



INKANTOLO YEZIKHALAZO EZINCANE

OKUDINGEKA UKWAZI



UMMELI WAKHO - UMELELEKO ONGAMETHEMBA

Kungakhathaliseki ukuthi ufuna isinxephezelo noma umangalela omunye umuntu, le ncwajana yenzelwe ukukuhlinzeka ngesiqondiso esilula sokusebenzisa iNkantolo Yezikhalazo Ezincane ngendlela ephumelelayo.

Iyini iNkantolo Yezikhalazo Ezincane?

Yinkantolo emisiwe futhi elawulwa nguMthetho 61 Wezinkantolo Yezikhalazo Ezincane ka-1984.

Kungani Kuthiwa YiNkantolo Yezikhalazo Ezincane?

Ukuze kuxazululwe izimpikiswano ngokushesha ngaphandle kwezindleko zommeli.

Obani abangase bafake isicelo?

Abantu abaneminyaka engu-18 nangaphezulu, kanye nabanye besizwa ngabazali noma abanakekeli babo.

Obani abangeke basifaka isicelo?

Abesikhwama (Trusts), izinkampani (companies & corporations), izinhlango, uhulumeni. Kodwa, laba bangase baziphikise izicelo zokunxeshelwa (counterclaims).

Inhlelwe kanjani iNkantolo Yezikhalazo Ezincane?

Abameli abavunyelwe ukumelela abafaki bezicelo, kodwa ngezindleko zakho ungase ucele iseluleko kummeli wakho ngaphambi kokucela enkantolo.

Umabhalane (wasenkantolo) uzokusiza mahhala.

Ungasebenzisa noma yiluphi ulimi. Lapho kudingeka khona otolika, kuhlele lokhu nomabhalane ngaphambi kwesikhathi sakho sokucela enkantolo.

Ungafaka isicelo ngokumelene nobani?

Noma yimuphi umuntu, inkampani (company or corporation), nanoma iyiphi enye inhlango esendaweni ephethwe yileyo nkantolo, ngaphandle kukahulumeni wendawo noMbuso.

Ungafaka isicelo samalini?

Kuze kufinyelele ku-R15 000.

Uma isicelo sokukhokhelwa singaphezu kuka-R15 000 ungase uyidele imali engaphezu kuka-R15 000. (isib., uma imali ocela ukuba ukhokhelwe yona ingu-R17 000, ungase udele uR2 000). Uma uyidela ingxenye yemali ofuna ukuyikhokhelwa, ngeke ubuye uzofaka isicelo saleyo mali kamuva.

Ungenza isicelo semali efinyelela ku-R15 000 ukuze

- ukhokhele imali-mboleko;
- ukulethwa kwe mpahla;
- kukhokhelwe irenti;
- ukuvuma isikweleti, imali-mboleko, noma ithikithi lokuhokha (promisory note),
- isikweleti sesheke (cheque debt);
- isikweleti esibolekwa ngesivumelwano (credit agreement debt) ngokwemibandela yoMthetho Wokubolekisa Kazwelonke ,
- izinyathelo zamadameshi angengaphezu kuka-R15 000 lapho ehlolwa.

Yini engafakiwe?

Izikhalazo zokukhokhelwa

- imali engaphezu kuka-R15 000,
- ngokumelene noMbuso,
- ezisekelwe ekudelweni noma ekudluliselweni kwamalungelo,
- ngokungcoliswa kwedumela, ukumangalelwa okunenonzondo, ukufakwa ejele ngokungafanele, ukuboshwa ngokungafanele, ukwedusa, amadameshi okwephulwa kwesithem-biso somshado,
- ukupheliswa komshado,
- ezithinta isimo noma ukusebenza kwengqondo (mental capacity),
- zokwenziwa komsebenzi othile ngaphandle kwesinye isicelo esenziwe sokukhokhelwa umonakalo (ngaphandle koku-landisa, ukudlulisa impahla engengaphezu kuka-R15 000),
- ezingezona izicelo zezindaba zezokuhlalisana (isib. ukuxoshwa ngokungafanele, ukwehluleka kwenkampani ukukhokha izikweleti noma amacala obugebengu), kanye
- esezidlulelwe yisikhathi (sekudlule iminyaka engu-3 kuskukela osukwini ezakweletwa ngalo).

Usenza kanjani isicelo sokukhokhelwa?

Izinyathelo ezithathwa ngaphambi kokufaka isicelo sokukhokhelwa:

Thintana nomangalelwa (umuntu ofuna ukuba akukhokhele umonakalo?) wena mathupha bese uzama ukuxazulula udaba lwesicelo sokukhokhelwa naye. Uma ungakwazi -

- bhala incwadi yezimfuno eya kumangalelwa (eshoyo ukuthi ufuna malini nalokho okuhambisana nesicelo sokukhokhelwa) bese umnika okungenani izinsuku eziwu-14



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kusukela mhla uthumele incwadi yezimfuno ukuze umnike ithuba elanele lokuyicabangela.

- Yihambise ngesandla kummangalelwa incwadi yezimfuno noma ngeposi elibhalisiwe.
- Uma ingakhokhiwe phakathi kwezi nsuku ezingu-14, bonana nomabhalane wenkantolo nesiqinisekiso sokuthi incwadi yezimfuno ithunyelwe kummangalelwa.

Yini okumelwe uye nayo kumabhalane:

- Incwadi yezimfuno nesiqinisekiso (isib. isiliphu sasesosini) sokuthi yathunyelwa.
- Noma yisiphi isivumelwano, incwadi noma esinye isiqinisekiso sesicelo sokukhokhelwa.
- Igama eliphelele, ikheli (ikheli lasekhaya/elebhizinisi, uma ekhona), inombolo yocingo yommangalelwa.

Bese kwenzekani?

- Umabhalane uzokusiza (uMmangali) ukuba ugcwalise amasamanisi futhi kuqokwe usuku nesikhathi sokulalelwa kodaba.
- Ungawahambisa wena mathupha amasamanisi kommangalele (UMmangalelwa). Kufanele uqinisekise kuKhomishana weNkantolo Yezikhalazo Ezincane ukuthi uye wawahambisa ngokwakho amasamanisi kuMmangalelwa.

noma

- Ungase ukhokhele usherifu bese uahambisa amasamanisi kusherifu oseduze nalapho kuhlala khona uMmangalelwa. Usherifu uyawahambisa.
- Lapho usherifu kunguyena owahambisayo, thola isiqinisekiso (ukuthi usherifu uwenzile umsebenzi) ngaphambi kosuku lokulalelwa kodaba.
- Gcina isivumelwano, incwadi? nesinye isiqinisekiso sesicelo sakho sokukhokhelwa.
- Yazisa ofakazi bakho ngosuku nesikhathi sokulalelwa kodaba, bese uhlela ukuba babe senkantolo ngaleso sikhathi
- Letha ikhophi efakazela ukwenziwa komsebenzi ngusherifu enkantolo.

Ngemuva kokuthola amasamanisi, yini uMmangalelwa angayenza?

- Khokha isinxephezelo esifakelwe isicelo noma uhlele ukuba ukhokhe isitoliminti ngemvume kaMmangali.
- Hambisa isitatimende esibhaliwe, esisho isimangalo sakhe kanye nezizathu ezisekelwe kuzo (okwaziwa ngokuthi

'isicelo'), kumabhalane wenkantolo, bese uthumela ikhophi kuMmangali.

- Faka isicelo esiphikisayo (ngokumelene noMmangali) ngokuthumela isitatimende esibhaliwe esifana namasamanisi kumabhalane wenkantolo.
- Yiba khona enkantolo ngosuku nesikhathi esihleliwe, futhi inkantolo izosicabangela isicelo noma isicelo esiphikisayo.

Kuthiwani uma uMmangali ekhokhe ngaphambi kosuku lokulalelwa kodaba?

Nikeza ummangalelwa irisidi ebhaliwe bese wazisa umabhalane ukuthi ukhokhelwe nokuthi ngeke usaqhubeka necala. Kuyancomeka ukuba ubhale incwadi? ebonisa ukuthi konke kukhokhwe ngokuphelele.

Yini ongayenza ngosuku lwenkantolo?

Fika mathupha enkantolo ngesikhathi uhlale kuze kube yilapho ukhululwa uKhomishana. Futhi qinisekisa ukuthi:

- unazo zonke iyincwadi zesicelo sokukhokhelwa kwakho esisekelwe kuwo (amadokhumenti awokuqinisekisa isicelo sokukhokhelwa/ukuzivikela);
- bonke ofakazi baba khona nokuthi wazisa umabhalane ngolimi okhetha ukuba lusetshenziswe nanokuthi uyadinda yini utolika; nokuthi
- ube nesiqinisekiso esibhaliwe sokuthunyelwa kwamamanini kummangalelwa, isib. i-afidavithi yokuthumela/ukubuya kukashefiru.

Kwenzekani ekulalelweni kodaba?

Kulandelwa izinqubo ezingokomthetho zenkantolo nezilula. UKhomishane uzocela ukuba usho udaba lwakho futhi angase adinge neminye imininigwane.

Beka udaba ngamafuphi. Phendula imibuzo kaKhomishane bese wethula ubufakazi bakho.

Akuvunyelwe ukuphenyana ngemibuzo. UKhomishane angase akuvumele ukuba ubeke imibuzo embalwa eqondiswe kummangalelwa.

Mlalelise omelene nawe futhi lapho eseqedile ukukhuluma, yisho amaphuzu angazange awethule ngokunembile kuKhomishane.

Ngemuva kokulalela wena, nomelene nawe nofakazi, uKhomishane angase alihlehlise icala noma akhiphe isinqumo ngokushesha. UKhomishane angase futhi abonise ukuthi uzonazisa kamuva ngesinqumo ngokunibhalela incwadi.

Awanelisekile ngomphumela?

INkantolo Yezikhalazo Ezincane akuyona inkantolo egcina amarekhodi futhi amacala awabhalwa ngokohlelo olumisiwe.

Uma ungenelisekile ngomphumela wodaba, icala lingase lidluliselwe eNkantolo Ephakeme ukuze ngokwezizathu ezintathu kuphela ihlole:

- Ukungakhishwa kwesijeziso esifanele.
- Ukuxhumana okuthile/ukubandlulula/inzondo/ukonakala kukaKhomishane.
- Ukungalandelwa kwenqubo okubi ngokwedlulele.

Akukho sikhalazo esingase sifakwe ngokumelene nokutholwe yinkantolo.

Thintana nommeli wakho lapho uzodlulisela udaba eNkantolo Ephakeme.

Kwenzekani kamuva?

Isinqumo?? seNkantolo Yezikhalazo Ezincane asiphikiswa. Khokha noma yikuphi okunqunywe yinkantolo kubandakanya nezindleko futhi uahambisane nesinqumo.

Uma inkantolo ikuvunile: Okumangalele angase akukhokhele okunqunywe yinkantolo. Mnike irisidi yaleyo mali enqunywe.

Lapho okweletayo engenzi ngokuvumelana nesinqumo, inkantolo izophenya izimali zakhe nekhono lakhe lokukhokha bese ikhipha isinqumo esifanele. Ngesikhathi sophenyo lokugcina, abanye abathintekayo bayacelwa ukuba baphume enkantolo.

Kuthiwani uma onqunyelwe yinkantolo engakhokhi?

Lapho onqunyelwe yinkantolo engakhokhi futhi ufuna ukuphoqelela isandla somthetho, inqo yeNkantolo kaMantshi izosebenza. Umabhalane angase akhiphe iwaranti futhi usherifu wenkantolo angase ayithumele.

Thintana nommeli wakho ngokuphoqelelwa kwesandla? somthetho eNkantolo kaMantshi.



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