



REPUBLIC OF SOUTH AFRICA

LIFOMU 1

[Umtsetfosimiso 2]

LWATISO NGESATISO SALOFAKE SIKHALO NOMA UMUNTFU LOFAKE SICELO SENCWADZI
YEKUVIKELWA NGEKUMELELA LOFAKE SIKHALO SIGABA

2(2) SEMTSETFO WEKUVIKELWA EKHUKUNYETWENI, 2011 (UMTSETFO NOM. 17 WANGA 2011)

1. Lesatiso sichaza —
 - (a) lolusito lolukhona ngekeMtsetfo Wekuvikelela Ekuhlukunywetweni, 2011; kanye
 - (b) lilungelo lalofake sikhalo kutsi angafaka sikhalo sebugebengu ngekumelana nalona lonelicala.
2. Utawucelwa kutsi usayine lesatiso kucinisekisa kutsi bekunekuhambisana nesigaba 2(2) seMtsetfo Wekuvikela Kuhlukunywetwa, 2011, nemtsetfosimiso 2 weMtsetfosimiso Wekuvikela Kuhlukunywetwa, 2013, lowentiwe ngekwaloMtsetfo, lokunyata mine —
 - (a) kutsi ngikunikete lesatiso, lekufanele, uma ngabe kungenteka, ubhalwe ngelulwimi lwakho lolusemtsetfweni lolukhetsile;
 - (b) kufundza kuvakale noma wente lesatiso kutsi ufundzelwe lesatiso uma ngabe ungakhoni kufundza lesatiso;
 - (c) kukubuta kutsi ngabe uyakuvisisa lokucuketfwe ngulesatiso; kanye
 - (d) kuchaza noma yiphi incenye yalesatiso longayivisisi.
3. Lofake sikhalo (lekungulomuntfu lohlukunywetwako) noma nini nanoma ngaluphi lusuku, ngendlela lebekiwe angafaka sicelo sencwadzi yekuvikelwa letawumelana nalona lamhlukumetako eNkhangtolo yaMantji lapho—
 - (a) lolofake sikhalo ahlala khona ngalokugcwele noma kwesikhashane, enta khona libhizinisi noma asebentela khona;
 - (b) lolomangalelwe ahlala khona ngalokugcwele noma kwesikhashane, enta khona libhizinisi noma asebentela khona (lekungulomuntfu lohlukumeta lomunye); noma
 - (c) lesento sekuhlukunywetwa lapho senteke khona.
4. Umuntfu uhlukumeta lomunye uma ngabe angenelele ngco noma ayamile ekwenteni lesento lekasatiko noma lekufanele kutsi ngabe uyasati—
 - (a) uyalimata noma akhutsate sento sekukholelwa kutsi kungahle kube nekulimala kulona lofake sikhalo noma umuntfu lohlobene ngekutsi alandzele **ngendlela lefanele**, abuke noma ente kutsi lona lofake sikhalo noma umuntfu lohlobene naye, noma angenelele enkhulumeni, ngalokubhalwe nge-elektronikhi noma ngayiphi lenye indlela yekuchumana lecondziswe kulofake sikhalo noma lohlobene naye, nganoma yiphi indlela, noma ngetingcogco noma ngaphandle kwato noma ngekutfumela, kuhambisa noma ente kutsi kuhanjise tincwadzi, emathegramu, emaphasela, tikhahlameti, tincwadzi te-elektronikhi noma letinye tintfo leticondziswe kulofake sikhalo noma kumuntfu lohlobene naye; noma
 - (b) lokulinganiselwa ekuhlukunywetweni ngetemacansi kwalofake sikhalo noma umuntfu lohlobene naye.Kulimala kuchazwe njengekulimala kwemcondvo, kwengcondvo, kwemtimba noma ngekwetimali.
5. Sicelo sencwadzi yekuvikela kungahlukunywetwa singentiwa ngulomunye ngekumelela lona lofake sicelo uma ngabe lomuntfu lofuna kufaka lesicelo sencwadzi yekuvikelwa unenshisekelo emphilweni yalona lofake sikhalo noma lohlobene naye. Noma kunjalo, leso sicelo kufanele siletfwe ngemvume lebhawle phansi yalofake sikhalo, ngaphandle kwetikhatsi lapho khona lona lofake sikhalo ngumuntfu longeke akhona kwenta njalo, ngekwembono wenkantolo.
6. Noma muphi umntfwana, noma umuntfu ngekumelela umntfwana, angafaka sicelo enkantolo kutsi aniketwe incwadzi yekuvikelwa.
7. Inkantolo itawutsatsa lesicelo salona lofake sikhalo noma umuntfu lobalwe kusigaba 2(3)(a) seMtsetfo Wekuvikela Kuhlukunywetwa, 2011, anga, uma ngabe lobufakazi busekela leluciniso lekutsi—
 - (a) lona lomangalelwe ungenelela noma bekangenelela ekuhlukumeteni;
 - (b) lona lofake sikhalo uke walinywatwa noma ulimele noma umuntfu lahlobene naye ngenca yaleso sehlakalo uma ngabe incwadzi yekuvikelwa ayikaniketwa ngekushesha; kanye
 - (c) nalokuvikelwa lekufanele kunikete sivumelwano nguncwadzi yekuvikela lekhuba angeke yasebenta uma ngabe satiso sangaphambilini salesicelo asikaniketwa kulona lekufanele atiphendvulele.
8. Incwadzi yekuvikela yangaleso sikhatsi icala kusebenta ngalesikhatsi iniketwa yinkantolo kantsi nekuba khona kwayo kwatiseke kulona lobekwa licala. Ikhophi yalesicelo kanye nebufakazi letfolakele ngalesikhatsi salesicelo itawuniketwa kulona lobekwe licala, kanye nalencwadzi yekuvikela yangaleso sikhatsi, kantsi lona lobekwe licala utawubitwa kutsi atosho tizatfu ngalolusuku lekubuywa ngalo lolubalwe kulencwadzi yekuvikela kutsi kungani lencwadzi yesikhashane yekuvikela kungafanele yentiwe ibe ngalokugcwele. Lokuvikelwa lokuniketwe ngulencwadzi yekuvikela kwesikhashane iba yesikhashane kantsi itawuphelelwa sikhatsi ngalolusuku lekubuywa ngalo.

9. Ngalolusuku lekubuywa ngalo inkantolo itawulalela loludzaba kantsi inganiketa incwadzi yekuvikela ngalokuphelele leyitawuba semtsetfweni iminyaka lesihlanu noma lesi sikhatsi lesingancunywa yinkantolo ngalokufanele lekutawube kuboniswe ngulofake sikhalo.

10. Inkantolo inga, ngekusebentisa incwadzi yekuvikela kwesikhashane noma ngalokugcwele ivimbele lobekwe licala kutsi—

- (a) ahlukumete noma azame kuhlukumeta;
- (b) kuhlanganyelwa kwelusito lwalomunye umuntfu kutsi angenelele ekuhlukumeteni; noma
- (c) kwenta lokunye njengoba kungabhalwa kulencwadzi yekuvikelwa.

Inkantolo ingabeka futsi leminye imibandzela lengetiwe kulona lobekwe licala leyibona ifanele kuvikela noma kuphila kahle kwalona lofake sikhalo noma umuntfu lohlobene naye.

11. Ngekwesigaba 10(4) SeMtsetfo Wekuvikela Kuhlukunyetwa , 2011, likheli lasekhaya nasemsebentini lalona lofake sikhalo noma umuntfu lahlobene naye kufanele basuswe kulencwadzi yekuvikelwa, ngaphandle kwekutsi simo salemigomo yalencwadzi yekuvikelwa ivumela kutsi kufakwe likheli, kantsi inkantolo inganiketa tinkhomba tekucinisekisa kutsi kuhanjiswa nemibandzela yaloMtsetfo.

12. Uma ngabe inkantolo iniketa incedazi yesikhashane noma yekuvikela lephelele, iwaranti yekuboshwa kwalona lobekwe licala itawuniketwa, kodvwa lokucalwa kusebenta kwalewaranti kutawumiswa ngekuya ngekuhambisana nanoma muphi umbandzela, simo, umtfwalo noma umbandzela inkantolo lengawubeka kuvikela kuhlukunyetwa kwalofake sikhalo noma umuntfu lahlobene naye. Uma ngabe lona lobekwe licala aphula noma muphi umbandzela lobekiwe noma umbandzela locuketfwe encwadzini yekuvikela, lona lofake sikhalo angayisa lewaranti yekuboshwa, kanye nencwadzi yebufakazi, lapho kufanele kushiwo khona lona lonelicala uphule incwadzi yekuvikela, kulilunga leMbutfo weMaphoyisa aseNingizimu Afrika lekufanele —

- (a) uma ngabe bekunendlela yekutsi lolofake sikhalo angahle alimale, bopha lona lobekwe licala; noma
- (b) uma ngabe kunetintfo letingacaci tekutsi ungabopha lona lobekwe licala, niketa lona lobekwe licala satiso lesibhalwe phansi kutsi avele enkantolo, kutsi atophendvula kulicala lebugebengu labekwe lona lekuphula umtsetfo wencwadzi yekuvikela.

13. Ngitakuniketa lifomu lesicelo uma ngabe ufuna kufaka sicelo sencwadzi yekuvikela yekuvimbela kuhlukunyetwa.

14. Kungetela kulesicelo sencwadzi yekuvikelwa ubuye ube nelilungelo lekufaka sikhalo sebugebengu sekuvimbela lofakwe licala uma ngabe lesento sekuhlukunyetwa silinganiselwa ekutseni kube licala. Akukabaluleki, noma kunjalo, kutsi ungabeka licala kute kutsi utfole incwadzi yekuvikelwa.

15. SECWAYISO:

15.1 Kulicala kwenta sitatimende lesingemanga encwadzini yebufakazi —

- (a) uma ngabe ufaka sicelo sencwadzi yekuvikelwa; noma
- (b) kuniketa bufakazi bekutsi lolobekwe licala wephule umtsetfo wencwadzi yekuvikelwa.

15.2 Lenkhantolo ingabeka umbandzela ngetindleko ngekumelana nenhlangano uma ngabe anelisekile kutsi lenhlangano lekukhulunywa ngayo isebente ngekuvuna licala, kubanga inking noma kwenta lokungavakali.



(Dzabula ufake efayilini yenkantolo uma ngabe lofake sikhalo noma umuntfu lofake sicelo sekuvikelwa ngekumelela lohlukunyetwako achubeka nekufaka sicelo)

***Susa loko lekungasiko**

Inombolo yeSicelo:/20.....

Lusuku:

Ligama neSibongo sanobhala wenkantolo:

Ligama neSibongo *salofake sikhalo/*umuntfu lofake sicelo sencwadzi yekuvikelwa ngekumelela lohlukunyetwako:

.....
 *Kushicilela/*sifupha /*umbalo walofake sikhalo/*umuntfu lofake sicelo sencwadzi yekuvikelwa kwalohlukunyetwako