IBHUKWANA LOKUFINYELELA OLWAZINI LWE-NHBRC NGOKULANDELA ISIGABA SE-14 (1) SOMTHETHO OTHUTHUKISA UKUFINYELELA OLWAZINI, KA-2000 (UMTHETHO NO. 2 KA-2000)

1. ISINGENISO

Umthetho Wokuthuthukisa Ukufinyelela Olwazini, ka-2000 (Umthetho No. 2 ka- 2000) okungaphakathi emva kwalokho okwaziwa “Njengomthetho”, wamiswa ngomhla ka-9 Mashi ku-2001. Umthetho unikeza umphumela welungelo Lomthethosisekelo lokufinyelela kunoma yiluphi ulwazi oluphethwe yinoma yiyiphi inhlangano yomphakathi noma ezimele okudingeka ukuba yenze noma ivikele yinoma yimaphi amalungelo. Lapho isicelo senziwa ngokulandela Umthetho, inhlangano okwenziwa kuyo isicelo iphoqelelwe ukuba ikhiphe ulwazi, (uma nje ulwazi lungangeni ngaphakathi kwezinhlobo zolwazi ezivikelwa Ngumthetho ngokubonakalayo).

Isigaba se-14 Somthetho sihlonipha izinhlangano zomphakathi ukwenza ibhukwana elizokwazi ukusiza umuntu ukuthola ukufinyelela olwazini oluphethwe yinhlangano yomphakathi. Umthetho uyaqhubeka ubeka izidingo okumele ibhukwana lizilandele.

Leli bhukwana lenzelwe ukungenisa isiko lokubeka obala kanye nokuba negunya ngaphakathi koMkhandlu Wokubhalisa Omakhi Bezindlu Kuzwelonke (i-*National Home Builders Registration Council* (i-NHBRC)), ngokunikeza umphumela kulungelo lokufinyelela olwazini. I-NHBRC iyabubona ubumqoka bokuqinisekisa ukuthi umphakathi unikezwa amandla futhi uqonda amalungelo awo ngokulandela Umthetho.

Isigaba sesi-9 soMthetho siyaqonda ukuthi ilungelo lokufinyelela olwazini alilona elingenawo umkhawulo futhi kumele libhekane nemikhawulo ecatshangisisiwe, kufaka kodwa kungakhawuli :

(i) Kumikhawulo ehlose ukuvikelwa kwangasese okucatshangiwe;

(ii) Kokuyimfihlo kwezokuthengisa;

(iii) Kukubusa okuhle, okunempumelelo nokusebenzayo

Ngendlela elinganisa lawo malungelo namanye amalungelo, kufakwa namalungelo anjengalawo aqukethwe Umthethosivivinywa Wamalungelo ngaphakathi kuMthethosisekelo.

2. INHLOSO

Leli bhukwana lihlose ukunikeza ocelayo, ngolwazi oludingekayo oluphathelene ne-NHBRC, isibonelo, imininingwane yokuxhumana kanye nenqubo okumele ilandelwe ukuze kucelwe ulwazi olucacile oluvela ku-NHBRC.

Ibhukwana liyaqhubeka linikeze incazelo jikelele yesakhiwo se-NHBRC, imisebenzi kanye nezinsiza ezinikezayo ukusiza ocelayo ukubonisa ukuba khona nokungabi khona kolwazi olufunekayo.

Ibhukwana liphinda futhi linikeze amafomu adingekayo kanye nethebhuli lezinkokhelo ezifanele elizosetshenziswa uma isicelo senziwa.

3. IMININGWANE NGOKUPHATHELENE NESIGABA SE-14

IMISEBENZI KANYE NESAKHIWO SE-NHBRC (Isigaba se-14(1)a)

(i) Umsebenzi we-NHBRC njengoba ubekiwe Emthethweni Wezinsiza Zokuvikela Abathengi Bezindlu No-95 ka-1998 njengoba uguquliwe wenzelwe ikakhulukazi ukulunganisa imboni yokwakha izindlu kanye nokuvikela ukunaka kwabathengi bezindlu.

(ii) Umdwebo olotshiwe wesakhiwo sokuhlelwa kwe-NHBRC ubonisiwe ekhasini elilandelayo.

4. ISAKHIWO SE-NHBRC

I-NHBRC iqukethe Ihhovisi Lokuphatha elakhiwe e-Bryanston, e-Gauteng kanye Nezikhungo Zokunakekela Ikhasimende Kuzifundazwe ezise-Gauteng, EFreyistati, eNyakatho Kapa, eNyakatho Ntshonalanga, eMpumalanga Kapa, KwaZulu Natali, eMpumalanga kanye Nezifundazwe zase-Limpopo ngokuhambisanayo.

5. IMININGWANE YOKUXHUMANA (Isigaba se-14(1)(b)

(i) I-Ofisa Yolwazi : Mnu. Phetola Makgathe – I-Ofisa Yesigungu Ephezulu.

(ii) I-Ofisa Yolwazi Eyiphini : u-Kgomotso Mahlobo – I-ofisa Yokwenziwa Kwemisebenzi Ephezulu.

Ulwazi Jikelele :

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Medscheme Building
10 Muswell Road South
Bryanston
Gauteng

Ikheli Leposi : P.O. Box 461
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Ucingo : 011.317.0000
Ifeksi : 011.317.0141
I-Webhusayidi: **www.nhbrc.org**

6. UMHLAHLANDLELA WAMALUNGELO ESINTU ASENINGIZIMU AFRIKA

Ngokulandela isigaba se-10 Somthetho, Ikhomishana Yamalungelo Esintu kudingeka ukuba yakhe umhlahlandlela kuMthetho ukusiza abantu ukuthi basebenzise amalungelo abo ngaphansi Komthetho. Lo mhlahlandlela uzakwenziwa ukuthi utholakale ngesiZulu, isiTswana kanye nesiNgisi.

Ikhomishana Yamalungelo Esintu kungaxhunywana nayo lapha :

Ikheli : PAIA Unit
Research and Documentation Department
Private Bag X2700
Houghton
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Ucingo : 011.484.8300
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I-i-meyili : PAIA@sahrc.org.za

7. UKUFINYELELA AMAREKHODI APHETHWE YI-NHBRC, Isigaba se-14(1)(d)

I. Ukuveza obala ngokuzenzekalelayo [Isigaba- 14(1)(e)] Nesigaba- 15 (2)

Imininingwane elandelayo kanye namarekhodi ayatholakala kuwebhusayidi ye-NHBRC:

- Uzibhalisa kanjani ku-NHBRC
- Uhlelo oluyisu lokubumbanisa
- Inqubo yokuzibhalisa
- Amahhovisi esifundazwe kanye nemininingwane yokuxhumana
- Inqubo yokufuna impahla
- Incwajana yezindaba Yomakhi
- Umbiko wonyaka ngonyaka
- Amabhrosha Abathengisi Bezindlu kanye Nomakhi Bezindlu

II. Amarekhodi okungenzeka acelwe :

(a) Ihhovisi le-CEO

- Ulwazi lweBandla (isib. Amalungu Ebandla, Amakomiti)
- Izinhlelo Zamasu Okubumbana
- Abahlanganyeli (amabhangi, izikhungo, njll.)
- Isikhwama esiyiwaranti kanye nolwazi lokulinganisa

(b) Isigaba Sezobuchwepheshe

- Ibhukwana lokwakha
- Amazinga Ezobuchwepheshe
- Imibiko yokuhlola
- Omakhi bokwakha izindlu ababhalisiwe
- Omakhi bezindlu abangabhalisiwe
- Omakhi bezindlu abakhishiwe
- Inani lezindlu ezibhaliswayo njalo ngonyaka
- Ukubhalisa kwangemuva kwesikhathi
- Ikhodi yezimilo yomakhi bezindlu
- Imibiko yokulamula
- Imisebenzi yokubuyekeza eyenziwa ngomakhi bezindlu
- Imisebenzi yokubuyekeza eyenziwe yi-NHBRC
- Ukunakekela amakhasimende (izikhalazo)
- Izibizo maqondana nesikhwama
- Izicelo zomakhi ongumnikazi
- Izinhlelo zokulinganisa zabakhi bezindlu

(c) Isigaba Sezinsiza Zenhlangano

(I) Imali Eqongelelweyo Yabantu

- Izimo zokusebenza
- Izinqubo nezinqubomgomo Zemali Eqongelelweyo Yobuntu
- Izinhlelo zokuphatha ukwenza ngemfanelo
- Uhlelo lokuqashwa okulinganayo
- Amakontileki okuqashwa
- Isu lokuthuthukisa Imali Eqongelelweyo yokuthuthukisa
- Ukuhlolwa kanye nokulinganiswa kwemisebenzi

(II) Izinsiza Zomthetho kanye Nehhovisi Lobubhalane

- Umbango (amacala asenkantolo)
- Imithetho ehanjiswa yi-NHBRC
- Amakontileki, (okungenwe kuwo ku-NHBRC)
- Imibono yezomthetho
- Amarekhodi amacala okulungisa izigwegwe, (ngokungalandeli Umthetho)
- Amaminithi Ebandla kanye nemihlangano Yekomiti
- Ukulamula

(d) Ukunakekelwa kwamakhasimende kanye Nokumaketha

- Ukwazisa
- Ukukhuluma nabezindaba
- Izincwajana zezindaba kanye nokushicilelwe Komakhi
- Ulwazi ngemiklomelo Yomakhi Wendlu

(e) Isigaba Sezezimali Kanye Nolwazi Lwezobuchwepheshe

(1) Ezezimali

- Amabhajethi
- Amaleja jikelele
- Izitatimende zezimali zonyaka ngonyaka
- Umbiko wowakwashali
- Irejista yempahla
- Inqubomgomo yokutholisa
- Ukuqinisa
- I-MTEF
- Isu lokuzalisa

(II) Ulwazi Lwezobuchwepheshe

- Uhlelo lwe-JD Edwards

(f) Ukucwaningwa kwamabhuku angaphakathi

- Imibiko yokucwaningwa kwamabhuku ngaphakathi
- Amafayili okucwaningwa angaphakathi
- Isu lokuvikela ukukhwabanisa

(g) Ukuphatha Izehlakalo Eziyingozi

- Umbiko wokuphatha ingozi
- Abasebenza ngezempilo kanye Nombiko Wezokuphepha
- Umbiko Wokuhlola Ubuwakashwali

8. INQUBO YOKUFAKA ISICELO

I-NHBRC ihlonipha isimiso sokuthi ocelayo kumele anikezwe ukufinyelela kurekhodi lenhlangano yomphakathi uma ocelayo ehlonipha okulandelayo :

- Ocelayo ehlonipha zonke izinqubo zezidingo Emthethweni eziphathelene nesicelo sokuthola irekhodi, kanye

- Nokufinyelela lelo rekhodi kunganqatshelwanga nganoma yisiphi isizathu esishiwo ngaphakathi Komthetho.

9. UHLOBO LWESICELO

- Ocelayo kumele asebenzise ifomu eliphrintwe ngaphakathi kweGazethi KaHulumeni [Isaziso sikaHulumeni se-R187 somhla ka-15 Februwari ku-2002] (Ifomu-A).

- Ocelayo kumele aphinde abonise ukuthi isicelo ngesekhophi lerekhodi noma ocelayo ufuna ukubhekela irekhodi emahhovisi e-NHBRC. Ngakwelinye icala, uma ngabe irekhodi aliwona umbhalo, ingabukelwa efomini lokucela, lapho kuphumeleleka khona [Isigaba- 29(2)]

- U,ma umuntu ecela ukuthi ukufinyelela kube ngesimo esithile, ngalokho ocelayo kumele alithole ngaleso simo asicelile, ngaphandle kokuthi ukwenza kanjalo kuthikameza ukusebenza kwe-NHBRC, noma kuzolimaza irekhodi, noma ukuthatha amalungelo okushicilelwa angewona awe-NHBRC.

- Uma ngabe ngezizathu zokusebenza ukufinyelela akukwazi ukunikezwa ngesimo okudingeka ngaso kodwa kunganikezwa ngesinye isimo, ukufinyeleleka kunganikezwa ngolunye uhlobo, ukufinyelela kuzakunikezwa ngesinye isimo uma nje inkokhelo ebizwayo ingedluli okwakuyobizwa uma ngabe ocelayo eye wanikezwa ukufinyelela ngesimo esiceliwe [Isigaba- 29(4)].

- Uma ngabe ngokwengeza empendulweni ebhaliwe kusicelo serekhodi, ocelayo efisa ukuthi impendulo kusicelo sakhe idluliswe ngezinye izindlela, isib. ngocingo noma nge-i-meyili, ngakho-ke loko kumele kuboniswe.

- Uma ocelayo ebuza ngolwazi alufunela omunye umuntu, isikhundla afaka isicelo ekuso kumele saziswe [Isigaba- 18(2)(f)].

- Uma ofaka isicelo engafundanga futhi engakwazi ukufaka isicelo sokufinyelela kurekhodi eliphethwe yi-NHBRC ngokuha,mbisana nesigaba se-18(3)(a) Somthetho, ngakho-ke isicelo singenziwa ngomlomo. I-Ofisa Yolwazi kumele-ke imgcwalisele ifomu loyo ocelayo bese imnikeza ikhophi [Isigaba- 19(3)].

10. IZINKOKHELO EZIKHOKHELELWA ISICELO

Umthetho ubeka izinhlobo ezimbili zezinkokhelo – izinkokhelo zokucela nokufinyelela.

Ocelayo ofuna ukufinyelela irekhodi eliqukethe imininingwane ephathelene nomuntu ngocelayo akumele akhokhe inkokhelo yokucela. Noma yimuphi omunye umuntu ofake isicelo ongeyena umuntu ozicelelayo kumele akhokhe inkokhelo. Le nqubo ingokulandelayo :

- I-Ofisa Yolwazi kumele yazise ocelayo, (ngaphandle kocelayo oingumuntu ozimele) ngesaziso, uma kudingeka ocelayo ukuba akhokhe inkokhelo edingekayo ngaphambi kokulungisa isicelo.

- Inkokhelo yokucela ekhokhelwa izinhlangano zomphakathi ngama-R35.00. Ocelayo angafaka isikhalo sangaphakathi, lapho kufanele khona, nopmaisicelo Enkantolo maqondana nethenda noma ukukhokhwa kwezoindleko.

- Emva kokuba i-Ofisa Yolwazi seyithethe isinqumo ngesicelo, ocelayo kumle aziswe ngesinqumo esinjena ngendlela ocelayo ayecele ukwaziswa ngayo.

- Uma isicelo sivunyelwa ngaloko inkokhelo enye yokufinyelela kumele ikhokhelelwe ukufunwa, ukulungiselelwa, ukukhiqizwa kanye nanoma yisiphj isikhathi esedlule amahora abekiwe ukufuna nokulungisa irekhodi ukuze livezwe.

- Ukufinyelela irekhodi kuzokubanjwa kuze kube yisikhathi lapho zonke sezikhokhiwe.

Izinkokhelo eziphathelene Nezinhlangano Zomphakathi

Ngenhloso Yesigaba sama- 22(2) Somthetho, okulandelayo yikona okufanelekile:

	INCAZELO	INANI (R)
Inkokhelo yokucela ekhokhwa wuwonke wonke ocelayo, ngaphandle kozicelelayo, ophathekayo emthethweni we-7(2)		35.00
Ikhophi yebhukwana njengoba icatshangiwe emthethweni we-5(c) (wefothokhophi ngayinye yekhasi eliwubukhulu be-A4 noma ingxenye yalo)		0.60
Izinkokhelo zokukhiqiza ezethulwe emthethweni we-7(1) zimi njengokulandelayo :		
1.	Ifothokhophi ngayinye yekhasi eliwubukhulu be-A4 noma ingxenye yalo	0.60
2.	Ikhophi ngayinye ephrintiwe yekhasi eliwubukhulu be-A4 noma ingxenye yalo egcinwe kukhompyutha noma nge-elekhthroniki noma efundeka ngomshini	0.40
3.	Ikhophi eyisimo esifundeka ngekhompyutha eku- a) Diski ye-Stifi b) I-Compact diski (isimo esifundekayo)	 5.00 40.00
4.	Ukulotshwa kwezithunzi ezibukelwayo a) Ikhophi ewubukhulu obuyi-A4 noma ingxenye yayo b) Ikhophi yezithunzi ezibukwayo	 22.00 60.00
5.	Ukulotshwa kokurekhodiwe okulalelwayo a) Ubukhulu obuyikhasi le-A4 noma ingxenye yayo b) Ikhophi yombiko olalelwayo	 12.00 17.00
Izinkokhelo zokufinyelela ezikhokhwa ngocelayo owethulwe emthethweni we-7(3) zimi njengokulandelayo :		
1.	Ifothokhophi ngayinye yekhasi eliwubukhulu be-A4 noma ingxenye yalo	0.60
2.	Ikhophi ngayinye ephrintiwe yekhasi eliwubukhulu be-A4 noma ingxenye yalo egcinwe kukhompyutha noma nge-elekhthroniki noma efundeka ngomshini.	0.40
3.	Ikhophi eyisimo esifundeka ngekhompyutha eku- a) Diski ye-Stifi b) I-Compact diski (isimo esifundekayo)	 5.00 40.00
4.	Ukulotshwa kwezithunzi ezibukelwayo yekhasi eliwubukhulu be-A4 noma ingxenye yalo	22.00
5.	Ikhophi yezithunzi ezibukelwayo	60.00
6.	Ukulotshwa kokurekhodiwe okulalelwayo a) Ubukhulu obuyikhasi le-A4 noma ingxenye yayo b) Ikhophi yombiko olalelwayo	 12.00 17.00
Ukufuna nokulungiselela irekhodi ukuba livezwe, ama-R15.00 ihora ngalinye noma ingxenye yehora, kungafakwa ihora lokuqala, okufuneka ngokucatshangiwe ngokuphathelene nokufuna nokulungiselela.		
Imali yokuposa efanele ikhokhwa uma ikhophi lerekhodi kumele liposelwe ocelayo. Izindleko zokuposa zeyeme kumatherifi afanele ngokuphathelene nendawo okuposelwa kuyo.		

11. IZINSIZA EZIKHONA

(I) IZINHLOBO ZEZINSIZA

Izinsiza ze-NHBRC zenziwe uhlu kusheduli ejotshelelwe futhi zihlukaniswe ngamadivishini kanye nezigaba, ezenza imisebenzi ye-NHBRC.

(II) UKUTHOLA KANJANI UKUFINYELELA KUZINSIZA ZE-NHBRC

Ukufinyelela izinsiza ze-NHBRC, izicelo kumele zenziwe ku-ofisa Yemisebenzi Ephezulu, u-Kgomotso Mahlobo.

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12. UKUHLELWA OKUVUMELA UKUZIBANDAKANYA KOMPHAKATHI EKWENZIWENI KWEZINQUBOMGOMO KANYE NOKUSEBENZISA AMANDLA OKWENZA

(I) Inqubomgomo kanye nomthetho:

I-NHBRC (ngokusebenzisa Umnyango Wezezindlu) usebenzisa umphakathi ngokumema imibono ezoshicilelwa kumithetho ehlongozwayo kanye nemitheshwana ephakanyisiwe.

(ii) I-NHBRC iphinde yakhiwe Ngamakomiti ahlukile oMkhandlu ahlahla Ibandla futhi aphephisa ngokunakekela ukunaka komphakathi abe eqinisekisa Ukubusa Ngobumbano kwangempela.

13. UKULUNGISWA OKUBA KHONA UMA UMBANDELA WALO MTHETHO UNGALANDELWA [Isigaba se- 14(1)(h)]

Isiphathimandla sesikhalo sangaphakathi ngenhloso yalo mthetho Ngumgcinisihlalo Womkhandlu. Uma emva kokuqeda inqubo yesikhalo sangaphakathi ofaka isicelo akajabule, bangaphinda bafake isikhalo enkantolo yomthetho.

14. INDLELA YOKUFAKA ISIKHALO KANYE NEZINKOKHELO ZESIKHALO

(I) Isikhalo kumele sifakwe efomini elibekiwe :

- Ngaphakathi kwezinsuku eziyi-60;
- Uma isaziso sidingeka komunye umuntu, ngaphakathi kwezinsuku ezingama-30 emva kokuba isaziso esinikeziwe okufakwe isikhalo maqondana naso; noma
- Uma isaziso singadingwa ngofaka isikhalo, emva kokuba isinqumo sesithethwe kumele yethulwe ithunyelwe ku-ofisa yolwazi ye-NHBRC ekhelini lakhe, kunombolo yakhe yefeksi nasekheleni lsakhe le-I-meyili konke okutholakala lapha ngaphakathi kuleli bhukwana;
- Isikhalo kumele sisho umuntu okusikhalo bese kushiwo nesizathu sesikhalo sangaphakathi futhi singafaka noma yiluphi olunye ulwazi olufanele olwaziwa ngofaka isikhalo;
- Uma ofake isikhalo efuna ukwaziswa isinqumo ngaphezu kokubhaliwe ngesikhalo nganoma yiyiphi enye indlela, kumele basho uhlobo bese benikeza nemininingwane yokuxhumana efanele ukuze baziswe;
- Lapho kufanele khona isikhalo kumele sihambisane nenkokhelo yesikhalo ebekiwe, futhi kumele icacise inombolo yefeksi nekheli laloyo ofake isikhalo.

(II) Uma isikhalo sifakiwe emva kwesikhathi esiphathekayo, isiphathimandla sesikhalo kumele ivumele ukufaka okwedlulelwe yisikhathi emva kokuboniswa kwembangela efanele.

(III) Uma isiphathimandla sesikhalo singavumeli ukufakwa emva kwesikhathi kwesikhalo, kumele anikeze isaziso saleso sinqumo kofake isikhalo.

(IV) Ngaphakathi kwezinsuku eziyishumi (10) zokusebenza emva kokuthola isikhalo, noma ngokushesha okungaphumeleleka i-Ofisa Yolwazi kumele ifake kusiphathimandla esifanele;

- Isikhalo kanye nezizathu zesinqumo.

- Uma isikhalo simaqondana nokwenqatshelwa kwesicelo sokufinyelela ulwazi, igama, ikheli lokuposa, ucingo

nenombolo yefeksi kanye nekheli le-i-meyili ye-elekhthroniki, nanoma yiyiphi ekhona, yanoma yimuphi omunye umuntu okumele aziswe ngalesi sicelo.

15. OLUNYE ULWAZI OLWETHULWA NGUMTHETHO

(I) Umthetho No. R187 womhla ka-15 Februwari ka-2002 ochaziwe Esigabeni se- 4(1) sokuthi ibhukwana lenhlangano yomphakathi kumele lenziwe ngendlela elandelayo:

- Ikhophi ngolimi ngalunye olusemthethweni okumele ibe khona kunoma yiyiphi indawo yediphozithi esemthethweni njengoba ichazwe Esigabeni se-6 Somthetho Wokudiphozitha Ezomthetho, ka-1997, Ikhomishana Yamalungelo Esintu aseNingizimu Afrika kanye nehhovisi ngalinye lenhlangano yomphakathi.

(II) Leli bhukwana izawutholakala Ehhovisi Eliphakathi lase-NHBRC kanye namahhovisi Ezifundazwe eziyisishiyagalolunye, futhi izokushicilelwa Kugazethi kaHulumeni ngezilimi ezintathu ezisemthethweni okuyisiZulu, isiTswana NesiNgisi.

(III) Leli bhukwana izawutholakala futhi kuwebhusaydi ye-NHBRC.