

DEPARTMENT OF SOCIAL DEVELOPMENT

NO. R. 2120

31 May 2022

SOCIAL ASSISTANCE ACT, 2004: REGULATIONS RELATING TO THE LODGING OF APPLICATIONS FOR SOCIAL ASSISTANCE APPEALS AND THE CONSIDERATION AND ADJUDICATION OF APPEALS BY THE INDEPENDENT TRIBUNAL ISSUED IN TERMS OF SECTION 32, READ WITH SECTION 18 OF THE SOCIAL ASSISTANCE ACT, 2004 (ACT NO. 13 OF 2004) MADE THE REGULATIONS IN THE SCHEDULE

I, Ms Lindiwe Zulu, MP, the Minister of Social Development, in terms of section 32, read with section 18 of the Social Assistance Act, 2004 (Act No. 13 of 2004), as amended, made the following regulations set out in the Schedule hereto in English and Isizulu.



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

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CHAPTER 1

DEFINITIONS

Definitions

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

'Covid-19 SRD Regulations' means the Regulations made in terms of section 32 of the Social Assistance Act, 2004, relating to Covid-19 Social Relief of Distress published in Gazette No. 11428 dated 22 April 2022, Government Notice R. 2042.

'critical documentation' means the documentation or written information which is legible and complete required by the Independent Tribunal to consider and adjudicate an appeal;

'electronic communication' means electronic communication as defined in section 1 of the Electronic Communications and Transactions Act, 2002 (Act No. 25 of 2002);

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

'legal practitioner' means a legal practitioner as defined in section 1 of the Legal Practice Act, 2014 (Act No. 28 of 2014) or a person as contemplated in regulation 6(2) of these Regulations;

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

'the Act' means the Social Assistance Act, 2004 (Act No.13 of 2004).

CHAPTER 2

Lodging of Appeal with Independent Tribunal

2. If an applicant or beneficiary does not qualify for social assistance in terms of the Act, the Agency must, in accordance with section 14(3)(b) of the Act—

- (a) inform the applicant or beneficiary, in writing, by electronic communication or any other means of communication, that he or she may lodge an appeal with the Independent Tribunal within a period of 90 days after the decision by the Agency and the processes to be followed in lodging the appeal;
- (b) where the applicant or beneficiary indicates that he or she wants to lodge an appeal, assist the applicant or beneficiary to complete Form 1;
- (c) where an applicant or beneficiary has failed to lodge an appeal within the 90 days period after the decision by the Agency, assist the applicant or beneficiary to complete Form 2, if the applicant or beneficiary wishes to proceed with the appeal;
- (d) where an applicant or beneficiary indicates that he or she wishes to lodge an appeal directly with the Independent Tribunal and not through the Agency, provide the applicant or beneficiary with the necessary forms and contact details of the Independent Tribunal to enable the applicant or beneficiary to lodge an appeal; and
- (e) ensure that Form 1, and Form 2 if applicable, together with all the critical documentation required in Form 1 and Form 2, are submitted to the Independent Tribunal within a period of 15 days from the date of lodging of the appeal.

Receipt of Request for critical documentation by Independent Tribunal

3. Where the Agency receives a request for critical documentation from the Independent Tribunal, the Agency must:

- (a) retrieve the critical documentation and ensure that all critical documentation is scanned or copied and forwarded or made available

- electronically to the Independent Tribunal within a period of 15 days from date of receipt of the request; or
- (b) where the critical documentation is not available, reconstruct the file of the applicant or beneficiary and ensure that all the critical documentation is scanned or copied and forwarded or made available electronically to the Independent Tribunal within a period of not more than 30 days from date of receipt of request.

CHAPTER 3

APPOINTMENT AND COMPOSITION OF INDEPENDENT TRIBUNAL

Procedure for Appointment of Members of Independent Tribunal

4. (1) The Minister must appoint members of the Independent Tribunal, as contemplated in section 18(1) of the Act, by publishing a notice on appropriate media platforms, inviting written applications from persons who comply with the criteria contemplated in regulations 6, 7 and 8, to be appointed as members of the Independent Tribunal.

(2) The notice referred to under subregulation (1) must set out the –

- (a) requirements for appointment as a member of the Independent Tribunal;
- (b) closing date for applications; and
- (c) address to which applications must be delivered.

(3) The Minister must appoint a selection panel to consider all applications contemplated in subregulation (1).

(4) The selection panel must compile a list of suitable candidates recommended for appointment as members of the Independent Tribunal together with their curriculum vitae and submit it to the Minister.

(5) The Minister must, after consultation with Parliament, approve the appointment of the recommended candidates as contemplated in section 18(1) of the Act.

(6) The Minister must, after acting in accordance with subregulation (5), issue each candidate with a letter of appointment clearly indicating his or her designation as a member of the Independent Tribunal and

the term of appointment of each of the designated members of the Independent Tribunal.

(7) The Minister may appoint as many members of the Independent Tribunal as may be necessary.

(8) If the list compiled in terms of subregulation (4) does not contain suitably qualified persons or does not contain the required number of suitably qualified persons, the Minister must, after consultation with the panel referred to under subregulation (3), publish a notice as contemplated in subregulation (1), inviting further written applications.

(9) A member of the Independent Tribunal may be appointed for a period not exceeding 3 years subject to such conditions as the Minister may determine.

(10) A member of the Independent Tribunal whose period of appointment has expired, may be eligible for re-appointment for a further period not exceeding 3 years.

Composition of Independent Tribunal

5. (1) The composition of the Independent Tribunal shall be based on the specific type of social assistance to which the appeal contemplated in section 18(2) of the Act, relates.

(2) Where the dispute relates to the medical assessment of the applicant or beneficiary (disability, care dependency, war veteran's grant or grant-in-aid) the Independent Tribunal will be constituted as follows:

- (i) a legal practitioner; and
- (ii) a medical practitioner.

(3) Where the dispute relates to social relief of distress other than the social relief of distress as contemplated in regulation 2(1) of the Covid-19 SRD Regulations, the Independent Tribunal will be constituted as follows:

- (i) a legal practitioner; and
- (ii) a civil society member.

(4) Where the dispute relates to social relief of distress as contemplated in regulation 2(1) of the Covid-19 SRD Regulations, the Independent Tribunal will be constituted by a civil society member.

(5) Where the dispute relates to any other reason not mentioned above, the Independent Tribunal will be constituted by a legal practitioner.

Criteria for appointing legal practitioner

6. (1) The legal practitioner as contemplated in regulations 5(2), 5(3) and 5(5) must be a person:

- (a) who has at least five years post admission experience in the practice of law;
- (b) who has knowledge of the relevant provisions of the Act and the Regulations made thereunder;
- (c) whose appointment will not give rise to a conflict of interest; and
- (d) who is not in the full-time employ of the public service or an organ of state.

(2) Notwithstanding the provisions of subregulation (1), a person may be appointed as a legal practitioner of the Independent Tribunal provided that that person:

- (a) has at least five years post-graduate experience in the administration of law; and
- (b) meets the requirement of subregulations (1)(b)-(d).

Criteria for appointing medical practitioner

7. A medical practitioner as contemplated in regulation 5(2) must be a person:

- (a) who is registered with the Health Professions Council of South Africa;
- (b) who has at least five years post registration experience in the practice of medicine;
- (c) whose registration with the Health Professions Council of South Africa has not been revoked;
- (d) who has knowledge of the relevant provisions of the Act and the Regulations made thereunder;
- (e) who is not in the full-time employ of the public service or an Organ of State; and
- (f) whose appointment will not give rise to a conflict of interest.

Criteria for appointing civil society member

8. A civil society member as contemplated in regulations 5(3) and 5(4) must be a person:

- (a) who has the appropriate qualification and skill set as per the determination of the Minister;
- (b) who has knowledge of the relevant provisions of the Act and the Regulations made thereunder;
- (c) who is not in the full-time employ of the public service or an Organ of State; and
- (d) whose appointment will not give rise to conflict of interest.

CHAPTER 4

DUTIES OF MEMBERS AND POWERS OF INDEPENDENT TRIBUNAL

Duties of members of the Independent Tribunal

9. (1) The legal practitioner has the following duties:

- (a) Deciding and ruling on whether the decision of the Agency is to be confirmed, varied or set aside after consultation with a medical practitioner as contemplated in subregulation (2) in respect of appeals contemplated in regulation 5(2); or
- (b) Deciding and ruling on whether the decision of the Agency is to be confirmed, varied or set aside after consultation with a civil society member as contemplated in subregulation (3)(a) in respect of an appeal contemplated in regulation 5(3);
- (c) Deciding and ruling on whether the decision of the Agency is to be confirmed, varied or set aside in respect of an appeal contemplated in regulation 5(5); and
- (d) Recording, signing off on, and furnishing reasons for the decision of the Independent Tribunal as contemplated above.

(2) The medical practitioner has the following duties:

- (a) The assessment of all medical aspects of appeals in respect of grants contemplated in regulation 5(2);

- (b) Advising the legal practitioner on all medical aspects of the appeals contemplated in regulation 5(2) ; and
- (c) Making recommendations in respect of appeals contemplated in regulation 5(2).

(3) The civil society member has the following duties:

- (a) Advising and making recommendations to the legal practitioner on the socio-economic aspects of appeals contemplated in regulation 5(3); or
- (b) Deciding and ruling on whether the decision of the Agency is to be confirmed, varied or set aside of appeals as contemplated in regulation 6 of the Covid-19 SRD Regulations read together with regulation 5(4) of these Regulations; and
- (c) Recording, signing off on, and furnishing reasons for the decision of the Independent Tribunal as contemplated in subregulation (b).

Powers of Independent Tribunal

- 10.** (1) The Independent Tribunal has the power-
- (a) to consider all applications for appeal by an applicant, beneficiary or a person acting on his or her behalf in terms of section 18(1) of the Act;
 - (b) in an instance where it is adjudicating an appeal by the applicant, beneficiary or a person acting on his or her behalf, and it is not satisfied with the reasons provided by the applicant, beneficiary or a person acting on his or her behalf, to request further written information substantiating the reasons for the appeal from the applicant, beneficiary or a person acting on his or her behalf, to be submitted within a period of 15 days from the date of receipt of the request by the applicant, beneficiary or a person acting on his or her behalf;
 - (c) if it is not satisfied with the reasons provided by the Agency for rejecting the application for social assistance, or the reasons for the suspension, lapsing or cancellation of social assistance, request the Agency to provide further written reasons for its decision;
 - (d) to give directions to any party to the appeal regarding any matter within its jurisdiction in connection with that appeal;
 - (e) at any time, to request any person or institution to furnish any written information which is necessary for the determination of the appeal;

- (f) to refer the applicant or beneficiary for a second and independent medical examination or opinion in terms of regulation 16(1); and
- (g) postpone the hearing for the consideration of an appeal to such date as it may determine subject to regulation 14(2).

(2) The 90 days period referred to in regulation 14(2) will be interrupted by the 15 days period referred to in subregulation (1)(b); the 30 days period referred to in regulation 16(2)(b); or by the 15 days period referred to in regulation 16(4).

(3) The Independent Tribunal upon receipt of the reasons as contemplated in subregulation (1)(b) and (c), the information referred to in subregulation (1)(e) or the examination report contemplated in regulation 16(2)(c) and after consideration of the appeal, may confirm, vary, or set aside that decision, or make any other decision which is just.

Ethical conduct of members of Independent Tribunal

11. (1) All members of the Independent Tribunal must, in performing their functions and duties-

- (a) maintain a high standard of integrity;
- (b) respect the confidentiality of information of all parties to an appeal;
- (c) maintain acceptable standards of professionalism and ethics; and
- (d) recuse themselves where there is conflict of interest.

(2) In an instance where a member of the Independent Tribunal is a member of a professional body he or she must observe the ethical rules applicable to members of such a body.

CHAPTER 5

LODGING OF APPEAL AND CONDONATION

Lodging of appeal

12. (1) An applicant, beneficiary or a person acting on his or her behalf, who disagrees with the decision of the Agency and wishes to appeal that decision, must lodge an appeal in terms of section 18(2) of the Act with the Independent Tribunal, in a form similar to Form 1 in the Annexure to these Regulations.

- (2) An appeal contemplated in subregulation (1):
- (a) must be lodged with the Independent Tribunal;
 - (b) may be delivered by hand, or by electronic communication or by any other means of communication ; and
 - (c) must be accompanied by:
 - (i) a copy of the identity document of the applicant or beneficiary; and
 - (ii) a copy of the decision issued by the Agency in relation to the grant application of an applicant or grant review of a beneficiary.
- (3) When lodging an appeal as contemplated in subregulation (1) the applicant, beneficiary or a person acting on his or her behalf must not be allowed to submit any evidence or information which was not provided or available to the Agency at the time of application for social assistance.

Condonation of late lodging of appeal

13. (1) The Independent Tribunal may, on application and on good cause shown by persons contemplated in regulation 12(1), condone an application for appeal lodged after a period of 90 days.

(2) In deciding whether good cause has been shown for condonation of a late application for an appeal, the Independent Tribunal must take the following factors into account:

- (a) the reason for and the extent of the delay;
- (b) whether it is in the interest of justice that condonation be granted; and
- (c) whether there are reasonable prospects of success.

(3) An application contemplated in subregulation (1) must be in a form similar to Form 2 in the Annexure to these Regulations.

CHAPTER 6 CONSIDERATION OF APPEAL

14. (1) An appeal contemplated in regulation 12(1) must be adjudicated:

- (a) in the absence of the applicant, beneficiary or a person acting on his or her behalf; and

(b) by means of considering the documentary evidence submitted by the Agency and the applicant, beneficiary or a person acting on his or her behalf or sourced by the Independent Tribunal in terms of regulation 10, if applicable.

(2) An appeal must, subject to regulations 17(4), 10(1)(b) or 16(4), be finalised within a period of 90 days from the date on which the appeal was received by the Independent Tribunal.

Decision by Independent Tribunal

15. The Independent Tribunal must, after having had due regard to the documents contemplated in regulation 14(1)(b) and Form 1 in these Regulations act in terms of regulation 10(3).

Medical examination of applicant or beneficiary

16. (1) The Independent Tribunal may, where it is unable to make a decision based on the available medical report provided by the Agency, refer the applicant or beneficiary for an additional, independent examination by a medical practitioner or health practitioner employed in the public service.

(2) Where an applicant or beneficiary is referred for an examination as contemplated in subregulation (1), the Independent Tribunal must inform the applicant, beneficiary or the person acting on his or her behalf, in writing:

- (a) of the reasons for the referral;
- (b) that the examination report contemplated in subregulation (1) must be obtained within a period of 30 days; and
- (c) that the examination report contemplated in subregulation (1) must be submitted to the Independent Tribunal, within a period of 15 days after receipt thereof.

(3) The Independent Tribunal must, upon receipt of an examination report as contemplated in subregulation (2)(c) consider the appeal and act in terms of regulation 10(3).

(4) Where an applicant, or beneficiary fails to submit the required examination report referred to in subregulation (2)(b) within a period of 15 days

contemplated in subregulation (2)(c), the Independent Tribunal may proceed with the adjudication of the appeal in the absence of the examination report.

CHAPTER 7

ADMINISTRATION OF APPEALS

Receipt, acknowledgement and request for further information

- 17.** (1) The Independent Tribunal has the following responsibilities:
- (a) receive appeals;
 - (b) within a period of 7 days from date of receipt, acknowledge receipt of an appeal;
 - (c) prepare files for the adjudication of appeals by ensuring that all relevant and supporting documentation as may be required in respect of a particular social grant are included in such files; and
 - (d) assess the accuracy, validity and reliability of supporting documentation.
- (2) The Independent Tribunal may request the Agency to provide any document referred to in regulation 10(1)(c) or (e).
- (3) The Independent Tribunal may request the applicant, beneficiary or a person acting on his or her behalf to provide any outstanding document referred to in Form 1, within 15 days from date of request.
- (4) An appeal must only be considered to have been lodged upon receipt of all the documentation referred to in regulation 12(2)(c).
- (5) Where, in the case of a medically related grant appeal, the Agency fails to or cannot for whatever reason provide the Independent Tribunal with the relevant records required for the adjudication of such an appeal within the 30 days period contemplated in regulation 3(b), the Independent Tribunal may instruct the Agency to do a medical re-assessment of the appellant or beneficiary and submit such medical re-assessment report within a period of 30 days from the date of issuance of the instruction to the Agency.
- (6) The Independent Tribunal must upon receipt of all documents referred to in subregulation (3), acknowledge receipt thereof, within 7 days of date of receipt thereof.

Communication of decision

18. (1) The Independent Tribunal must, subject to subregulation (2) communicate the decision and reasons thereof in respect of an appeal to an applicant, beneficiary or a person acting on his or her behalf and to the Agency.

(2) The communication of the decision must be delivered to the applicant, beneficiary or a person acting on his or her behalf by a method of communication as indicated by the applicant, beneficiary or a person acting on his or her behalf in the application for an appeal, or by any other method of communication including electronic communication as determined by the Independent Tribunal.

(3) Upon receipt of the decision of the Independent Tribunal as contemplated in subregulation (1), the Agency must implement such decision within a period of 30 days of receipt thereof.

Application which does not constitute an appeal

19. (1) The Independent Tribunal must, upon receipt of an application which does not constitute an appeal as contemplated in section 18(2) of the Act read with regulation 12, notify the applicant, beneficiary or a person acting on his or her behalf, in writing, that such an application does not constitute an appeal and the reasons thereof.

(2) The Independent Tribunal shall not be obliged to consider an application as contemplated in subregulation (1):

- (a) when an application is not accompanied by all the documents required in regulation 12(2)(c); or
- (b) if such an application is an application contemplated in subregulation (1).

Withdrawal of an appeal

20. An applicant, beneficiary or a person acting on his or her behalf may, by means of a written notice, at any time prior to the finalisation of the appeal by the Independent Tribunal, withdraw such an appeal.

Record keeping

21. (1) A copy of the appeal documents, including notification of the decision, record of proceedings and copies of the Agency's file must be retained by the Independent Tribunal for a period of 5 years from the date of communication of the outcome of the appeal.

(2) The Independent Tribunal is the custodian of all the appeal documents.

Scope and Application for Covid-19 Social Relief of Distress Appeals

22. Notwithstanding these Regulations, all appeals contemplated in regulation 6 of the Covid-19 SRD Regulations, must be lodged and considered, subject to regulation 5(4) and regulations 9(3)(b) and (c) of these Regulations, in terms of the Covid-19 SRD Regulations.

Repeal

23. The Regulations published under GN R746 in *Gazette* 34618 of 19 September 2011 are hereby repealed.

Commencement

24. These Regulations take effect on the date of publication of this notice in the *Gazette*.

ANNEXURE**FORM 1****LODGING OF AN APPEAL****(Regulation 12(1))****Section 18 of the Social Assistance Act, 2004 (Act No. 13 of 2004)**

For office use only:	
Province:	Local Office:

A. PERSONAL DETAILS OF APPLICANT OR BENEFICIARY			
Surname:	Full Names:		
ID Number:	Nationality:	Gender: M	F
Tel No:	Fax:	Email:	Cell No:
Physical Address			
Postal Address			

B. DETAILS OF GRANT APPLICATION OR GRANT REVIEW							
(SASSA) Agency Office:							
Date of Application or Review:		Date of Rejection:					
Type of Grant (Mark with 'X')							
Dis-ability	Older Persons'	War Veteran	Foster Child	Care Depen- dency	Child Support	Grant- in- Aid	Social Relief of Distress

C. REASONS FOR APPEAL

Reasons why you disagree with the decision of the Agency: (If the space provided is insufficient, please attach a separate page to this form and clearly indicate that a separate page(s) is attached).

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D. DOCUMENTATION TO ACCOMPANY APPEAL

A copy of the identity document of the applicant or beneficiary.

A copy of the decision issued by the Agency in relation to the grant application of an applicant or grant review of a beneficiary.

Previous and current medical reports which were presented to the Agency (if available);

Name of the hospital/clinic that you normally attend.

Proof of income and/or assets: Yes No N/A

In the case of a person appealing on behalf of the beneficiary or applicant, a copy of the power of attorney or proof of his or her appointment by the applicant or beneficiary to act on his or her behalf.

Any other relevant supporting documents (state what type of documentation).

E. REPRESENTATIVE'S DETAILS

Name and Surname:			
Name of Organisation/Firm (where applicable):			
ID Number:			
Telephone No:	Fax No:	Cell No:	Email Address:

Signature of applicant / beneficiary/representative

Date:	Place:
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F. CONSENT

I hereby provide consent in terms of section 13 and section 20 of the Protection of Personal Information Act, 2013 (Act No. 4 of 2013) that the Independent Tribunal for Social Assistance Appeals may request information from any person / institution which is necessary for the determination of my appeal

Signature of applicant/beneficiary/representative

Date:

Place:

OFFICIAL DATE STAMP OF RECEIPT:

FORM 2

**APPLICATION FOR CONDONATION FOR LATE APPEAL
(Regulation 13(3))**

Section 18 of the Social Assistance Act, 2004 (Act No. 13 of 2004)

A. PERSONAL DETAILS OF APPLICANT OR BENEFICIARY			
Surname:	Full Names:		
ID Number:	Nationality:	Gender: M	F
Tel No:	Fax:	Email:	Cell No:
Physical Address			
Postal Address			

<p>B. REASONS FOR LATE LODGING OF AN APPEAL</p> <p>Reasons for application for condonation as contemplated in regulation 13(2):</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>(If the space provided is insufficient, please attach a separate page to this form and clearly indicate that a separate page(s) is attached).</p>

<p>C. DOCUMENTATION TO ACCOMPANY CONDONATION APPLICATION</p> <p>FORM 1 (Application for Appeal)</p> <p>All documents required under FORM 1</p>
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<p>_____ Signature of applicant/beneficiary/Representative</p>	<p>Place</p>	<p>Date</p>

ISHEJULI**OKUQUKETHWE****ISAPHLUKO 1****IZINCAZELO**

1. Izincazelo

ISAPHLUKO 2**IMISEBENZI YE-EJENSI YOKUPHATHWA KWEZIKHALO ZOSIZO****LWEZENHLALO**

2. Ukufakwa kwesikhalo sokubuyekwezwa kwesinqumo kwiSigungu Esizimele
3. Ukwamukelwa kwesicelo samadokhumenti abalulekile ukusuka kwisigungu Esizimele

ISAPHLUKO 3**UKUKHETHWA NOKWAKHEKA KWESIGUNGU ESIZIMELE**

4. Inqubo Yokukhethwa Kwamalungu Esigungu Esizimele
5. Ukwakheka Kwesigungu Esizimele
6. Izimfuneko zokukhetha ummeli
7. Izimfuneko zokukhetha udokotela
8. Izimfuneko zokukhetha ilungu lomphakathi

ISAPHLUKO 4**IMISEBENZI YAMALUNGU NAMANDLA ESIGUNGU ESIZIMELE**

9. Imisebenzi yamalungu eSigungu Esizimele
10. Amandla Esigungu Esizimele
11. Ukuziphatha okuhle kwamalungu eSigungu Esizimele

ISAPHLUKO 5
UKUFAPA ISIKHALO SOKUBUYEKEZWA KWESINQUMO
NOKUXOLELA

12. Ukufapa isikhalo sokubuyekezwa kwesinqumo
13. Ukuxolela kokufakwa kwesikhalo sokubuyekezwa kwesinqumo sekudlule isikhathi

ISAPHLUKO 6
UKUCATSHANGELWA KWESIKHALO SOKUBUYEKEZWA
KWESINQUMO

14. Ukucatshangelwa kwesikhalo sokubuyekezwa kwesinqumo
15. Isinqumo seSigungu Esizimele
16. Ukuxilongwa udokotela komfaki wesikhalo noma ozuzayo

ISAPHLUKO 7
UKUPHATHWA KWEZIKHALO SOKUBUYEKEZWA KWESINQUMO

17. Ukwamukelwa, isaziso sokukwamukela nokucelwa kolwazi olwengeziwe
18. Ukwazisa ngesinqumo
19. Isicelo esingesona isikhalo sokubuyekezwa kwesinqumo
20. Ukuhoxiswa kwesikhalo sokubuyekezwa kwesinqumo
21. Ukugcinwa kwamarekhodi
22. Ububanzi Nesicelo Sezikhalo Zosizo Lwezenhlalo Kubantu Abaxakekile Nge-Covid-19
23. Ukucishwa Komthetho
24. Ukuqala

ISITHASISELO: Amafomu Ahlanganisiwe

ISAHLUKO 1**IZINCAZELO****Izincazelo**

1. Kulezi Zinqubomgomo, noma yiliphi igama noma umushwana okunencazelo yako eMthethweni kuzoba naleyo ncazelo enikeziwe, ngaphandle uma umongo ubonisa ngenye indlela noma uchaziwe kulezi Zinqubomgomo, futhi —

ukuthi '**Izinqubomgomo Ze-SRD Ye-Covid-19**' kusho Izinqubomgomo ezenziwa ngokwesigaba 32 soMthetho Wosizo Lwezenhlalo, 2004, eziphathelene noSizo Lwezenhlalo Kubantu Abaxakekile Nge-Covid-19 ezishicilelwe kwiGazethi No. 11428 yangomhla zingama-22 Ephreli 2022, Government Notice R. 2042.

ukuthi '**amadokhumenti abalulekile**' kusho amadokhumenti noma ulwazi olubhaliwe olufundekayo noluphelele oludingwa yiSigungu Esizimele ukuze sicubungule futhi sahlulele isikhalo sokubuyekizwa kwesinqumo;

ukuthi '**ukuxhumana ngezobuchwepheshe**' kusho ukuxhumana ngezobuchwepheshe njengoba kuchazwe esigabeni 1 soMthetho Wokuxhumana Nokuhwebelana Ngezobuchwepheshe, 2002(uMthetho No. 25 ka-2002);

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

ukuthi '**ummeli**' kusho ummeli njengoba kuchazwe esigabeni 1 soMthetho Wabameli, 2014 (uMthetho No. 28 ka-2014) noma umuntu njengoba kudingidwa kunqubomgomo 6(2) walezi Zinqubomgomo;

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

ukuthi '**uMthetho**' kusho uMthetho Wosizo Lwezenhlalo, 2004 (uMthetho No. 13 ka-2004).

ISAHLUKO 2**Ukufakwa Kwesikhalo Sokubuyekwezwa Kwesinqumo kwiSigungu
Esizimele**

- 2.** Uma umfaki wesicelo noma ozuzayo engalufanelekeli usizo lwezenhlalo ngokwemigomo yoMthetho, i-Ejensi kumelwe, ngokwesigaba 14(3)(b) soMthetho—
- (a) yazise umfaki wesicelo noma ozuzayo, ngokubhala, ngokuxhumana ngezobuchwepheshe noma nganoma iyiphi enye indlela yokuxhumana, ukuthi ingase ifake isikhalo sokubuyekwezwa kwesinqumo kwiSigungu Esizimele phakathi nezinsuku ezingu-90 ngemva kwesinqumo se-Ejensi kanye nezinqubo ezizolandelwa ekufakeni isikhalo sokubuyekwezwa kwesinqumo;
 - (b) lapho umfaki wesicelo noma ozuzayo ebonisa ukuthi ufuna ukufaka isikhalo sokubuyekwezwa kwesinqumo, isize umfaki wesicelo noma ozuzayo ukuba agcwalise iFomu 1;
 - (c) lapho umfaki wesicelo noma ozuzayo ehlulekile ukufaka isikhalo sokubuyekwezwa kwesinqumo phakathi nezinsuku ezingu-90 ngemva kwesinqumo se-Ejensi, isize umfaki wesicelo noma ozuzayo ukuba agcwalise iFomu 2, uma umfaki wesicelo noma ozuzayo efisa ukuqhubeka nesikhalo;
 - (d) lapho umfaki wesicelo noma ozuzayo ebonisa ukuthi ufisa ukufaka isikhalo sokubuyekwezwa kwesinqumo ngokuqondile kwiSigungu Esizimele, angasebenzisi i-Ejensi, inikeze umfaki wesicelo noma ozuzayo amafomu adingekayo neminingwane yokuxhumana yeSigungu Esizimele ukuze umfaki wesicelo noma ozuzayo akwazi ukufaka isikhalo; futhi
 - (e) aqiniseke ukuthi iFomu 1, neFomu 2 uma lisebenza, kanye nawo wonke amadokhumenti abalulekile adingekayo eFomini 1 naseFomini 2, athunyelwe kuSigungu Esizimele phakathi

nezinsuku ezingu-15 kusukela ngosuku lokufakwa kwesikhalo sokubuyekezwa kwesinqumo.

Ukwamukelwa Kweesicelo samadokhumenti abalulekile yiSigungu Esizimele

- 3.** Lapho i-Ejensi ithola isicelo samadokhumenti aalulekile sivela kuSigungu Esizimele, i-Ejensi kumelwe:
- (a) ikhiphe amadokhumenti abalulekile futhi iqiniseke ukuthi wonke amakhodumenti abalulekile ayaskenwa noma kwenziwe amakhophi bese ethunyelwa noma enziwe atholakale ngezobuchwepheshe kwiSigungu Esizimele phakathi nezinsuku ezingu-15 kusukela ngosuku ethole ngalo isicelo; noma
 - (b) lapho amadokhumenti abalulekile engatholakali, yakhe kabusha ifayela lomfaki wesicelo noma ozuzayo futhi iqiniseke ukuthi wonke amadokhumenti abalulekile ayaskenwa noma kwenziwe amaphophi bese ethunyelwa noma enziwe atholakale ngezobuchwepheshe kwiSigungu Esizimele phakathi nezinsuku ezingadluli kwezingu-30 kusukela ngosuku athole ngalo isicelo.

ISAHLUKO 3

UKUKHETHWA NOKWAKHEKA KWESIGUNGU ESIZIMELE

Inqubo Yokukhethwa Kwamalungu Esigungu Esizimele

- 4.** (1) UNgqongqoshe kumelwe akhethe amalungu eSigungu Esizimele, njengoba kudingidwa esigabeni 18(1) soMthetho, ngokushicilela isaziso kwezokuxhumana ezifanele, ameme izicelo ezibhaliwe ezivela kubantu abafanelekayo njengoba kudingidwa kuzinqubomgomo 6, 7 no-8, ukuba bakhethwe njengamalunga eSigungu Esizimele.
- (2) Isaziso okubhekiselwe kusho ngaphansi kwenqubomgomo engaphansi (1) kumelwe sibe –
- (a) nezimfuneko zokukhethwa njengelungu leSigungu Esizimele;
 - (b) nosuku lokuvalwa kwezicelo; kanye

- (c) nosuku okumelwe kuthunyelwe ngalo izicelo.
- (3) UNgqongqoshe kumelwe akhethe iphaneli ezocubungula zonke izicelo okudingidwa ngazo kunqubomgomo engaphansi (1).
- (4) Iphaneli ezokhetha kumelwe ihlanganise uhlu lwabafaki bezicelo abafanelekayo abaqokelwe ukuba bakhethwe njengamalungu eSigungu Esizimele kanye neminingwane yemfundo yabo bese bekuthumela kuNgqongqoshe.
- (5) UNgqongqoshe kumelwe, ngemva kokubonisana nePhalamende, agunyaze ukukhethwa kwabafaki zicelo abaqokiwe njengoba kudingidwa esigabeni 18(1) soMthetho.
- (6) UNgqongqoshe kumelwe, ngemva kokwenza ngokuvumelana nenqubomgomo engaphansi (5), anikeze umfaki wesicelo ngamunye incwadi yokumkhetha ebonisa ngokucacile ukukhethwa kwakhe njengelungu leSigungu Esizimele kanye nesikhathi sobulungu belungu ngalinye lamalungu akhethiwe eSigungu Esizimele.
- (7) UNgqongqoshe angakhetha amalungu amaningi eSigungu Esizimele kangangoba kudingeka.
- (8) Uma uhlu oluhlanganiswe ngokwenqubomgomo engaphansi (4) lungenabo abantu abafaneleka kahle noma lungenaso isibalo esidingekayo sabantu abafaneleka kahle, uNgqongqoshe kumelwe, ngemva kokubonisana nepaneli okubhekiselwe kuyo kunqubomgomo engaphansi (3), ashicilele isaziso njengoba kudingidwa kunqubomgomo engaphansi (1), ameme izicelo ezibhaliwe ezengeziwe.
- (9) Ilungu leSigungu Esizimele lingakhethwa isikhathi esingadluli eminyakeni engu-3 kuye ngokwemibandela enqunywe uNgqongqoshe.
- (10) Ilungu leSigungu Esizimele eseliphelelwe yisikhathi sokukhethwa kwalo, lingase lifaneleke ukuba liphinde likhethwe isikhathi esingadluli eminyakeni engu-3.

Ukwakheka Kwesigungu Esizimele

5. (1) Ukwakheka kweSigungu Esizimele kuzosekelwa ohlotsheni olukhethekile losizo lwezenhlalo oluphathelele nesikhalo sokubuyezwa kwesinqumo esidingidwa esigabeni 18(2) soMthetho.

(2) Lapho impikiswano iphathelene nesihlaziyo sezokwelashwa somfaki wesicelo noma ozuzayo (ukukhubazeka, umuntu onakekelwayo, isibonelelo samaqhawe ezempi noma uxhaso lokulekelela) iSigungu Esizimele sizokwakheka ngale ndlela:

(i) ummeli; kanye

(ii) nodokotela.

(3) Lapho impikiswano iphathelene nosizo lwezenhlalo kubantu abaxakekile okungelona usizo lwezenhlalo kubantu abaxakekile njengoba kudingidwa kunqubomgomo 2(1) weZinqubomgomo Ze-SRD Ye-Covid-19, iSigungu Esizimele sizokwakheka ngale ndlela:

(i) ummeli; kanye

(ii) ilungu lomphakathi.

(4) Lapho impikiswano iphathelene nosizo lwezenhlalo kubantu abaxakekile njengoba kudingidwa kunqubomgomo 2(1) weZinqubomgomo Ze-SRD Ye-Covid-19, iSigungu Esizimele sizokwakhiwa yilungu lomphakathi.

(5) Lapho impikiswano iphathelene nanoma yisiphi esinye isizathu esingashiwongo ngenhla, iSigungu Esizimele sizokwakhiwa ummeli.

Izimfuneko zokukhetha ummeli

- 6.** (1) Ummeli njengoba kudingidwa kuzinqubomgomo 5(2), 5(3) no-5(5) kumelwe kube umuntu:
- (a) eneminyaka okungenani emihlanu yolwazi lwangemva kokwamukelwa njengommeli;
 - (b) onolwazi lwemigomo efanele yoMthetho neZinqubomgomo ezenziwe ngezansi;
 - (c) okukhethwa kwakhe ngeke kwenze kungqubuzane izintshisekelo; futhi
 - (d) ongaqashiwe ngokugcwele uhulumeni noma uMnyango Kahulumeni.
- (2) Ngaphandle kwemigomo yenquo-mgomo engaphansi (1), umuntu angase akhethwe njengommeli weSigungu Esizimele inqobo nje uma lowo muntu:

- (a) eneminyaka okungenani emihlanu yolwazi lokusebenza ngomthetho ngemva kokuthola iziqu; futhi
- (b) ehlangabezana nemfuneko yezinqubomgomo (1)(b)-(d).

Izimfuneko zokukhetha udokotela

- 7.** Udokotela njengoba kudingidwa kunqubomgomo 5(2) kumelwe kube umuntu:
 - (a) obhalisiwe kwi-Health Professions Council of South Africa;
 - (b) oneminyaka okungenani emihlanu ewudokotela ngemva kokuthola iziqu;
 - (c) okungakaze kuhoxiswe ukubhalisa kwakhe kwi-Health Professions Council of South Africa;
 - (d) onolwazi lwemigomo efanele yoMthetho neZinqubomgomo ezenziwe ngezansi;
 - (e) ongaqashiwe ngokugcwele uhulumeni noma uMnyango Kahulumeni; futhi
 - (f) okukhethwa kwakhe ngeke kwenze kungqubuzane izintshisekelo.

Izimfuneko zokukhetha ilungu lomphakathi

- 8.** Ilungu lomphakathi njengoba kudingidwa kuzinqubomgomo 5(3) no-5(4) kumelwe kube umuntu:
 - (a) onemfundo efanele namakhono okunqunywe uNgqongqoshe;
 - (b) onolwazi lwemigomo efanele yoMthetho neZinqubomgomo ezenziwe ngezansi;
 - (c) ongaqashiwe ngokugcwele uhulumeni noma uMnyango Kahulumeni; futhi
 - (d) okukhethwa kwakhe ngeke kwenze kungqubuzane izintshisekelo.

ISAPHLUKO 4
IMISEBENZI YAMALUNGU NAMANDLA ESIGUNGU ESIZIMELE

Imisebenzi yamalungu eSigungu Esizimele

9. (1) Ummeli unemisebenzi elandelayo:

- (a) Ukunquma nokukhipha isinqumo sokuthi kumelwe yini isinqumo se-Ejensi siqinisekiswa, sishintshwe noma singamukelwa ngemva kokubonisana nodokotela njengoba kudingidwa kunqubomgomo engaphansi (2) ngokuphathelene nezikhalo zokubuyezwa kwesinqumo ezidingidwa kunqubomgomo 5(2); noma
- (b) Ukunquma nokukhipha isinqumo sokuthi kumelwe yini isinqumo se-Ejensi siqinisekiswa, sishintshwe noma singamukelwa ngemva kokubonisana nelungu lomphakathi njengoba kudingidwa kunqubomgomo engaphansi (3)(a) ngokuphathelene nesikhalo sokubuyezwa kwesinqumo okubhekiselwe kuso kunqubomgomo 5(3);
- (c) Ukunquma nokukhipha isinqumo sokuthi kumelwe yini isinqumo se-Ejensi siqinisekiswa, sishintshwe noma singamukelwa ngokuphathelene nesikhalo sokubuyezwa kwesinqumo esidingidwa kunqubomgomo 5(5); futhi
- (d) Ukurekhoda, ukugunyaza, nokunikeza izizathu zesinqumo seSigungu Esizimele njengoba kudingidwa ngenhla.

(2) Udokotela unemisebenzi elandelayo:

- (a) Isihlaziyo sazo zonke izici zokwelapha zezikhalo zokubuyezwa kwesinqumo eziphathelene noxhaso oludingidwa kunqubomgomo 5(2);
- (b) Ukwazisa ummeli ngazo zonke izici zokwelapha zezikhalo zokubuyezwa kwesinqumo ezidingidwa kunqubomgomo 5(2) ; kanye
- (c) Nokwenza izincomo ngokuphathelene nezikhalo zokubuyezwa kwesinqumo ezidingidwa kunqubo-mgomo 5(2).

(3) Ilungu lomphakathi linemisebenzi elandelayo:

- (a) Ukwazisa nokwenza izincomo kummeli ngezici zezehlalo nezomnotho zezikhalo zokubuyezwa kwesinqumo ezidingidwa kunqubomgomo 5(3); noma
- (b) Ukunquma nokukhipha isinqumo sokuthi kumelwe yini isinqumo se-Ejensi kube wukuqinisekisa, wukushintsha noma ukubekela eceleni izikhalo zokubuyezwa kwesinqumo njengoba zidingidwa kunqubomgomo 6 weZinqubomgomo Ze-SRD

Ye-Covid-19 ofundwa ndawonye nenqubomgomo 5(4) lwazi Zinqubomgomo; futhi

- (c) Ukurekhoda, ukugunyaza, nokunikeza izizathu zesinqumo seSigungu Esizimele njengoba kudingidwa kunqubomgomo engaphansi (b).

Amandla Esigungu Esizimele

10. (1) Isigungu Esizimele sinamandla-

- (a) okucubungula zonke izicelo zesikhalo zokubuyezwa kwesinqumo esifakwe umfaki wesicelo, ozuzayo, noma umuntu omelela yena ngokwemigomo yesigaba 18(1) soMthetho;
- (b) esimweni lapho sinquma khona isikhalo sokubuyezwa kwesinqumo somfaki wesicelo, ozuzayo noma umuntu omelele yena, futhi singanelisekile ngezizathu ezihlinzekwe umfaki wesicelo, ozuzayo noma umuntu omelele yena, zokucela ulwazi olubhaliwe olwengeziwe olufakazela izizathu zesikhalo esivela kumfaki wesicelo, ozuzayo noma umuntu omelele yena, ukuba sithunyelwe phakathi nezinsuku ezingu-15 kusukela ngosuku lokuthola isicelo somfaki wesicelo, ozuzayo noma umuntu omelele yena;
- (c) uma singanelisekile ngezizathu ezihlinzekwe yi-Ejensi zokwenqaba isicelo sosizo lwezenhlalo, noma ngezizathu zokumiswa, ukwenza luphelelwe isikhathi noma lukhanselwe usizo lwezenhlalo, sicele i-Ejensi ukuba ihlinzeke ngezizathu ezibhaliwe ezengeziwe zesinqumo sayo;
- (d) ukuba sinikeze iziqondiso kunoma yimuphi umuntu oneqhaza esikhalweni sokubuyezwa kwesinqumo ngokuphathelene nanoma iyiphi indaba esesifundeni saso ngokuphathelene naleso sikhalo sokubuyezwa kwesinqumo;
- (e) noma nini, ukuba sicele noma yimuphi umuntu noma isikhungo ukuze silethe noma yiluphi ulwazi olubhaliwe oludingekile ekunqumeni ngesikhalo sokubuyezwa kwesinqumo;
- (f) ukuba sidlulisele umfaki wesicelo noma ozuzayo ukuba athole ukuxilongwa noma umbono wezokwelapha wesibili nozimele ngokwenqubomgomo 16(1); futhi
- (g) sidlulisele ukulalela ukucutshungulwa kwesikhalo sokubuyezwa kwesinqumo kolunye usuku esingalunquma ngokwenqubomgomo 14(2).

(2) Isikhathi esiyizinsuku ezingu-90 okubhekiselwe kuso kunqubomgomo 14(2) sizophazanyiswa yisikhathi esiyizinsuku ezingu-15 okubhekiselwe kuso kunqubomgomo engaphansi (1)(b); isikhathi esiyizinsuku ezingu-30 okubhekiselwe kuso kunqubomgomo (16)(2)(b); noma yisikhathi esiyizinsuku ezingu-15 okubhekiselwe kuso kunqubomgomo 16(4).

(3) ISigungu Esizimele lapho sithola izizathu njengoba kudingidwa kunqubo-mgomo engaphansi (1)(b) no-(c), ulwazi okubhekiselwe kulo kunqubomgomo engaphansi (1)(e) noma umbiko wokuxilongwa odingidwa kunqubomgomo (16)(2)(c) futhi ngemva kokucabangela isikhalo sokubuyezwa kwesinqumo, singaqinisekisa, sishintshe, noma singasamukeli lesi sinqumo, noma senze noma yisiphi esinye isinqumo esifanele.

Ukuziphatha okuhle kwamalungu eSigungu Esizimele

11. (1) Wonke amalungu eSigungu Esizimele kumelwe, lapho enza imisebenzi yawo-

- (a) azigcine enezinga eliphakeme lobuqotho;
- (b) ahloniphe ubumfihlo bemininingwane yabo bonke abantu abaneqhaza esikhaweni sokubuyezwa kwesinqumo;
- (c) agcine amazinga amukelekayo okusebenza okusezingeni eliphakeme nezinkambiso ezilungile; futhi
- (d) azihoxise lapho kunokungqubuzana kwezintshisekelo.

(2) Esimweni lapho ilungu leSigungu Esizimele liyilungu lenhlangano yomsebenzi othile kumelwe ligcine izimiso zenkambiso elungile ezisebenza kumalungu aleyo nhlangano.

ISAHLUKO 5

UKUFAKA ISIKHALO SOKUBUYEKEZWA KWESINQUMO NOKUXOLELA

Ukufaka isikhalo sokubuyezwa kwesinqumo

12. (1) Umfaki wesicelo, ozuzayo noma umuntu omelele yena, ovumelanayo nesinqumo se-Ejensi futhi ofisa ukufaka isikhalo sokubuyezwa kwesinqumo ngaleso sinqumo, kumelwe afake isikhalo ngokwemigomo yesigaba

18(2) soMthetho weSigungu Esizimele, ngefomu elifanayo neFomu 1 elikuSithasiselo salezi Zinqubomgomo.

(2) Isikhalo sokubuyezwa kwesinqumo esidingidwa kunqubomgomo engaphansi (1):

- (a) kumelwe sifakwe kuSigungu Esizimele;
- (b) singase sihanjiswe ngesandla, noma ngokuxhumana ngezobuchwepheshe noma nganoma iyiphi enye indlela yokuxhumana; futhi
- (c) kumelwe sihambisane:
 - (i) nekhophi kamazisi womfaki wesicelo noma ozuzayo; futhi
 - (ii) ikhophi yesinqumo esikhishwe yi-Ejensi ngokuphathelene nesicelo soxhaso lomfaki wesicelo noma isibuyezeko soxhaso lozuzayo.

(3) Lapho efaka isikhalo sokubuyezwa kwesinqumo esidingidwa kunqubomgomo engaphansi (1) umfaki wesicelo, ozuzayo noma umuntu omelele yena akumelwe avunyelwe ukuba athumele noma yibuphi ubufakazi noma ulwazi olwalungahlinzekwanga noma lwanikezwa i-Ejensi ngesikhathi sokufaka isicelo sosizo lwezenhlalo.

Ukuxolela kokufakwa kwesikhalo sokubuyezwa kwesinqumo sekudlule isikhathi

13. (1) ISigungu Esizimele singase, lapho kufakwa isicelo futhi ngezinhloso ezinhle eziboniswe abantu abadingidwa kunqubomgomo 12(1), sisivumele isicelo sokubuyezwa kwesinqumo esifakwe ngemva kwezinsuku ezingu-90.

(2) Lapho siquma ukuthi zibonisiwe yini izinhloso ezinhle ukuze kuvunyelwe isicelo sesikhalo sokubuyezwa kwesinqumo esifakwe sekwephuzile, iSigungu Esizimele kumelwe sibhekisise izinto ezilandelayo:

- (a) isizathu nesikhathi esesidlulile;
- (b) ukuthi kuwubulungisa yini ukusivumela; futhi
- (c) ukuthi akhona yini amathemba okuthi singaphumelela.

(3) Umfaki wesicelo odingidwa kunqubomgomo engaphansi (1) kumelwe ibe sefomini elifanayo neFomu 2 elikuSithasiselo salezi Zinqubomgomo.

ISAPHLUKO 6**UKUCATSHANGELWA KWESIKHALO SOKUBUYEKEZWA KWESINQUMO**

- 14.** (1) Kumelwe kwenziwe isinqumo ngesikhalo sokubuyezwa kwesinqumo esidingidwa kunqubomgomo 12(1):
- (a) uma engekho umfaki wesicelo, ozuzayo noma umuntu omelele yena; futhi
 - (b) ngokucabangela ubufakazi obubhaliwe obuthunyelwe yi-Ejensi nomfaki wesikhalo, ozuzayo noma umuntu omelele yena noma otholwe iSigungu Esizimele ngokwenqubomgomo 10, uma kusebenza.
- (2) Isikhalo sokubuyezwa kwesinqumo kumelwe, kuxhomeke kuzinqubomgomo 17(4), 10(1)(b) noma 16(4), siphothulwe phakathi nezinsuku ezingu-90 kusukela ngosuku isikhalo esatholwa ngalo iSigungu Esizimele.

Isinqumo seSigungu Esizimele

- 15.** ISigungu Esizimele kumelwe, ngemva kokuba sesihlole amadokhumenti adingidwa kunqubomgomo 14(1)(b) nakwiFomu 1 kulezi Zinqubomgomo senze ngokwenqubomgomo 10(3).

Ukuxilongwa udokotela komfaki wesikhalo noma ozuzayo

- 16.** (1) ISigungu Esizimele singase, lapho singenakusenza isinqumo ngokombiko wezokwelapha okhona ohlinzekwe yi-Ejensi, sidlulisele umfaki wesicelo noma ozuzayo ukuba ayoxilongwa ngokwengeziwe, omunye udokotela noma umsebenzi wezempilo osebenzela uhulumeni.
- (2) Lapho umfaki wesicelo noma ozuzayo edluliselwa ukua axilongwe njengoba kudingidwa kunqubomgomo engaphansi (1), iSigungu Esizimele kumelwe sazise umfaki wesicelo, ozuzayo noma umuntu omelele yena, ngokubhala phansi:
- (a) izizathu zokudlulisela;

- (b) ukuthi umbiko wokuxilongwa odingidwa kunqubomgomo engaphansi (1) kumelwe utholakale phakathi nezinsuku ezingu-30; futhi
- (c) ukuthi umbiko wokuxilongwa odingidwa kunqubomgomo engaphansi (1) kumelwe uthunyelwe kwiSigungu Esizimele, phakathi nezinsuku ezingu-15 ngemva kokuwuthola.
- (3) ISigungu Esizimele kumelwe, lapho sithola umbiko wokuxilongwa odingidwa kunqubomgomo (2)(c) sicubungula isikhalo sokubuyezwa kwesinqumo futhi senze ngokwenqubomgomo 10(3).
- (4) Lapho umfaki wesicelo, noma ozuzayo ehluleka ukuthumela umbiko odingekayo wokuxilongwa odingidwa kunqubomgomo engaphansi (2)(b) phakathi nezinsuku ezingu-15 ezidingidwa kunqubomgomo engaphansi (2)(c), iSigungu Esizimele singase siqhubeke nokunquma ngesikhalo sokubuyezwa kwesinqumo ungekho umbiko wokuxilongwa.

ISAPHLUKO 7

UKUPHATHWA KWEZIKHALO SOKUBUYEKEZWA KWESINQUMO

Ukwamukelwa, isaziso sokukwamukela nokucelwa kolwazi olwengeziwe

- 17.** (1) ISigungu Esizimele sinemithwalo elandelayo:
- (a) ukwamukela izikhalo sokubuyezwa kwesinqumo;
- (b) phakathi nezinsuku ezingu-7 kusukela samukele isikhalo sokubuyezwa kwesinqumo, sazise ukuthi isamukele;
- (c) silungiselele amafayela okwenza isinqumo ngezikhalo zokubuyezwa kwesinqumo ngokuqinisekisa ukuthi wonke amadokhumenti afanele nasekelayo angase adingeke ngokuphathelene noxhaso lwezenhlalo afakiwe kulawo mafayela; futhi
- (d) sihlaziye ukunemba, ukusebenza, nokwethembeka kwamadokhumenti asekelayo.
- (2) ISigungu Esizimele singase sicele i-Ejensi ukuba ihlinzeke nganoma iyiphi idokhumenti okubhekiselwe kuyo kunqubomgomo 10(1)(c) noma (e).

(3) ISigungu Esizimele singase sicele umfaki wesicelo, ozuzayo noma umuntu omelele yena ukuba ahlinzeke nganoma yimaphi amadokhumenti asasele okubhekiselwe kuwo kuFomu 1, phakathi nezinsuku ezingu-15 kusukela osukwini lwesicelo.

(4) Isikhalo sokubuyezwa kwesinqumo kumelwe sibhekwe kuphela njengesifakiwe lapho sekwamukelwe wonke amadokhumenti okubhekiselwe kuwo kunqubomgomo 12(2)(c).

(5) Lapho, kuyisikhalo sokubuyezwa kwesinqumo esimayelana noxhaso olumayelana nezokwelapha, i-Ejensi ihluleka noma ingenakukwazi ngasizathu simbe ukuhlinzeka iSigungu Esizimele amarekhodi afanele adingekayo ekwenzeni isinqumo ngaleso sikhalo sokubuyezwa kwesinqumo phakathi nezinsuku ezingu-30 adingidwa kunqubomgomo 3(b), iSigungu Esizimele singase sinikeze i-Ejensi isiqondiso sokuba siphinde senze isihlaziyo sezokwelapha somfaki wesikhalo noma ozuzayo bese ithumela lowo mbiko waleso sihlaziyo phakathi nezinsuku ezingu-30 kusukela osukwini lokunikezwa kwe-Ejensi lesi siqondiso.

(6) Isigungu Esizimele kumelwe lapho sithola wonke amadokhumenti okubhekiselwe kuwo kunqubomgomo (3), sazise ukuthi uwatholile, phakathi nezinsuku ezingu-7 ngemva siwatholile.

Ukwazisa ngesinqumo

18. (1) ISigungu Esizimele kumelwe, kuxhomeke kunqubomgomo (2) bazise umfaki wesicelo, ozuzayo noma umuntu omelele yena kanye ne-Ejensi ngesinqumo nezizathu zaso ngokuphathelene nesikhalo sokubuyezwa kwesinqumo.

(2) Ukwazisa ngesinqumo kumelwe kuthunyelwe kumfaki wesicelo, ozuzayo noma umuntu omelele yena ngendlela yokuxhumana eshiwo umfaki wesicelo, ozuzayo noma umuntu omelele yena esicelweni sesikhalo sokubuyezwa kwesinqumo, noma nganoma iyiphi enye indlela yokuxhumana kubandakanya nokuxhumana ngezobuchwepheshe njengoba kunqunywe iSigungu Esizimele.

(3) Lapho isinqumo seSigungu Esizimele esidingidwa kunqubomgomo (1), i-Ejensi kumelwe yenze ngokwaleso sinqumo phakathi nezinsuku ezingu-30 isitholile.

Isicelo esingesona isikhalo sokubuyezwa kwesinqumo

19. (1) ISigungu Esizimele kumelwe, lapho sithola isicelo esingesona esikhalo sokubuyezwa kwesinqumo njengoba sidingidwa esigabeni 18(2) soMthetho esifundwa nenqubomgomo 12, sazise umfaki wesicelo, ozuzayo noma umuntu omelele yena, ngokubhala phansi, ukuthi leso sicelo asisona esikhalo sokubuyezwa kwesinqumo kanye nezizathu zalokho.

(2) ISigungu Esizimele ngeke sibe nesibopho sokucabangela isicelo njengoba kudingidwa kunqubomgomo (1):

(a) uma isicelo singahambisani nawo wonke amadokhumenti adingwa yinqubomgomo 12(2)(c); noma

(b) uma leso sicelo siyisicelo esidingidwa kunqubomgomo (1).

Ukuxoxiswa kwesikhalo sokubuyezwa kwesinqumo

20. Umfaki wesicelo, ozuzayo noma umuntu omelele yena angase, ngesaziso esibhaliwe, noma nini ngaphambi kokuba iSigungu Esizimele siphothule isikhalo sokubuyezwa kwesinqumo, ahoxise leso sikhalo sokubuyezwa kwesinqumo.

Ukugcinwa kwamarekhodi

21. (1) Ikhophi yamadokhumenti esikhalo sokubuyezwa kwesinqumo, kubandakanya nesaziso sesinqumo, irekhodi yezinqubo namakhophi efayela le-Ejensi kumelwe kugcinwe yiSigungu Esizimele iminyaka engu-5 kusukela ngosuku lokwaziswa ngomphumela wesikhalo.

(2) ISigungu Esizimele yiso esigcina wonke amadokhumenti esikhalo sokubuyezwa kwesinqumo.

Ububanzi Nesicelo Sezikhalo Zosizo Lwezenhlalo Kubantu Abaxakekile Nge-Covid-19

22. Naphezu kwalezi Zinqubomgomo, zonke izikhalo zokubuyekezwa kwesinqumo ezidingidwa kunqubomgomo 6 yeZinqubomgomo Ze-SRD Ye-Covid-19, kumelwe zifakwe futhi zicatshangelwe, kuxhomeke kwinqubomgomo 5(4) nezinqubomgomo 9(3)(b) no-(c) zalezi Zinqubomgomo, ngokweZinqubomgomo Ze-SRD Ye-Covid-19.

Ukucishwa Komthetho

23. IZinqubo-mgomo ezishicilelwe ngaphansi kwe-GN R746 kwi-Gazethi 34618 ka-19 Septemba 2011 seziyachibiyelwa.

Ukuqala

24. Lezi Zinqubo-mgomo zizoqala ukusebenza ngosuku lokushicilelwa kwalesi saziso kwiGazethi.

ISITHASISELO**IFOMU 1****UKUFAKA ISIKHALO SOKUBUYEKEZWA KWESINQUMO****(Inqubomgomo 12(1))****Isigaba 18 soMthetho Wosizo Lwezenhlalo, 2004 (uMthetho No. 13 ka-2004)****Okokusetshenziswa ehhovisi kuphela:****Isifunda: Ihovisi Lendawo:****A. IMINININGWANE YOMFAKI WESICELO NOMA OZUZAYO**

Isibongo:	Amagama Aphelele:		
Inombolo Ye-ID:	Ubuzwe:	Ubulili: M	F
INo Yocingo:	Ifeksi:	I-imeyili:	Ino Yeselula:
Ikheli Lendlu			
Ikheli Leposi			

B. IMINININGWANE YESICELO SOXHASO NOMA YESIBUYEKEZO SOXHASO

I-Ofisi Le-Ejensi (SASSA):							
Usuku Lwesicelo noma Lokubuyekeza:				Usuku Lokwenqaba:			
Uhlobo Loxhaso (Phawula ngo-'X')							
Ukukhubazeka	Abantu Abadala'	Iqhawe Lezempi	Ingane Yokutholwa	Umuntu onakekelwayo	Uxhaso Lwengane	Uxhaso Lokulekelela	Usizo Lwezenhlalo Kubantu Abaxakile

C. IZIZATHU ZESIKHALO SOKUBUYEKEZWA KWESINQUMO

Izizathu zokuba ungavumelani nesinqumo se-Ejensi: (Uma isikhala esihlinzekiwe singanele, sicela ufake ikhasi elihlukile kuleli fomu bese ubonisa ngokucacile ukuthi kunekhasi (kunamakhasi) elifakiwe).

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D. AMADOKHUMENTI OKUMELWE AHAMBISANE NESIKHALO SOKUBUYEKEZWA KWESINQUMO

Nekhophi kamazisi womfaki wesicelo noma ozuzayo.

Ikhophi yesinqumo esikhishwe yi-Ejensi ngokuphathelene nesicelo soxhaso lomfaki wesicelo noma isibuyekezo soxhaso lozuzayo.

Imibiko yezokwelapha yangaphambili neyamanje eyanikezwa i-Ejensi (uma itholakala);

Igama lesibhedlela/lomtholampilo ovame ukuya kuso.

Ubufakazi beholo kanye/noma izimpahla: Yebo Cha N/A

Uma umuntu efakela ozuzayo noma umfaki wesicelo isikhalo sokubuyekezwa kwesinqumo, ikhophi yencwadi emgunyazayo noma ubufakazi bokuqokwa kwakhe umfaki wesicelo noma ozuzayo ukuba ammelele.

Noma yimaphi amanye amadokhumenti asekelayo (yisho ukuthi luhlobo luni lwamadokhumenti).

E. IMINININGWANE YOMMELELI

Igama Nesibongo:			
Igama Lenhlangano/Lefemu (lapho kusebenza):			
Inombolo Ye-ID:			
INo Yocingo:	INo Ye-Fax:	Ino Yeselula:	Ikheli le-imeyili:

Isignesha yomfaki wesicelo/yozuzayo/yommeleli

Usuku:

Indawo:

F. IMVUME

Nginikeza imvume ngokwemigomo yesigaba 13 nesigaba 20 soMthetho Wokuvikelwa Kwemininingwane Yomuntu, 2013 (uMthetho No. 4 ka-2013) yokuthi iSigungu Esizimele Sezikhalo Zosizo Lwezenhlalo singacela imininingwane kumuntu / enhlanganweni oludingekayo ukuze kunqunywe ngesikhalo sokubuyekezwa kwesinqumo

Isignesha yomfaki wesicelo/yozuzayo/yommeleli

Usuku:

Indawo:

ISITEMBU ESISEMTHETHWENI ESINOSUKU ESIFIKE NGALO:

IFOMU 2**ISICELO SOKWAMUKELWA KWESIKHALO SOKUBUYEKEZWA****KWESINQUMO ESIFIKE SEKWEPHUZILE****(Inqubomgomo 13(3))****Isigaba 18 soMthetho Wosizo Lwezenhlalo, 2004 (uMthetho No. 13 ka-2004)**

A. IMINININGWANE YOMFAKI WESICELO NOMA OZUZAYO			
Isibongo:	Amagama Aphelele:		
Inombolo Ye-ID:	Ubuzwe:	Ubulili: M	F
INo Yocingo:	Ifeksi:	I-imeyili:	Ino Yeselula:
Ikheli Lendlu			
Ikheli Leposi			

B. IZIZATHU ZOKUFAKWA KWESIKHALO SOKUBUYEKEZWA KWESINQUMO SEKWEPHUZILE
<p>Izizathu zokufaka isicelo sokwamukelwa kwesicelo esephuzile okubhekiselwe kuso kunqubomgomo 13(2):</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>.....</p> <p>(Uma isikhala esihlinzekiwe singanele, sicela ufake ikhasi elihlukile kuleli fomu bese ubonisa ngokucacile ukuthi kunekhasi (kunamakhasi) elifakiwe).</p>

C. AMADOKHUMENTI OKUMELWE AHAMBISANE NESICELO ESEPHUZILE
IFOMU 1 (Isicelo Sesikhalo Sokubuyezwa Kwesinqumo)