FAISOmbud
Office of the Ombud for Financial Services Providers

under the baobab tree
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INTRODUCTION

Olu papasho lwe-12 lwe-Under the Baobab Tree, isigidimi seendaba seOfisi yeFAIS Ombud, igosa elijongene nezikhalazo ezibhekiswe kwibhodi yeenkonzo zezimali (Financial Services Board), lukhutshwa xa kanye kuphela ikota yesibini ka-2016. Kolu shicilelo amehlo ethu sikhethe ukuwathi ntsho kwizikhalazo ezinxulumene neepolisi zokungcwaba, zona zithande ukubalasela njengohlobo lwe-inshorensi kweli loMzantsi Afrika njengoko umyinge ongaphantsi nje kancinane kwi-90% yazo zonke iintlobo zeinshorensi zibalelwa kolu hlobo lweinshorensi. Iipolisi zokungcwaba ziyabandakanywa kwinto eyaziwa njengoshishino oluncedisayo nto leyo ithetha into yokuba inzuzo enokuxhanyulwa kuzo ayimele kudlula kuma-R30 000. Nangona iipolisi zokungcwaba ziyindlela esebenza ngempumelelo yokuqinisekisa ukuba usapho lwalowo ufakwe kwi-inshorensi kunye nabo baxhomekeke kuye akukho mfuneko yokuba bathwale umthwalo onzima ngokwezimali ngenjongo yokuhlawulela umngcwabo, inyaniso yona idla ngokwahluka kakhulu kwabo bashiyekileyo nabaxhomekeke kuloo nzuzo ekubonelelwa ngayo. Isizathu soko kukuba ngokungafaniyo nee-inshorensi zesiqhelo zobomi zona ziye zifune ukuba kuphandwe ngempilo yomntu ngexesha kusenziwa isicelo sokubaphantsi kwe-inshorensi ngenjongo yokufuna ukufumanisa ukuba impilo yalowo wenza isicelo ingalibeka emngciphekweni kangakanani na iqumrhu elo le-inshorensi, Zona iipolisi zokungcwaba aziqhutyelwa phando lwempilo ngenjongo yokufuna ukuqonda ukuba lowo wenza isicelo ulibeka emngciphekweni kangakanani iqumrhu leinshorensi. Ngenxa yoko olu hlobo lweepolisi kufuneka lube nemiqathango efana namathuba okulinda ndawonye nezinye izinto ezingamkelekiyo ukuze kuncitshiswe umyinge womngcipheko lowo iqumrhu elo le-inshorensi elinokubeka kuwo ngabenzi sicelo abayebaqinisekiswe ukwamkelwa nangona iimeko zabo zempilo zingentle. La mathuba okulinda noko kungamkeleki akusoloko kunikwa ingqwalaselo kananjalo knugasoloko kudandalaziswa kubenzisicelo ngelixa besenza isicelo sepolisi. Abenzisicelo abaninzi baye bashiywe bedanile xa amabango abo ekhatywa kuba abo babomi bufakwe kwiinshorensi bengayithobeli imimiselo yepolisi nto leyo iye yenze ukuba bachatshazelwe ngamagatya okungamkeleki ke ngoko. Umthengi-polisi unako ukukhetha okanye ukulandela isolotya elithile elikwiFAIS Act elihamba noMgaqo wokuZiphatha weAuthorised Financial Services Providers and Representatives wona umisela ukuba abeenkonzo zemali kufuneka kuqala bafumane ingcombolo ukuqinisekisa ukuba ipolisi ethengwayo ayihambelani nje kuphela neemfuno zomthengi, koko kufuneka ibe iyayandlala yonke imimiselo ukuze kuqinisekiswe ukuba umthengi-polisi uya kuthi xa esenza isigqibo asenze enolwazi.

UMZEKELO WENGXAKI 1:

Eyona njongo iphambili ye-inshorensi kukubuyekeza ilahleko yomnini-polisi, lahleko leyo ivamise ukuba yimali nethi yenzeke ngenxa yeshwangusha elikhuselwe ngokuthi lifakwe kwi-inshorensi. Ukuvumela ukuba umnini-polisi abuyekezelwe ilahleko engamchaphazeliyo ngokwasezimalini loo mntu kungenza ingxaki echaseneyo nobulungisa, ngoba loo nto ayiyi kumkhuthaza ekuthinteleni ilahleko. Ngako oko, eyona nto iphambili engunobangela wokuba kube nokukhutshwa ipolisi yinzuzo ekhuselekayo phantsi kwe-inshorensi, nto leyo yenza ukuba ipolisi ibesemthethweni kambe isebenze. Sithi ke umntu unenzuzo ekhuselekayo phantsi kwe-inshorensi ngokubhekiselele kwinto ethile xa ilahleko okanye ukonakaliswa kwaloo nto kungenza ukuba loo mntu alahlekelwe ngokwasezimalini okanye nangezinye iindlela zokulahlekelwa. Ngokubhekiselele kwi-inshorensi yokungcwaba lo mmiselo kuthiwa yinzuzo ekhuselwe phantsi kwe-inshorensi kwaye isetyenziswa xa abo babandakanyekayo behlobene kakhulu na xa lowo uza kuzuza kuloo inshorensi enokulahlekelwa ngokwezimali akufa lowo ufakwe kwi-inshorensi, njengakwabo batshatileyo, bona baye bakwazi ukufakana kwi-inshorensi. Le nto inzuzo ekhuselwe phantsi kwe-inshorensi kufuneka ibe ikhona xa kusenziwa isicelo sokufakwa kwi-inshorensi yobomi kambe ayikho imfuneko yokuba ibekhona xa kufakwa ubango lwe-inshorensi.

INGXAKI - "KANKS M"

Facts

Okhalazayo wasenza ngempumelelo isicelo sepolisi ye-inshorensi kwaye umyeni wakhe wayemfakile kwipolisi, emfake njengomntu obomi bufakiweyo kwipolisi. Kubalulekile ukuqonda ukuba okhalazayo kunye nomyeni wakhe babetshate ngokomtshato wesiNtu. Emva kokuba iqalile ukusebenza ipolisi waye wasweleka umyeni wokhalazayo emva kokuba kuhlawule iiprimiyam ezimbini nje kuphela kuloo polisi. Okhalazyo uthe emva kokufaka ibango lemali efakwe kwi-inshorensi, mali leyo eli-R10 000.00 wothuka kakhulu akufumanisa ukuba likhatyiwe ibango lakhe ngenxa, ngokwempendulo yenkampani echaphazelekayo ye-inshorensi, yokuba wayengenayo le nto kuthiwa yinzuzo ekhuselekayo phantsi kwe-inshorensi Ngaphezu koko inkampani echaphazelekayo ye-inshorensi yayikhankanya nento yokuba okhalazayo wayengekaligqibi ixesha lokulinda elimiselweyo lokuba kuhlawuleke iprimiyam enye ubuncinane.

UNGENELELO LWETHU

Yathi sakufunyanwa isikhalazo yile Ofisi, eso sikhalazo sathunyelwa kwinkampani echaphazelekayo ye-inshorensi ngokwemigaqo yeenkqubo zale Ofisi. Inkampani echaphazelekayo ye-inshorensi yaye yacelwa ukuba ingenise amaxwebhu kule Ofisi abonisa ukuba kwakhawulelwana kusini na nemimiselo ye-General Code of Conduct for Authorised Financial Services Providers and Representatives ('Ikhowudi'), kananjalo ingaba inkampani echaphazelekayo ye-inshorensi yazifumana kusini na iinkcukacha ezilindelekileyo nezichaphazelekayo ukuqinisekisa ukuba ipolisi leyo kwacetyiswayo ngayo yayenziwe ngokufanelekileyo, ngokweemfuno ezithile zokhalazayo nangokwemeko yakhe.

Kule meko, kwafuneka nengcaciso kwinkampani echaphazelekayo ethengisa ipolisi malunga nokukhatywa kwebango lomfaki-sikhalazo njengoko babukho ubungqina bokuba umfi wayemlobole okhalazayo. Ngokomthetho i-Recognition of Customary Marriages Act, umtshato wesintu uhamba nenkqubo yekhazi, imicimbi ehamba nalo kunye nomdudo ohamba ngokomthetho womtshato wesintu. Ukuba umtshato uye awabhaliswa kwisebe leMicimbi yezeKhaya, loo nto ayithethi kuthi loo mtshato awukho mthethweni.

Kwafumaneka impendulo ephuma kwinkampani ethengisa ipolisi, mpendulo leyo yazisa umthengi ukuba isigqibo ekwakufikelelwe kuso ekuqaleni saye saphinda saqwalaselwa kwakhona kwaza kwafunyaniswa ukuba okhalazayo wayenayo le nto kuthiwa yinzuzo ekhuselwe phantsi kwe-inshorensi kuba kwakulandelwe zonke iinkqubo ngokwendlela ekulindeleke ukuba uqhutywe ngayo umtshato wesintu.

ISIFUNDO ESIFUNDIWEYO

1. Inzuzo ekhuselwe phantsi kwe-inshorensi ngowona mba ubaluleke kakhulu kwisivumelwano esisemthethweni se-inshorensi, kwaye imisela ukuba wonke ubani ofaka isicelo sokuthenga i-inshorensi yokujongana nobomi bomnye umntu usenokulahlekelwa yimali akusweleka loo mntu.
2. Abalingane, umzekelo ngabona bangumzekelo obonakalayo wobudlelwane obuchaza le nto kuthiwa yinzuzo ekhuselwe phantsi kwe-inshorensi kwaye ibandakanya nabo batshate ngokomthetho wemitshato yesintu;
3. Inzuzo ekhuselwe phansti kwe-inshorensi kufuneka ibekhona kuphela ngelixa kusenziwa isicelo sepolisi ye-inshorensi, kwaye ayikho imfuneko yayo xa kufakwa ibango.

Umzekelo wengxaki 2

Le nto imeko eyayikho kwangenx'engaphambili yimeko yempilo engafakwayo kwi-inshorensi kuba loo meko kukholeleka ukuba yayikho kwangenx'engaphambi kokuba loo mntu afumane ipolisi kuloo nkampani ye-inshorensi. Le nkcazelo ibanzi isetyenziswa ziinkampani ze-inshorensi ezibonelela ngeepolisi ezifana nezo zokungcwaba, ngenjongo yokukhaba amabango xa athe umntu ofakwe kwi-inshorensi afe, ngokungqamene okanye ngokungangqamananga, ngenxa yemeko yempilo ebikho kwangaphambi kokuba iqale ukusebenza ipolisi. Iinkampani ezithengisa i-inshorensi zinelungelo lokuwakhaba amabango alolu hlobo kuba ngokungafaniyo neinshorensi yobomi yesiqhelo, ii-inshorensi ezimalunga neepolisi zomngcwabo zifumanka kwinkampani ye-inshorensi ingakhange iqhube iimvavanyo zempilo kuqala, kambe ingaziwa nengxaki anokuthi ajongane nayo umntu lowo ubomi bakhe buza kufakwa phantsi kwe-inshorensi. Ngoko ke kubaluleke kakhulu ukuba lowo ubonelela mgeenkonzo zemali aqinisekise ukuba ufumana yonke ingcombolo ephatheleneyo nefumanekayo kulowo ufuna ukuthenga ipolisi, ngcombolo leyo iza kwenza ukuba ungamkeleki nazo naziphi na ezinyo izinto ezinokubangela ukuba ingafumaneki i-inshorensi zidandalaziswe ngokupheleleyo. Ukudandalaziswa kwale ngcombolo kuya kwenza ukuba umthengi-polisi abe nokwenza isigqibo esisekelezwe kulwazi lokuba ipolisi leyo acetyiswa ngayo izilungele kusini na iimfuno zakhe nemeko akuyo ngokunjalo.

INGXAKI "KAMNU L":

Facts

Okhalazayo wayenepolisi yokungcwaba esele iqhuba kunye nenkampani ephendulayo eyaqala ngoMeyi ngo2015 kwaye wayehlawula iprimiyam eyi-R269.00 rhoqo ngenyanga. Le polisi yayilungiselelwe uyise omncinci womfaki-sikhalazo kwakunye nosapho. NgoMatshi 2016 okhalazayo wafaka ibango kwinkampani ephendulayo emva kokubhubha kukayise omncinci (stepfather). Laye lakhatywa ibango elo kusithiwa umfi wayenaso isigulo esimbuleleyo kwangaphambi kokuba afakwe kwi-inshorensi.

Okhalazayo wazithethelela ngeliti akazange ayichazelwe loo nto ukuqala kwepolisi kwaye waqala ukwazi ngokungamkeleki xa wayefaka ibango lakhe. Ngaphezu koko okhalazayo waye nombono othi njengoko engazange akhe aphose kuhlawula nanye iprimiyam ibango lakhe kufuneka lamkelwe yinkampani echaphazelekayo, waza ke ngoko weza kucela uncedo kule Ofisi.

UNGENELELO LWETHU:

Okhalazayo waye wathunyelwa kwinkampani echaphazelekayo neyayicelwe ukuba imnike amaxwebhu afunekayo ngokommiselo we-FAIS Act kunye nowe-General Code of Conduct for Authorised Financial Services Providers and Representatives ohamba nayo. Loo maxwebhu, ekwakulindeleke ukuba abandakanye irekhodi yeengcebiso ezazinikwe umthengi-polisi, kwakufanele angabonakalisi into yokuba inkampani echaphazelekayo yepolisi yayifumana yonke ingcaciso ephatheleneyo nekhoyo kuphela kokhalazayo, ngcaciso leyo yayiza kucacisa ukuba ipolisi leyo yayiza kuzifezekisa kusini na iimfuno zokhalazay, koko loo maxwebhu kwakufuneka abonakalise neyokuba umthengi-polisi wayichazelwa yonke imimiselo yepolisi. Ukuchazwa kwayo yonke imimiselo yepolisi kwakuya kuqinisekisa ukuba okhalazayo ubekwe kwimo evumela ukuba akwazi ukwenza isigqibo enolwazi.

Inkampani echaphazelekayo ye-inshorensi yaziswa ke ngoko ukuba kwakufuneka ukuba ifune ukwazi ngengcombolo efana nengxelo yengulo yokhalazayo ndawonye naleyo yabo babeza kufakwa kule polisi. Ingcombolo leyo yiyo eyayiya kwenza ukuba kuboniswane ngento ethi umntu ofana nalowo ungasekhoyo wayengenakuba nebango elisemthethweni xa enokubhubha ngenxa yezizathu zendalo. Inkampani ye-inshorensi echaphazelekayo yayivuma impazamo yayo malunga noku yaza yamhlawula isixa-mali esingama-R10 000 njengendlela yokugqibela yokusombulula eso sikhalazo ngokupheleleyo.

ISIFUNDO ESIFUNDIWEYO

4. Kwiipolisi ze-inshorensi ezifana neepolisi zokungcwaba, apho kungenziwanga phando ngelixa kusenziwa isicelo kuye kufakelwe amagatya achaza ukungamkeleki kwezinto ezithile, magatya lawo angakwamkeliyo ukufakwa kwi-inshorensi kweemeko zempilo ezazikho kwangenx'engaphambili oko kusenzelwa ukunciphisa amathuba engxaki enokuphoswa emagxeni enkampani ye-inshorensi.
5. Xa ufuna ukuthenga ipolisi yokungcwaba qiniseka ngalo lonke ixesha ukuba abeenkonzo zemali be-inshorensi bayichaza yonke ingcombolo ngakumbi ngokumayela nezigulo ezingenakwamkeleka ezingenxa yeemeko ezazikho kwangenx'engaphambili kunye nazo naziphi na ezinye imeko ezingenakufakwa kwi-inshorensi. Oku kuya kwenza ukuba umntu akwazi ukufumanisa ukuba ipolisi ekucetyiswa ukuba ithengwe izilungele na iimfuno neemeko zomthengi-polisi.

Umzekelo wengxaki 3:

Ngokuphathelene neepolisi zokungcwaba, abantwana abasaxhomekekileyo ubukhulu becala baye bafakwe kwipolisi de bafikelele kwiminyaka yobudala engama-21, okanye ngaphandle kokuba umnini-polisi uyakwazi ukukhupha ubungqina obuchaza ukuba umntwana lowo usengumfundi kwaye usaxhomekeke ebazalini ngokwemali. Ukongeza koku, abantwana abangakwaziyo ukuzenzela nto ngenxa yokukhubazeka okanye ngenxa yophazamiseko lwengqondo baye bafakwe kwipolisi ngokwemimiselo yepolisi leyo bengasikelwanga xesha okanye budala. Abakhalazayo abaninzi ngokuphathelene noku baye bafake abaxhamli abaqala kwiminyaka engaphantsi kwengama-21 ngexesha lokuthengwa kwepolisi, kwaye kukho ubungqina obubonisa ukuba abeenkonzo zemali ze-inshorensi bayasilela ukubanika inkcazelo abathengi-polisi ngezinto ezingabalwayo ezilungiselelwe abantwana abaxhomekeke ebazalini xa kuthengwa ipolisi yokungcwaba.

INGXAKI "KAMNU. S"

Facts

Okhalazayo owayengunmini-polisi yokungcwaba owayexhaswa yinkampani echaphazelekayo ye-inshorensi, wakhala ngelokuba inkamapni ye-inshorensi yasilela ukumxelela ukuba iminyaka yomntu ongumxhamli kwipolisi yokungcwaba ayidluli kwiminyaka yobudala engama-21. Lowo okhalazayo wayesoloko ehlawula iimprimiyam ze-inshorensi elungiselele yena kunye nomntakwabo omncinci, owayefakwe njengoxhomekeke kuye kuloo polisi. Ukuqala kwepolisi umntakwabo walowo ukhalazayo wayeneminyaka eli-18 ubudala, kanti ukusweleka kwakhe wayeneminyaka engama-24. Ibango elafakwa ngokhalazayo emva koko lakhatywa kusithiwa i-inshorensi yakhe yaphelelwa xa wayegqiba iminyaka engama-21. Okhalazayo wakhanyela esithi akazange wayichazelwa loo nto ngexesha wayethenga ipolisi okanye nakwiileta zokuvuselela i-inshorensi, leta ezo azifumana qho ngonyaka. Ke ngoko, weza kule Ofisi ngelithi inkampani echaphazelekayo ye-inshorensi mayiyihlawule yonke imali eli-R10 000.

Ungenelelo lwethu:

Ekufumaneni kwethu isikhalazo, inkampani echaphazelekayo ye-inshorensi yacelwa ukuba ithumele kule Ofisi iirekhodi ezichaza into yokuba kwacaciswa ngokubhekiselele kwimimiselo ephathelele kwizinto ezingafakwayo kwi-inshorensi mayela nomntu oxhomekeke kumnini-polisi. Inkampani echaphazelekayo ye-inshorensi ayizange ikwazi ukuyenza loo nto. Yasuka endaweni yoko yaphawula ngamaxwebhu epolisi anelo gatya, isithi oko kubhalwe kwigatya elo yinto esetyenziswa kuzo zonke ii-inshorensi ngoko ke umthengi-polisi ebemele ukuba uyayazi loo nto. Inkampani echaphazelekayo ye-inshorensi yathi nangani kunjalo yavuma ukuhlawula ngesisa ama-R 5000 njengemali ehlawulelwa ukusilela kwayo ukugcina amaxwebu ekho. Okhalazayo wayikhaba le ntlawulo ekuqaleni emile ngelokuba makayinikwe yonke imali yakhe, kodwa ekugqibeleni wasivuma eso sigqibo njengendlela yokugqibela yokusombulula eso sikhalazo ngokupheleleyo.

ISIFUNDO ESIFUNDIWEYO

6. Kubalulekile ukuba umntu wonke abe nolwazi ngezona zinto zingayikwamkelwa yipolisi yokungcwaba ngokubhekiselele kwizizalwane ezifakwe kwipolisi.

7. Ngaphandle kokuba lithe elinye icala leza nento ebubungqina obubonisa inzuzo yokufakwa kwi-inshorensi, imali ye-inshorensi yabantu abaxhomekeke kumnini-polisi abangaphezu kweminyaka engama-21 ubudala ayiyi kukhutshwa.
8. Nangona oku kuyindlela ekuqhutywa ngayo kolu hlobo loshishino, kuseluxanduva lomboneleli ngeenkonzo zezimali ukuyibhengeza imiqathango ye-inshorensi elolo hlobo ngaloo ndlela inike wena, njengomxumi, ithuba lokwenza isigqibo esisekelezwe kulwazi.

Umzekelo wengxaki 4:

Ithuba lokulinda alikwazi kungamiselwa xesha kwipolisi yokungcwaba njengoko kuye kungenziwa phando ngezigulo ezibekho ngaphambi kokuthengwa kwepolisi ngokubhekiselele kwingxaki enokubakho ngenxa yomthengi-polisi. Njengoko kuchaziwe kwintshayelelo ngasentla, iipolisi zokungcwaba ke ngoko zibanemiqathango efana namathuba okulinda angummiselo, aqala ngaloo mhla lowo ufakwe kwi-inshorensi elungela ukubaphantsi kwe-inshorensi, ikakhulu emva kokuba sekuhlawulwe iprimiyam yokuqala, kwaye akukho mali ikhutshwayo yi-inshorensi kwelo thuba xa ukufa oko kungenxa yezizathu zendalo. Amathuba okulinda adla angachazwa njengethuba apho i-inshorensi ingena kuhlawula nto kwiinyanga ezi-3, ezi-6 okanye ezili-9 iqalile ipolisi. Kubalulekile ukuba umntu ayazi eyokuba ithuba lokulinda elingummiselo lixhomekeke kwixesha, ingekuko kwinani leeprimiyam esele zihlawulwe. Ngamanye amazwi intlawulo, umzekelo, yeeprimiyam ezintandathu ayithi ibango liya kuba yimpumelelo nakanjani xa lowo uswelekileyo esweleke kwinyanga yesi-5 kwiinyanga ezintandathu zethuba lokulinda.

INGXAKI 'KA-MNU. F'

Facts

Okhalazayo wenza isicelo sokuthenga ipolisi yokungcwaba kwinkampani echaphazelekayo ye-inshorensi saza samkelwa kwaye noninakhulu waye khankanyiwe kuloo polisi njengomnye obomi bufakwe kwi-inshorensi. Le polisi yaqala ngomhla woku-1 ku-Oktobha ngo-2012 apho kwakufuneka okhalazayo ahlawule iprimiyam yakhe ungadlulanga umhla we-15 nyanga iprimiyam yakhe yokuqala ngomhla we-10 kuOktobha kwii-ofisi zenkampani echaphazelekayo ye-inshorensi kambe kwenziwa nesivumelwano sokuba nezilandelayo iiprimiyam ziya kwenziwa kwangendlela enye. Okhalazayo ke ngoko akazange achazelwe ngezinye iindlela zokwenza intlawulo.

Okhalazayo waye wafumana umsebenzi kwelinye iphondo waza wacela omnye wakowabo ukuba amane ukuhlawula egameni lakhe. Isivumelwano sasisithi okhalazayo uya kufaka imali yeprimiyam kwiakhawunti yalowo wakowabo yena ke owayeya kuyidlulisela kwinkampani echaphazelekayo ye-inshorensi egameni lokhalazayo. NgoJulayi 2015, uninakhulu wokhalazayo waye wasweleka lingekafiki ithuba lokuba kuhlawulwe iprimiyam. Wathi okhalazayo akufaka ubango waxelelwa ukuba ubango olo lukhatyiwe ngenxa yokungahlawuli ziprimiyam. Inkampani leyo yathi okhalazayo akazange ahlawule primiyam iinyanga zade zantathu zilandelelana ngaphambi kwentalwulo eyenziwa ngoJuni 2015 kambe yatsho isithi polisi yokhalazayo ke ngoko yayixhomekeke kwithuba lokulinda eliziinyanga ezintathu ukususela kuJuni 2015. Inkampani echaphazelekayo ye-inshorensi yathi ke ngoko ibango lokhalazayo lafakwa kwiinyanga ezintathu zethuba lokulinda nto leyo yenza ukuba lungabina kwamkelwa. Okhalazayo wathi akazange ayaziswe eyokuba ipolisi yakhe yayiya kubekwa phantsi kwethuba lokulinda kuba engazange ahlawule iiprimiyam xa wayehlawula iprimiyam goJuni 2015, kwaye wayesoloko ecinga ukuba ipolisi yakhe yaqhubeka isebenza kungekho miqathango ye-inshorensi ngaphandle kwalowo wokunyanzeleka ukuqhubeka ngokuhlawula iiprimiyam zakhe.

UNGENENLO LWETHU:

Sathi sakufumana isikhalazo, sacela inkampani echaphazelekayo ye-inshorensi ukuba isinike into ebubungqina bokuba okhalazayo wachazelwa ngeemeko apho umntu oxhomekeke kumnini-polisi aye angabikho selungelweni lokuxhamla ezinye zeenkonzo zepolisi. Siye sayicela ngokukodwa inkampani echaphazelekayo ye-inshorensi ukuba isinike into engqina ukuba okhalazayo waxelelwa ukuba xa athe akazihlawula iiprimiyam ipolisi yakhe iya kucinywa kodwa ukuba uthe wazihlawula iiprimiyam asilela ngazo ipolisi yakhe iya kuvuselelwa kodwa ngokuxhomekeka kwelinye ithuba lokulinda eliziinyanga ezintathu. Inkampani echaphazelekayo ye-inshorensi ayizange ikwazi ukusinika nto ebubungqina obubhaliweyo, ndaweni yoko yasinika ikopi yoxwebhu lwepolisi lona lwalusithi ipolisi iya kucinywa emva kokungahlawuli iiprimiyam ezintathu ezilandelelanayo yabe ingathethi nto malunga nemiqathango emayelana nokuvuselelwa kwepolisi. Inkampani echaphazelekayo ye-inshorensi ekugqibeleni yayivuma into yokuba ngexesha lokwamkelwa kweeprimiyam ngoJuni ummeli wayo akazange amcacisele okhalazayo ukuba intlawulo leyo yayiyeyokuvuselela ipolisi eyayiseyicinyiwe engazange amchazele nangeziphumo ezihamba noku. Inkampani echapazelekayo ye-inshorensi kananjalo yayivuma neyokuba le nto yenza ukuba okhalazayo acinge ukuba ipolisi yakhe isasebenza kwaye wayeza kuyifumana ngokupheleleyo imali yakhe ye-inshorensi. Ngenxa yoko, inkampani echaphazelekayo ye-inshorensi yavuma ukuhlawula ama R20 0000.00.

ISIFUNDO ESIFUNDIWEYO:

9. Isivumelwano se-inshorensi senza ukuba bobabini abo benza isivumelwano babe noxanduva oluthile ngobubini babo. Ngoko ke xa inkampani ye-inshorensi ivuma ukujongana nengxaki engabangelwa ngulowo uthenge ipolisi, inkampani ye-inshorensi ikwenza oko phantsi kwesizathu sokuba iza kufumana iiprimiyam kumthengi wepolisi.
10. Xa ithe ayabikho intlawulo yeeprimiyam, inkampani yeinshorensi inelungelo lokusicima isivumelwano se-inshorensi. Umthengi-polisi ke ngoko kufuneka asoloko eqinisekisa ukuba zonke iiprimiyam zihlawulwa kwangexesha ukuthintela ukucinywa kwepolisi.
11. Ukuba umthengi-polisi ufuna ukuvuselela ipolisi ecinyiweyo, kufuneka azi ukuba kusenokubakho elinye ithuba lokulinda elimiselwe ipolisi evuselelwayo.

Umzekelo wengxaki 5:

Umxhasi-inshorensi yinkampani ye-inshorensi yexesha elide ebhalise kwiBhodi yeeNkonzo zeMali (Financial Services Board) ethi yamkele iiprimiyam nekwanoxanduva lokuhlawula imali engummiselo xa kuthe kwafa lowo ufakwe kwi-inshorensi. Olona phawu luphambili kuyo nayiphi na ipolisi yokungcwaba ke ngoko kukuba kubekho umxhasi-inshorensi oyinkampani ebhalisiweyo yexesha elide. Oku kwenzelwa ukuqinisekisa ukuba ilungu liqinisekisiwe ngebango eliselungelweni lalo ngokusemthethweni xa kuthe kwafa umntu ofakiweyo kwipolisi. Kananjalo umnini-polisi kufuneka aqinisekise ukuba unayo ikopi yepolisi ekufuneka ibe negama lenkampani engumxhasi we-inshorensi yexesha elide. Umthengi-polisi kufuneka asoloko evule amehlo xa efuna ukuthenga ipolisi yokungcwaba ukuba loo nkampani inaye kusini na umxhasi we-inshorensi. Ukuba kuthe kwenzeka ubani akaqiniseka ngokuba semthethweni kwequmrhu elo, iBhodi yeeNkonzo zeMali inazo iinkcukacha zawo onke amaqumrhu abhalisiweyo asemthethweni nakwiiwebhusayiti zayo.

INGXAKI- 'KAMS M'

Facts

Ngo-2009, okhalazayo wasenza ngempumelelo isicelo sakhe sepolisi yokungcwaba kumbutho kamasingcwabane kwindawo yakhe yokuhlala. Ngeli xesha, loo mbutho kamasingcwabane ngokwawo wenza isicelo sokufakwa phantsi kwesicwangciso senkxaso yoomasingcwabane senkampani ye-inshorensi neyathi yaba ngumxhasi kamasingcwabane lowo. Eso sicwangciso senkxaso salo mbutho kamasingcwabane sasijonge ukunceda amalungu ombutho kamasingcwabane ngazo zonke iindleko zokungcwaba ilungu eliyintloko kunye nabaxhomekeke kulo abane abangabantu abadala. Le inshorensi yombutho kamasingcwabane yaqalwa ukusebenza ngoMeyi ka-2010.

Okhalazayo wazihlawula rhoqo iiprimiyam zakhe zenyanga kumbutho kamasingcwabane ukususela oko kwathi kwaqaliswa ukuhlawulwa kwada kwasweleka ilungu awayelifakile kwipolisi yombutho kamasingcwabane. Okhalazayo ke ngoko waye wafaka ibango ngendlela engummiselo embuthweni kamasingcwabane laza lakhatywa ibango lakhe exelelwa ukuba waye wayihlaziya ipolisi yakhe, ngoko ke lalingekapheli ithuba lokulinda elingummiselo. Okhalazayo waye wafuna ukuqonda embuthweni ukuba likhatywa njani na ibango lakhe. Waxelelwa ukuba ipolisi yabo iphelelwe ngenxa yokuba amalungu ombutho kamasingcwabane akakhange azihlawule iiprimiyam zawo. Uthe emva koko okhalazayo waya kufuna ukuqonda kumxhasi wombutho waza waxelelwa ukuba ipolisi yangaphambili yombutho kamasingcwabane yaphelelwa ngoSeptemba ngo-2012 waza wenza isicelo ngokutsha senye ipolisi yokungcwaba ngegama elitsha. Loo polisi yaphelelwa ngenxa yokusilela kwentlawulo yeeprimiyam zamalungu.

Okhalazayo wayekwingxaki yokuba umxhasi we-inshorensi ndawonye nombutho kamasingcwabane bala ukwamkela ubutyala ngokubhekiselele kolo bango. Okhalazayo watyhola ngelithi akazange axelelwe ukuba igama latshintshwa, esitho nokuba akazange axelelwe ukuba ipolisi kamasingcwabane yaphelelwa. Ngelivakalayo, ubesoloko ezihlawula iiprimiyam embuthweni kamasingcwabane ezihlawulela into engekhoyo. Okhalazayo ke ngoko wacela ukuba simncede ekubeni kubekho owamkela ubutyala phakathi kombutho kamasingcwabane nomxhasi we-inshorensi ukuze anikwe ibango lakhe.

UNGENENLO LWETHU:

Kwathi kwakuba kufike isikhalazo, isikhalazo eso sasithumela kusihlalo kamasingcwabane owathi:

- Umbutho kamasingcwabane une-akhawunti enye yebhanki apho onke amalungu amiselwe ukuba azifake kuyo iiprimiyam. Umxhasi we-nshorensi yena uye athi emva koko atsale iprimiyam inyanga nenyanga kuloo akhawunti;
- Amalungu ombutho kamasingcwabane axelelwa ukuba azihlawule iiprimiyam zawo ngaphambi komhla woku -1 kwinyanga nganye ukuze akwazi umxhasi ukufumana iprimiyam epheleleyo;
- Iipolisi ekwakuthethwa ngazo ngoko zaphelelwa ngenxa yokuba amanye amalungu kamasingcwabane asilela ukuhlawula iimprimiyam zawo zenyanga okanye ahlawulwa emva kwexesha, into ethetha ukuthi umxhasi ngezimali wathi xa ezama ukutsala iprimiyam yabo yenyanga kwabe kungekho mali yaneleyo kuloo akhawunti;
- Usihlalo wathi oko kwakuyindlela ekwavunyelwana ngayo embuthweni kamasingcwabane ngamalungu kwiintlanganiso zawo.

Emva koko isikhalazo sathunyelwa kumxhasi-inshorensi njengomniki nkonzo ogunyazisiweyo wezemali. Umxhasi-inshorensi waye wacelwa ukuba athumele kule ofisi into ebubungqina bokuba okhalazayo waye waziswa ngokucinywa kwenkxaso enikwa umasingcwabane ngenxa yokungahlawulwa kweeprimiyam. Umxhasi-inshorensi uziphendulele ngokuthi wawuthumela umyalezo nge-SMS kusihlalo kamasingcwabane kwaye ngumsebenzi kasihlalo ukwazisa ilungu ngalinye xa ipolisi ithe yaphelelwa. Saye sacebisa umxhasi ukuba ukuziphatha ngolo hlobo akuhambelani noMmiselo wokuZiphatha kwaye iMigaqo yoKhuseleko loMnini-Polisi imisela ukuba ilungu ngalinye kufuneka laziswe ngokuphelelwa kwepolisi. Umxhasi akazange akwazi ukuyinika le Ofisi into ebubungqina endaweni yoko wasuka wahlawula okhalazayo sonke isixa-mali esingama-R5000.00 njengendlela yokugqibela yokusombulula eso sikhalazo ngokupheleleyo.

ISIFUNDO ESIFUNDIWEYO

12. Xa usenza isicelo sokwenza isivumelwano se-inshorensi, qiniseka ukuba inkampani echaphazelekayo inaye umxhasi-inshorensi oya kubuyekeza amalungu abangcwabi xa kuthe kwakho ilahleko okanye xa bathe bajamelana nengxaki yokungabikho kwentlawulo apho iiprimiyam ezithe zaqokelelwa zithe azanela ukuze zikhawulelane namabango angenisiweyo kumasingcwabane.
13. Ngaphambi kokwenza isicelo sokwenza isivumelwano se-inshorensi, qiniseka ngalo lonke ixesha ukuba umasingcwabane ubhalisiwe kwi-Financial Service Board ngokufumana inombolo yabaniki-nkonzo zemali nokuqinisekisa ingcombolo yabo yobhaliso ngqo kwiFinancial Service Board.

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