muntu, umfaki wesicelo kumelwe abhekwe njengomuntu ongenaye umlingani ngenjongo yokunquma amandla angokwezimali njengoba kudingidwa kunqubomgomo 21.

ISITHASISELO C**UKUNQUMA IZIMFUNeko EZINGOKWEZIMALI ZOxHASO LWENGANE
YOKUTHOLWA**

- (1) Imali ekhokhwa ngokuphathelene noxhaso lwengane yokutholwa izonqunywa ngezikhathi ezithile nguNgqongqoshe ngokuvumelana noNgqongqoshe Wezimali ngesaziso kuGazethi.
- (2) Umzali wokutholwa uyalufanelekela uxhaso lwengane yokutholwa kungakhathaliseki iholo lalowo mzali wokutholwa.

ISITHASISELO D**UKUNQUMA IZIMFUNeko EZINGOKWEZIMALI ZOxHASO LOMUNTU
ONAKEKELWAYO**

- (1) Inani elikhokhwa ngengane ngayinye ngokuphathelene noxhaso lomuntu onakekelwayo luzonqunywa nguNgqongqoshe ngezikhathi ezithile ngokuvumelana noNgqongqoshe Wezimali ngesaziso kuGazethi.
- (2)(a) Uxhaso lomuntu onakekelwayo alukhokhwa uma iholo lomfaki wesicelo, okudingidwa kunqubomgomo 21, ngemva kokudonswa kwezimali ezivumelekile njengoba kubhekiselwe kukho kunqubomgomo 22, ludlula umkhawulo weholo njengoba kubhekiselwe kukho esigabeni (b).
- (b) Indlela yokunquma umkhawulo weholo loxhaso lomuntu onakekelwayo okumelwe lukhokhelwe umfaki wesicelo yilena
- $A = B \times 10$; lapho-
- (i) A = umkhawulo weholo lonyaka; futhi
 - (ii) B = inani lonyaka loxhaso lomuntu onakekelwayo.
- (c) Umzali wokutholwa uyalufanelekela uxhaso lomuntu onakekelwayo kungakhathaliseki iholo lalowo mzali wokutholwa.