

# U-CAPFIN, LICANDELO LEPEPKOR TRADING (PTY) LTD IMIMISELO NEMIQATHANGO (NCRCP13053)

Le yimiMisele neMiqathango yeSivumelwano seMali-mboleko kaCapfin, icandelo lePepkor Trading (Pty) Ltd ("Capfin"). Le miMisele neMiqathango iyinxalenye kwaye iya kufundwa kunye neNgxelo kunye neKowuteshini yaNgaphambi kweSivumelwano kunye neSivumelwano seMali-mboleko.

## 1. INTSHAYELELO

- 1.1 U-Capfin ngumboneleli wekhredithi obhaliswe kwiNational Credit Regulator ("NCR") (NCRCP13053).
- 1.2 Isivumelwano siqunjelwa wakube uyamkele iNgxelo kunye neKowuteshini yaNgaphambi kweSivumelwano kwaye uCapfin ukunika imali-mboleko yakho. Ukunikwa imali-mboleko kungokubona kukaCapfin ngokupheleleyo.
- 1.3 Naziphi na izilungiso ezenziwayo kwesi sivumelwano ziya kunibophelela ngokomthetho kuphela akube uCapfin ekwazisile ngembalelwano ngezo zilungiso.

## 2. INGXELO KUNYE NEKOWUTESHINI YANGAPHAMBI KWESIVUMELWANO

2.1 INgxelo kunye neKowuteshini yaNgaphambi kweSivumelwano oyamkelelo, idandalazisa inkcazelo engqale kule mali-mboleko yakho.

## 3. IMILINGANISELO YENZALA KUNYE NEENTLAWULO

- 3.1 Umlinganiselo wenzala uqingqiwe ebudeni besi sivumelwano kwaye ubalwa ngokwebhalansi yamihla le uze udityanise kwinkunzi (le mali uyibolekileyo) ngosuku lokugqibela enyangeni.
- 3.2 Ukuba kuyenzeka ube semva ngentlawulo kwiakhawunti yakho ngenxa yokungahlawuli okanye intlawulo esemva kwexesha, umlinganiselo wenzala osebenzayo kule mali esemva awusayi kudlula kobona bukulu bomlinganiselo wenzala osebenzayo kwisivumelwano sakho phantsi kweNational Credit Act No. 34 of 2005 (the "NCA").
- 3.3 Ukuba uCapfin uthe wawutshintsha umlinganiselo wenzala, imali yeentlawulo nemali ebizwayo esebenzayo kule akhawunti yakho okanye ubungakanani bezihlandlo okanye ixesha lokuhlulwa kwentlawulo okanye imali ebizwayo ngeli tyala njengoko kubonelelwe yi-NCA, uCapfin uza kwazisa ngembalelwano nge-SMS ngezi nguqu ziphakanyiswayo kwiintsuku zoshishino ezi-5 ubuncinane ngaphambi kokuba ezo nguqu ziqaliswe.
- 3.4 UCapfin unegunya (kukho okanye kungekho saziso siza kuwe) sokuncama la magunya akhe enxalenye yazo naziphi na iintlawulo zokuqalisa le akhawunti ezifunekayo kunye nezihlawulwayo ngeemali-mboleko ezintsha xa enikeza ngeemali-mboleko ezintsha kwiindidi ezithile zabathengi (ezo ndidi ziya kumiselwa nguCapfin ngokokubona kwakhe ngokugqibeleleyo eyedwa nokunokukuba abathengi abasele bekho). Nakuphi na ukuncanywa kwamalungelo okunjalo okwenziwa nguCapfin ngamalungelo akhe okubiza intlawulo epheleleyo yokuqaliswa kweakhawunti akusayi kutshintsha okanye kulungisa uhlobo lwesi sivumelwano setyala.
- 3.5 Inzala iza kubizwa ukusukela ngomhla ehlawulwe ngayo le mali kuwe nguCapfin.

## 4. IMIMISELO YOKUBUYISA IMALI EYENZELWE IIDEBHITHI ODA

- 4.1 Yakuba le mali yemali-mboleko ihlawulwe kwiakhawunti yakho yebhanki, uza kuba noxanduva lokubuyisa le mali iyonke njengoko kuchaziwe kwisivumelwano (eyimali yemali-mboleko idibene nenzala nazo zonke ezinye iimali ezibizwayo ezifana neendleko zolawulo). Ngokwamkela imali-mboleko, usinika umyalelo wedebhithi oda ngokuphathelele nayiphi imali ehlawulwayo phantsi kwesi sivumelwano kwaye uyavuma kwezi zinto zilandelayo:
  - 4.1.1 U-Capfin usenokwenzisa isiphakamiso sedebhithi oda kwiakhawunti yakho ukuze kukolekwe izitolmente zakho ngomhla wezitolmente okanye ngaloo mhla ungomnye umqeshi wakho asenokufaka ngawo umvuzo wakho ebhankini;
  - 4.1.2 Apho naziphi na ezi zitolmente zifuneka ngomhla ongempelaveki, ngoMvulo okanye ngosuku oluyiholide, uCapfin usenokwenzisa isiphakamiso sedebhithi oda ngosuku loshishino olungaphambili;
  - 4.1.3 Imiyalelo yentlawulo efuneka ngoDisemba isenokutsala kwiakhawunti yakho ukusukela ngoLwesihlanu ongaphambi komhla we-14 kuDisemba;
  - 4.1.4 Ireferensi kwisiteyitimenti sakho sebhanki ngazo zonke iidebhithi oda zikaCapfin iza kuthi Capfin;
  - 4.1.5 Ukuba kukho imali engaphelelanga ukuze kutsalwe isitolmente sakho, uCapfin uza kuba negunya lokulandelela iakhawunti yakho aze aphinde abonise le miyalelo yentlawulo kwakamsinyane kwakubakho imali eyaneleyo kwiakhawunti yakho;
  - 4.1.6 Zonke izitolmente zenyanga kunye nawaphi na amalungiselelo entlawulo ziya kutsalwa kwiakhawunti yakho yebhanki njengoko kubonisiwe kwiSivumelwano seMali-mboleko, okanye njengoko zisenokuba zihlaziyiwe kwinkqubo kaCapfin ngokwesicelo sakho, sakuvunywa singqinisiwe nguCapfin;
  - 4.1.7 Ukuba iakhawunti yakho isemva, uCapfin uza kuba negunya lokukoleka nayiphi na imali eyongezelekileyo kangangesitolmente esinye esinesiqingatha sale mali yesitolmente kuvunyelwenwe ngayo. Le mali yongezelelwa kwimali yesitolmente sanyanga le.
- 4.2 Ulindeleke ukuba ubuyise imali ekuvunyelwenwe ngayo iphelele ngezitolmente zanyanga le ngedebhithi oda kangangeli xesha lichazwe kwisivumelwano ngaloo mhla zilandeleke ngawo. Ukuba kunokubakho ingxaki ngedebhithi oda, ngohomekeke kuwe ukuba wenze amanye amalungiselelo entlawulo ngaphambi kokuba ufike umhla wesitolmente ukuze uphephe ukufakwa kwenzala kwesohlwayo okanye kweendleko zamagqwetha kwiakhawunti yakho.

## 5. ILUNGELO LIKACAPFIN LOKUPHELISA ISIVUMELWANO

Ukuba awuphumeleli ukwenza nayiphi na intlawulo ngexesha, uyavuma ukuba uCapfin angenza ibango kuwe lale mali yakho yonke uyityalayo ngokwemimisele yesi sivumelwano (nequka, ingaphelelanga apha, iimali zemali-mboleko, inzala yemali esemva kunye naziphi ezinye iimali ozityalayo ngale mali ingekahlawulwa yemali-mboleko). Kwezi meko, uCapfin usenokusinyanzelisa isivumelwano ngokuthatha la manyathelo alandelayo:

- 5.1 U-Capfin usenokukuchazela ngembalelwano okanye nge-SMS ukuba usemva aze enze isiphakamiso sokuba ugqithisele esi sivumelwano kwiarhente yokunika iingcebiso ngetyala, kwinkundla yabathengi okanye kwiombud (umgwebi) onegunya kule miba ukuze asombulule nayiphi impikiswano phantsi kwesi sivumelwano okanye uvume isicwangciso sokwenza uleqe ezi ntlawulo.
- 5.2 Ukuba ubusemva kangangeentsuku ezingama-20 ubuncinane kwaye sekugqithe iintsuku zoshishino ezili-10 emva kokuba uCapfin ekuthumele isaziso njengoko kudandalazisiwe ku-5.1 kwaye awukaphenduli kwesi saziso, okanye uphendule ngokukhaba isiphakamiso sikaCapfin, uCapfin usenokuya enkundleni ukuze afumane umyalelo wenkundla wokunyanzelisa esi sivumelwano.
- 5.3 Uvumelekile ukuba nanini ngaphambi kokuba uCapfin arhoxise isivumelwano, ulingise le meko yokuba semva kwakho ngokuhlulwa uCapfin zonke ezi mali zisemva, zidibene neentlawulo zikaCapfin zokuba semva ezivumelekileyo kunye neendleko ezifanelekileyo zokunyanzelisa isivumelwano ukuya kuma ngeli xesha lokulungiswa kokuba semva kwakho.

## 6. IZITEYITIMENTI

6.1 Uyavuma ukufumana isiteyitimenti seakhawunti esihlaziyiweyo qho kwiinyanga ezi-3 nge-SMS enelinki eya kwisiteyitimenti sakho.

## 7. UKUGQIBEZELA ITYALA NGAPHAMBI KWEXESHA

- 7.1 Unegunya lokuphelisa esi sivumelwano nanini na ngokugqibezela ityala ngale mali ishiyekileyo yemali-mboleko ngaphambi kwexesha okanye ngaphandle kokunika uCapfin isaziso. Le mali ifunekayo ukuze ugqibezele iakhawunti yakho yemali-mboleko yibhalansi epheleleyo engekahlawulwa kunye nezinye iintlawulo kunye neemali ezibizwayo eziye zihlawulwe de ibe ngumhla wokugqibezela ityala.
- 7.2 Uza kuhlawula kuphela isabelo senzala esilinganiselweyo kweli xesha ibikuwe le mali ukuba ugqibezela imali yemali-mboleko ngaphambi kwexesha.
- 7.3 Nangona uye wafumana ixabiso lale mali yokugqibezela kuCapfin, uhlala unoxanduva lokuginisekisa ukuba zonke iimali ezifunwayo kuwe nguCapfin (kuquka, kube kungaphelelanga, kwiinzala ezibizwayo kunye neendleko zolawulo) zibe zihlawulwe ngokupheleleyo.

## 8. UKUBA SEMVA KWISIVUMELWANO SEMALI-MBOLEKO

8.1 Ukuba awusithobeli ngokungqongqo esi sivumelwano, wenza nantoni ebonisa ukubhanga, uyathinjelwa, wenza nayiphi na ingxelo egeyonyani okanye uzimela ngokungenanyani, awuvezanga nyani kuzo naziphi na iinkcukacha ezibalulekileyo kwisicelo sale mali-mboleko okanye wenza nantoni na enyasha amalungelo kaCapfin, uCapfin usenakho, ngaphandle kokunyasha naliphi na elinye ilungelo elisenokongezeleleka kuCapfin, ukwenza ibango layo yonke imali eshiyekileyo eliquka, kodwa lingaphelelanga, kwimali yemali-mboleko, inzala yemali esemva okanye naziphi na ezinye iimali ozityalayo ngale mali yemali-mboleko ishiyekileyo. Kwezi meko amanyathelo alandelwayo adandalazisiwe ku-5 ngasentla aza kusebenza.

## 9. I-CAPFIN CREDIT LIFE

- 9.1 U-Capfin usenakho, njengomqathango wale mali-mboleko, ngokokubona kwakhe yedwa nangokugqibeleleyo, ukufuna ukuba ube neinshorensi yetyala ebudeni beli xesha lemali-mboleko. Kwimeko enjalo unelungelo lokuncama nayiphi na ipolisi ephakanyiswa nguCapfin uze ufake eyakho ipolisi oyikhetayo endaweni yayo, nje ukuba, ukuba kuyimfuneko kuCapfin, unika uCapfin ubungqina obanelisa uCapfin ukuba nguye obhaliweyo njengomntu ohlawulwayo ngelahleko kule polisi yakho.
- 9.2 Ukuba uye waneCapfin Credit Life Insurance, uyavuma ukubopheleleka kwimimisele nemiqathango yale polisi nefumanekayo kwivebhusayithi kaCapfin. Isiqinisekiso sepulisi siya kunikezwa nge-SMS kunye nelinki eya kuxwebhu lwepolisi emva kokukunjelwa kwale polisi.
- 9.3 Uyavuma ukuba ukuba kunokwenzeka ungaphumeleli ukuhlulwa iCapfin Credit Life Insurance yanyanga le ngomhla okanye ngaphambi komhla efunwa ngayo, uCapfin uya kuba negunya lokukuboleka iprimiyam, ayitsale kwiakhawunti yakho yemali-mboleko aze ayigqithisele le primiyam kwinkampani yeinshorensi ngokokubona kwakhe.

## 10. IMIBA EPHANTSI KWENKUNDLA

10.1 Ngokwecandelo 45 leMagistrates' Court Act. 32 of 1944, uyavuma ukuba uCapfin angavula ityala enkundleni elinento yokwenza nesi sivumelwano okanye ngeakhawunti yakho kwiNkundla kaMantyi. Uyavuma ukuba sinokuvula ityala kuyo nayiphi na iNkundla kaMantyi, enokuthi, ngokwecandelo 28 loMthetho weNkundla zikaMantyi, ibe namagunya kuwe. Ukuba kumele siye enkundleni ngaso nasiphi na isizathu esinxulumene nesi sivumelwano, kuza kufuneka uvele enkundleni kaMantyi. Sinakho nokukhetha ukuvula ityala ngawe kuyo nayiphi na inkundla enamagunya.

## 11. IINDLEKO ZOLAWULO NOKUKOLEKWA KWEMALI ESEMYA

11.1 Ukuba usemva ngezitolmenti zakho zenyanga aze uCapfin athathe inyawo lokunyanzelisa esi sivumelwano, uza kuba netyala ngazo zonke iimali ezibizwayo zolawulo kunye neendleko zokokuleka ekungenwe kuzo nguCapfin okanye iarhente yokukoleka ayiqeshileyo, kuquka neekhomishini zokukoleka, iindleko zamagqwetha kunye nezinye iindleko ezifanelekileyo ekungenwe kuzo nguCapfin okanye iarhente yokukoleka ayiqeshileyo ukuze inyanzelise esi sivumelwano (ezifana neminxeba yefowuni kunye neeleta eziza kuwe), ngokuxhomekeke kumagatya e-NCA.

## 12. IIDILESI

12.1 Ukhetha idilesi njengoko ichaziwe kwiSivumelwano seMali-mboleko njengedilesi oza kwamkela kuyo amaxwebhu nezaziso zamagqwetha.

12.2 Ukuba idilesi yakho itshintshile, unoxanduva lokuchazela uCapfin ngale dilesi intsha nokuba kungembalelwano okanye ngefowuni kwakamsinyane kangangoko.

Idilesi ekhethiweyo kaCapfin kunye neenkukacha zoqhagamshelwano ngazo zonke iinjongo phantsi kwesi sivumelwano zingale ndlela ilandelayo, nazi: idilesi yeposi ithi PO Box 6507, Parow East, 7501, idilesi yesimalato ithi 1 Industrie Street, Kuils River, 7580 ize inombolo yefowuni ithi 087 354 0000 okanye thumela i-SMS ethi 'HELP' ku-43679.

## 13. ISATIFIKETI

13.1 Isatifiketi esityikitye ngumphathi kaCapfin (ekungekho sidingo sokuba anike ubungqina belo dinga), siza kuba bubungqina obaneleyo bale bhalansi ishiyekileyo phantsi kwale mali-mboleko kunye nayiphi na eminye imimiselo yale mali-mboleko, ngaphandle kokuba kukho bungqina bumbi.

## 14. UKUGQITHISWA KWAMAGUNYA

14.1 U-Capfin unelungelo nanini na kwaye ngaphandle kokukunika isaziso, lokugqithisa nawaphi na okanye onke amalungelo akhe kunye/okanye amabango anokuwenza kuwe kumntu ongomnye owonyulwe nguCapfin. Ngokwamkela esi sivumelwano, uyavuma kolo gqithiso ngokungenakutshintshwa nangaphandle kwemiqathango.

## 15. ISIVUMELWANO ESIPHELELEYO

15.1 Imimiselo yesi sivumelwano yimimiselo epheleleyo yesivumelwano phakathi kwakho noCapfin kwaye akukho mimiselo nemiqathango yongezelelekileyo ingathethwayo okanye icingelwayo, ngaphandle kokuba silungiswe ngemvumelwano kwaye ngokwemimiselo yegatya 1.3 ngasentla.

## 16. IMVUMENGEENKUKACHA ZOBUQU

16.1 Uyavuma ukuba iinkukacha zakho zobuqu ziza kusetyenzwa njengoko kudandalazisiwe kwiNgxelo yoBumfihlo beZangaphandle beQela leeNkampani zikaPepkor njengoko ifumaneka [ku-www.pepkor.co.za](http://ku-www.pepkor.co.za)

## 17. UKUKHANGELWA KWAMATYALA NENGXELO

17.1 Uyavuma ukuba uCapfin akhangele amatyala akho kwaye aqinisekise iinkukacha zakho kuyo nayiphi ikhredithi bhiyuro, umboneleli wamatyala okanye umntu ongomnye aze abelane ngeenkukacha zakho zobuqu kuquka nesicelo sakho semali-mboleko, esi sivumelwano, ukupheliswa kwaso kunye nokungathotyelwa kwemimiselo nemiqathango, kwaba:

17.1.1 iinkonzo zolawulo lwemingcipheko (kuquka ikhredithi bhiyuro ezivunye yi-NCR ukuba zigcine iinkukacha zeeprofayili zentlawulo zabathengi kwaye zibe nokubonelela nangamanqaku ekhredithi yabathengi ngokuthembeka kwabo); kunye/okanye

17.1.2 Neearhente zokuthintela ulwaphulo-mthetho.

17.2 Iinkukacha zoqhagamshelwano zeekhredithi bhiyuro ezahlukileyo zingafumaneka kwiZiko leeNkonzo zaBathengi lethu ngokuqhagamshelana nalo njengoko kunatyisiwe kwigatya le-12. Unelungelo lokuqhagamshelana neekhredithi bhiyuro uze ujonge iirekhodi zakho kunye nabo kwaye ulungise naziphi na iinkukacha ezingachanekanga.

## 18. AMALUNGELO AKHO

18.1 Ngokokutsho kwe-NCA unelungelo:

18.1.1 lokuqhagamshelana nekhredithi bhiyuro;

18.1.2 lokuthi kuvezwe irekhodi lakho lamatyala;

18.1.3 lokulungisa iinkukacha ezingachanekanga ezidweliswe kwikhredithi bhiyuro;

18.1.4 lokusombulula isikhalazo ngokusebenzisa indlela eyenye yokusonjululwa kwempikiswano okanye ufake isikhalazo kwi-NCR okanye wenze isicelo kwiNational Consumer Tribunal ("iTriTribunal");

18.1.5 lokwenza isicelo kwingcali yeengcebiso ngamatyala ukuba ibhengeze ukuba utshone ematyaleni ngokuphathelele kwi-NCA kwaye kuhlengahlengiswe izibophelelo zakho zamatyala.

18.2 Ukuba unqwenela ukufaka isikhalazo, ungaqhagamshelana noCapfin ku-087 354 0000 okanye uthumele i-imeyili [ku-info@capfin.co.za](mailto:ku-info@capfin.co.za). Ukuba awanelisekanga ngesiphumo sempikiswano okanye sesikhalazo sakho, ungagqithisela lo mba wakho kwiarhente yokusombulula impikiswano, kwiCredit Ombudsman, kwiNational Credit Regulator okanye kwiNational Consumer Tribunal kwezi nkukacha zoqhagamshelwano zidweliswe ngezantsi:

## I-Credit Ombudsman

Ifowuni: 0861 66 2837

I-imeyili: [ombud@creditombud.org.za](mailto:ombud@creditombud.org.za)

Iwebhusayithi: [www.creditombud.org.za](http://www.creditombud.org.za)

## I-National Credit Regulator

Ifowuni: 0860 627 627 / 011 554 2700

I-imeyili: [complaints@ncr.org.za](mailto:complaints@ncr.org.za)

Iwebhusayithi: [www.ncr.org.za](http://www.ncr.org.za)

## I-National Consumer Tribunal

Ifowuni: 010 590 5200

I-imeyili: [Registry@thenct.org.za](mailto:Registry@thenct.org.za)

Iwebhusayithi: [www.thenct.org.za](http://www.thenct.org.za)