Isalathiso: 20180612-3240
Inombolo yefayili: 12/2/8/2
Imibuzo: DD Louw

Isetyhula: 0034/2018
Umhla wokuphelelwa: Awukho

Iya: KumaSekela Balawuli-Jikelele, kuBalawuli abaziiNtloko, kuBalawuli (kwaNdlunkulu nakwii-ofisi zezithili), kuBaphathi beeSekethe, kwiiNqununu zezikolo zikarhulumente nakooSihlalo bamabhunga olawulo

Isishwankathelo esifutshane: *Imfuno yenkqubo esemgangathweni nesengqiqweni yokuqinisekisa ukuphunyezwa ngokufanayo kwemigqaliselo yokuxolelwa ukuhlawula iifizi zesikolo emiselwe kwisigqibo sikaSaffer (Saffer judgment) nakwisetyhula eye yakhutshwa emva koko.*

Isihloko: Inkqubo ekumgangatho ofanayo yabazali abenza isicelo sokuxolelwa ukuhlawula iifizi zesikolo

1. Le setyhula isisongezelelo yaye imele ukufundwa neSetyhula 0012/2018, yomhla we-14 Septemba 2018.

2. Umhlathi 7 wale setyhula sele ikhankanyiwe apha unika izikolo igunya lokuba ziqinisekise ukuba , "*isizathu sokuba umzali owenza isicelo engazinikanga iinkcukacha zengeniso iyonke yaqho ngonyaka kungekaxhuzulwa nto (total annual gross income) zomnye umzali kukuba omnye umzali akavumi ngokwenene okanye uwe phantsi ukumnika ezo nkcukacha …*". Ucacisa ngakumbi uthi, "*isikolo asinyanzelekanga ukuba samkele okuthethwa ngumzali owenza isicelo –njengesisizathu sokuba yena engazinikwanga ezo nkcukacha.*"

3. Kubekho imiba eyinkxalabo emalunga nokuba lo mhlathi ukhankanywe apha ngentla unokukhokelela ekubeni abazali abenza isicelo bathathe amanyathelo angekho ngqiqweni nangeyomfuneko ukubonisa ukuba bayayithobela imiqathango kwiimeko apho abazali bengenako ukuqhagamshelana nabazali abangenzi sicelo, umzekelo ukuba kukho isithintelo senkundla sokumkhusela (*protection order*) esikhoyo ngakulo mzali ungenzi sicelo.

4. Ngenxa yoku kukhankanywe apha ngentla, iSebe leMfundo leNtshona Koloni (WCED) kumele liqinisekise ukuphunyenzwa okukumgangatho ofanayo kwemigqaliselo emiselwe kwisigqibo seNkundla ePhezulu yeZibheno i-*Saffer Supreme Court of Appeal*

judgement nakwiSetyhula 0012/2018 ngokumisela inkqubo ekumgangatho ofanayo nesengqiqweni ebonelela ngesikhokelo esithe ngqo esingeemfuno ezimiselweyo ekufuneka abazali abenza isicelo bazifezekise ukwenzela ukuba kuqwalaselwe izicelo zabo zokuxolelwa ukuhlawula iifizi zesikolo.

5. Inkqubo emiselweyo imi ngolu hlobo lulandelayo:

5.1. Kwimeko apho kukho isithintelo senkundla sokumkhusela (*protection order*) ngakulo mzali ungenzi isicelo ukukhusela umzali owenza isicelo –

Okufunekayo kwezi meko kukuba isithintelo senkundla sokumkhusela (*protection order*) siqhotyoshelwe kwisicelo sokuxolelwa ukuhlalwula iifizi zesikolo. Akukho manyathelo angamanye afunekayo.

5.2 Kwiimeko zabazali abangenzi sicelo ekunokuqhagamshelwana nabo (kungabandakanywanga iimeko ezigqubayo apho kukho isithintelo senkundla sokumkhusela (*protection order*) njengoko kucacisiwe apha ngentla –

5.2.1 **Inyathelo 1**: Ukuba umzali ongenzi sicelo kunokuqhagamshelwana naye (o.k.t. umzali owenza isicelo unayo inombolo yefoni, idilesi ye-imeyili, idilesi yeposi okanye idilesi yasekhaya zakhe), umzali owenza isicelo makathathe amanyathelo okucela iinkcukacha zezemali zomzali ongenzi sicelo. Oku kunokubhalwa phantsi okanye ibe ngamazwi omlomo.

5.2.2 **Inyathelo 2**: Ukuba amanyathelo athathwe ngumzali owenza isicelo ibingamazwi omlomo, impendulo yomzali ongenzi sicelo ke ngoko mayicaciswe kwingxelo efungelweyo *(affidavit*).

5.2.3 **Inyathelo 3:** Ingxelo efungelweyo mayiqhotyoshelwe kwisicelo sokuxolelwa ukuhlawula iifizi somzali owenza isicelo.

5.3 Kwiimeko apho omnye umzali kungenakuqhagamshelwana naye –

Oku kubhekisa kwiimeko apho umzali owenza isicelo engenazo yaye engenako ukuzifumana naziphi na iinkcukacha zomzali ongenzi sicelo, yaye ke ngoko akanako ukucela iinkcukacha zezemali zomzali ongenzi sicelo. Oku kukwabandakanywa iimeko apho umzali ongenzi sicelo kungenakuqhagamshelwana naye ngenxa yemiba yokhuseleko lomzali owenza isicelo.

5.3.1 **Inyathelo 1:** Umzali owenza isicelo makangqine kwingxelo efungelweyo naphantsi kwesifungo esicaciswe kwizizathu zokuba kungani na engenako ukuqhagamshelana nomzali ongenzi sicelo okanye ukufumana iinkcukacha zoqhagamshelwano zomzali.

5.3.2 **Inyathelo 2**: Le ngxelo ifungelweyo mayiqhotyoshelwe kwisicelo sokuxolelwa ukuhlawula iifizi:

6. Ithemplethi yengxelo efungelweyo emayiqhotyoshelwe kwisicelo somzali owenza isicelo sokuxolelwa ukuhlawula iifizi iqhotyoshelwe kule setyhula.

7. Amabhunga olawulo, kuqukwa neenqununu, makasoloko ekhokelwe yingcinga yokuba injongo yomgaqo-nkqubo wokuxolelwa ukuhlawula iifizi kukukhusela ilungelo lokufumana imfundo labo bonke abafundi abanabazali abakufumana kunzima ukuhlawulela imfundo yomntwana/yabantwana babo. Konke oku makuthintele nawaphi na amanyathelo acacisiweyo anefuthe lokubadanisa abazali okanye abagcini babantwana abafaka izicelo zoncedo.

8. Kucelwa wazise okukule setyhula bonke abachaphazelekayo ukuze bakuthathele ingqalelo.

ISAYINWE: NGU-BK SCHREUDER
INTLOKO: YESEBE LEMFUNDO
UMHLA: 2018-09-21

INGXELO EFUNGELWEYO YOKWENZA ISICELO SOKUXOLELWA UKUHLAWULA IIFIZI ZESIKOLO

Mna, osayine apha ngezantsi, _____
ngokwenjenje ndiyafunga yaye ndichaza ukuba:

1. Ndingumntu omdala [obhinqileyo/oyindoda] onenombolo yesazisi _____, yaye kungokunje ndi-_____ (umsebenzi/ingqesho), ohlala e-_____, eNtshona Koloni, eMzantsi Afrika.

2. Imiba equlethwe kule ngxelo ifungelweyo iyinyani yaye ichanekile ngokolwazi lwam olupheleleyo. Ngaphandle kokuba umxholo walatha okunye, yimiba mna buqu endinolwazi ngayo.

3. Mna (ndingutata/ndingumama/ndingumgcini womntwana ophambili *(primary care giver)*) ka- _____
(igama (amagama) eliphelele lomfundi (labafundi), okwiBakala (abakumaBakala) _____ kungokunje e-_____ [igama lesikolo], eNtshona Koloni.

4. Ndenza isicelo sokuxolelwa ukuhlawula iifizi zesikolo *ngokweMimiselo ePhathelele nokuXolelwa kwaBazali kwiNtlawulo yeeFizi zeSikolo kwiZikolo zikaRhulumente (2006*), ukwenzela unyaka ka- _____ [unyaka umzali enza ngawo isicelo], ukulungiselela lo mfundi (aba bafundi) ukhankanywe apha ngentla.

5. Andinako ukufumana iinkcukacha zezemali (*financial information*) zomnye umzali (“umzali ongenzi sicelo”) womfundi/wabafundi abakhankanywe apha.

6. Ndizenzile iinzame zokufumana iinkcukacha zezemali zomzali ongenzi sicelo ngokwenza oku kulandelayo:

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7. Nakuba kunjalo, andikwazanga kuzifumana iinkcukacha zezemali kumzali ongenzi sicelo ngenxa yezi zizathu zilandelayo:

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8. Mna, ngokwenjenje ndifaka le ngxelo ifungelweyo njengobungqina bokuba ndikwenzile konke okusemandleni am ukufumana iinkcukacha zezemali zomzali ongenzi sicelo.

_____

UMFUNGI

Mna ngokwenjenje ndiyaqinisekisa ukuba lo mfungi ungentla uyavuma kum ukuba uyazi yaye uyakuqonda okuqulethwe yile ngxelo ifungelweyo, nokuba ngokolwazi lwakhe olupheleleyo kuyinyani yaye kuchanekile, nokuba akakuchasi ukwenza esi sifungo simiselweyo nokuba usithatha isifungo njengesimbophelelayo ngokwesazela sakhe.

Oku kusayiniwe yaye kwafungelwa phambi kwam apha:_____ ngalo mhla we-_____ ku-_____.

_____

UMFUNGISI