IMITHETHO YENGXOWA-MALI ENGUSIZWE

Igale ukusebenza ngomhla wokugala kweyoMgungu (Januwari) 2016

1. IGAMA

Igama leNkqubo yi “Ngxowa-mali enguSizwe” kwaye ukususela ngoku siza kuyibiza ngokuthi yi “Nkqubo”. Igama elishunqulelweyo lale nkqubo leli: “USIZWE“.

2. AMALUNGELO ASEMTHETHWENI

Inkqubo le, ngokunokwayo, iliqumrhu, elinelungelo elisemthethweni lokusukela nokusukelwa ngomthetho, elokufumana, elokubamba, nelokuziguzula izinto ezishukumayo nezingashukumiyo apho kukho imfuneko yokusebenzisa igunya yalo ngokwemimiselo yoMthetho Nemigaqo Yeenkqubo Zonyango. (iiMedical Schemes ngokwentetho yesiNgesi).

3. IOFISI EBHALISIWEYO

Iofisi ebhalisiweyo yeNkqubo ikule dilesi: 81 Main Street, kumgangatho wesi-3 kwisakhiwo seNedbank, eMarshalltown, eRhawutini, kodwa ke iBhodi elawulayo ingayitshintsha idilesi iye kwenye indawo kwalapha kwiRiphablikhi yoMzantsi Afrika xa kunokubakho imeko efuna oko.

4. IINKCAZELO ZAMAGAMA

Ngokwale Migaqo, amagama nesigama esisetyenziswe kUmthetho Weenkqubo Zonyango (Umthetho we-131 wonyaka we-1998) anentsingiselo ehambelana nawo, ngaphandle kokuba imeko asetyenziswe kuyo yahlukile -

a) igama elikwisinye liquka nesininzi, nelikwisininzi liquka isinye,

b) nanzi iintsingiselo zala mabinzana alandelayo:

4.1. “Umthetho” – Umthetho Weenkqubo Zonyango (Umthetho we-131 wonyaka we-1998), nemigaqo ephantsi kwawo;

4.2. “Umlawuli” – Umlawuli weNkqubo ogunyaziswe yiKhansile ngamaxesha athile, ngokwemimiselo yoMthetho;

4.3. “Imvume” – imvume ebhaliweyo okanye eyomlomo negcinwe ngokwemizuzu, enikwa yiBhodi okanye ngummeli weBhodi.

4.4. “Umlawuli-mali” - umlawuli-mali obhalisiweyo ngokoMthetho wababali nabalawuli-mali boluntu (UMthetho wama-80 wonyaka we-1991);

4.5. “Isigunyaziso” –

4.5.1. xa ubani eza kungena esibhedlele – isigunyaziso esenziwe yiNkqubo okanye ummeli weNkqubo – sisenzelwa unyango phantsi koncedo lonyango lwesibhedlele, apho kufakwe isicelo lilungu okanye ummeli welungu leNkqubo phambi kokuba angeniswe esibhedlele okanye ekliniki okanye eza kufumana iinkonzo okanye olunye unyango oluvunywe yiNkqubo ngamaxesha athile. Isigunyaziso siya kuthathwa ngokuba sinika imvume yokuba kwenziwe unyango okanye iinkonzo ezifunekayo ngelo xesha limisiweyo;

4.5.2. Xa kuza kunikwa amayeza isigunyaziso sesokufumana iyeza elicetyiselwe ukunyanga isigulo esithe gqolo, kwaye isigunyaziso sisekelwe kwisikhokelo sokuhlawula esimiselwe kwinkqubo yokunyanga izigulo ezithe gqolo okanye eyokulawula izifo;

4.6. “Oncedwayo” – ilungu okanye umntu owamkelwe njengoxhomekeke kwilungu.

4.7. “iBhodi” – iBhodi Yabathenjiweyo equlunqelwe ukulawula iNkqubo malunga noMthetho nale migaqo;

4.8. “Imeko” – unyango lwesigulo olufunekayo xa oncedwayo engeniswa esibhedlele okanye ekliniki okanye eza kufumana unyango oluthe gqolo njengokuba kuxeliwe phantsi kwemimiselo yoncedo lwesibhedlele;

4.9. “Umntwana” – umntu ongaphantsi kwe-18 (ishumi elinesibhozo) leminyaka, ongaziphethanga, nophantsi kwempatho nenkxaso yelungu. Ukuze siyisebenzise le nkcazelo sithi umntwana -

i. ngumntwana ozelwe lilungu; okanye

ii. ngumntwana olivezandlebe okanye isizananina; okanye

iii. ngumntwana ilungu elimphiweyo okanye osendleleni yokuphiswa ngaye nobekwe phantsi kwenkathalo nogcino lwelungu, njengokuba kuxeliwe kwicandelo 1 loMthetho Wabantwana wonyaka wama-2005. (UMthetho Wama-38 wonyaka wama-2005); okanye

iv. ngumntwana ogcinisiweyo okanye osendleleni yokugciniswa lilungu, njengokuba kuxeliwe kwicandelo 1 loMthetho Wabantwana wonyaka wama-2005; okanye

v. ngumntwana ozelwe ngokuthi omnye umfazi athwalele omnye (isurrogate ngokwesiNgesi) ngemvumelwano engqinisiswe kwiNkundla

Ephakamileyo njengoko kucaciswa kuMthetho Wabantwana wowama-2005 (UMthetho wama-38 wama-2005);okanye

vi. ngumntwana ogciniswe nje okwethutyana kwilungu okanye kwindawo yokhuseleko, njengokuba kuxeliwe kwicandelo 1 loMthetho Wabantwana wonyaka wama-2005. (UMthetho Wama-38 wonyaka wama-2005);

vii. ngumntwana welungu leqabane, njengokuba kuchaziwe ku(i) naku(vi) apha ngentla.

4.10. “Umntwana oxhomekekileyo” – ngumntwana, njengokuba kuchaziwe kuMgaqo 4.9 – ongaphantsi kweminyaka eli-18 (ishumi elinesibhozo); okanye ngumntwana oxhomekeke ngokupheleleyo kwilungu ngenxa yokuba engumlwelwe okanye egula ngengqongo, okanye nawuphi na umntwana ovunyiweyo ukuba uxhomekeke kwilungu ngemali lo gama esengaphantsi kweminyaka engama-25 (amashumi amabini anesihlanu) ubudala. Le nkcazelo ayilibali iqabane okanye lowo utshate nelungu, naye nawuphi na umntu otshatileyo. Inkqubo iya kufuna ubungqina bokuxhomekeka okanye isifungo sasemthethweni esenziwe ngumntwana oxhomekekileyo ongaphezu kweminyaka eli-18, senziwe qho ngonyaka. Luxanduva lwelungu ukuba abufake ubungqina bokuxhomekeka obufunekayo kungenjalo lo uncedwayo uya kuthathwa njengomntu omdala, kwaye iNkqubo iya kubiza amaxabiso aphezulu abekiweyo.

4.11. “Isicwangciso sonyango lwezigulo ezithe gqolo” – isicwangciso esivunywe yiNkqubo sokuthoba iindleko nokusebenzisa amayeza asetyenziswa ngoncedwayo kwisithuba sexesha elide, okanye ukunyango lwesifo esinganyangekiyo okanye isifo esibulalayo.

4.12. “Imeko yesigulo esithe gqolo” – imeko yesigulo esifuna iyeza elinikwa rhoqo okanye isitofu esiza kuhlatywa ixesha elingaphaya kweenyanga ezintathu apho unyango lwemeko enjalo lusinceda isigulo.

4.13. “Imeko yokulinda ixesha elithile” – elo xesha lisengamiswa yiNkqubo kodwa alinakudlula iinyanga ezili-12 (ishumi elinesibini) ukususela mhla oncedwayo waqala ukwamkelwa kweso sicwangciso sonyango, apho oncedwayo engenalungelo lokubanga uncedo kwiimeko ezixelwe yiNkqubo, nalapho kwaqala ukunikwa iingcebiso okanye ukwalathwa kwesigulo okanye ukunyangwa kwaso;

4.14. “Ilungu eliqhubekayo” – ilungu eligcine ubulungu beNkqubo ngokwemimiselo yoMgaqo 6.3 okanye umntu oxhomekekileyo obe lilungu leNkqubo ngokwemimiselo yoMgaqo 7.1.

4.15. “Intlawulo yesibophelelo“– intlawulo ebekiweyo, ngokwesivumelwano phakathi kweNkqubo nomnikezeli okanye abanikezeli beenkonzo malunga neenkonzo abazinikezeleyo.

4.16. “Umrhumo” – owelungu, yimali, engenanzala, ehlawulelwa ilungu nabantu abaxhomekeke kulo ababhalisiweyo, ukuba bakhona, le iyintlawulo yobulungu kwaye iya kuquka quka imirhumo yeeakhawunti zolondolozo lwezonyango. Imali eshiyekele ilungu malunga nasiphi na isicwangciso esivumela ugcino-mali lwezonyango, iya kusoloko ililungelo lelungu.

4.17. “Ikhansile” – Ikhansile YeeNkqubo Zonyango njohlobo esekwe ngalo nguMthetho;

4.18. “Iindleko” – malunga noncedo okanye imali ehlawulwa inkonzo yezonyango enikiweyo okanye izinto ezinikezelweyo

4.19. “Ixesha elinokukholelwa” – naliphi na ixesha apho lowo ungenelele kamva –

4.19.1. ebelilungu okanye umntu oxhomeke kwinkqubo yezonyango;

4.19.2. ebelilungu okanye exhomekeke kwiziko elithile elirhweba ngeenkqubo zonyango nebelingekho phantsi kweempembelelo zoMthetho ngexesha lobulungu bakheu e kwwiziko elithile elenza urhwebo lwenkqubo yezonyango elithe, ngexesha lobulungu baloo mntu, langabi phantsi kweembophelelo zoMthetho;

4.19.3. ebengumqeshwa onxiba iyunifomu weSebe Lezokhuseleko loMzantsi Afrika okanye exhomekeke kumqeshwa ofumana uncedo lwezonyango kwiSebe Lezokhuseleko loMzantsi Afrika; okanye

4.19.4. ebelilungu okanye exhomekeke kwiNgxowa-mali Yomkhosi Osisigxina Wokuqhubeka, iPermanent Force Continuation Fund, ngesiNgesi, kodwa ingalifaki eli xesha lo mntu uxhomekekileyo ebengaphantsi kweminyaka eli-18.

4.20. “Umntu oxhomekekileyo” –

4.20.1. ngumntu otshate okanye oliqabane lelungu, ongelolungu elibhalisiweyo kwenye inkqubo yonyango;

4.20.2. ngumntwana welungu oxhomekeke kulo, njengokuba kuchaziwe kuMgaqo 4.10, ongelolungu elibhalisiweyo kwenye inkqubo yonyango; kwaye

4.20.3. ngumntu omdala olilungu losapho nokhathalelwe, exhaswa lilungu

4.21. “Umnikezeli weenkonzo ovunyiweyo” ngumnikezeli okanye iqela labanikezeli, oshunqulelwa ngokuthi yi“DSP”, okhethwe yiNkqubo ukwenzela ukuba anikezele iinkonzo zempilo kubancedwa, ngexabiso elikhethekayo okanye ngeendlela eziluncedo ezixhanyulwa kuphela ngabangabancedwa, ngaphandle kokuba iDSP

ayikho kwindawo okanye kufuphi nendawo ahlala kuyo oncedwayo, okanye xa kufuneka uncedo olungxamisekileyo

4.22. “Isicwangciso sokulawula izifo” - isicwangciso esamkelwe yiNkqubo, siquka imiqathango yokusebenza ecaciswe kwizihlomelo eziyimfuneko kwisivumelwano esiyimbophelelo esisayinwe yiNkqubo nelo ziko libotshelelwe ngesivumelwano ukuba lilawule isifo eso, ngenjongo yokunqanda iindleko eziphezulu, ukunika ingxelo ethe gqolo nokubeka iliso elibukhali kwizigulana ezikwiimeko ezifunyaniswe yiNkqubo kumaxesha ngamaxesha, meko ezo ziquka, kodwa zingaphelelanga kwizigulo ezisukela kwiHIV neAIDS;

4.23. “Intlawulo yomnikezeli weenkonzo ovunyiweyo” (intlawulo yeDSP) - IIntlawulo yesibophelelo ebekwe kuMgaqo 4.15 nekuvunyelwene ngayo nomnikezeli weenkonzo zempilo onikezela ngenkonzo yempilo kubancedwa beNkqubo. Le ntlawulo iya kusebenza kwiimeko zobuncinane okanye ezingezizo ezobuncinane boncedo obuqingqiweyo (Prescribed Minimun Benefits) eshunqulelwa ngokuthi PMB, kwaye iya kuhlawulwa ngokommiselo wentlawulo yeDSP, ngaphandle kokuba ibekwe ngokweminye imimiselo yoMthetho, iMigaqo jikelele nale migaqo ikulo mqulu.

4.24. “Idilesi esisigxina (Domicilium citandi et executandi)” – idilesi ekhethwe lilungu, apho liya kufumana khona izaziso, inkqubo esemthethweni, okanye esinye isenzo esihambelana noko.

4.25. “Imeko yonyango engxamisekileyo” – imeko yokugula ethi gquphu ingalindelekanga, kuze kudingeke unyango okanye utyando olungxamisekileyo kuba kubonwa ukuba xa kungenakuthathwa amanyathelo ogulayo angonakalelwa kakhulu mhlawumbi ukusebenza komzimba, okanye amalungu athile, kungasemngciphekweni.

4.26. “Umqeshwa” – umntu osebenzela umqeshi.

4.27. “Umqeshi” – umqeshi onesivumelwano esibophelelayo neNkqubo ngenjongo yokungenisa abaqeshwa bakhe njengamalungu eNkqubo.

4.28. “Ixesha lokulinda” – ixesha apho oncedwayo engenalungelo lokubanga uncedo, xesha elo lingenakudlula kwiinyanga ezi-3 (ezintathu), okanye elinye ixesha elivumelekileyo ngokuseMthethweni, nelibekwa yiBhodi ngamaxesha athile.

4.29. “Isicwangciso sokulawula uncedo lwasesibhedlele” – unonophelo oluthe gqolo, lusenziwa yiNkqubo, ngexesha elimiselwe unyango lwalowo uncedwayo, kwaye luquka isigulo esinokuvela ngeli xesha oncedwayo ekwisibhedlele sabucala okanye esikawonkewonke, okanye ekliniki, okanye imeko yesigulo abe engeniselwe yona esibhedlele lowo uncedwayo, meko leyo iye yedlula kwixesha lokuba sesibhedlele ebelibekiwe ekuqaleni.

4.30. “Ingenelo” – ngenjongo yokubala imirhumo xa kujongwe -

4.30.1. ilungu elingumqeshwa – umvuzo wakhe uphelele, ungekatsalwa/umvuzo ekubalwa kuwo umhlala-phantsi. Esi sibalo siya kuhlaziywa singqinisiswe qho ngonyaka;

4.30.2. ilungu elilodwa – umvuzo walo wenyanga ongekatsalwa, phantsi kokungqinisiswa qho ngonyaka;

4.30.3. ilungu elibhalisa lowo litshate naye okanye iqabane lalo njengomntu oxhomekekileyo – kuthathwa umvuzo ongentla, owelungu okanye owalowo litshate naye/oweqabane;

4.30.4. ilungu eliqhubekayo – ingenelo yenyanga ephelelyo ngexesha lokuthatha umhlala-phantsi.

4.31. “Ongene mva” – ofaka isicelo okanye oxhomekeke kuye emdala, nothi abe kanti ngeli xesha lokufaka isicelo sobulungu okanye esokwamkeleka njengomntu oxhomekekileyo, abe eneminyaka engama-35 ubudala okanye engaphezulu. Akabalwa oncedwayo obelilungu lenye okanye ezinye iinkqubo zonyango phambi komhla woku-1 kaTshazimpunzi/Epreli ngowama-2001, engakange aqhawule ubulungu isithuba esidlula iinyanga ezintathu ezilandelelanayo ukususela kumhla woku-1 kaTshazimpunzi/Epreli ngowama-2001

4.32. “Iqumrhu lokulawula ukukhathalelwa” – iqumrhu elivunywe yiKhansile laze labekwa yiNkqubo ngokuseMthethweni nangokweMigaqo ukuze lijongane nokukhathalela iinkonzo zempilo ezilawulwayo.

4.33. “Ukhathalelo lwezempilo olulawulwayo” – isivumelwano sokukhathalela impilo esenzelwe ukucutha ukusetyenziswa kwenkonzo okungeyomfuneko, ukucutha iindleko nokulinganisela ukusebenza kakuhle lo gama kunikezelwa inkonzo yezempilo esemgangathweni, efikelelekayo nesebenza kakuhle, njengoko kusitshiwo kwintshayelelo yeSihlomelo B.

4.34. “Ilungu” – nawuphi na umntu owamkelwe njengelungu leNkqubo phantsi kweMigaqo yeNKqubo;

4.35. “Usapho olulilungu” – ilungu nabo bonke abantu abaxhomekekileyo, ababhalisiweyo.

4.36. “Obona buncinane boncedo” – uncedo malunga neenkonzo zempilo ezifunekayo kwezo meko zo ibekwe nguMphathiswa phantsi kweCandelo lama-29 (1) loMthetho.

4.37. “Iqabane” – umntu enobudlelwane obuqinileyo nelungu, benenjongo yokuxhomekeka omnye komnye, kungakhathaliseki ukuba isini somnye sinjani na.

4.38. “PMSA” – Iakhawunti yomntu yolondolozo lonyango. (Personal Medical Savings Account).

4.39. “Imeko yesigulo ebifudula ikho” – imeko yesigulo apho oncedwayo ebefumana unyango okanye iingcebiso ngayo kwisithuba esingangeenyanga ezilishumi elinambini kanye nje phambi komhla wokwamkelwa kwakhe kwiNkqubo.

4.40. “Obona buncinane boncedo busekiweyo” – uncedo olubekwe kwicandelo lama-29 (1) loMthetho neliqulethe izibonelelo zeziphumo zokuxilongwa, unyango neendleko zokukhathalela oku kulandelayo -

a) Izibini Zokuxelwa Kwesigulo Nonyango nezidweliswe kwiSihlomelo A seMigaqo, phantsi kwemiqathango elapho; kunye

b) nayo nayiphi na imeko engxamisekileyo;

4.41. “Imeko yobona buncinane boncedo” – imeko ebekwe kwiZibini Zokuxelwa Kwesigulo Nonyango nezidweliswe kwiSihlomelo A seMigaqo okanye enye imeko yonyango engxamisekileyo;

4.42. “Umbhalisi” – Umbhalisi okanye Isekela mbhalisi weeNkqubo Zonyango, oqeshwe phantsi kwecandelo le-18 loMthetho;

4.43. “Amaxabiso akwaSizwe” – Uludwe Lwamaxabiso Ezempilo kuZwelonke olwenzelwe iinkonzo zempilo nolupapashwe ngowama-2006 nolumana luhlengahlengiswa qho ngonyaka ngokokuhambelana nokunyuka kwamaxabiso, okanye olunye uluhlu olusisikhokelo samaxabiso oluvunywe yiNkqubo kumaxesha ngamaxesha.

4.44. “Inkamnkam Yoluntu” – inkamnkam yoluntu esisiseko nemiselwe nguMthetho Wenkamnkam Yoluntu we-1992 (UMthetho Wama-59 we-1992).

4.45. “Umntu otshate naye” – umntu otshate nelungu phantsi kwawo nawuphi na umthetho okanye isiko, kungakhathalelekanga sini sakhe nabanina kwesi sibini.

4.46. “Ixesha elimisiweyo” – ixesha eliqala ngomhla wokufaka isicelo sokungena esibhedlele okanye ekliniki okanye ukwamkelwa ngokutsha ngenxa yokuguliswa okanye ngokudibana kwesigulo esitsha nesigulo ebengenele sona kuqala oncedwayo, ukuya kutsho kumhla wokukhululwa esibhedlele okanye ekliniki. Makuqinisekiswe ukuba ukutshintshelwa kwesinye isibhedlele ngenjongo yokuqhuba unyango lwesigulo abengeniselwe sona kuya kuba lolu “suku lokukhululwa” lokuphuma esibhedlele

4.47. “Kuxhomekeka kwisicwangciso solawulo lwesibhedlele” – xa oku kubhekisa ekungenisweni esibhedlele okanye ekliniki, kuthethwa ukuba imvume enikiweyo

ivumela zonke iinkonzo ezivunyiweyo ezinxulumene nokwamkelwa kweso sibhedlele, ayivumeli naphina, kwaye isicelo kufuneka sifakwe ixesha nexesha xa kuza kunikezelwa inkonzo evumelekayo.

5. IINJONGO

5.1. Iinjongo zeNkqubo ku:

a) kwamkela uxanduva lokulungiselela amalungu nabantu abaxhomekeke kuwo, bakuba bekhuphe imirhumo okanye izavenge;

b) kubonelela ngokufumana iinkonzo zempilo ezifanelekileyo;

c) kunceda ngokuthwala iindleko ezibekho xa kunikezelwa inkonzo yezempilo efanelekileyo; kwaye/okanye

d) kunikezela inkonzo yezempilo efanelekileyo, ngeNkqubo ngokwayo okanye umnikezeli/iqela labanikezeli nkonzo okanye nawuphi na umntu ononxulumano okanye onesivumelwano neNkqubo.

6. UBULUNGU

6.1. Ukuthatha inxaxheba komqeshi

a) IBhodi inakho, xa ibona ngolo hlobo, ukwamkela inkampani, iqumrhu okanye iziko elithile njengomqeshi xa lithe lafaka isicelo, emva koko yamkele abaqeshwa baloo nkampani, iqumrhu okanye iziko elithile phantsi kwemiqathango eyamkele ngayo abaqeshi kwiNkqubo;

b) Umqeshi, akuba efake isaziso esibhaliweyo kwinyanga enye phambi kokurhoxa, angavunyelwa ukuba akuphelise ukuthatha inxaxheba kwiNkqubo. Oku kweziwa kwakuba kuqinisekisiwe ukuba akusayi kubakho zindleko ezenziwe ngabaqeshwa bakhe emva kokufaka isaziso sokurhoxa.

6.2. Iindidi zamalungu

6.2.1. Amalungu aqhelekileyo

Umqeshwa

Apho Umgaqo 8 uchaza ubulungu benkqubo njengomqathango wokuqeshwa, kunyazelekile ukuba abaqeshwai babe ngamalungu eNkqubo:

ukuba iBhodi inegunya lokumkhupha umsebenzi okanye iqela labasebenzi kubulungu beNkqubo xa umqeshi ebona okanye kwenziwe isigqibo sokuba

akulunganga ukuba abasebenzi babe ngamalungu ngokwemiqathango emiselwe ukusebenza okanye apho umqeshi evumele ubulungu kwenye iNkqubo okanye;

apho iqabane lomsebenzi lililungu lenye inkqubo kwaye umsebenzi ekhetha ukubhaliswa njengelungu laloo nkqubo, umsebenzi akasayi kunyanzelwa ukuba abe lilungu leNkqubo;

6.2.2. Umntu omnye

Ngokwemiqathango ekwimigaqo 8.1 no 8.2, ubulungu buvuleleke nakubani na okanye nakuwo onke amaqela abantu.

6.3. Abadla umhlala phantsi

6.3.1. Ilungu lingaqhubeka lililungu leNkqubo kunye nabantu abaxhomekeke kulo ukuba bakhona, xa lithatha umhlala phantsi okanye uphelelwa ngumsebenzi ngenxa yeminyaka, isigulo okanye ukubulawa.

6.3.2. Inkqubo iya kwazisa ilungu ngelungelo lalo lokuqhubeka ngobulungu kwaye nangomrhumo ofunekayo ukusukela kusuku lomhlala phantsi okanye olokuyeka emsebenzini. Ubani uya kuhlala elilungu, ngaphandle kokuba abhalele iNkqubo esazisa ngesigqibo sokuphelisa ubulungu.

6.4. Abantu abaxhomekeke kwilungu eliswelekileyo

6.4.1. Abantu abaxhomekeke kwilungu eliswelekileyo, ababhalisiweyo njengabantu abaxhomekekileyo kwinkqubo, bavumelekile ukuba baqhubeke bengamalungu eNkqubo ngaphandle kwezithintelo kwaye ukukho xesha ekuya kufuneka balilinde phambi kokuba baqhubeke bengamalungu.

6.4.2. Inkqubo kufanele yazise umntu oxhomekekileyo ngamalungelo akhe obulungu kwaye nangomrhumo ofanelekileyo. Ngaphandle kokuba umntu oxhomekekileyo abhalele iBhodi abazise ngomnqweno wakhe wokungabi lilungu, uya kuqhubeka elilungu leNkqubo.

6.4.2.1. Ubulungu buya kupheliswa ukuba ilungu lingene kwenye iNkqubo;

6.4.3. Apho umntwana okanye abantwana beziinkedama, oyena mntwana mdala uba lilungu, abanye abantwana babe ngabantu abaxhomekekileyo.

6.4.3.1. Ubulungu beli ilungu, buyaphelelwa ukuba uba lilungu okanye umntu oxhomekekileyo kwilungu lenye iNkqubo.

7. UKUBHALISA NOKUSUSA ABANTU ABAXHOMEKEKILEYO

7.1. Ukubhaliswa kwabantu abaxhomekekileyo

7.1.1. Ilungu lingabhalisa abantu abaxhomekekileyo xa lona libhaliswa njengelungu ngokwemimiselo yoMgaqo 8.

7.1.2. Ukuba ilungu libhalisa usana olusanda kuzalwa okanye usana ilungu eliluphiweyo zingaphelanga iintsuku ezingamashumi amathathu (30) luzelwe okanye kuphiswe ngalo, lowo mntwana uya kubhaliswa kwiNkqubo njengomntu oxhomekekileyo. Kuya kunyuswa umrhumo ngenyanga elandelayo kwaye uncedo lungafumeka ukusukela kusuku lokuzala okanye usuku lokuphiwa umntwana.

7.1.3. Ukuba ilungu liyatshata, lize libhalise iqabane lalo kwiNkqubo njengomntu oxhomekekileyo, zingaphelanga iintsuku ezingamashumi amathathu (30) ukusukela kumhla womtshato, elo qabane liya kuba lilungu leNkqubo. Kuya kunyuswa umrhumo ngenyanga elandelayo kwaye uncedo lungafumeka ukusukela kusuku lomtshato.

7.1.4. Ukuba kuvela ithuba lokuba umntu abhaliswe kwiNkqubo njengomntu oxhomekekileyo ngaphandle kwala mathuba acacisiweyo kwimigaqo 8.2.1 ukuya ku 8.2.3, ilungu lingafaka isicelo kwiNkqubo sokuba loo mntu oxhomekekileyo abhaliswe, kulandelwa imiqathango yomGgaqo 8.

7.2. Ukususwa kwabantu abaxhomekekileyo

7.2.1. Kufanele ukuba ilungu lazise iNkqubo zingaphelanga iintsuku ezingamashumi amathathu (30) ukuba iimeko zokuba abantu abaxhomekekileyo zingatshintsha kwaye abasenalo ilungelo lokuba ngumntu oxhomekekileyo.

7.2.2. Xa umntu oxhomekekileyo enganalo ilungelo lokuba ngumntu oxhomekekileyo, akasayi kuthathwa njengomntu oxhomekekileyo kwaye akayi kuba nalungelo lakufumana uncedo, nokuba iNkqubo khange yaziswe ngemigaqo okanye nokuba umrhumo uhlawulwe.

8. IIMEKO ZOBULUNGU

8.1. Umntwana angalilungu ngemvume yomzali okanye umntu okhathalele umntwana.

8.2. Akuvumelekanga ukuba umntu omnye abe lilungu leeNkqubo ezibhalisiweyo eMthethweni zibe ngaphezulu kwenye. Akuvumelekanga ukuba ngumntu oxhomekeke:

8.2.1. kumalungu amabini nangaphezulu kwinkqubo enye;

8.2.2. kumalungu ahlukeneyo eeNkqubo ezibhalisiwe eMthethweni ezahlukeneyo; kwaye

8.2.3. umntu olilungu okanye abantu abaxhomekekileyo abavunyelwanga ukufuna okanye ukufumana uncedo kwenye iNkqubo ngaphandle kokuba loo mntu uphisa ngamalungu omzimba.

8.3. Umntu ongathanda ukuba lilungu leNkqubo, kufanele ukuba azalise amaphepha okucela ukungena afuneka kwiNkqubo, afake nobungqina bomvuzo wakhe, iminyaka, imeko yempilo kwaye namaphepha obulungu benye iNkqubo engaphambili. Olu lwazi luyafuneka nakubantu abaxhomekekileyo. Kungafuneka umntu ofuna ukuba lilungu leNkqubo, ahambise ubungqina bempilo, kakhulu apho ilungu lifumene ingxelo yokugula nokunyanga kunyaka ongaphambi kokuba amkelwe njengelungu. Iindleko zokufumana ubungqina obuxhasayo ngempilo yalowo ufaka isicelo ziya kuhlawulwa yiNkqubo. INkqubo ingazikhethela umnikezeli weenkonzo zempilo omakenze uphando ngempilo yeli lungu.

8.4. Amaxesha athile okulinda

8.4.1. Inkqubo inganyanzelisa ukuba umntu okanye umntu oxhomekekileyo, ofaka isicelo sokuba lilungu alinde ixesha elithile xa ebengelilo ilungu lenye iNkqubo kwisithuba seentsuku ezingamashumi alithoba (90) phambi kwesi sicelo asifakayo. Angalinda:

8.4.1.1. ixesha elilingana neenyanga ezintathu; kwaye
8.4.1.2. ixesha elinokufikelela kwiinyanga ezili-12 apho kukho imeko-ethile.

8.4.2. Ukuba umntu okanye umntu oxhomekekileyo ufaka isicelo sokuba lilungu, abe ebelilungu lenye iNkqubo ngaphezulu kweminyaka emibini ethe gqolo, nangaphantsi kweentsuku ezingamashumi alithoba (90) kwisithuba sesi sicelo, iNkqubo inganyanzelisa oku kulandelayo:

8.4.2.1. ixesha lokulinda lonyaka kwiimeko-ezithile, ngaphandle kokuba unyango olufunekayo lungena phantsi kwemimiselo yobona buncinane boncedo;
8.4.2.2. ixesha lokulinda eliseleyo apho eli lungu beliphantsi kwexesha lokulinda kwiNkqubo yangaphambili. Le yimeko apho ilungu elithile licele ukungena kule Nkqubo kodwa lingakaligqibi ixesha lokulinda kwinkqubo elisuka kuyo.

8.4.3. Ukuba umntu okanye umntu oxhomekekileyo, ofaka isicelo sokuba lilungu ebelilungu lenye iNkqubo ngaphezulu kweminyaka emibini ethe gqolo, waze waphelisa ubulungu bakhe apho kwisithuba esingaphantsi kweentsuku

ezingamashumi alithoba (90) ekufakweni kwesi isicelo, iNkqubo inganyanzelisa na, ixesha lokulinda eliziinyanga ezintathu, ngaphandle kokuba unyango lungena phantsi kwemimiselo yobona buncinane buncedo bubekiweyo.

8.5. Alikho ixesha lokulinda xa:

8.5.1. umntu okanye umntu oxhomekekileyo, ofaka isicelo sokuba lilungu ebelilungu lenye iNkqubo waze wayeka kwisithuba esingaphantsi kweentsuku ezingamashumi alithoba (90), ukuba esi sicelo sifuneka ngenxa:

8.5.1.1. yokutshintsha komsebenzi; okanye

8.5.1.2. umqeshi otshintsha okanye ophelisa ubulungu babasebenzi kwiNkqubo. Xa kunjalo loo nto ingenziwa ekuqaleni konyaka wezimali, okanye iNkqubo kufanele yazisiwe ekuqaleni konyaka wezimali.

Apho iNkqubo yangaphambili ibibeke ixesha lokulinda ngenxa yemeko ethile, kwaye elo xesha alaphela phambi kokuba umntu aphelise ubulungu, iNkqubo ivumelekile ukuba idlulisele ela xesha lingakhange liphele kule Nkqubo, njengoko bekubekiwe yiNkqubo yangaphambili.

8.5.2. Alikho ixesha lokulinda naxa umntu oncedwayo etshintsha isicwangciso soncedo kwalapha kule Nkqubo ngaphandle kokuba esi sicwangciso sitsha sinexesha lokulinda elithile;

8.5.3. Nomntwana oxhomekekileyo ozelwe ngexesha lobulungu akalindiswa;

8.6. Alisayi kubakho ixesha lokulinda elithile okanye izithintelo eziza kunyanzelwa ngenxa yemeko yempilo yelungu okanye umntu oxhomekekileyo apho loo mntu ebelilungu lenye iNkqubo iminyaka emibini ngokuqhubekayo, kwaye ubulungu bakhe buchithiwe ngenxa yokutshintsha umsebenzi aze acele ubulungu kwisithuba seenyanga ezintathu zesi sicelo.

8.7. Ngokuxhomekeka kumgaqo 8.6 akukwazeki ukulindisa abantu ixesha elingaphezulu kweenyanga ezilishumi elinesibini (12) kwimeko apho kukho isigulo ebesikho, ngaphandle kokuba eso sigulo singanyangeka ngonyango oluchazwe kobona buncinane boncedo obubekiweyo. Amalungu okanye abantu abaxhomekekileyo abazukulindiswa ixesha ukuba batshintsha-tshinsha isicwangciso soncedo kwakwiNkqubo.

8.8. Abantu abaxhomekekileyo belungu kufanele babe kwiqela loncedo olunye nelungu.

8.9. Onke amalungu aza kufumana uluhlu olucacisa imirhumo, uncedo nezithinthelo. Amalungu nabantu abaxhomekekileyo abafuna uncedo ngaphantsi kwemigaqo

yeNkqubo balawulwa yile mithetho. Kubalulekile ukuba amalungu ahlale enolwazi ngemithetho yeNkqubo kwaye nangoncedo, njengokuba iNkqubo ivumelekile ukuba itshintsha-tshintshe iimeko zobulungu. Imigaqo iyafumaneka kwi-websayithi yeNkqubo.

8.10. Ilungu alivumelekanga ukuba lincame, linikele omnye umntu, enze isithembiso, okanye azibophelele kwintlawulo efanelekileyo okanye anikizele komnye umntu amalungelo okwenza ibango okanye afumane uncedo kwiNkqubo. Ukuba ilungu lenze njengokuba kuchaziwe ngaphezulu, iNkqubo ivumelekile ukuba iphelise okanye imise uncedo.

8.11. Apho ilungu elincedwayo licinywa ngokwemimiselo yoMgaqo 12.4, iNkqubo inelungelo lokungavumeli mntu ufuna ukungenela iNkqubo. Ukuba umntu angabonisa kwiBhodi ukuba iimeko ezanyazela ukuba umntu akhutshwe kwiNkqubo azisayi kuphinda zenzeke, iBhodi ingavumela ukuba umntu ofuna ukungena aphinde abe lilungu leNkqubo.

8.12. Apho ilungu livunyelwa ukuba liphume kwiNkqubo ngokwemimiselo yoMgaqo 12.1.1 apho belibhaliswe njengomntu oxhomekekileyo kwiNkqubo yeqabane lakhe, ilungu lingavunyelwa ukubuyela, phantsi kwemigaqo yeNkqubo.

8.13. Iimeko zoqesho ezingathintelwanga yimigaqo

Ukuba umqeshi ufuna ukugxotha umsebenzi, akukho nto ekwimigaqo yeNkqubo engatshintsha amalungelo omqeshi ukugxotha umsebenzi.

8.14. Iimfuneko zokubatala umrhumo

Onke amalungu angene ngokwemimiselo yoMgaqo 6.2.2 okanye 6.3 kufuneka enze amalungiselelo okuhlawula umrhumo qho ngenyanga njengokuba kuchaziwe kwImigaqo. Le nto yeyokwanelisa imithetho yeBhodi yokuba imirhumo:

8.14.1. ihlawulwa ngqo kwibhanki okanye kwi-ofisi ebhalisiweyo yeNkqubo; kwaye

8.14.2. baziswe yibhanki yeNkqubo okanye lilungu ngokwalo, ngemali ehlawulwe lilungu ukwenzela ukuba kube lula ukuwubona umrhumo.

9. UKUSUKA KWEQELA LABAQESHI KWENYE INKQUBO YEZONYANGO

Ukuba amalungu enye inkqubo yezonyango angamalungu aloo nkqubo kuba esebenzela umqeshi othile, aze loo malungu aphelise ubulungu bawo kuloo nkqubo kuba efuna ukuza kufumana ubulungu kule iNkqubo, iBHodi iya kubamkela abo bantu njengamalungu bebonke, ngaphandle kokubabekela ixesha lokulinda. Naliphi na ilungu lenkqubo exelwe kuqala elililungu eliqhubekayo kuba lalikhe laqeshwa nguloo mqeshi kusukwa kuye, usengamkelwa

njengelungu phantsi kwalo Mgaqo we-9, kwaye iNkqubo iya kuphinda yamkele nawuphi na umntu obhaliswe njengoxhomekeke kwelo lungu, amkelwe njengomntu oxhomekekileyo.

10. IKHADI LOBULUNGU NESIQINISEKISO (ISETIFIKETHI) SOBULUNGU

10.1. Ikhadi lobulungu

Ilungu ngalinye liya kunikwa ikhadi lobulungu elineenkcukacha ezimiselwe nguMthetho. Eli khadi liya kuboniswa umnikezeli nkonzo xa ecela ukulibona. Ikhadi liya kuhlala lileleNkqubo, kwaye liya kubuyiselwa kwiNkqubo xa kupheliswe ubulungu.

Kukho intlawulo ethe chatha eya kubizwa xa ikhadi lilahlekile okanye kufuneka kwenziwe elinye, ntlawulo leyo iya kumiselwa yiBhodi kumaxesha ngamaxesha.

10.2. Ukusebenzisa ikhadi ngendlela egwenxa

Akuvumelekanga ukusetyenziswa kwekhadi lobulungu ngumntu ongelolungu okanye obhaliswe njengabantu abaxhomekekileyo, ngolwazi nangemvume yelungu okanye abantu abaxhomekeke kulo. Loo nto ithathwa njengokuxhaphaza amalungelo obulungu beNkqubo ngakumbi uncedo lweNkqubo.

10.3. Isiqinisekiso/isetifikethi sobulungu

Ekupheliswen kobulungu okanye ekucimeni igama ebelibhaliswe njengomntu oxhomekekileyo, iNkqubo iya kuthi, zingaphelanga iintsuku ezingama-30 emva koko kucima, ikhuphele loo mntu isiqinisekiso sokhuseleko lobulungu, esineenkcukacha ezimiselweyo. Kufuneka oku kwenziwe xa isicelo soko sifike kwiNkqubo ingaphelanga iminyaka emibini buphelisiwe ubulungu.

11. UKUTSHINTSHA IDILESI YELUNGU

11.1. Ilungu kufuneka liyazise iNkqubo zingaphelanga iintsuku ezingama-30 xa kukho utshintsho kwidilesi, kuqukwa nale isisigxina, idomicilium citandi et executandi. INkqubo ayisayi kubekwa butyala ukuba amalungelo elungu aye adlelwa indlala okanye aphelelwa ngenxa yokuba ilungu lingazithobelanga iimfuno zalo Mgaqo.

11.2. Lakuba lenze isicelo sobulungu beNkqubo, ilungu liya kunika iNkqubo iinkcukacha zonxibelelwano neziya kumana zifunwa yiNkqubo amaxesha ngamaxesha. Ezi nkcukacha zingaquka iinombolo zeeselula needilesi zeimeyile. Naziphi na iinguqu kwezi nkcukacha zonxibelelwano kufuneka zinikwe iNkqubo zingaphelanga iintsuku ezingama-30 zenzekile. INkqubo ayisayi kubekwa butyala ukuba amalungelo elungu aye adlelwa indlala okanye aphelelwa ngenxa yokuba ilungu lingazithobelanga iimfuno zalo Mgaqo.

12. UKUPHELISA UBULUNGU

12.1. Ukurhoxa ngokuzithandela

12.1.1. Ilungu leNkqubo elirhoxa ngokuzithandela kwingqesho yalo, liya kuthi, ngalaa mhla wokuyeka emsebenzini, livumeleke ukuba lingaqhuba lililungu leNkqubo elizimeleyo. Ngoko ke alisayi kufaka isicelo esitsha okanye linikwe izithintelo ezitsha ebezingabekwanga xa beliyeka ukusebenza kuloo mqeshi.

12.1.2. Ilungu elinika isaziso sokuyeka emsebenzini kwisithuba senyanga phambi kokuyeka kumqeshi othatha inxaxheba kule Nkqubo, siyayeka ukuba lilungu loo mhla sayeka emsebenzini, kwaye onke amalungelo oncedo aya kupheliswa, ngaphandle kokuba bekukho iinkonzo elizinikwe ngaphambi kolo suku.

12.2. Ukuphelisa ubulungu ngokuzithandela

12.2.1. Ilungu elingabotshelelwanga yimiqathango yokuqeshwa kwalo ukuba libe lilungu, linakho ukuphelisa ubulungu beNkqubo ngokunika isaziso esibhaliweyo senyanga enye. Onke amalungelo oncedo aya kuphela ngemini yokugqibela yobulungu;

12.2.2. Ixesha leso saziso alisayi kunyanzeliswa kwiimeko ezimandundu apho ubulungu benye inkqubo yezonyango bunyanzelekile ngenxa yemiqathango yomsebenzi;

12.2.3. Umqeshi othatha inxaxheba angakuphelisa ukuthatha kwakhe inxaxheba kwiNkqubo ngokunika isaziso senyanga esibhaliweyo senjongo yokuphelisa oko;

12.2.4. Ilungu eliqhubekayo elizimeleyo lingabuphelisa ubulungu kwiNkqubo ngokunika isaziso senyanga esibhaliweyo sokurhoxa kwiNkqubo, emva koko onke amalungelo noncedo aya kupheliswa ngaloo mini yokurhoxa, kungabikho nkonzo ziya kunikezelwa, ngaphandle kwamabango entlawulo awayenziwe kwangaphambi kwalo mhla.

12.3. Ukuphelisa ubulungu ngenxa yokwaphula izigqibo

IBhodi iya kuba nelungelo lokuphelisa ubulungu balowo uthe akahlayiwula iNkqubo imali afanele ukuyihlawula ngokwemimiselo yale Migaqo okanye xa imirhumo yakhe isemva ngeentsuku ezingaphezu kwama-30. Lo Mgaqo

uyasebenza nalapho ilungu elingumqeshwa, umqeshi welungu esilela ekuhlawuleni imirhumo kwiNkqubo, nanjengokuba kubekiwe kwisivumelwano esikwiSihlomelo A.

Inkqubo iya kunika ilungu isaziso ngeleta yerejista okanye ngenye indlela eqondwe yiBhodi amaxesha ngamaxesha. Esi saziso sakuchaza ukuba xa imirhumo ingahlawulwanga kwade kwaphela i-14 leentsuku emva kokufumana eso saziso, ubulungu buya kupheliswa, buphele ukususela ukuphela kwenyanga yokugqibela yokufika kwemirhumo kwiNkqubo.

12.4. Ukuxhaphaza amalungelo, ukubanga intlawulo ngokunganyanisekanga, ukuxoka ngeenkonzo ezinikiweyo, ukufihla iinkcukacha eziyimfuneko

NgokoMgaqo wama-29, iNkqubo ingabuphelisa ubulungu bomntu okanye lowo oxhomekekileyo ukuba kukho ubungqina obaneleyo bokuxhaphaza amalungelo eNkqubo, ngokubanga intlawulo ngokunganyanisekanga, ukuxoka ngeenkonzo ezinikiweyo, ukufihla iinkcukacha eziyimfuneko. Xa kunjalo, iNkqubo iya kulazisa ilungu ngokulibhalela, ilinike nezizathu zokuthathwa kweso sigqibo. Apho ke ilungu elichaphazelekayo okanye lowo oxhomekekileyo uya kunyanzelwa yiNkqubo ukuba abuyise eso sixa afumene inzuzo ngaso ngenxa yokuxhaphaza kwakhe iNkqubo okanye ngesinye isenzo esibange ukuba ahlawulwe.

12.5. Ukufa

Ubulungu bomntu buyaphela akuba elishiyile eli phakade. Ubulungu babo baxhomekeke kuye nabo buyaphela, ngaphandle kokuba bona bakhethe ukuhlala bengamalungu, ngokwemiqathango ekuMgaqo wesi-6.4

13. <u>IMIRHUMO</u>

13.1. Umrhumo opheleleyo nomele ukuhlawulwa lilungu usekelwa kwingenelo yelungu, njengoko kuchaziwe ngomhla wokuqala kuJanyuwari wonyaka nganye, kungakhathaliseki nokuba inyuswe kaninzi kangakanani na imivuzo kuloo nyaka okanye bangaphi abantu abaxhomekekileyo ababhaliswe amaxesha ngamaxesha kuloo nyaka.

13.2. Imirhumo imele ukuhlawulwa qho ngenyanga esemva, kwaye kufuneka kungabi semva komhla wesi-7 kwinyanga nganye. Amalungu azingeneleyo kwiNkqubo (engangeni ngomqeshi) kufuneka ahlawule kwinyanga engaphambili. Apho imirhumo kufanele ukuba ihlawulwe qho ngenyanga okanye kukho imali engekahlawulwa kwiNkqubo kude kudlule iintsuku ezingama-30 ukususela mhla kwakufanele ukuhlawulwa, iNkqubo iya kuba nelungelo:

13.2.1. lokuzimisa iintlawulo eziluncedo ebezimele ukulungiselela ilungu, kungakhathaliseki nokuba ibango lentlawulo belenziwe nini na;

13.2.2. lokunika ilungu okanye umqeshi/bobabini isaziso esibhaliweyo (singathunyelwa ngekhompyutha okanye ngeposi nangenye yeendlela zakudala), saziso eso zithi ukuba imirhumo okanye enye imali emele kuhlawulwa, ayihlawulwanga kude kuphele iintsuku ezili-14 emva kokufumana eso saziso, ubulungu busengacinywa.

13.2.3. Isaziso esithunyelwe ngeposi yerejista saze sahlawulelwa, sithunyelwa kwidilesi esisigxina yelungu siya kuthathwa njengesifikileyo emva kwentsuku ezisi-7 siposiwe. Apho kuthe imbalelwano yenziwa ngocingo lweimeyile yekhompyutha okanye ngembalelwano yeselifowuni kuya kuthathwa ngokuba usifumene xa sihambile kulowo usithumelayo. Idilesi ethi isetyenziswe xa ilungu liyangiyichazanga idilesi yalo yileyo ebhaliweyo kwifomu egcwaliswayo yokungenela iNkonzo.

13.3. Ukuba kuthe kwenzeka ukuba ilungu lihlawule ngokupheleleyo emva kokuphazamiseka okanye ukunqumama kwenkonzo, zonke iimfanelo zalo ziya kuthi zibuyiselwe kwindlela ebeziyiyo ngaphambili ngaphandle kokuphazamiseka kwenkqubo kodwa kufuneka iNkonzo izibale iindleko nenzala ezithe zafumaneka xeshikweni lowo ebengazenzi iintlawulo ezifanelekileyo. Ukuba kuthi kwenzeke ukuba ezi mali zingafumaneki loo nto ithetha ukuba ilungu alisayi kufumana amalungelo alo xa lifaka isicelo soncedo xa kuthe kwakho into eyenzekayo.

13.4. Ngaphandle kokuba kuthiwe thaca kwimithetho yeNkqubo ephantsi kweakhawunti yolondolozo, akukho mali yeNkqubo okanye inxalenye eya kuthi ibuyiselwe kwilungu xa isivumelwano sithe safikelela ekupheliswe phakathi enyangeni.

13.5. Ngamaxesha onke yonke imali ethe yasalela ilungu kwicala lonyango ngokugula iyakusoloko iyimali namalungelo enkqubo.

14. IIMFANELO ZABAQESHI KUNYE NAMALUNGU

14.1. Iimfanelo zomqeshi kwiNkqubo zilawulwa yintlawulo eyenzekayo ngokwesivumelwano phakathi komqeshi neNkqubo.

14.2. Iimfanelo zelungu zilawulwa yimali engahlawulekanga nayo yonke imali enikezelwe yiNkqubo kwilungu okanye kwamanye amalungu aphantsi kwalo xa ingahlawulekanga iNkqubo.

14.3. Ukuba kuthe kwenzeka ukuba ilungu liyeke ukuba lilungu, nayiphi na imali eliyityalayo iya kuthi iNkqubo iyifune kuye nangeyiphi na indlela eseMthemthweni.

14.4. Ilungu liyavuma kwaye lithabatha uxanduva lokuqinisekisa ukuba zonke iimali zeNkqubo ziyahlawuleka ngamaxesha abekiweyo ngokomgaqo ophantsi koMthetho 15.2 noMgaqo 5.

15. UMGAQO WOKUFAKA IBANGO

15.1. Lonke ibango elithi lifakwe kwiNkqubo mayela nokwenziwa kweenkonzo ngokuphathelene nezonyango ngokubekiweyo ngokwemithetho, makukhatshwe yinkcazo ebhaliweyo (isiteyitimenti) okanye iakhawunti nanjengoko kuchaziwe.

15.1.1. ukuba iakhawunti, isiteyitimenti okanye ibango zilungile , iNkqubo kufuneka, ngokokwengezeleka kwentlawulo elindelekileyo kwicandelo 59(2) yenkqubo, idlulisele kwilungu intlawulo equlethe ezi nkcukhacha zilandelayo:

a) Igama kunye nenombolo yelungu;

b) Igama lomniki nkonzo;

c) usuku lokugqibela lokwenziwa komsebenzi ngumniki nkonzo kwiakhawunti okanye isiteyitimenti esihambelana nentlawulo

d) Imali yonke efunekayo njengentlawulo yomsebenzi owenziweyo

e) imali iyonke enikwe abenzi bomsebenzi

15.2. Ukuze ulungele ukufumana imbuyekezo, lonke ibango kufuneka lityikitywe liqinisekiswe lilungu ngokufanelekileyo ukuze lifakwe kwiNkqubo zingedlulanga iinyanga ezi 4 umsebenzi ugqityiwe nalapho phambi kosuku lwesi-4 kulo nyanga.

15.3. Xa ilungu lithe layifumana intlawulo liya kuthi lithumele irisithi leyoebonakalisa intlawulo.

15.4. Iiakhawunti zokunyangwa okuphathelene neengozi okanye okanye iindleko ezifumaneka kubantu besithathu mazikatshwe sisiteyitimenti, esibonakalisa iinkcukacha zokwenzeka kwengozi.

15.5. Ukuba iNkqubo inoluvo lokuba kukhona into engahambi kakuhle kwibango okanye ayikwazi ukugunyazisa intlawulo, iNkqubo iya kwazisa ilungu umniki nkonzo

zingaphelanga iintsuku ezingama-30 lifumene ibango. Nalapho inkqubo kufuneka ichaze izizathu zokungahlawulwa kwebango aze aze umnikezeli nkonzo ayilungise imeko enjalo zingaphelanga iintsuku ezingama-60.

16. UNCEDO OLUFUMANEKAYO

16.1. Amalungu anelungelo lokufumana uncedo apha enyakeni, nanjengoko kuchaziwe kwisihlomelo B, kwaye olo ncedo ludlulela nakwabo baxhomekeke kwilungu. Ilungu xa lingena malikhethe ukuthabatha inxaxheba kwiindlela ezikhoyo, ezichazwe ngokubanzi kwisihlomelo B.

16.2. Ilungu linelungelo lokutshintshela kwesinye isicwangciso soncedo phantsi kwezi meko zilandelayo.

16.2.1. Lonke utshintsho lwenziwa ngomhla woku-1 kuJanyuwari wonyaka ngamnye. IBhodi ingasebenzisa amandla ayo ivumele ilungu ukuba litshintshele nakwesiphi isicwangciso soncedo nanini na xa lifuna ukwenza njalo ilungu.

16.2.2. Ukutshintshela kwesinye isicwangciso soncedo kufuneka kwenziwe ngebango elibhaliweyo kulowo oyintloko phambi komhla wama-30 kuNovemba phambi kokuba utshintsho lwenzeke. Nalapho kufuneka ilungu libe belilifakile ibango lokwazisa ngotshintsho ekufuneka lwenzeke kunyaka ozayo kwiintsuku ezingama-30 ngaphambili.

16.3. INkqubo inelungelo lokuyibamba nayiphi na intlawulo yelungu xa kuthe kwafumaniseka ukuba alikhange lirhume zaze zadlula iintsuku ezibekiweyo ze iakhawunti yalo yasalela emva ngenyanga enye, naxa kunjalo ukuba ilungu lithe lahlawuleka kunyanzelekile ukuba liyibuyise imali eliyifumeyo.

16.4. iNkqubo iya kuthi xa umsebenzi uthe wenziwa ihlawulele uncedo kwilungu okanye kumniki zinkonzo phambi kokuba kuphele iintsuku ezingama-30 irisithi yokwenziwa komsebenzi ifakiwe. Indlela eza kuhlawulwa ngayo imali leyo into ihleli emandleni eNkqubo ngoba yiyo ethatha isigqibo.

16.5. Lonke olunye uncedo oluphantsi kwesihlomelo B luqukumbela iindleko zeenkonzo ezenziweyo malunga nomgaqo weenzuzo ezifumanekayo.

16.6. Akukho zithinteli okanye kupheliswa ekuya kwenziwa kobona buncinane boncedo obumiselweyo.

16.7. Ngaphandle kokuba kubekiwe okanye kuvunywe yiBhodi, iindleko ezenzeke ngokunxulumene nezi zinto zilandelayo azisoze zihlawulwe yiNkqubo

16.7.1. Zonke iindleko zomsebenzi, amayeza, unyango lwezinto ezinika ubuhle emzimbeni.

16.7.2. Iiholide zokuchacha.

16.7.3. Ukuthengwa kwezi zinto zilandelayo ngaphandle kokuba zivunywe ngulowo ogunyaziswa yiKhansile yoChwepheshe kwezoNyango okanye lowo onenombolo emgunyazisayo ekhutshwe yiBhodi yabezoNyango okanye elinye elisemthethweni :

Amayeza angabhaliswanga yiKhansile elawula amayeza;
Izinto zoonobuhle nokulungisa imizimba;
amachiza okunciphisa imizimba;
amayeza enzelwa emakhaya
namanye asetyenziswayo

16.7.4. Zonke iindleko ezingaphezulu koncedo olulolona luphezulu ezithi zihlawulwe kwilungu ngokwemithetho yeNkqubo

16.7.5. Iintsuku zokudibana negosa lezonyango, apho ilungu lithe alafika.

16.7.6. Iindleko zeenkonzo ezenziweyo ngu-

mntu ongabhaliswanga okanye owaziwayo ezincwadini zabasemagunyeni kwezempilo nangokoMthetho wePalamente: okanye

nokuba leliphi iziko okanye ikhaya lezigulana okanye nokuba sesiphi na isakhiwo esingabhaliswanga ngokungekho Mthethweni

16.8. Abo bancedwayo bathe bangena phakathi enyakeni banelungelo lokufumana uncedo ngokwendlela abakhethe ngayo, le nto ke ibalwa ngokosuku ongene ngalo ukuza kuthi ga ekupheleni konyaka lowo ongene ngawo.

16.9. Ngaphandle kokuba kuvunywe yiBhodi, uncedo olufana namayeza afumaneka ngephetshana likagqirha aludluliselwa kwenye inyanga, naxa iyeza liphindwa, liphindelwa inyanga enye kuphela.

17. <u>UKUHLAWULWA KWEEAKHAWUNTI</u>

17.1. Ukuhlawulwa kweeakhawunti okanye ukubuyekezwa kwezicelo kuxhomekeke kwimali ehlawulekayo kolo ncedo lukhethiweyo nakwimali ekwelona nqanaba liphezulu elivumelekileyo.

17.2. Isaphulelo kwixabiso nokuba kwizinto ezininzi okanye kwinto enye siya kunceda ilungu kwaye iNkqubo iya kuthatha isigqibo ngemali emele kuhlawulwa okanye imali eya kuthi ihlawulwe kwingxowa yolondolozo.

17.3. INkqubo ingathi ngesivumelwano okanye ngaphandle kwesivumelwano nomniki zinkonzo okanye iqela labaniki nkonzo, ihlawule uncedo olufanele ukunikwa ilungu, iyise lo ntlawulo kumniki nkonzo.

17.4. Ukuba kuthe kwenzeka yathi kanti iNkqubo ihlawule imali ekungafanelekanga iyihlawule kumniki nkonzo okanye kwilungu loo mali iya kuthi ibuyiselwe kwiNkqubo, kwaye iNkqubo ingayitsala le mali kwintlawulo emele ukwenziwa kwimisebenzi ezayo.

17.5. Ngaphandle kokutyeshela imithetho ebekiweyo, iNkqubo inalo ilungelo lokuhlawula uncedo ngqo kwilungu elifanelekileyo

17.6. Uhlobo lwentlawulo

Lonke ibango elithe lafakwa kwiNkqubo ngokuseMthethweni esihambelana valid claim accepted by Inkqubo in terms of these Imigaqo in respect of services lahambelana nemithetho yeNkqubo nokuba umsebenzi ubusenziwa kweliphi na ilizwe, elo bango liya kuhlawulwa ngemali esetyenziswaeMzantsi Afrika.

18. INTLAWULO ENGEKHO KWISICWANGCISO

IBhodi ayisoze iyivumele intlawulo engahambelani nemiqathango yeNkqubo kodwa ingathi ngokusebenzisa amandla ayo ihlawule nokuba oko akukho kwisicwangciso nemithetho yeNkqubo. Le nto yenzeka xa iNkqubo ibona ukuba ilungu beliya kufumana ubunzima obungathethekiyo xa ingenziwanga loo ntlawulo.

19. ULAWULO LWENKQUBO

19.1. Umgaqo siseko weNkqubo

Ulawulo lwenkqubo luya kuthi lukhokelwe yimithetho yeNkqubo nanjengoko sekutshiwo kwiCandelo lama-29(1) loMthetho, yiBhodi enamalungu afanele ukusebenza ngendlela efanelekileyo nanjengoko kubekiweyo kwiCandelo lama-57 loMthetho, eliqulathe oku:

19.1.1. amalungu angabi ngaphantsi kwesi-8 (isibhozo) kodwa angabi ngaphezu kwe-10 (ishumi). Loo malungu anyulwa, aze aqeshwe ngolu hlobo:

19.1.1.1. ubuncinane, ama-50% (amashumi amahlanu epesenti) eBhodi mayibe ngamalungu eNkqubo nanyulwe ngamalungu, kwintlanganiso yonyaka (Abathenjwa Abanyuliweyo) ngokwemimiselo yoMgaqo we-19.2

19.1.1.2. amalungu aseleyo aya kuqeshwa ngaBathenjwa Abanyuliweyo, boba babe ngaBathenjwa Abaqeshiweyo. ABathenjwa Abanyuliweyo, baya kuqaphela ezi zinto xa bekhetha aBathenjwa Abaqeshiweyo:

19.1.1.2.1. izakhono ezithile abazibonakalisileyo ezichongwe yiNkqubo xa isenza uphando ngokuphathelene nezomthetho, ezezimali, ezempilo, nezinye zobuchwepheshe benzululwazi.

19.1.1.2.2. ukuqinisekisa ukuma amalungu eBhodi amele onke amaphondo

19.1.1.2.3. ukubakho kwabameli abasuka kwiinkampani ezinkulu.

19.1.2. ABathenjwa Abaqeshiweyo akunyanzelekanga ukuba babe ngamalungu eNkqubo

19.1.3. Akuba esamkele isihlalo sobuthenjwa uMthenjwa Oqeshiweyo, uya kuthi abe namalungelo okuvota nawo onke amanye amalungelo kwaye inqanaba lakhe liya kufana neloMthenjwa Onyuliweyo.

19.2. Umgaqo 19.2 - Ixesha kwiofisi

19.2.1. UMthenjwa Onyuliweyo, ngaphandle kokuba urhoxiswe ngokweMigaqo noMthetho, liya kuhlala kwesi sikhundla iminyaka emithathu ukususela kwintlanganiso yonyaka apho kwenziwa khona unyulo.

19.2.2. UMthenjwa Oqeshiweyo, uya kuhlala kwesi sikhundla iminyaka emibini ukusukela ngomhla abaqale ngawo.

19.2.3. Amalungu athatha umhlala phantsi, ngokomthetho we-19.3, angaphinda akumele ukutyunjwa kukhetho lonyaka olandelayo xa enguMthenjwa Onyuliweyo, kanti angaphinda akhethwe yiBhodi lowo unguMthenjwa Oqeshiweyo.

19.2.4. Ilungu lebhodi lingabeka phantsi iintambo nangaliphi na ixesha xa liziva njalo ngokuthi lenze isaziso esibhaliweyo kwiBhodi lichaze ukuba alisakwazi kuqhubeka nokuba lilungu leBhodi.

19.2.5. Ixesha lolawulo lelungu leBhodi liphela entlanganisweni yonyaka okanye kwintlanganiso ekhethekileyo nokuba ngaba loo ntlanganiso ingabanjwa emva

okanye phambi kokuphela kweminyaka emithathu okanye emibini lisesihlalweni elo lungu.

UMgaqo 19.3 - Ukutyunjwa nokunyulwa kwaBathenjwa beBhodi

19.3. Ibhodi iza kuqinisekisa ukuba iindlela zokusebenza ezifanelekileyo ziyalandelwa ukuqinisekisa ukuba indlela yokutyunjwa nokunyulwa koMthenjwa ikhululekile kwaye ilungile nokuba apho kufanelekileyo kuqeshwe iqela elizimeleyo ukujonga nokuhambisa indlela yokutyumba nonyulo. Iindlela zokutyumba nokukhetha zihamba ngolu hlobo:

19.3.1. INkqubo iza thumela izaziso ezimayelana nokutyunjwa kuwo onke amalungu zingekadluli iinyanga ezi-4 (ezine) ngaphambi kokuphela kwexesha lokuba sesikhundleni soMthenjwa Onyuliweyo.

19.3.2. Izaziso ezithetha ngonyulo ziza kwazisa amalungu ngezthuba ekufanele zivalwe, ngendlela yokutyunjwa kunye nefomu yokutyumba evunywe yiBhodi.

19.3.3. Ukutyunjwa ngakunye kuza kuba nobuncinane ingxelo yobomi efutshane yomgqatswa ngendlela ebekwe esazisweni sokutyumba.

19.3.4. Iifomu zokuqala (ezingezokopi) zokutyunjwa zizaliswe ngokufanelekileyo zasayinwa ngamalungu eNkqubo, kufanele ukuba afunyanwe ngosuku olubekwe yiBhodi.

19.3.5. Ukutyunjwa ngakunye kufanele kwenziwe efomini engeyokopi enikezwa yiNkqubo, esayinwe ngophakamisayo, nosekelayo kunye nomgqatswa kuqinisekwe ukuba umgqatswa angeke azityumbe okanye azisekele.

19.3.6. Ukutyunjwa akuyi kuvumeleka ukuba kufika kwiNkqubo ngemva kosuku lokuvala. Ukuba kungazaliswanga ngokupheleleyo okanye kungasayinwanga ngaba ba-3 (abathathu) abafanele ukusayina ababalwe ngentla.

19.3.7. INkqubo iza kwenza ukuba kubekho indlela yokuhlola, ukuqinisekisa ukuba abagqatswa abatyunjiweyo bakufanele ukusebenza njengaBathenjwa, ukuze kwenziwe uluhlu lokugcina amagama abagqatswa abakufaneleyo ukunyulwa.

19.3.8. INkqubo iza kuthumela kuwo onke amalungu uluhlu lwabagqatswa abahloliweyo nabakufaneleyo ukutyunjwa njengokuba kubekiwe eMthethweni we-19.2.3, kunye

19.3.8.1. nengxelo yobomi eshwankathelweyo yomgqatswa ngamnye ohloliweyo nofanelekileyo

19.3.8.2. ifomu yokuvota

19.3.8.3. neleta etshoyo ukuba iifomu zokuvota zamalungu kufuneka ziphelele nini kwiNkqubo.

19.3.9. IBhodi ingasebenzisa nokuba loluphi uncedo linikezele nokuba ngawaphi amagunya adingekayo kuye nabani onesakhono okanye ikomiti, ukuthatha izigqibo nokusebenzisa iindlelaezimayela nokutyumba nokunyula.

19.3.10. Iifomu zokuvota zamalungu ziya kufika kwiBhodi ngosuku olungaphambi kwentlanganiso yonyaka okanye intlanganiso jikelele ekhethekileyo efunwe yiBhodi ngenjongo yokuqinisekisa ukuba ezo fomu zokuvota zifanelekile. Amalungu akhoyo entlanganisweni yonyaka okanye entlanganisweni jikelele ekhethekileyo aya kuba nelungelo lokuvota kunyulo olukule ntlanganiso seyichaziwe, ukuba angamalungu aziphethe kakuhle kwiNkqubo.

19.3.11. INkqubo iza kubala iivoti esiezikwiifomu zokuvota zamalungu. Ukuba akubekangwa iziko lonyulo elizimeleyo, iNkqubo iza kufuna abaphendli zincwadi, ukuqinisekisa iziphumo zendlela yokuvota.

Kuza kufuneka ukuba iNkqubo yazise amalungu ngeziphumo zonyulo entlanganisweni yonyaka okanye entlanganisweni jikelele ekhethekileyo msinya emva konyulo okanye ngelinye ixesha xa kufanelekile. Imiphumela yokunyulwa kwaBathenjwa akumele ukuba zaziswe entlanganisweni jikelele, zingaziswa mva ukuba oko kufanelekile kanti iBhodi ivunyelwe ukuzamkela iziphumo zokuvota okunokwenzeka entlanganisweni jikelele nokuba intlanganiso iye yaphazamiseka yangawugqibi umsebenzi wawo.

19.3.12. Abona bagqatswa bafumene iivoti ezininzi, ngokulandelelana kwabo, baya kubekwa njengaBathenjwa zide zivaleke zonke izithuba.

19.3.13. Ukuba kungenzeka ukuba kubekho amalungu afumana inani elilinganayo leevoti, kanti kukho izihlalo ezinganelanga eBhodini, iBhodi iya kuthi, entlanganisweni jikelele yonyaka, xa isazisa iziphumo zovoto, icele ukuba amalungu avotele abo bagqatswa. Umgqatswa ofumana inani eliphezulu kakhulu uya kunyulwa njengoMthenjwa.

19.4. Izithuba zethutyana

IBhodi iya kuba nelungelo lokuzalisa zonke izithuba zethutyana ezivelayo apho eBhodini.

19.4.1. Umntu okhethelwe ukuvala isithuba sethutyana uza kuba nawo onke amalungelo, enze yonke imisebenzi abe negunya loMthenjwa akhethwe esikhundleni sakhe, ukuba nje loo Mthenjwa uza kuthatha umhlala phantsi entlanganisweni jikelele yeNkqubo yokuqala elandelayo, ngaphandle kokuba loo ntlanganiso

iyakuqinisekisa ukukhethelwa isikhundla kwakhe apho uMthenjwa okhethelwe ukuvala isithuba uya kuqinisekiswa njengoMthenjwa, ahlale esikhundleni eli xesha lingekapheli ixesha lokuphatha koMthenjwa abekhethelwe ukungena esikhundleni sakhe.

19.4.2. Ukuba amalungu eBhodi akasalenzi inani lokubamba intlanganiso (ikhoramu) lawo aseleyo ayanyanzeleka ukubiza unyulo akhethe aBathenjwa ngendlela abadingeka ngayo ezintsukwini ezingama-60 (amashumi amathandathu) ukuqinisekisa ukuba inani leBhodi lilingana inani lokubamba intlanganiso.

Amalungu eBhodi aseleyo lo gama kungekagqitywa ukunyulwa nokuqeshwa kwaBathenjwa ezikhundleni njengoba kulindelekile, aya kuqhuba njengeBhodi enamagunya apheleleyo okwenza konke okumele ukwenziwa emsebenzini weNkqubo njengeBhodi emiswe ngokuzeleyo nangendlela efanelekileyo.

19.5. Ukufaneleka kwaBathenjwa

Aba bantu balandelayo abafanelekanga ukusebenza njengamalungu eBhodi.

19.5.1. Umntu ongaphantsi kweminyaka engama-21;

19.5.2. Umqeshwa, umlawuli, igosa, umcebisi, umqeshwa wexesha eliqingqiweyo wolawulo lweNkqubo okanye lwenkampani ephetheyo, engaphantsi, edibene okanye esebenza kunye naloo mqeshwa;

19.5.3. umcebisi weinshorensi (ibroker):

19.5.4. igosa eliyintloko leNkqubo;

19.5.5. umphendli zincwadi weNkqubo;

19.5.6. Umlungiseleli, umcebisi, obambisene nomphathi okanye nabani onikezela ngeengcebiso, iinkonzo okanye iziphakamiso zalo naluphi na uhlobo kwiNkqubo (njengokuba kuchaziwe kuMthetho weeNkqubo Zonyango) ngaphandle kweNkqubo Yonyango iSizwe;

19.5.7. umsebenzi, umlawuli, igosa, umlungiseleli okanye umsebenzi wexesha eliqingqiweyo womvelisi, umhambisi okanye umthengisi wamayeza akhutshwa ngephepha likagqirha okanye athengwa ngaphandle kwephepha likagqirha, amayeza axhasayo, izixhobo zonyango nokunye okunxulumene nonyango okusetyenziswayo;

19.5.8. umsebenzi, umlawuli, igosa, umlungiseleli okanye umsebenzi wexesha eliqingqiweyo wesibhedlele;

19.5.9. umntu onguMthenjwa nokuba kukweyiphi inkqubo yonyango okanye iinkqubo;

19.5.10. umntu osusiweyo esikhundleni sokuba ngumlawuli wenkampani okanye ekubeni libamba loMthenjwa ngaphantsi koMthetho weenkampani wama-2008 okanye nawuphi na ommye uMthetho;

19.5.11. uMthenjwa Onyuliweyo ongelilo ilungu leNkqubo Yonyango iSizwe

19.6. Ukuphela kwexesha lesikhundla:

Ilungu leBhodi liya kuphuma esikhundleni xa:

19.6.1. lilahlekelwa yingqondo okanye liba nokungeva kakuhle ngokoMthetho weZempilo Yengqondo we-18 we-1973 okanye oxelwe yinkundla efanelekileyo, ukuba alikwazi ukuphatha imicimbi yalo;

19.6.2. livezwe njengeloyisiweyo kukuhlawula amatyala okanye lanikezela ngempahla yalo kwabo linamatyala kubo;

19.6.3. lifunyenwe linetyala lobusela apha kwiRiphabhlikhi okanye kwenye indawo netyala lobuqhinga, ukugqwetha iincwadi, ukufaka amaphepha angeyonyaniso, ukuncedisana nabaphuli mthetho nokwaphula isifungo sokuthetha inyaniso enkundleni;

19.6.4. lisuswe esihlalweni yinkundla yamatyala kuso nasiphi isikhundla ngenxa yokungaziphathi kakuhle;

19.6.5. likhiqwe phantsi kwawo nawuphi na uMthetho, ukuze lingaqhubeki nomsebenzi walo;

19.6.6. ukungabikho ezintlanganisweni zeBhodi ezintathu ezilandelelanayo ngaphandle kwemvume kaSihlalo; okanye;

19.6.7. lisuswe esikhundleni yiKhansile ngokweCandelo lama-46 loMthetho.

19.6.8. liziphethe ngendlela embi kakhulu enobungozi kumalungu enkqubo yezonyango, angasuswa kwiBhodi, ukuba

19.6.8.1. ngaphambi kokuba kuthathwe isigqibo sokususa ilungu leBhodi, iBhodi linika elo lungu iinkcukacha zobungqina obuzeleyo mayela nokuziphatha okukhalazelwayo. Ilungu linikwa ixesha elingekho ngaphantsi kweentsuku ezingama-30 apho kumele liphendule ngezityholo;

19.6.8.2. isigqibo sokususa elo lungu sithathwe ubuncinane sisibini kwisithathu samalungu eBhodi;

19.6.8.3. ilungu lingakhetha ukuphikisana nendlela eqhuba ngayo iNkqubo nendlela yokudlulisa ityala nokubhena ngokwesimiselo soMthetho

19.7. Ukunyulwa kwabasezikhundleni;

19.7.1. Entlanganisweni yokuqala yeBhodi yaBathenjwa ebanjwa emva kwentlanganiso jikelele yonyaka nonyaka, okanye emva kwentlanganiso ekhethekileyo, iBhodi iya kunyula uSihlalo nosekela Sihlalo weBhodi phakathi kwaBathenjwa.

19.7.2. Ibhodi iya kumema ukutyunjwa kwalowo uza kubamba isikhundla sikaSihlalo weBhodi. ABathenjwa abafumene ezona voti zininzi kakhulu banyulwa njengoSihlalo noSekela Sihlalo ngokulandelelana kwabo.

19.7.3. Unyulo luza kwenziwa ngamaphepha okuvota kanti iziphumo ziza kwaziswa eBhodini nakwiGosa eliyiNtloko kamsinya nje emva kokwaziwa kwazo.

19.7.4. Ukuba uSihlalo angarhoxa esikhundleni okanye ayeke ukuba lilungu leBhodi okanye asuswe yiBhodi esikhundleni okanye nokuba kungayiphi na indlela emenza angafaneleki, iBhodi ikhetha phakathi kwaBathenjwa omnye uSihlalo ukuvala isithuba kwixesha eliseleyo kulowo obephethe isikhundla abekhethelwe sona.

19.7.5. Apho bobabini uSihlalo noSekela Sihlalo bengekho entlanganisweni iBhodi ityumba ibamba likaSihlalo phakathi kwaBathenjwa..

19.8. Iintlanganiso zeBhodi

19.8.1. IBhodi kufanele ukuba ihlangane ubuncinane kanye ezinyangeni ezimbini (2) nokuba ngamaxesha apho kukho isidingo.

19.8.2. Isaziso esicacileyo seentsuku ezisixhenxe (7) sokwazisa ngentlanganiso yeBhodi, ngaphandle kokuba kuvume iBhodi, sinikwa ilungu ngalinye leBhodi kanti eso saziso siqulatha inkcazelo yomsebenzi oza kwenziwa entlanganisweni. Ukungafumani saziso angeke kuphanzise izicwangciso okanye umsebenzi wayo nayiphi na intlanganiso yeBhodi.

19.9. Iintlanganiso ekhethekileyo yeBhodi

19.9.1. USihlalo angabiza intlanganiso ekhethekileyo xa kungabakho isidingo. Amalungu eBhodi amathathu angacela ukuba uSihlalo abize intlanganiso ekhethekileyo yeBhodi ukuba imicimbi eza kuxoxwa entlanganisweni icaciswe kakuhle kwisicelo. Xa kunjalo ke, uSihlalo uyanyanzeleka ukubiza intlanganiso ekhethekileyo.

19.9.2. Ibhodi ingaxoxa, isombulule imicimbi ngomnxeba (ifowuni) okanye ngendlela yenkomfa yefowuni kanti ingakwazi ukuthatha izigqibo ngaloo ndlela, ukuba kubekho inani lamalungu elaneleyo ukwenza loo ntlanganiso.

19.9.3. Ukuba uSihlalo ufumana isicelo uza kubiza intlanganiso ekhethekileyo yeBhodi kwiintsuku ezisixhenxe ukujongana naloo micimbi ibekiweyo, apho isaziso siza kukhutshwa njengokuba kubekiwe kuMthetho we-199.1

19.10. USihlalo ezintlanganisweni

USihlalo uya kuchophela zonke iintlanganiso zeBhodi. Xa engekho uSihlalo entlanganisweni yeBhodi,uSekela Sihlalo uya kuchophela loo ntlanganiso.

19.11. Inani lamalungu ezintlanganisweni

Amashumi amahlanu (50) epesenti nelungu elinye neli-(1) leBhodi azalisekisa inani elifunekayo ukuze kubekho intlanganiso yeBhodi kungakhathaliseki nokuba amalungu akhona ngeziqu zawo okanye ngonxibelelwano lomnxeba okanye ngevidiyo

Umsebenzi uya kwenziwa xa nje inani elidingekayo lentlanganiso likhona ekuqaleni nasekuqhubekeni kwentlanganiso.

19.12. Ukuvota ezintlanganisweni zeBhodi

Imicimbi ephambi kweBhodi iya kugqitywa ngeevoti ezininzi kanti apho iivoti ziya kulingana uSihlalo wentlanganiso uya kufaka eyakhe ivoti yokuqinisa isigqibo.

19.13. Isigqibo esibophelelayo

19.13.1. Isigqibo esibhalwe nesisayinwe ngamalungu eBhodi enza inani lentlanganiso, siya kuba sesiqinisekisayo kwaye siya kusebenza ngathi sesithathwe

entlanganisweni yeBhodi ebizwe ngokufanelekileyo nangokuseMthethweni okhona nakumthetho-sisekelo ukuba omnye osayinileyo iza kuba nguSihlalo.

19.13.2. Nasiphi isigqibo singaqulatha imibhalo eliqela efanayo, omnye nomnye usayinwe lilungu elinye okanye ngaphezulu kwabanegunya lokusayina ababekwe kulo Mgaqo.

19.14. Ingxelo yenkqubo yeentlanganiso

Ibhodi iya kwenza ukuba zibhalwe kakuhle njengemizuzu, zigcinwe zonke izinto ezenzeke entlanganisweni yonyaka nonyaka, nakwintlanganiso jikelele ekhethekileyo neyeBhodi. Loo mizuzu iya kufundwa entlanganisweni yokuqala elandelayo..

19.15. Ubungqina bemizuzu

Yonke imizuzu esayinwe nguSihlalo wentlanganiso okanye esayinwe nguSihlalo wentlanganiso elandela leyo ibubungqina obuqinisekileyo bamanqaku abhalwe apho.

19.16. Ukuhlawulwa kwamalungu eBhodi

Amalungu eBhodi anelungelo lokuhlawulwa, lokubulelwa, lokubuyiselwa imali yeendleko angene kuzo ngokwenza umsebenzi osemandleni awo njengamalungu ngokuhambelana naloo mgaqo-nkqubo oya kuvunywa yiBhodi ngamaxesha athile ukuba amalungu ayavuma entlanganisweni jikelele wonyaka nonyaka. Le ntlawulo ingayeyohamba iintlanganiso zeBhodi neyeekomiti zeBhodi. Nokuba zeziphi ezinye iindleko ezenziwe lilungu leBhodi ngokuyalelwa yiBhodi ziya kuhlawulwa ngokuhambelana nomgaqo-nkqubo oya kuvunywa yiBhodi ngamaxesha athile.

19.17. Intlanganisela

Xa kunokwenzeka ukuba iNkqubo ihlangane nenye inkqubo yonyango, ukuze loo ntlanganisela yenze ukuba izikhundla zeBhodi zivulelwe ukufaka aBathenjwa abavela kwinkqubo yonyango ekuhlanganwa nayo, abanye aBathenjwa kufuneka bathathe umhlala phantsi, ukwenzela ukuba inani laBathenjwa abaza kusebenza libe lelo kuvunyelwene ngalo kubhekiswe nangokwemibhalo ephakathi kweenkqubo ezihlanganayo.

IBhodi iya kusebenzisa ivoti eyimfihlo ukuvotela aBathenjwa abathatha umhlala phantsi kanti aBathenjwa abafumana ezona voti zininzi (ngokulandelelana ukuya ezantsi) baya kuthathwa njengabathathe umhlala phantsi ukusuka ngosuku lokuhlangana.

19.18. Ukuhlonyelwa eBhodini

Ibhodi ingahlomela abantu bade babe bathathu abanolwazi, nabangadingi ukuba ngamalungu eNkqubo, bacelwe ukuba bancede kwiingxoxo zayo. Ilungu elihlonyelweyo liya kuyeka ukuba lilungu leBhodi nanini na xa ibone njalo iBhodi. Ilungu elihlonyelweyo lingathatha inxaxheba kwiingxoxo, kodwa alinakuvota.

20. IMISEBENZI YEBHODI

20.1. IBhodi ijongene nokulawulwa kakuhle kweNkqubo, ngokubhekiselele kule Migaqo.

20.2. IBhodi kufanele isebenze ngokucoselela, ngenkuthalo, ngokukhuthala nangomoya omhle.

20.3. Amalungu eBhodi kufanele ukuba aphephe ukuphikisana kweminqweno, kwaye kufuneka axele kwiBhodi ezinye iindawo anomdla okanye asebenza kuzo.

20.4. IBhodi kufuneka isebenzise iinqobo zokusebenza ezisulungekileyo, iqinisekise ukuma kakuhle kweemali zeNkqubo.

20.5. IBhodi kufuneka ibeke igosa eliyintloko elifanelekileyo nelikulungeleyo ukuphatha eso sikhundla kanti ingaqesha nokuba ngabaphi abasebenzi ebona bedingeka ukwenza kakuhle umsebenzi weNkqubo kanti yiyo eya kubeka imithetho nemiqathango yokuqeshwa kwegosa eliyintloko okanye nawuphi na umntu oqeshwe yiNkqubo.

20.6. USihlalo kufuneka achophele iintlanganiso zeBhodi aqinisekise ukuhanjiswa kakuhle nokuziphatha okufanelekileyo ezintlanganisweni.

20.7. IBhodi kufuneka igcine imizuzu, iiakhawunti, iincwadi, iirejista neengxelo ezibalulekileyo ekusebenzeni kakuhle kweNkqubo.

20.8. IBhodi kufuneka iqinisekise ukuba zilawulwa kakuhle izicwangciso zokusebenza kweNkqubo ;

20.9. IBhodi kufuneka iqinisekise ukuba ulwazi olufumanake nolufanelekileyo luyadluliselwa kumalungu mayela namalungelo awo, uncedo, imirhumo nemisebenzi ngokweMigaqo.

20.10. Ibhodi kufuneka lithathe amanyathelo afanele ukuqinisekisa ukuba imirhumo ihlawulwa ngexesha kwiNkqubo ngokuhambelana noMthetho neMigaqo;

20.11. Ibhodi kufuneka ikhuphe ize igcine izinga elifanelekileyo leinshorensi yobungcali neyokhuseleko.

20.12. Ibhodi ingafumana iingcebiso zeengcali ngokugcinwa kweencwadi zemali nemicimbi yomsebenzi njengokuba kudingeka nokuba kukweyiphi imicimbi apho amalungu eBhodi angazifumana enolwazi olusilelayo.

20.13. IBhodi kufuneka liqinisekise ukuba imitetho, ukusebenza nokuphathwa kweNkqubo kuthobela imiqathango yoMthetho nayo yonke iMigaqo efanelekileyo.

20.14. Ibhodi kufuneka ithathe amanyathelo afanelekileyo ukukhusela ukugcinwa ziyimfihlo iingxelo zonyango lwabancedwayo.

20.15. IBhodi kufuneka izivumele zonke iintlawulo.

20.16. IBhodi kufuneka iqiniseke ukuba zigcine endaweni ekhuselekileyo efana neseyifu, igumbini lentsimbi, okanye kwiziko lezemali elivunywe yiBhodi, zonke izivumelwano zemali mboleko, iitayitile okanye nayiphi impahla ekubanjiswe ngayo ngumntu kwiNkqubo.

20.17. IBhodi kufuneka inikele ngendlela ebona ngayo nangokwendlela eqhelekileyo nemigaqo nkqubo emiselweyo mayela nokugcinwa kwemiqulu, ngokhuseleko lweencwadi, iingxelo, nokunye okumayela nempahla yeNkqubo.

20.18. IBhodi kufuneka iveze qho ngonyaka, ngokubhalela uMbhalisi Omkhulu (uRejistra), ngayo nayiphi intlawulo okanye imirhumo eyinikwe yiNkqubo kuloo nyaka njengokuba kumiselwe.

21. AMAGUNYA EBHODI

Ibhodi inamagunya;

21.1. okuphelelisa ngomsebenzi nokuba ngowuphi na umqeshwa weNkqubo;

21.2. okuthatha onke amanyathelo adingekayo, ukusayina nokusebenzisa yonke imiqulu ukuqinisekisa ukugqibeka komsebenzi weNkqubo nako konke okumele kwenziwa;

21.3. okubeka ikomiti enamalungu eBhodi nezinye iingcali xa ibona kukho imfuneko yoko;

21.4. okuqesha umphathi ogunyaziswe ngokufanelekileyo phantsi kwemimiselo nemiqathango ngokubona kwayo, ukuze umsebenzi weNkqubo wenziwe kakuhle. Imimiselo nemiqathango yokuqeshwa okunjalo kufuneka ibe sisivumelwano esibhaliweyo, esihambelana nezidingo zoMthetho neMigaqo;

21.5. okuqesha nokusayina isibophelelo nokuhlawula nokuba ngowuphi umcebisi wotyalo mali obhalisiweyo akuba azise, wangenisa ilungu kwiNkqubo nokuqhubeka

ecebisa elo lungu ngezimali, ngokwemimiselo yoMthetho neMigaqo ukuba iNkqubo inesibophelelo naloo mcebisi wotyalo mali ogunyazisiweyo, apho isibophelelo sakhe singayi kubanjwa ngolunya yiNkqubo.

INkqubo iya kuhlala iwavuma amalungelo elungu ngalinye okuqesha umcebisi wotyalo mali kodwa apho kukho owesithathu (njengeqela labaqeshi) onikezwe ilungelo lokuqeshela iqela lamalungu umcebisi wotyalo mali nalapho kukho ukhuphiswano phakathi kwabacebisi, iNkqubo inelungelo lokukhetha umcebisi wotyalo mali oza kunceda elo qela lamalungu;

21.6. okuba nesibophelelo nokuhlawula naliphi na iqumrhu lokulondoloza impilo ngokwemimiselo;

21.7. okuthenga impahla ephathekayo nengashukumiyo ukuba isetyenziswe yiNkqubo enokusetyenziswa yiNkqubo;

21.8. okuqesha impahla impahla ephathekayo nengashukumiyo ukuba isetyenziswe yiNkqubo

21.9. okuthengisa impahla yeNkqubo ephathekayo nengashukumiyo ilandela imimiselo esemgangathweni yokuqhutywa koshishino;

21.10. okutyala imali okanye ukusebenza ngemali xa kukho iimali ezingazukusebenza kwangoko kwimisebenzi yeNkqubo ngokwemimiselo yoMthetho nangendlela iBhodi ebona ngayo;

21.11. ngokuvunywa kuqala yiKhansile, ukubolekela iNkqubo imalikwiibhanki zeNkqubo ibambise ngempahla yeNkqubo ngenjongo yokuqabelisa ingxakana yokunqongophala kwemali okwethutyana;

21.12. ukuseka ivenkile yamayeza, isibhedlele, ikliniki, ikhaya lokubelekisa, ikhaya labantwana, ikhaya labagula kakhulu, ikhaya labadala okanye elinye iziko, kulungiselelwa amalungu eNkqubo, ngokwezidingo zawo nawuphi na uMthetho, ukuba iNkqubo iyodwa okanye isebenzisana nomntu othile;

21.13. ukunikela nakwesiphi na isibhedlele, ikliniki, ikhaya labantwana, ikhaya labagula kakhulu, okanye ikhaya labadala ngokulungiselela bonke okanye abanye abancedwayo;

21.14. ukunikezela iimali mboleko ezihlawulwayo kumalungu okanye ukwenza intlawulo engekho kwisicwangciso kusenzelwa ukuba amalungu afezekise izibophelelo zawo ngawo nawuphi na umcimbi ochazwe kuMgaqo wesi-5;

21.15. ukunikela nokuba kukweyiphi ingxowa mali eyenzelwe ukunceda abaqeshwa beNkqubo;

21.16. ngokwezidingo zomthetho, ukuqinisekisa izibophelelo ngokwemimiselo yoncedo olulungiselelwe kule Migaqo;

21.17. ukugunyazisa igosa eliyintloko okanye loo malungu eBhodi, okanye nawuphi na umntu elimkhethileyo kumaxesha ngamaxesha ngaphantsi kwemimiselo nemiqathango yokubona kweBhodi, ukusayina isibophelelo okanye omnye nje umqulu obophelelayo mayela neNkqubo okanye omnye nje umqulu ogunyazisa ukusetyenziswa kwawo nawuphi na uMthetho osegameni leNkqubo;

21.18. ukunikela kulo naliphi iziko elimiselwe ukuqhubekisa ukubeka ngokusesikweni iinkqubo zonyango;

21.19. nokwenza nantoni na edingekayo okanye efanelekileyo ukwenza umsebenzi wayo ngokwemimiselo yoMthetho nale Migaqo;

22. UMSEBENZI WEGOSA ELIYINTLOKO NABANYE ABAQESHWA

22.1. Abasebenzi beNkqubo kufuneka baqinisekise ukuba bagcina lonke ulwazi olumayela namalungu luyimfihlo.

22.2. Igosa eliyintloko, igosa elilawulayo leNkqubo kanjalo liya kuqinisekisa ukuba:

22.2.1. Lisebenzela ukulungiselela amalungu eNkqubo ngalo lonke ixesha

22.2.2. izigqibo nemiyalelo yeBhodi ziyasebenza ngaphandle kokuchitha ixesha

22.2.3. apho kudingeka khona kukho indlela efanelekileyo yokunxibelelana phakathi kweNkqubo nabo bachaphazelekayo zizigqibo nemiyalelo yeBhodi;

22.2.4. lihlala lisazisa iBhodi kwangexesha ngemicimbi yeNkqubo mayela nantoni na enxulumene nemisebenzi yeBhodi njengoba kubekiwe kwiCandelo lama-57(4) loMthetho

22.2.5. lihlala lisazisa iBhodi kwangexesh mayela nemicimbi zeNkqubo nemisebenzi ukuze iBhodi ikwazi ukwenza ngokwemimiselo zeCandelo lama-57(6) loMthetho.

22.2.6. alithathi izigqibo ezimayela nemicimbi yeNkqubo ngaphandle kokuqala ligunyaziswe yiBhodi kwaye kufuneka ukuba ngalo lonke ixesha lihlale liliqaphela igunya leBhodi nokulawulwa kwalo yiNkqubo.

22.3. Igosa eliyintloko lilo eliphendula kwiNkqubo malunga nokuqokelelwa nokunika inkcazelo ngazo zonke iimali ezingenayo neentlawulo ezenzelwa nezigunyaziswe yiNkqubo, ngaphandle kokuba iBhodi yaBathenjwa ikhethe umphathi ongomnye

wokulawula nokuhambisa umsebenzi weNkqubo ngokoMthetho, neMigaqo yeNkqubo.

22.4. Igosa eliyintloko liya kuqinisekisa ukuba lisebenzela ukuba umsebenzi umsebenzi weNkqubo uhambe kakuhle. Liya kuzo zonke iintlanganiso zeBhodi okanye enye ikomiti ebekwe yiBhodi, apho kudingeka ukuba libekhona eli gosa, liqinisekise ukubhalwa kakuhle kwemizuzu yentlanganiso.

22.5. Igosa eliyintloko linoxanduva lokulawula abasebenzi abaqeshwe yiNkqubo, ngaphandle kokuba iBhodi ilixelele ngenye indlela.

22.6. Ngaphandle kokuba iBhodi yaBathenjwa ibeke Umlawuli wokuphatha endaweni yeNkqubo, ngokuhambisana noMthetho, neMiyalelo neMigaqo yeNkqubo, igosa eliyintloko liya kugcina iingxelo ezizeleyo nezifanelekileyo zazo zonke iimali ezingenileyo neendleko ezibe khona nayo yonke impahla, amatyala nezivumelwano zemali yeNkqubo.

22.7. Ngaphandle kokuba iBhodi yaBathenjwa ibeke Umlawuli wokuphatha endaweni yeNkqubo, ngokuhambisana noMthetho, neMiyalelo neMigaqo yeNkqubo, igosa eliyintloko liya kulungisa iingxelo zemali zonyaka nonyaka, liqinisekise nokuba ziyathotyelwa zonke izidingo zoMthetho ezihambelana noko.

22.8. Aba balandelayo abafanelekanga ukuba ligosa eliyintloko:

22.8.1. Umqeshwa, umlawulii, igosa, umcebisi okanye umqeshwa onesibophelelo sethutyana womphathi weNkqubo okanye inkampani elawulayo, engaphantsi, esebenza ngendibano naloo mphathi. 1 1

22.8.2. Umcebisi wotyalo mali.

22.9. Imiqathango yoMgaqo wama-21 iya kusebenza xa kusenziwa utshintsho kodwa kungachatshazelwa undoqo womsebenzi wegosa eliyintloko.

23. UKUKHUSELEKA EMACALENI NEMALI EJONGE IINDLEKO EZINGALINDELEKANGA

23.1. IBhodi nokuba ngubani osesikhundleni sokuphatha kwiNkqubo ukhuselwe yiNkqubo kuzo zonke iindlela zokwenza izinto, iindleko ezingavela ngenxa yokumangalelwa kweNkqubo, phofu ingenzanga buqhinga, nokungathembeki okanye ukuba imali.

23.2. IBhodi kumele iqinisekise ukuba iNkqubo ikhuseleke ngokwaneleyo ngeinshorensi mayela nelahleko edalwe kukungathembeki okanye ukuba imali kwabo abaphethe izikhundla (kuquka namalungu ebhodi) ngokwamkela okanye ukutshintsha iimali okanye iziqinisekiso zobunini zeNkqubo.

24. UNYAKA MALI WENKQUBO

Unyaka mali weNkqubo usukela kusuku lokuqala lwenyanga yoMqungu (1 Janyuwari) uye kuphela ngosuku lokugqibela lweyoMnga (31 Disemba) kuloo nyaka.

25. IAKHAWUNTI YEBHANKI

INkqubo kufanele ukuba ivule, igcine iakhawunti yebhanki elawulwa yiyo ngqo ebhankini yokurhweba evunyiweyo. Zonke iimali ezingenayo kufanele ukuba zifakwe ngqo kule akhawunti. Yonke imali ephumayo eyintlawulo kufanele ukuba ithunyelwe ngekhompyutha (iEFT) okanye ngetheyiphu yokutshintsha (tape exchange) okanye ngetshekhi esayinwe ngabantu ababini ubuncinane, ngaxeshanye – omnye wabo ibe ligosa eliyintloko - eligunyaziswe yiBhodi.

26. UMPHENDLI ZINCWADI ZEMALI NEKOMITI YOKUHLAZIYA IIMALI

26.1. Umphendli zincwadi zemali kufanele ukuba avunywe uMbhalisi Jikelele ngokwemimiselo yeCandelo lama-36 loMthetho. Emva koko akhethwe ngokwesivumelwano kwintlanganiso kawonkewonke yonyaka nonyaka, ukuba abe sesikhundleni ukusukela ekhupheleni kwentlanganiso kude kube sekupheleni kwentlanganiso yonyaka olandelayo.

26.2. Aba bantu balandelayo abakulungelanga ukuba sesikhundleni somphendli zincwadi zemali yeNkqubo.

26.2.1. Ilungu leBhodi,

26.2.2. Umqeshwa, umlawulii, umqeshwa onesibophelelo sethutyana neNkqubo

26.2.3. Umqeshwa, umlawulii, igosa, umcebisi okanye umqeshwa onesibophelelo sethutyana nomphathi weNkqubo okanye inkampani elawulayo, engaphantsi, esebenza ngendibano naloo mphathi.

26.2.4. Umntu ongasebenzi njengomphendli zincwadi zemali emphakathini

26.2.5. Umntu ohluthwe igunya lokusebenza njengomphendli zincwadi zemali ngokwemimiselo yoMthetho Weenkampani wama- 2008.

26.3. Ukuba kunokwenzeka okanye ngasiphi isizathu umphendli zincwadi zemali awushiye umsebenzi ngaphambi kokuphela kwexesha abeqashelwe lona, iBhodi kufanele ukuba iqeshe omnye umphendli zincwadi zemali zingaphelanga iintsuku ezingama-30 ukuba avale eso sithuba.

26.4. Ukuba amalungu eNkqubo entlanganisweni yesiqhelo ayoyiswa kukuqesha umphendli zincwadi zemali ofanele ukuba aqeshwe ngokwalo mthetho, iBhodi kufanele ukuba iqeshe omnye umphendli zincwadi zemali zingekapheli iintsuku ezingama-30. Ukuba nayo iyoyiswa ukwenza njalo, uMbhalisi Jikelele angamqesha ngokwakhe.

26.5. Umphendli zincwadi zemali weNkqubo unelungelo lokujonga iincwadi, kwaye uvumelekile ukuba acele eBhodini nakwiziphatha mandla zeNkqubo ulwazi nezinye iinkcazelo anokuthi azidinge ekwenzeni umsebenzi wakhe.

26.6. Umphendli zincwadi zemali uchazela amalungu eNkqubo ngeeakhawunti athe wazihlola kunye neengxelo zezimali ezibekwe phambi kweNkqubo entlanganisweni yesiqhelo.

26.7. IBhodi kufanele ukuba iqeshe ikomiti yokuhlaziya iincwadi ngendlela emiselweyo.

27. IINTLANGANISO ZIKAWONKEWONKE

27.1. Intlanganiso kawonkewonke yonyaka (iAGM)

27.1.1. Intlanganiso kawonkewonke yamalungu yonyaka kufanele ukuba ibanjwe ingekapheli inyanga yeThupha (31 Agasti) unyaka nonyaka, ukuba intlanganiso kawonkewonke yonyaka wekhalenda wama-2015, intlanganiso kawonkewonke yonyaka iya kubakho ungekafiki umhla wama-31 kweyeDwarha 2016 (Okthobha).

27.1.2. Isaziso sokumema intlanganiso iAGM, kufuneka sibe neajenda namanqaku aphambili engxelo yemali yonyaka. Konke oku kufuneka kuthunyelwe kumalungu ngaphambi kweentsuku ezingama-30 phambi kosuku lwentlanganiso. Iingxelo ezizeleyo zeemali zonyaka zingafumaneka ngokuvula iwebhusayithi yeNkqubo.

Kuyafuneka ukuba iNkqubo ithumele izishwankathelo zale mibhalo ikhankanywe apha ngentla, ngokuhambisana nendlela yorhwebo esetyenziswayo, nangokulandela imiyalelo yeKhansile okanye uMbhalisi Jikelele emana ikhutshwa ngamaxesha athile, ibe ihloniphe nawuphi uMthetho okanye indlela yokusebenza eyamkelekileyo. Ukungafumani isimemo sentlanganiso kwelungu akuthethi ukuba izigqibo zentlanganiso azisayi kusebenza, oko nje isaziso sihanjiswe ngendlela efanelekileyo yiBhodi.

27.1.3. Ubuncinane ngamalungu eNkqubo angama-42 akhona ngesiqu anokwenza ukuba intlanganiso iqhube (ikhoram). Ukuba ikhoram ayikho kude kudlule imizuzu engama-30 ukusukela exesheni ebelibekiwe lokuqala kwentlanganiso, intlanganiso iyahlehliswa ngeentsuku ezisi-7 ukusukela kolo suku lwentlanganiso,

endaweni efanayo, ukuze kuthi amalungu akhoyo ibe ngawo enza ikhoram. Ukuba usuku oluhlehliselwe intlanganiso luyiholide, intlanganiso iya kuhlehliselwa kusuku olulandela iholide.

27.1.4. Amanqaku aphambili eengxelo zemali yonyaka kunye neengxelo ezicaciswe kwiMigaqo yama - 27.1.2 nowama- 26.6 kufanele ukuba anikwe entlanganisweni.

27.1.5. Usuku lweAGM laziswa kumalungu kwiinyanga ezintathu (3) (90 iintsuku) phambi kwentlanganiso. Ekuphumeni kweso saziso iNkqubo icela iziphakamiso zemicimbi emayixoxwe entlanganisweni kawonkewonke wonyaka. Izaziso zeziphakamiso kufanele ukuba zithunyelwe kwigosa eliyintloko kwiinyanga ezimbini (2) (iintsuku ezingama-60) phambi kwentlanganiso leyo. Nabani na ofanelekileyo angakwazi ukufaka isiphakamiso, axele injongo yokuba umcimbi lowo uxoxwe entlanganisweni, acebise namazwi anokusetyenziswa ekubekeni umcimbi lowo. IBhodi iyaziqwalasela ezi ziphakamiso, ithi ngokubona kwayo, ithathe isigqibo sokuba ingaba umcimbi lowo ufanelekile na ukuba ungaxoxwa entlanganisweni. Ukuba iBhodi igqiba kwelokuba isiphakamiso asifanelekanga ukuba singaxoxwa entlanganisweni, okanye sifuna ukuhlengahlengiswa ngohlobo ebona ngalo, iBhodi iya kumazisa umnini weso siphakamiso. Ukuba akaneliseki sesi sigqibo seBhodi uvumelekile ukulandela indlela yokulungisa loo meko ngokoMthetho. Esi sibonelelo sakuguqulwa ngokwemeko egqubayo kodwa singayijiki intsingiselo engundoqo yoMthetho.

27.2. Intlanganiso kawonkewonke ekhathekileyo

27.2.1. Ukubizwa kwentlanganiso yiBhodi

IBhodi isenokubiza intlanganiso ekhethekileyo ukuba kukho isidingo soko.

27.2.2. Isicelo sentlanganiso ngamalungu

Ngesicelo samalungu apheleleyo ali-100 ubuncinane, iBhodi kufanele ukuba ibize intlanganiso kawonkewonke ekhethekileyo zingakapheli iintsuku ezingama-30 emva kokufakwa kwesicelo.

Isicelo kufanele ukuba sizixele iinjongo zentlanganiso kwaye kufuneka sisayinwe ngabo bonke abafake isicelo, basifake kwiofisi ebhalisiweyo yeNkqubo. Kuya kuxoxwa kuphela imicimbi ebekwe njengeenjongo zale ntlanganiso.

Ukuba kwenzeke ukuba iBhodi, emva kwezintsuku ezili-14 emva yokufakwa kwesicelo, yiyoswe kukubiza intlanganiso, abo bebenze isicelo bangayibiza ngokwabo intlanganiso, ibanjwe kwisithuba senyanga kufakwe isicelo.

27.2.3. Isaziso sentlanganiso

Isaziso sokumema intlanganiso kawonkewonke ekhethekileyo, ineajenda, kufanele ukuba ithunyelwe kubaqeshi bamalungu ubuncinane kwiintsuku ezilishumi nane (14) ngaphambi kosuku lwentlanganiso. Ukungafumani simemo kwelungu akuthethi ukuba izigqibo zentlanganiso ziya kurhoxiswa, ukuba iBhodi ibilandele indlela efanelekileyo xa ihambisa isimemo.

27.2.4. Ikhoram

Ubuncinane ngamalungu eNkqubo angama-42 akhona ngesiqu anokwenza ukuba intlanganiso iqhube (ikhoram). Ukuba ikhoram ayikho kude kudlule imizuzu engama-30 ukusukela exesheni ebelibekiwe lokuqala kwentlanganiso, intlanganiso ihlehliselwa kwa olo suku nelo xesha kwiveki ezayo. Ukuba usuku oluhlehliselwe intlanganiso luyiholide, intlanganiso iya kuhlehliselwa kusuku olulandela iholide. Ukuba ikhoram iphinde yangenzeki emva kwemizuzu engama-30 ukusukela kwixesha ebelibekelwe ukuqala kwentlanganiso, intlanganiso iya kuthathwa njengechithiweyo.

28. UKUVOTA EZINTLANGANISWENI

28.1. Lonke ilungu elikhoyo entlanganisweni yeNkqubo kawonkewonke okanye ekhethekileyo linelungelo lokuvota, okanye ngokwalo Mgaqo lingakhetha elinye ilungu leNkqubo ukuba libe libambela lalo, lize esentlanganisweni, lithathe inxaxheba ezingxoxweni kwaye livote esikhundleni salo.

28.2. Imvume yokukhetha ibambela kufanele ukuba ibhalwe phantsi, efomini evunywe yiBhodi, kwaye kufuneka ibe yifomu yoqobo hayi ikopi, isayinwe lilungu ngokwalo nalowo ukhethwe ukuba libambela. Emva koko le fomu idluliselwa kwiNkqubo kwiiyure ezingama-72 ubuncinane, phambi kokuqala kwentlanganiso, ngendlela eyalathwe yiBhodi.

28.3. Usihlalo weBhodi kufanele ukuba athathe isigqibo sokuba ukuvota kuza kwenziwa ngamaphepha ayimfihlo okanye ngokuphakamia isandla. Ukuba kwenzeka ukuba iivoti zilingane macala omabini, usihlalo olilungu leNkqubo, uya kuba negunya levoti eqinisa icala elithile ngaphezu kwaleyo voti ayenze xa bekuxoxwa.

28.4. Ukuchazwa kweziphumo zevoti

Ekupheleni kwentlanganiso uSihlalo uchaza iziphumo sokuvota esithi isiphakamiso esithile siphumelele ngokuphakamisa izandla okanye ngamaphepha okuvota, saphumelela ngokuvunywa nguwonkewonke, okanye uninzi, asiphumelelanga

okanye asamkelwanga sisininzi. Eso saziso sithathwa njengesigqibo sentlanganiso kwaye siyabophelela kuwo onke amalungu. Ukuba kwenzekile ukuba iziphumo zokuvota zingafumaneki kwalapho entlanganisweni, ukwaziswa kweziphumo kungemiswa, ukwenzela ukuba kuqokelelwe okanye kuqinisekiswe iivoti. Kuthi ke kwakuba zilungile iziphumo, iBhodi izazise kumalungu zingaphelanga iintsuku ezingama-21 (amashumi amabini ananye) iziphumo zaziwe.

29. IZIKHALAZO KUNYE NOKUNGAVISISANI

29.1. Amalungu angabeka izikhalazo zawo, ngokubhalela iNkqubo, kubhekiswe kwiGosa eliyiNtloko.

29.2. Zonke izikhalazo eziya kwiNkqubo zibhalwa phantsi. Ezi zikhalazo zibhaliweyo ziya kuphendulwa yiNkqubo kwangembalelwano zingakapheli iintsuku ezingama-30 emva kokufumana ezo zikhalazo.

29.3. Nakuphi na ukungavisisani, okuphakathi kwelungu nelungu elinqwenela ukungena kwiNkqubo, lowo wayeyilungu ngaphambili, okanye nomntu othi unemvume yokuba lilungu, neNkqubo okanye nosesikhundleni kwiNkqubo, kufanele ukuba athunyelwe liGosa eliyiNtloko kwikomiti yezikhalazo ukuze iqwalasele oko kungavisisani.

29.4. Le komiti yezikhalazo inabantu abathathu ubuncinane omnye wabo elilungu leNkqubo kodwa angabi lolungu lebhodi. Omnye wabo kufanele ukuba abe nolwazi loMthetho. Amalungu ekomiti yezikhalazo akhethwa yiBhodi kwaye ixesha lokusebenza kwayo akudlulo eminyakeni emithathu (3). Ikomiti yezikhalazo iqeshelwa phantsi kwale miqathango ilandelayo:

29.4.1. Amalungu amabini ale komiti yezikhalazo enza ikhoram. Ukuba kwenzeke ukuba iivoti zilingane macala omabini uSihlalo (okhethwa phakathi kwamalungu asekomitini yezikhalazo entlanganisweni yokuqala emva kokuba bekukhethwe elinye ilungu ngaphambili) nguye oya kuba negunya lokuba nevoti eqinisa elinye icala ngaphezu kwevoti yakhe ngexesha lengxoxo.

29.4.2. IGosa eliyiNtloko liya kubiza intlanganiso yekomiti ezikhalazo ngesaziso zingaphelanga iintsuku ezingama-21 ngokubhalela ummangali nawo onke amalungu ekomiti yezikhalazo. Esi saziso siya kuchaza usuku, ixesha nendawo apho kuza kudityanelwa khona, sixele nento ekukhalazelwa yona.

29.4.3. IGosa eliyiNtloko liya kunikezela ekomitini yezikhalazo ngeso sikhalazo sibhaliweyo kunye nempendulo evela kwiNkqubo okanye kwigosa leNkqubo elichaphazelekayo. Ikomiti iza kusiqwalasela isikhalazo esibhaliweyo nokuziphendula okuvela kwiNkqubo ukuba oko kuyenzeka. Ukuba le komiti yanelisekile ukuba ayidingi obunye ubungqina okanye eminye imibhalo:

29.4.4. Ukuba ikomiti yezikhalazo idinga obunye ubungqina okanye iziphakamiso ikomiti ingaphakamisa ukuba kube kulandelwe inkqubo engenamkhethe ukuze kufumaneke obunye ubungqina okanye iziphakamiso obuza kunikwa ikomiti nommangali, kwaye neNkqubo nayo iya kunikwa isaziso esifanelekileyo ngalo mbandela.

29.4.5. Ukuba kwenzeka ukuba ikomiti yezikhalazo ifune ukuva ubungqina bomlomo okanye ingxoxo, abo babandakanyeka kule ngxabano banelungelo lokumanyelwa ezingxoxweni, bezithethela ngokwabo okanye bemelwe ngothile.

29.4.6. Ikomiti iya kwazisa iNkqubo ngaso nasiphi na isigqibo efikelele kuso, yazise nabo bachaphazelekayo ngokubabhalela, zingakapheli iintsuku ezingama-30 emva kokuhlala kwekomiti.

29.5. Umntu ongummangali okanye owoniweyo unelungelo lokudlulisela isikhalazo sakhe kuMbhalisi Jikelele okanye kwiKhansile ngoba kungenzeka ukuba isikhalazo simalunga nesigqibo esenziwe yikomiti yezikhalazo, kwaye eso sikhalazo singaba ngohlobo olufuneka ngokoMthetho woMbhalisi Jikelele okanye iKhansile.

29.6. Ukuqhutywa kwesigqibo esingunozala wesibheno phantsi komthetho wama-29.5 kuya kumiswa, kulindelwe isigqibo soMbhalisi Jikelele okanye iKhansile ngeso sibheno.

29.7. Akukho nto kule Migaqo emayitolikwe ngokungathi ithintela umntu onesikhalazo ekulandeleni indlela yesisombululo angaba naso ngokwalo Mthetho okanye eminye.

29.8. Ukuba kungenzeka ukuba umntu owoniweyo afune ukumangalela uMbhalisi Jikelele okanye iKhansile njengokuba kubekiwe eMthethweni ngaphambi ngokuzama ezi zisombululo zikule Migaqo, apho ke lowo woniweyo uya kuba ulilahlile ilungelo lakhe lokuqhubeka phantsi kwale Migaqo, kwaye iNkqubo iya kuqhuba nesikhalazo kuloo nkundla ikhethwe ngummangali.

30. UKUPHELISWA / UKUVALA

30.1. INkqubo ingapheliswa ivalwe yinkundla yamatyala efanelekileyo okanye ngokuzikhethela nangokuzithandela.

30.2. Ukuba amalungu entlanganisweni kawonkewonke abeka isiphakamiso, ukuze ezo siphakamiso sivunywe ngamalungu angaphezu kwesibini kwisithathu, esithi iNkqubo kufanele ukuba ivalwe, iBhodi kufuneka ilungiselele ukuba ukuba amalungu athathe isigqibo ngokuvota ngebhalothi ukuthi ingaba iNkqubo kufanele

ukuba ichithwe na. Ukuba kwenzeka ukuba uninzi lwamalungu lungatsho ukuba iNkqubo mayiqhubeke, iNkqubo iya kuchithwa ngokweCandelo lama- 64 loMthetho.

30.3. Emva kokuba amalungu ethathe isigqibo ngokoMgaqo wama-30.2 iGosa eliyiNtloko kufanele ukuba lithi lakuba libonisene noMbhalisi Jikelele, lijikelezise imemorandamu kuwo wonke amalungu, libeke izizathu ezixhasa ukuba iNkqubo ivalwe, libeke icebo lokwaba impahla xa sekulixesha lokusonga izinto. Le memorandamu iya kuhamba nephepha lokuvota.

30.4. Onke amalungu kufanele ukuba acelwe ukuba awabuyise amaphepha okuvota ezalisiwe ngaphambi kosuku olubekiweyo. Ukuba ama-50 epesenti amalungu ubuncinane, ewabuyisile amaphepha okuvota, nokuthi uninzi lwawo luvume ukuba ukuba ivalwe iNkqubo, iBhodi kufanele ukuba iqinisekise ukuthi konke kuhamba ngemfanelo, ukuze ikhethe umntu ofanelekileyo oza kuvala iNkqubo, ngokwesivumelwano soMbhalisi Jikelele.

31. UKUDIBANISELANA NOKUDLULISELA ISHISHINI KWABANYE

31.1. Ngokuthobela imiqathango yeCandelo-63 loMthetho, iNkqubo isenokuhlangana okanye idlulisele kwabanye impahla yayo kunye namatyala, okanye yamkele ukudluliselwa impahla namatyala enye inkqubo yezonyango okanye yomntu othile. IBhodi kufanele ukuba ilungiselele ukuba amalungu anikwe inkcazelo ebanzi ngoku kuthengelisana kucetywayo ukuze acingisise athathe isigqibo sokuba avote ngokuyimfihlo okanye ngenye indlela, avotele ukuba kungaqhubeka okanye kungaqhubeki na ukuthengiselana.

31.2. Ukuba uninzi lwamalungu abuyise amaphepha abo okuvota, okanye abathatha inxaxheba ekufunweni kwemvume yabo, malungu lawo avote ngokuvumelana nesivumelwano sorhwebo, eso sivumelwano singaqukunjelwa ngendlela emiswe ngokuseMthethweni.

32. ILUNGELO LOKUFUMANA IMIBHALO NOKUHLOLWA KWEMIBHALO

32.1. Nabani na ocela, aze ahlawule imali engama-R70,00 anganikwa ikopi yale mibhalo ilandelayo:

32.1.1. IMigaqo yeNkqubo;

32.1.2. Iingxelo zemali yonyaka ezisanda kubonwa ngumphendli wezimali, iingxelo zaBathenjwa, nengxelo yabaphendli bezimali zeNkqubo;

32.1.3. Iiakhawunti zeziphathamandla mayela neentlobo ntlobo zoncedo ngokwemiqathango yeCandelo lama-37(4)(d) zize zinikelwe kuMbhalisi Jikelele kunye neengxelo zemali yonyaka kunye nezinye iingxelo njengoko kudingeka ngokweCandelo lama- 27(3) oMthetho Weenkqubo Zonyango wama- 131 ngowe-1998.

32.2. 32.2Ilungu elincedwa yiNkqubo livumelekile ukuhlola ngaphandle kokuhlawula imali ebhalisiweyo kwiofiisi yeNkqubo ebhalisiweyo, nawuphi na umbhalo obekwe kuMgaqo wama-32.1 kwaye angazithathela izicatshulwa kule mibhalo.

32.3. 32.3Lo Mgaqo awusayi kuthathwa ngathi uthintela amalungelo omuntu ngokoMthetho wesi-2 Wokukhuthaza Ukufikelela Kulwazi wama-2000 (iPromotion of Access of Information Act 2 of 2000).

33. UKUHLOMELA IMIGAQO

33.1. IBhodi ivumelekile ukuguqula okanye ukuchitha nawuphi na umthetho okanye isihlomelo okanye ingenza omnye umthetho owongezelelekileyo okanye isihlomelo.

33.2. Akukho kuhlomela, kuchithwa okanye kongeza okuchaphazela iinjongo zeNkqubo okuvumeleke ngokusesikweni ngaphandle ngokuvunywa luninzi lwamalungu akhoyo entlanganisweni kawonkewonke okanye entlanganisweni ekhethekileyo okanye ngokuvota ngebhalothi.

33.3. Amalungu kufanele ukuba anikwe ikopi yeso sihlomelo zingaphelanga iinyanga ezine (4) emva kokubhaliswa kwaso. Ukuba kungenzeka ukuba amalungelo elungu, izibophelelo, imirhumo okanye uncedo luguqulwe, ilungu kufanele ukuba linikwe isaziso kuqala ixesha kwiintsuku ezingama-30 (amashumi amathathu) ngaphambi kokwenza utshintsho.

33.4. Ngaphandle kwemiqathango yoMgaqo wama-33.1 elapha ngentla, iBhodi kufanele ukuba, ngokwesicelo nokukwaneliseka koMbhalisi Jikelele, ingawuguqula uMgaqo ongahambelani neziphakamiso zoMthetho.

33.5. Akukho ukuchibiyela, ukuchithwa, nokwengezelela kwaokanye yimuphi umthetho kuyovumeleleka ngaphandle ngokuba kuvunyiwe kwaye kuregistiwe nguMbhalisi Jikelele.

34. IAKHAWUNTI YOKUZONGELA IINDLEKO ZOKUGULA

34.1. Emva kokwamkelwa kwiNkqubo, iakhawunti yokuzongela iindleko zokugula (eshunqulelwa ngokuthi PMSA – Personal Medical Savings Account) ephethwe yiNkqubo iyavulwa ngegama lelungu elichapazelekayo, apho kufakwa imali eliyabelwe yiNkqubo malunga nePMSA, kuthatyathwe kuyo xa kukhutshwe imali yokunceda ilungu.

34.2. Imali eyabelwe iPMSA yiNkqubo ukuze kuzuze ilungu ayingeke idlule kuma-25 epesenti yesixa esipheleleyo semirhumo yelungu kunyaka mali othile.

34.3. Ngokuxhomekeke kwimali ekhoyo ngomhla kuhlawulwa ngawo ibango, amalungu aya kuvumeleka ukuba afake ibango ngazo zonke iinkonzo zempilo eziboniswe phantsi kwePMSA kwiSihlomelo B nge-100 lepesenti kwisabelo seNkqubo.

34.4. Imali eyabelwe amalungu kwiPMSA iya kufumaneka ukunceda ilungu nabaxhomekeke kulo. Nayiphi na imali esalayo eakhawuntini yePMSA ekupheleni konyaka wemali ikhulela ukunceda ilungu.

34.5. Yonke imali efakwe lilungu iya kugcinwa ebhankini kwiakhawunti elithemba, eyahkulileyo kwezinye zonke iiakhawunti zeNkqubo. Yonke inzala efumaneke kwiakhawunti elithemba iya kwandisa iiakhawunti zolondolozo. INkqubo ingayaba inzala ihamba ngokushiyana kwamaxesha okungena (ipro-rata) esekelwe kwibhalansi yolondolozo ekupheleni kwenyanga.

34.6. Ukuba kwenzeka ukuba ilungu lisweleke, imali eyintsalela ebekufuneka ifunyanwe lilungu iya kudluliselwa kwaba baxhomekeke lulo abaqhubekayo ukuba ngamalungu eNkqubo, okanye iya kufakwa kwilifa lalo ukuba bebengekho abaxhomekeke kulo.

34.7. Imali eyintsalela ekungafakangwa ibango kuyo, nalapho ilungu lingafumanekiyo de kube lixesha elingangonyaka emva kokuba ilungu liyishiyile iNkqubo, le mali iya kufakwa kwingxowa mali yabaxhomekekileyo (iGuardians Fund).

34.8. Ekutshintseleni kwenye indlela yoncedo lweNkqubo, engenamalungiselelo olu hlobo lweakhawunti, okanye nayiphi na imali eseleyo elilungelo lelungu kwiPMSA, iya kubuyiselwa kwilungu, zingedlulanga iinyanga ezine (4) emva koko kutshintsha kwaye kuya kulandelwa imithetho yerhafu efanelekileyo.

34.9. Ukuba ilungu liyayeka ukuba lilungu leNkqubo, lize lingamkelwa njengelungu lenye inkqubo okanye lamkelwe njengelungu lenye inkqubo yezonyango engenaso isibonelelo sePMSA, imali eyintsalela iya kubuyiselwa kwilungu, zingedlulanga iinyanga ezine (4) emva koko kutshintsha kwaye kuya kulandelwa imithetho yerhafu efanelekileyo.

34.10. Ukuba ilungu liguqukela kwenye indlela yoncedo lweNkqubo okanye selamkelwe kwenye iNkqubo eneakhawunti efana nale, imali eyintsalela iya kubuyiselwa kwilungu, zingedlulanga iinyanga ezine (4) emva koko kutshintsha okanye lakuba liyekile ukuba lilungu leNkqubo.

34.11. Imali yelungu eseakhawuntini yePMSA angekhe isetyenziselwe ukuhlawula iindleko zobuncinane boncedo ezimiselweyo kwaye ayinakusetyenziswa njengomrhumo.

34.12. Ekupheleni kokuba lilungu leNkqubo, imali yelungu eseakhawuntini iPMSA ingasetyenziselwa ukuhlawula onke amatyala elungu kuquka nemirhumo ebingekahlawulwa.