ICAPFIN, UPHIKO LWAKWA-PEPKOR TRADING (PTY) LTD IMIGOMO NEMIBANDELA (NCRCP13053)

Lena yiMigomo Nemibandela Yesivumelwano Semalimboleko sakwaCapfin, uphiko lwakwa-Pepkor Trading (Pty) Ltd ("Capfin"). Le Migomo Nemibandela iyingxenye futhi kufanele ifundwe kanye Nesitatimende Sangaphambi Kwesivumelwano Nekhotheshini kanye Nesivumelwano Semalimboleko.

1. ISINGENISO

1.1 UCapfin ungumhlinzeki ngosizo lwezikweletu obhalisiwe ku-National Credit Regulator, Umlawuli Wezikweletu Kuzwelonke ("NCR") (NCRCP13053).

1.2 Isivumelwano siyaphothulwa uma ususamukele Isitatimende Sangaphambi Kwesivumelwano kanye Nekhotheshini bese uCapfin ekunika imali oyibolekile. Ukunikezwa kwemalimboleko kuyisinqumo seCapfin ngokuphelele.

1.3 Noma yisiphi isichibiyelo esenziwe esivumelwaneni sizobophezela ngokomthetho kuphela uma uCapfin ekwazise ngokukubhalela ngaleso sichibiyelo.

2.ISITATIMENDE SANGAPHAMBI KWESIVUMELWANO KANYE NENCAZELO

2.1 Isitatimende Sangaphambi Kwesivumelwano Nekhotheshini eyamukelwe nguwe, sibeka imininingwane eqondene ngqo nemalimboleko yakho.

3. IZINGA LENZALO KANYE NEZIMALI EZIKHOKHWAYO

3.1 Izinga lenzalo aliguquki isikhathi sonke sesivumelwano futhi libalwa ngebhalansi yansuku zonke bese ifakwa emalini nyanga zonke (yengezwe kubhalansi yemalimboleko esele) ngosuku lokugcina lwenyanga.

3.2 Esimweni lapho kunenani elisilele emuva ku-akhawunti yakho ngenxa yokungakhokhi noma ukukhokha emva kwesikhathi, izinga lenzalo elisebenza kuleyo mali osilele ngayo emuva ngeke lidlule isilinganiso senzalo esiphezulu esisebenza esivumelwaneni sakho ngaphansi koMthetho Kazwelonke Wezikweletu onguNo 34 wezi-2005 ("NCA").

3.3 Uma uCapfin eshintsha izinga lenzalo, inani lemali ekhokhwayo noma izinkokhelo ezisebenza ku-akhawunti yakho noma izikhathi noma isikhathi sokukhokha imali yesikweletu noma inkokhelo njengoba kuhlinzekwe ku-NCA, uCapfin uzokwazisa ngokukubhalela i-SMS izinguquko ezihlongozwayo okungenani izinsuku zebhizinisi ezi-5 ngaphambi kokuba lolo shintsho lusetshenziswe.

3.4 UCapfin unelungelo (ngokukwazisa noma ngaphandle kwesaziso kuwe) lokuyeka ilungelo lakhe lengxenye yanoma yiziphi izimali ezikhokhwayo zokuqalisa okufanele futhi ezikhokhwa maqondana nemalimboleko entsha lapho enikeza izikweletu ezintsha ezinhlotsheni ezithile zamakhasimende (lezo zigaba zizonqunywa uCapfin ngokubona kwakhe ngokuphelele nokungahlanganisa amakhasimende avele ekhona). Noma yikuphi ukuhoxiswa okunjalo uCapfin kwamalungelo akhe okukhokhisa imali egcwele yokuqalisa angeke kuguqule noma kuchibiyele uhlobo lwalesi sivumelwano sesikweletu.

3.5 Inzalo izokhokhiswa kusukela ngosuku okhokhelwe ngalo imali ngabakwaCapfin.

4. IMIGOMO YOKUKHOKHA NGAMA-DEBIT ORDER

4.1 Uma isamba semalimboleko sewusifakelwe ku-akhawunti yakho yasebhange, uzoba nesibopho sokubuyisela inani lesamba njengoba kubalulwe esivumelwaneni (okuyinani lemalimboleko kanye nenzalo kanye nazo zonke ezinye izinkokhelo ezifana nezindleko zokuphathwa kwesikweletu). Ngokwamukela imalimboleko, usinika igunya lokudonswa kwe-debit order maqondana nanoma iyiphi imali ekhokhwa ngaphansi kwesivumelwano futhi uvuma lokhu okulandelayo:

4.1.1 UCapfin angase ahlele ukudonsa i-debit order ku-akhawunti yakho ukuze alande izitolimende zakho ngosuku lwesitolimende noma ngalolo suku umqashi wakho angafaka ngalo umholo wakho;

4.1.2 Lapho noma yiziphi zalezi zitolimende kumele zidonswe ngempelasonto, uMsombuluko noma ngeholide, abakwaCapfin bangase badonse i-debit order ngosuku lokusebenza lwangayizolo;

4.1.3 Umyalelo Wokukhokha okufanele ukhokhelwe ngoDisemba ungase udonswe ku-akhawunti yakho kusukela ngoLwesihlanu ongaphambi komhla ziyi-14 kuDisemba;

4.1.4 Ireferensi esitatimendeni sakho sasebhange yawo wonke ama-debit order eCapfin kuzoba yiCapfin;

4.1.5 Uma kunemali enganele isitolimende sakho ku-akhawunti yakho, iCapfin izoba nelungelo lokulandelela i-akhawunti yakho futhi ithumele imiyalelo yokukhokha ngokushesha nje lapho imali eyanele isitholakala ku-akhawunti yakho;

4.1.6 Zonke izitolimende zanyanga zonke kanye nanoma yiziphi izinhlelo zokukhokha zizodonswa ku-akhawunti yakho yasebhange njengoba kukhonjisiwe esivumelwaneni sakho sokubolekwa kwemali, noma njengoba kungase kubukezwe ohlelweni lweCapfin njengokucela kwakho lapho ugunyazwa futhi uqinisekiswa yiCapfin;

4.1.7 Uma kwenzeka i-akhawunti yakho isilela emuva, uCapfin uzoba nelungelo lokudonsa inani elengeziwe elifika kusamba esiphindwe kanye kanjalo nohhafu wenani lesitolimende okuvunyelwene ngaso. Le mali yengeza enanini lesitolimende sanyanga zonke.

4.2 Kulindeleke ukuthi ukhokhe inani eliphelele lenkontileka ngezitolimende zanyanga zonke usebenzisa i-debit order yesikhathi esishiwo esivumelwaneni ngosuku olunqunyiwe. Uma kwenzeka kuba nenkinga nge-debit order, kuwumthwalo wakho ukuthi wenze ezinye izinhlelo zokukhokha ngaphambi kosuku olunqunyiwe lwesitolimende ukuze uvimbele inzalo yenhlawulo noma izindleko zomthetho ku-akhawunti.

5. ILUNGELO LIKACAPFIN LOKWESULA ISIVUMELWANO

Uma wehluleka ukukhokha ngesikhathi, uyavuma ukuthi abakwaCapfin bangase bafune kuwe ngokushesha yonke imali oyikweletayo ngokwesivumelwano (okuhlanganisa, ngaphandle komkhawulo, amanani emalimboleko, inzalo esilele emuva kanye nanoma yiziphi ezinye izimali ezikweletwayo enanini lemalimboleko esele). Kulezi zimo, abakwaCapfin bangasebenzisa isivumelwano ngokuthatha lezi zinyathelo ezilandelayo:

5.1 ICapfin ingakweluleka ngokukubhalela noma nge-SMS ukuthi usilele emuva futhi iphakamise ukuthi isivumelwano usidlulisele kumeluleki wezikweletu, enye i-ejenti yokuxazulula izingxabano, inkantolo yabathengi noma umphenyi wezikhalazo onegunya lokulawula ukuze kuxazululwe noma iyiphi ingxabano ngaphansi kwesivumelwano noma nivumelane ngohlelo lokwenza izinkokhelo zibe sesikhathini samanje.

5.2 Uma uye wasilela emuva okungenani ngezinsuku zebhizinisi ezingama-20 futhi sekudlule okungenani izinsuku zebhizinisi eziyi-10 kusukela uCapfin akuthumela isaziso njengoba kubekwe ku-5.1 futhi ungasiphenduli isaziso, noma uphendule ngokwenqaba iziphakamiso zeCapfin, uCapfin angase athintane nenkantolo ukuze uthole umyalelo wokuphoqwa yisivumelwano.

5.3 Ungakwazi noma nini ngaphambi kokuthi uCapfin asikhansele isivumelwano, ulungise iphutha lakho ngokukhokhela uCapfin wonke amanani adlulelwe yisikhathi, kanye nezindleko ezimisiwe ezivunyelwe zeCapfin kanye nezindleko ezizwakalayo zokuphoqelela isivumelwano kuze kube yisikhathi olungisa ngaso iphutha lakho.

6. IZITATIMENDE

6.1 Uyavuma ukuthola isitatimende esibukeziwe se-akhawunti njalo ezinyangeni ezi-3 nge-SMS enelinki eya esitatimendeni sakho.

7. UKUQEDA UKUKHOKHELA ISIKWELETU NGAPHAMBI KWESIKHATHI

7.1 Unegunya lokusinqamula lesi sivumelwano nganoma yisiphi isikhathi ngokukhokha ibhalansi esele yemalimboleko ngaphambi kwesikhathi futhi ngaphandle kwesaziso esiya kwaCapfin. Inani elidingekayo ukuze kukhokhelwe yonke i-akhawunti yemalimboleko yisamba esiphelele sebhalansi engakhokhiwe yesikweletu esiyinhloko kanye nezinhlawulo zenzalo ezingakhokhiwe kanye nezinye izinkokhelo nezindleko ezikhokhwayo kuze kube usuku lokuqedwa kwesikweletu.

7.2 Uzokhokha kuphela ingxenye eyi-pro rata yenzalo isikhathi obe ngaso nemali uma ukhokha inani lemalimboleko ngaphambi kwesikhathi.

7.3 Naphezu kokuthola inani lokukhokhwa kwesikweletu kwaCapfin, uhlala unesibopho sokuqinisekisa ukuthi zonke izimali okufanele uzikhokhe uCapfin (okuhlanganisa ngaphandle komkhawulo, izinkokhelo zenzalo nezindleko zokuphathwa kwe-akhawunti) sezikhokhelwe ngokugcwele.

8. UKWAPHULA ISIVUMELWANO SOKUBOLEKWA IMALI

8.1 Uma ungahambisani ngokuphelele nalesi sivumelwano, wenza noma yisiphi isenzo sokungabi nazimali, ukwemukwa impahla, wenza noma yiziphi izitatimende ezingelona iqiniso noma izethulo, uhluleka ukudalula noma yiluphi ulwazi oluhlobene nesicelo semalimboleko noma wenze noma yini engaphazamisa amalungelo eCapfin, UCapfin angase, ngaphandle kokubandlulula noma yiliphi elinye ilungelo elingatholwa uCapfin, afune inani eliphelele lemali ekweletwayo okuhlanganisa, ngaphandle komkhawulo, inani lemali ebolekiwe, inzalo esilele emuva nanoma yiziphi ezinye izimali ezikweletwa enanini lemalimboleko esele. Kulezi zimo izinyathelo zenqubo ezibekwe ku-5 ngenhla zizosebenza.

9. I-CREDIT LIFE YAKWACAPFIN

9.1 UCapfin angase, njengombandela wemalimboleko, ngokubona kwakhe okungenakuphikiswa, adinge ukuthi agcine umshwalense wempilo yesikweletu ngesikhathi semalimboleko. Esimweni esinjalo unelungelo lokuhoxisa noma iyiphi ipholisi ehlongozwa ngabakwaCapfin futhi esikhundleni sayo ufake ipholisi ethandwa uwe inqobo nje, uma ifunwa ngabakwaCapfin, unikeza uCapfin ubufakazi obugculisayo beCapfin bokuthi zirekhodwe njengomuntu okhokhelwayo kupholisi yakho.

9.2 Uma kwenzeka ukuthi unomshwalense weCapfin Credit Life uyavuma ukuthi uzoboshezelwa yimigomo nemibandela yepholisi etholakala kuwebhusayithi yakwaCapfin. Ukuqinisekiswa kwepholisi kuzohlinzekwa nge-SMS enelinki yedokhumenti yepholisi ngemva kokuphothulwa kwepholisi.

9.3 Uyavuma ukuthi uma kwenzeka wehluleka ukukhokha iCapfin Credit Life Insurance ngosuku noma ngaphambi kosuku olunqunyiwe, uCapfin uzoba nelungelo lokukukhokhela isitolimende, adonse i-akhawunti yakho yemalimboleko futhi akhokhele umshwalensi imali engaphezulu ngokubona kwakhe.

10. AMANDLA OKUBUSA

10.1 Ngokwesigaba 45 soMthetho Wenkantolo Yezimantshi onguNo 32 we-1944, ngalokhu uyavuma ukuthi uCapfin angase athathe noma yiziphi izinyathelo zomthetho eziphathelene nalesi sivumelwano noma i-akhawunti yakho, eNkantolo Yezimantshi. Uyavuma ukuthi singathatha isinyathelo kunoma iyiphi iNkantolo Yezimantshi, leyo, ngokwesigaba 28 soMthetho Wenkantolo Yezimantshi, enegunya phezu kwakho. Uma kufanele siye enkantolo nganoma yisiphi isizathu esihlobene nalesi sivumelwano, kuyodingeka uvele eNkantolo Yezimantshi. Nokho singakhetha ukukuthathela izinyathelo kunoma iyiphi inkantolo enegunya.

11. IZINDLEKO ZOKULAWULA NOKUQOQA ZOKUSILELA

11.1 Uma kwenzeka usilele emuva ngezitolimende zakho zanyanga zonke bese abakwaCapfin bethatha izinyathelo zokuphoqelela isivumelwano, uzoba nesibopho sazo zonke izindleko zokuphathwa kwesikweletu ngenxa yokusilela kanye nezindleko zokuqoqa ezitholwe uCapfin noma i-ejenti yakhe eqokiwe yokuqoqa, okuhlanganisa amakhomishana okuqoqa, izindleko zommeli nokunye nezinye izindleko ezifanele ezitholwe uCapfin noma i-ejenti yayo yeqoqo eqokiwe ekuphoqeleleni lesi sivumelwano (njengezingcingo nezincwadi eziza kuwe), kuncike emihlinzekweni ye-NCA.

12. AMAKHELI

12.1 Ukhetha ikheli njengoba kushiwo esivumelwaneni sakho sokubolekwa imali njengekheli ozokwamukela kulo izinsiza zemibhalo nezaziso zomthetho.

12.2 Uma ushintsha ikheli, kuyisibopho sakho ukwazisa uCapfin ngekheli elisha ngokubabhalela noma ngocingo ngokushesha okukhulu.

Ikheli likaCapfin elikhethiwe kanye nemininingwane yokuxhumana yazo zonke izinhloso ngaphansi kwalesi sivumelwano imi kanje: ikheli leposi PO Box 6507, Parow East, 7501, ikheli lendawo ku-1 Industrie Street, Kuils River, 7580 kanye nenombolo yocingo 087 354 0000 noma i-SMS ethi 'HELP' ku-43679.

13. ISITIFIKETI

13.1 Isitifiketi esisayinwe yimenenja yakwaCapfin (okungadingeki ukuthi afakazele lokho kuqokwa), siyoba ubufakazi obanele bebhalansi esele kumalimboleko kanye nanoma yimiphi eminye imibandela yemalimboleko, ngaphandle uma kufakazelwe ngenye indlela.

14. UKUDELWA KWAMALUNGELO

14.1 UCapfin ugodla ilungelo, nganoma yisiphi isikhathi futhi ngaphandle kokukwazisa, lokudela noma yimaphi noma wonke amalungelo akhe kanye/noma izimangalo ezibhekiswe kuwe, komunye umuntu okhethwe uCapfin. Ngokwamukela lesi sivumelwano uvuma ngokungenakuhlehliswa futhi ngaphandle kwemibandela lesi sivumelwano.

15. ISIVUMELWANO SONKE

15.1 Imigomo yalesi sivumelwano iyimibandela ephelele negcwele yesivumelwano phakathi kwakho neCapfin futhi ayikho eminye imigomo nemibandela eyengeziwe engashiwongo noma esikiselwe, ngaphandle uma ichitshiyelwe ngesivumelwano futhi ngokwemibandela yesigatshana 1.3 ngenhla.

16. IMVUME YOLWAZI LOMUNTU

16.1 Uyavuma ukuthi ulwazi lwakho lomuntu siqu luzocutshungulwa njengoba kushiwo ku-Pepkor Group of Companies' External Privacy Statement njengoba itholakala ku-www.pepkor.co.za

17. IMIBUZO NGESIMO SOKUKWELETA NOKUBIKA

17.1 Uyavuma ukuthi uCapfin enze uphenyo ngezezikweletu zakho futhi aqinisekise imininingwane yakho kunoma iyiphi i-credit bureau, umhlinzeki ngezikweletu noma umuntu wesithathu futhi abelane ngemininingwane yakho siqu kubandakanya nesicelo sakho semalimboleko, lesi sivumelwano, ukunqanyulwa kwaso kanye nokungathobeli le migomo nemibandela:

17.1.1 Izinsizakalo zokulawulwa kobungozi bezikweletu (okuhlanganisa nama-credit bureaus agunyazwe yi-NCR ukuze aphathe imininingwane yephrofayili yokukhokha komthengi kanye nokuhlinzeka ngamaphuzu ezikweletu omthengi mayelana nokufaneleka kwakhe ukunikwa izikweletu); kanye/noma

17.1.2 Izikhungo ezivimbela ubugebengu.

17.2 Imininingwane yokuxhumana yama-credit bureaus ahlukene ingatholakala esikhungweni sethu Sezinsizakalo Zamakhasimende ngokuthintana nabo njengoba kuchazwe kusigaba somthetho 12. Unelungelo lokuxhumana nama-credit bureaus futhi ubheke irekhodi lakho kanye nawo futhi ulungise noma yiluphi ulwazi olungalungile.

18. AMALUNGELO AKHO

18.1 Ngokwe-NCA unelungelo:

18.1.1 lokuthintana ne-credit bureau;

18.1.2 lokuba irekhodi lakho lesikweletu livezwe;

18.1.3 lokulungisa ulwazi olungalungile olutholakala ku-credit bureau;

18.1.4 lokuxazulula isikhalazo ngenye indlela yokuxazulula ukungaboni ngasolinye noma ufake isikhalazo ku-NCR noma wenze isicelo ku-National Consumer Tribunal, Isigcawu Samakhasimende Kuzwelonke ("i-Tribunal");

18.1.5 Lokufaka isicelo kumeluleki ngezikweletu ukuze ubizwe njengonezikweletu ezidlulele ngokwe-NCA kanye nokuthi izibopho zakho zezikweletu zihlelwe kabusha.

18.2 Uma ufisa ukufaka isikhalazo ungathintana nabakwaCapfin ku-087 354 000 noma uthumele i-imeyli ku-info@capfin.co.za. Uma ungagculisekile ngomphumela wesixazululo noma isikhalazo sakho, ungadlulisela udaba lwakho ku-ejenti yokuxazulula ukungaboni ngasolinye, kuMxazululi Wezikhalazo Zezikweletu, ku-National Credit Regulator noma ku-National Consumer Tribunal kule mininingwane yokuxhumana ebhalwe ngezansi:

I-Credit Ombudsman
Ucingo: 0861 66 2837
I-imeyli: ombud@creditombud.org.za
Iwebhusayithi: www.creditombud.org.za

Umlawuli Wezikweletu Kuzwelonke
Ucingo: 0860 627 627 / 011 554 2700
I-imeyli: complaints@ncr.org.za
Iwebhusayithi: www.ncr.org.za

Isigcawu Samakhasimende Kuzwelonke
Ucingo: 010 590 5200
I-imeyli: Registry@thenct.org.za
Iwebhusayithi: www.thenct.org.za