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GOVERNMENT NOTICE

Health, Department of

Government Notice

R. 1467 Mental Health Care Act (17/2002): General Regulations 3 27117

GOVERNMENT NOTICE

DEPARTMENT OF HEALTH

No. R. 1467

15 December 2004

MENTAL HEALTH CARE ACT, 2002 (ACT NO. 17 OF 2002)

GENERAL REGULATIONS

The Minister of Health has under sections 9(2)(a), 12(2), 16, 27(2), 29(2) (a), 33(2), 34(1) (b), (3) (b) (i), (5(a) and (7) (a), 35 (2) (c) 44 (4), 47(2), 48 (6), 57 (4), 66 and 67 of the Mental Health Care Act, 2002 (Act No. 17 of 2002), in accordance with section 68 of the said Act, made the regulations in the Schedule.

SCHEDULE

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1. Definitions

1. In these Regulations any word or expression to which a meaning has been assigned in the Act shall bear the meaning so assigned and unless the context otherwise indicates -

“health establishment administered under the auspices of the State” means –

(a) a public health establishment; or

(b) a health establishment contracted to and funded by the State to provide mental health care services on behalf of the State;

“maximum security facility” means a ward or unit within a psychiatric hospital, designated by or such the head of that psychiatric hospital.

“physical means of restraint” means temporarily physically restraining the movement of the body by one or more persons in order to prevent that the person so restrained harm himself or herself or others.

“primary health care facility” means a health establishment which provides primary health care;

“private hospital” means a hospital, which is not owned or funded by the State;

“seclusion” means the isolation of a user in a space where his or her freedom of movement is restricted;

“the Act” means the Mental Health Care Act, 2002 (Act No.17 of 2002).

CHAPTER 1: QUALITY STANDARDS AND NORMS**Co-ordination and implementation of mental health services**

2. (1) A person requiring, or deemed to require, mental health services must ordinarily present himself or herself at a health establishment that provides primary health care.

(2) A mental health care user must be assessed and, if such user requires care, treatment and rehabilitation services he or she must be -

(a) treated and cared for at such primary health care facility;

(b) referred to a community based mental health care practitioner to be assessed and if treatment is required, be treated in the community; or

(c) referred to a hospital for assessment and/or admission.

(3) A mental health care user who requires tertiary or specialized mental health care must be referred to a health establishment that provides tertiary or specialized services.

(4) A mental health care user referred to a secondary or tertiary level who, following his or her discharge requires follow-up services at primary health or community levels must be referred back to the latter level and shall be provided with the relevant care, treatment and rehabilitation programme within the available resources.

Decision by Head of health establishment

3. (1) When a head of a health establishment makes a decision in terms of these regulations that falls outside his or her scope of professional practice, he or she must act in consultation with the relevant mental health care practitioners.

(2) The duties and functions to be performed by the head of a health establishment in terms of the Act or these Regulations may in the absence of such head, be performed by the person acting as head of such health establishment.

Home visits

4. Providers of mental health care may visit homes and places of employment of persons ~~deemed~~ to be mentally ill or intellectually disabled, within the catchment areas in which they operate, if such home visit is required for the care, treatment or rehabilitation of a mental health care user.

Community care

5. (1) Programmes and facilities for the community care, treatment and rehabilitation of people with mental health problems must be provided where possible.

- (2) Community programmes or facilities may be run by-

- (a) organs of the State;
- (b) health establishments under the auspices of the State;
- (c) non-profit organizations;
- (d) volunteer or consumer groups;
- (e) profit making organizations;
- (f) individuals registered with a relevant health or social service statutory council; or
- (g) registered training institutions.

- (3) Services by a grouping referred to in sub-regulation (2) may, within their professional scope of practice, include medical care, residential community accommodation, ~~care~~ day-centers, counseling, support or therapeutic groups, psychotherapy, vocational rehabilitation programmes, psychosocial rehabilitation programmes or other services, which would assist the recovery of the person to optimal functioning.

Subsidies or transfers to non-government organizations or volunteer organizations

6. The State must provide subsidies to appropriate non-profit organizations or volunteer organizations for the provision of community care, treatment and rehabilitation to meet the objectives of the Act.

Report on exploitation and abuse

7. (1) A person witnessing any form of abuse against a mental care user as contemplated in section 11 (1) of the Act -
- (a) must report this fact to the Review Board concerned in the form of form MHCA 01 of the Annexure; or
 - (b) may lay a charge with the South African Police Service who shall in writing notify the Review Board concerned of that charge.
- (2) When a Review Board receives a report or notification contemplated in sub-regulation (1) that Board must investigate that report or notification and if necessary, lay a charge with the South African Police Service.

CHAPTER 2: APPLICATION FOR MENTAL HEALTH CARE AND ASSESSMENT

Emergency admission or treatment without consent

8. Any person or health establishment that provides care, treatment and rehabilitation services to a health care user or admits such user in circumstances contemplated in section 9(1)(c) of the Act must report that fact in writing in the form of form MHCA 02 of the Annexure to the relevant Review Board.

Application for assisted mental health care

9. (1) An application for assisted mental health care by a person contemplated in section 27(1) of the Act must be made in the form of form MHCA 02 of the Annexure.

- (2) Where an applicant is unable, for whatever reason, to complete a written application, that applicant must be assisted by a staff member at the health establishment concerned.
- (3) An application form referred to in sub-regulation (1) must be available at all health establishments where there are at least two mental health care practitioners able to examine such person in terms of section 27(4) of the Act.
- (4) The application form contemplated in sub-regulation (1) must when it has been completed, be submitted to the head of a health establishment.
- (5) On completion of the examination referred to in sub-regulation (3), the mental health care practitioners must submit their finding in the form of form MHCA 04 of the Annexure to the head of the health establishment concerned.
- (6) A health establishment that is unable to provide the examination contemplated in section 27 (4) of the Act, must refer an applicant to a health establishment within the closest proximity that provides that examination.
- (7) The head of the health establishment concerned must give notice in terms of section 27(9) of the Act to the applicant in the form of form MHCA 05 of the Annexure of his or her decision concerning the application for assisted care, treatment and rehabilitation in question and reasons thereof.
- (8) The head of the health establishment concerned must in terms of section 28(1) of the Act, within seven days of his or her decision referred to in sub-regulation (7), send a copy of the application for assisted care, treatment and rehabilitation to the relevant Review Board together with a copy of the findings of the two mental health care practitioners referred to in sub-regulation (5) and a copy of the notice referred to in sub-regulation (7).
- (9) The Review Board concerned must, after receiving the documentation referred to in sub-regulation (8) and after completing an investigation in terms of section 28(2) of the Act within 30 days, report on its findings and decision to the head of the health establishment concerned, the applicant and the head of relevant provincial department in the form of form MHCA 14 of the Annexure.

Application for involuntary mental health care and assessment

10. (1) An application for involuntary mental health care by a person contemplated in section 33(1) of the Act must be made in the form of form MHCA 04 of the Annexure.
- (2) Where an applicant is unable, for whatever reason, to complete in the written application, that applicant must be assisted by a staff member at the health establishment concerned.
- (3) The application form contemplated in sub-regulation (1) must be available at all health establishments where there are at least two mental health care practitioners who are able to examine a person in accordance with section 33(4) of the Act.
- (4) An application form contemplated to in sub-regulation (1) must when it has been completed, be submitted to the head of a health establishment.
- (5) On completion of the examination referred to in sub-regulation (3), the mental health care practitioners must submit their findings in the form of form MHCA 05 of the Annexure to the head of the health establishment concerned.
- (6) A health establishment that is unable to provide an examination contemplated in section 33 (4) of the Act, must refer an applicant to a health establishment within the closest proximity which provides that examination.
- (7) The head of the health establishment concerned must give notice in terms of section 33(8) of the Act to the applicant in the form of form MHCA 07 of the Annexure of his or her decision concerning the application for involuntary care, treatment and rehabilitation in question and reasons thereof.

72-Hours assessment after head of health establishment grants application for involuntary care, treatment and rehabilitation.

11. (1) The assessment contemplated in section 34 of the Act must be done in accordance with form MHCA 06 of the Annexure.
- (2) A medical practitioner conducting an assessment contemplated in section 34 of the Act may determine the treatment programme and the place within the

hospital where the mental health care user must be kept during the 72-hours assessment period to ensure the safety of such user and others.

- (3) If the facilities at the health establishment concerned are unsuitable for the 72-hours assessment or personnel within that health establishment are unable to cope with a mental health care user due to the potential harm which that user may inflict on himself, herself, others or property if he or she remains in that health establishment, that health establishment must transfer that user to another health establishment with suitable personnel or facilities to conduct the assessment.
- (4) The medical practitioner contemplated to in sub-regulation (2) must make a provisional diagnosis of any mental illness and initiate treatment according to standard treatment guidelines or protocols as soon as possible.
- (5) A medical practitioner must monitor the condition of the mental health care user closely and give a written report to the head of the health establishment concerned on such user's mental status at least every 24 hours during the 72-hours assessment period.
- (6) The mental health care practitioner who conducted 72- hours assessment must within 12 hours after the expiry of the 72-hours assessment period submit a joint written report in the form of form MHCA 06 of the Annexure to the head of the health establishment concerned, indicating their assessment on the physical and mental health status of the mental health care user and their recommendations concerning further treatment.
- (7) The head of a health establishment concerned may discharge or transfer a mental health care user to voluntary status during the 72-hours assessment if that user's mental condition warrants it.
- (8) If the head of the health establishment concerned, following the 72-hours assessment, is of the opinion that the mental health status of the mental health care user warrants further involuntary care, treatment and rehabilitation services on an outpatient basis, he or she must inform the Review Board in the form of form MHCA 09 of the Annexure thereof.
- (9) If the head of the health establishment concerned, following the 72-hours assessment, is of the opinion that the mental health status of the mental health

care user warrants further involuntary care, treatment and rehabilitation services on an inpatient basis, he or she must request the Review Board in the form of form MHCA 07 of the Annexure to approve such further care, treatment and rehabilitation.

- (10) The Review Board must within 30 days of receipt of documents referred to in section 34(3)(c)(i) of the Act send a decision on further involuntary care, treatment and rehabilitation on an inpatient basis in the form of form MHCA 14 of the Annexure with reasons to the applicant and the head of the health establishment.

Information regarding health establishments that provide assessment

12. (1) The head of a provincial department must submit to all health establishments under the auspices of the State, private health establishments within the province concerned, the South African Police Service and the national department a list of the health establishments in each district in that province that provide the 72-hours assessments contemplated in section 34 of the Act.
- (2) The head of such provincial department must update the list contemplated in sub-regulation (1) on an annual basis indicating which health establishment falls in which district and submit that updated list to the bodies referred to in sub-regulation (1).

CHAPTER 3: APPEALS

Appeal against decision of head of health establishment to approve application for assisted care, treatment and rehabilitation

13. (1) A person referred to in section 29(1) of the Act may within 30 days of the date of the written notice issued in terms of section 27(9), appeal in the form of form MHCA 15 of the Annexure against the decision of the head of the health establishment to the Review Board.
- (2) An appeal contemplated to in section 29 (1) of the Act may be -
- (a) made directly to the Review Board concerned; or

- (b) submitted to the head of the health establishment where the application in terms of section 27 of the Act was made, who must immediately submit that appeal to the Review Board concerned.

Appeal against decision of head of health establishment on involuntary care, treatment and rehabilitation

- 14. (1) A person referred to in section 35(1) of the Act may within 30 days of the date of the written notice issued in terms of section 33(8), appeal in the form of form MHCA 15 of Annexure against the decision of the head of the health establishment.
- (2) An appeal contemplated in section 35 (1) of the Act -
 - (a) made directly to the Review Board concerned; or
 - (b) submitted to the head of the health establishment where the application in terms of section 33 of the Act was made, who must immediately submit that appeal to the Review Board concerned.

Consideration of appeals by Review Board

- 15. (1) If an appeal against a decision contemplated in section 27 (9) and 33 (8) to provide assisted or involuntary care, treatment and rehabilitation is made to a Review Board, the secretariat of that Review Board must ensure that all documentation in terms of section 29 and 35 of the Act is obtained and delivered to the members of that Review Board at least one week prior to the appeal being considered by that Review Board.
- (2) The secretariat of a Review Board must in writing and by registered post inform the appellant, the person referred to in section 27(1) or 33(1) of the Act, the relevant mental health care practitioners, the head of the health establishment concerned and any other person whom the Review Board considers to be important to the appeal hearing, of the date of the appeal and whether written or oral representation, as appropriate, must be made to the Review Board.
- (3) The Review Board may specifically invite the persons referred to in sub-regulation (2) to the appeal hearing.

- (4) The Review Board must give notice of the appeal hearing at least two weeks before the date of such hearing.
- (5) The Review Board may summon any person in the form of form MHCA 18 of the Annexure to appear before it as a witness to give evidence or to produce any book, record, document or other item, which in the opinion of the Review Board is relevant to the appeal.
- (6) A person referred to in sub-regulation (5) must be compensated by funds appropriated by the provincial department concerned for any reasonable expenses which such person may have incurred in order to attend the appeal hearing.

Order by High Court on further involuntary care, treatment and rehabilitation

16. Within 30 days after receipt of the documents submitted by the Review Board in terms of sections 34(7) or 35(4), the High Court must in terms of section 36 of the Act in the form of form MHCA 16 of the Annexure order –
 - (a) further hospitalization of the mental health care user and, if necessary, that the financial affairs of such user be managed and administered according to provisions of Chapter VIII of the Act; or
 - (b) immediate discharge of such user.

CHAPTER 4: TRANSFER AND DISCHARGE

Discharge report

17. The head of a health establishment must of the Act issue a discharge report in the form of form MHCA 03 of the Annexure.

Involuntary outpatient mental health care user

18. (1) If a mental health care user's mental health care status warrants further involuntary care, treatment and rehabilitation services on an outpatient basis in terms of section 34(3) or section 34(5) of the Act, the head of the health establishment concerned must provide that user and his or her custodian with

a schedule of conditions relating to his or her outpatient care, treatment and rehabilitation in the form of form MHCA 10 of the Annexure.

- (2) The schedule of conditions contemplated in sub-regulation (1) must be read to the mental health care user and to his or her custodian or read and translated into one of the official languages that such user can understand.
- (3) The conditions contemplated in sub-regulation (1) must include -
 - (a) the name of a custodian into whose care the mental health care user must be given;
 - (b) the name of the health establishment where the mental health care user's mental health status must be monitored or reviewed and the timeframe of each review; and
 - (c) the name of the health establishment where treatment will be provided if such treatment is not provided in the health establishment referred to in paragraph (b);
 - (d) behavior which must be adhered to by the mental health care user; and
 - (e) the name of the psychiatric hospital or care and rehabilitation center concerned where the mental health care user is to be admitted if -
 - (i) he or she relapses to the extent of being a danger to himself, herself or others if he or she remains an involuntary outpatient; or
 - (ii) the conditions of outpatient care are violated.
- (4) The health establishment concerned must forward the schedule of conditions to -
 - (a) the mental health care user;
 - (b) the custodian contemplated in sub-regulation 3(a);
 - (c) every health establishment(s) contemplated in sub-regulation (3)(b) and (c); and

- (d) the Review Board concerned.
- (5) A mental health care user who does not accept the conditions regarding his or her involuntary outpatient care, treatment and rehabilitation must remain an involuntary inpatient mental health care user.
- (6) A custodian into whose control a mental health care user has been entrusted must take over the responsibility for that user when the user is discharged from the health establishment concerned where he or she received inpatient care.
- (7) If a custodian into whose control a mental health care user has been entrusted when that user was discharged, intends to change the place where that user resides and that change requires using another health establishment -
- (a) where that user's mental health status will be monitored or reviewed; and
 - (b) where treatment will be provided,
- that custodian must apply in writing to the head of the current health establishment for transfer of that user to the other health establishment.
- (8) If the head of the current health establishment and the head of the health establishment to where the mental health care user is to be transferred approve the application contemplated in sub-regulation (7), that mental health care user can be transferred to the other health establishment.
- (9) Where a mental health care user does not present himself or herself for monitoring and review according to the conditions referred to in sub-regulation (1), and after the necessary measures have been taken by the health establishment concerned to locate such user, such user must be deemed to have absconded in terms of section 40(4) of the Act and in such case the health establishment concerned must inform the South African Police Service in the form of form MHCA 25 of the Annexure.

Transfer of involuntary mental health care user

19. Arrangement for a transfer contemplated section 34(4) (b) of the Act must be made in accordance with form MHCA 11 of the Annexure between the head of the psychiatric hospital, care and rehabilitation center concerned and the head of a health establishment where the involuntary is currently admitted.

Transfer of involuntary mental health care user from inpatient basis to outpatient basis and vice versa

20. (1) Where required in terms of sections 8(3) or 34(5) or (6) of the Act, a mental health care user may be transferred from inpatient to outpatient care and vice versa, using form MHCA 12 of the Annexure.
- (2) Arrangements for a transfer referred to in sub-regulation (1) must be made between the head of the psychiatric hospital concerned and the head of a health establishment where the involuntary outpatient mental health care user is being reviewed.
- (3) Where such a transfer has taken place, notice of such transfer must be given within two weeks thereafter by the head of the health establishment concerned to the Review Board concerned for their consideration in terms of section 34(7) of the Act.

Periodical reports

- 21 (1) A periodic review on –
- (a) an assisted mental health care user in terms of section 30 of the Act;
 - (b) an involuntary mental health care user in terms of section 37 of the Act;
 - (c) a state patient in terms of section 46 of the Act;
 - (d) a mentally ill prisoner in terms of section 55 of the Act, must be done on form MHCA 13 of the Annexure.
- (2) With regard to a person referred to in sub-regulation (1)(a), (b) or (c) -

- (a) the first review must be done by a medical practitioner six months after the commencement of care, treatment and rehabilitation services;
 - (b) the second review must be done by any mental health care practitioner 12 months after the first review referred to in paragraph (a); and
 - (c) the reviews thereafter must be done every 12 months, provided that every alternate review shall be done by a medical practitioner.
- (3) With regard to a person referred to in sub-regulation (1)(d) periodic reviews must be done every six months by a medical practitioner.
 - (4) Within 30 days after the Review Board concerned has received a summary report of a periodic review referred to in sub-regulation (1)(a), (b) and (d), such Review Board must decide on the review in the form of form MHCA 17 of the Annexure.

Application for the transfer of a mental health care user to a maximum security facility

22. The head of a health establishment may in terms of section 43 or 54(2) of the Act in the form of form MHCA 19 of the Annexure request the Review Board concerned to order the transfer of a State patient or mentally ill prisoner to another designated health establishment with a maximum-security facility.

Order for transfer of mental health care user to maximum security facility

23. (1) If the Review Board concerned approves in terms of section 39(4) of the Act the request of a head of a health establishment referred to in regulation 20(1), such Review Board may in the form of form MHCA 20 of the Annexure order the transfer of an assisted or involuntary mental health care user to a health establishment with maximum security facilities.
- (2) If the Review Board concerned approves in terms of section 43(3) or 54(1) of the Act the request of a head of a health establishment referred to in regulation 20(2) or (3), such Review Board may in the form of form MHCA 20 of the Annexure order the transfer of a State patient or mentally ill prisoner to another designated health establishment with a maximum security facility.

Notice of transfer of State patient or mentally ill prisoner between health establishments

24. (1) The person responsible for effecting a transfer of a State patient in terms of section 43 of the Act, must in the form of form MHCA 21 of the Annexure, notify the official *curator ad litem*.
- (2) The person or body ordering the transfer in terms of section 54 of the Act, must, within 14 days of such transfer, in the form of form MHCA 21 of the Annexure notify the head of the prison where the prisoner is detained of the details of the transfer.

Transfer of State patient from detention center to designated health establishment and between designated health establishments

25. (1) The head of the national department of Health must immediately after receipt of an order referred to in section 42(1) of the Act make arrangements in terms of section 42(3) of the Act in the form of form MHCA 23 of the Annexure for the transfer of the State patient concerned from the detention center to the health establishment designated in terms of section 41 of the Act.
- (2) Despite the determination by the head of the national department in terms of section 42(3) as to which health establishment the State patient concerned must be transferred to from the detention center, a head of the relevant provincial department may thereafter in terms of section 43(1) of the Act make arrangements in the form of form MHCA 24 of the Annexure for the transfer of such State patient to another health establishment designated in terms of section 41.

Leave of absence

26. (1) The head of the health establishment concerned may grant leave of absence in the form of form MHCA 27 of the Annexure to an assisted- or involuntary mental health care user for a period not exceeding two months at a time: Provided that the terms and conditions to be complied with during such period of leave are stipulated on such form.
- (2) The head of a health establishment concerned may grant leave of absence in the form of form MHCA 27 of the Annexure to a State patient for a period not

exceeding six months at a time: Provided that the terms and conditions to be complied with during such period of leave is stipulated on such form.

- (3) The head of a health establishment concerned may, during a period of leave, contemplated in terms of section 45 of the Act, cancel the leave when he or she is authorized to do so in the form of form MHCA 28 of the Annexure and direct on that form that the State patient, assisted- or involuntary mental health care user concerned be returned to the health establishment by the custodian or in terms of regulations 28 or 29.

Transfer of assisted or involuntary mental health care user, State patient or mentally ill prisoner with the assistance of the South African Police Service

27. (1) The head of the health establishment concerned may only in exceptional circumstances and upon the recommendation of a mental health care practitioner, request assistance of the South African Police Service with the transfer of an assisted or an involuntary mental health care user, state patient or mentally ill prisoner.
- (2) A request contemplated in sub-regulation (1) must only be made if the head of the health establishment is satisfied that medical care has been provided to such user or that an attempt was made to provide such care and such head is of the opinion that such mental health care user, state patient or mentally ill prisoner is too dangerous to be transferred in a vehicle staffed only by health personnel or is likely to abscond during such transfer unless guarded.
 - (3) A mental health care user contemplated in sub-regulation (1) who has to be transferred, may be held in custody at a police station for a period of not more than 24 hours in order to effect the transfer.
 - (4) A health care practitioner must accompany the mental health care user contemplated in sub-regulation (1) during transfer.

Apprehension and handing over of person to health establishment by South African Police Service

28. If a member of the South African Police Services apprehends a person in terms of section 40(1) of the Act, that member must cause that person to be -

- (a) taken to a health establishment administered under the auspices of the State, listed in terms of regulation 12 by the provincial department concerned, for assessment of the mental health status of that person; and
- (b) handed over using form MHCA 22 of the Annexure into the custody of the head of the health establishment or any other person designated by the head of the health establishment to receive such persons.

Return of an absconded person who has been apprehended and is being held in custody by South African Police Service

29. (1) If a mental health care user has absconded or is deemed to have absconded, the head of the health establishment concerned may in terms of section 40(4), of the Act and in the form of form MHCA 25 of the Annexure notify and request assistance from the South African Police Service to locate, apprehend and return the user to the health establishment concerned.
- (2) If a mental health care user referred to in sub-regulation (1) is apprehended by the South African Police Service in terms of section 40(4), of the Act in the vicinity of such health establishment, the South African Police Service must return such user immediately to such establishment and hand over to the head of such health establishment or any other person so designated by that head to receive such user, provided that form MHCA 26 of the Annexure must be completed at the time the user is handed over .
- (3) If a mental health care user who has absconded from a health establishment is apprehended by the South African Police Service in terms of sections 40(4), 44(1) or 57(1) of the Act and that apprehension does not take place in the vicinity of that health establishment, the South African Police Service must –
- (a) notify the head of the health establishment that such user has been apprehended and is in the custody of the South African Police Service; and
 - (b) provide the information with regard to the physical and mental condition of that user that the notifying member is able to provide.
- (4) The head of the health establishment contemplated in sub-regulation (1) must, if circumstances so require, take steps to ensure that a mental health care

practitioner from a health establishment nearest to the police station where the mental health care user is held in custody or another suitable mental health care practitioner, examines that mental health care user and provides the treatment may be required at the police station or the nearest local health establishment.

- (5) After an examination contemplated in sub-regulation (4), it is the responsibility of the member in command of the South African Police Service station where the mental health care user is being detained, to consult with the head of the health establishment concerned and to make arrangements for the return of such mental health care user, taking into account the physical and mental condition of such user: Provided that if that user is -
- (a) too dangerous to be transferred in a vehicle staffed only by health personnel;
 - (b) likely to abscond during the transfer, unless guarded,

that user must be conveyed by the South African Police Service or a member of the South African Police Service must accompany that user while being conveyed.

- (6) A mental health care user may be held in custody at a police station for a period of not more than 24 hours to effect the return of that user.

Discharge of State patient

30. (1) A person contemplated in section 47(1) of the Act who is not the official *curator ad litem* or administrator of a State patient may apply in the form of form MHCA 29 of the Annexure to a judge in chambers for the discharge of that State patient.
- (2) The official *curator ad litem* or administrator of a State patient may apply in the form of form MHCA 30 of the Annexure to a judge in chambers for the discharge of a State patient.
- (3) On considering an application, the judge in chambers may make an order in the form of form MHCA 31 of the Annexure that the State patient be discharged conditionally.
- (4) If the head of a health establishment, after receiving a report contemplated in section

41(3) of the Act, has reason to believe that the State patient has not fully complied with the terms and conditions applicable to the discharge or that the mental health status of the State patient has deteriorated, that head must use form MHCA 34 of the Annexure for the purpose of section 48(5) of the Act.

- (5) A State patient who has been discharged conditionally must for the purpose of section 48(6) of the Act, make an application in the form of form MHCA 35 of the Annexure.

Procedure on expiry of term of imprisonment of mentally ill prisoner

31. An application in terms of section 58(3) of the Act must be made in the form of form MHCA 38 of the Annexure.

CHAPTER 5: SURGICAL PROCEDURES, MEDICAL OR THERAPEUTIC TREATMENT

Psycho-surgery

- 32 (1) No psychosurgery may be performed on a mental health care user who is not capable of giving informed consent for such surgery.
- (2) Before any psychosurgery is performed on a mental health care user, a medical report constructed and signed by at least two independent psychiatrists must state whether in their opinion, all mental health treatment previously applied has failed and psychosurgery is necessary.
- (3) Psycho-surgery may only be performed by a registered neuro-surgeon who has agreed to perform the operation.

Electro-convulsive treatment

33. (1) Electro-convulsive treatment must be conducted by a medical practitioner with special training in mental health and may only be carried out under a general anaesthetic together with a muscle relaxant.

- (2) No mental health care user may have more than one electro convulsive treatment carried out in a 24-hour period and such treatment may not be administered more frequently than on alternate days.
- (3) The provisions of regulation 35 relating to consent must be adhered to in the case of electro - convulsive treatment.
- (4) A health establishment under the auspices of the State or a private health establishment may only perform electro-convulsive treatment by the head of the provincial department concerned.
- (5) Whenever electro-convulsive treatment is performed a register kept for that purpose must be signed and completed by the relevant medical practitioner and a transcript of the register must be submitted by the health establishment concerned to the Review Board on a quarterly basis in the form of form MHCA 47 of the Annexure.

Sleep therapy

34. The use of "sleep therapy" is prohibited in respect of mental health care users.

Consent to treatment or operations for illness other than mental illness

35. (1) An involuntary mental health care user, an assisted mental health care user, a state patient or a mentally ill prisoner who is capable of giving informed consent to treatment or an operation, must decide whether to have treatment or an operation or not.
- (2) Where a mental health care practitioner deems a user to be incapable of consenting to treatment or an operation due to mental illness or intellectual disability, then a curator, if a court has appointed one, a spouse, next of kin, a parent or guardian, a child over the age of 18, a brother or sister, or a partner or associate, may consent to the treatment or operation.
- (3) The head of the health establishment where the mental health care user resides or the head of a facility licensed in terms of regulation 42(1) where the mental health care user resides, may grant consent to treatment or an operation if –

- (a) none of the persons contemplated in sub-regulation (2) is available and unsuccessful attempts have been made to locate them and this has been confirmed in writing;
 - (b) the relevant alternatives have been discussed with the head of the health establishment or the head of the licensed facility concerned above and that head is satisfied that the most appropriate intervention is to be performed; and
 - (c) the medical practitioner who is going to perform that operation recommends the treatment or operation.
- (4) The information requested in sub-regulation (1) and in paragraphs (a), (b) and (c) of sub-regulation (3) must be documented in the clinical record of the mental health care user concerned before the treatment or operation.

Use of mechanical means of restraint

36. (1) Mechanical means of restraint may not be used during the transfer of a mental health care user or within a health establishment unless pharmacological or other means of calming, physical means of restraint or seclusion of the user are inadequate to ensure that the user does not harm himself or herself or others.
- (2) Where mechanical means of restraint is required in order to administer pharmacological treatment, such means should be applied for as short a period, depending on the condition of the mental health care user concerned, as is necessary to effect the treatment.
- (3) While the mental health care user is under restraint, he or she must be subject to observation at least every 30 minutes and such observations should be recorded in the clinical notes.
- (4) Whenever mechanical means of restraint is utilized -
- (a) a register kept for that purpose must be signed and completed by the relevant medical practitioner;
 - (b) the form of mechanical means of restraint, the time period used, the times when the mental health care user was observed and the reason

for administering such means of restraint must be outlined by the medical practitioner in the register contemplated in paragraph (a); and

- (c) the head of the health establishment concerned must receive a report on a daily basis that indicates all incidents involving the use of mechanical means of restraint.
- (5) A transcript of the register contemplated in sub-regulation (4) must be submitted by the health establishment concerned to the Review Board on a quarterly basis in the form of form MHCA 48 of the Annexure.
 - (6) Mechanical means of restraint may not be used as punishment.

Seclusion

- 37. (1) (a) A mental health care user may not be secluded as a punishment and seclusion may only be used to contain severely disturbed behaviour, which is likely to cause harm to others.
 - (b) Seclusion may not be used as a punishment.
- (2) While a mental health care user is secluded, he or she must be subject to observation at least every 30 minutes and that observation should be recorded in the clinical notes.
- (3) Whenever seclusion is utilized -
 - (a) a register, signed by a medical practitioner, must be completed;
 - (b) the time period that the mental health care user concerned needed to be secluded and the reason for secluding that mental health care user must be outlined and the seclusion must be outlined in the relevant register by the medical practitioner; and
 - (c) the head of the health establishment concerned must on a daily basis receive a report indicating all incidents of seclusion.

- (4) A transcript of the register referred to in sub-regulation (2) must be submitted by the health establishment concerned to the Review Board on a quarterly basis in the form of form MHCA 48 of the Annexure.

CHAPTER 6: MAXIMUM-SECURITY FACILITIES

38. Arrangements for the transfer of a mental health care user to another health establishment must be made between the heads of the two health establishments concerned.

CHAPTER 7: COMPULSORY RECORDS

39. The following records must be kept in a health establishment that provides mental health care, treatment and rehabilitation -
- (a) a register recording the admission, discharge, death, transfer and change in legal status of every mental health care user in that facility and leaves of absence or abscondments;
 - (b) a medical record of all information concerning the physical and mental health of a mental health care user and records of treatments which have been prescribed and administered including the date on which an entry into such records has been made, the full signature, name in print and all the qualification(s) of the mental health care practitioner who made that entry;
 - (c) administrative records of legal documents and copies of correspondence concerning the mental health care user; and
 - (d) a record of any minor or major injury sustained by a mental health care user in that psychiatric hospital or care and rehabilitation center.

Monthly Reports

40. The head of a health establishment contemplated in regulation 44 must on a monthly basis submit to the head of the provincial department a return of the number of patients, their legal status and the information contemplated in regulation 44.

CHAPTER 8: OBSERVATION AND TREATMENT**Observation and treatment of mental health care users referred to health establishment by a court of law in terms of the Criminal Procedures Act, 1977 (Act No. 51 of 1977)**

41. (1) A person referred by a court of law to a health establishment in terms of section 70f of the Criminal Procedure Act for observation must be informed that a report will be submitted by a mental health care practitioner to the court of law and that he or she is under no obligation to divulge information.
- (2) If a person contemplated in sub-regulation (1) is found to be mentally ill to the degree that he or she is a danger to himself or herself or others and psychiatric treatment has become a matter of urgency, such treatment must be commenced immediately even before the report contemplated in sub-regulation (1) has been submitted to a court of law.
- (3) Where a person has been referred by a court of law to a health establishment for observation, such person may, with the assistance of the South African Police Services, be taken to a health establishment for any neuro-psychiatric or physical health investigation that cannot be done at the place where that person is being detained provided that, while the person is undergoing investigation at the health establishment, the South African Police Services shall remain responsible for the safe custody of that person.
- (4) When the person contemplated in sub-regulation (2) has undergone that investigation contemplated in sub-regulation (3), that person must be transferred with the assistance of the South African Police Services to the place where that person is being detained, or that alternative place, including a psychiatric hospital, that may have been arranged arising from the investigation, provided that the documentation relating to that investigation must be sent together with the person to the place where he or she is being transferred,

CHAPTER 9: AUTHORISATION AND LICENSING**Authorization and licensing of private hospital providing mental health services**

42. (1) An application for a licence to operate a hospital must be made in accordance with the applicable general health legislation.
- (2) A hospital, which wishes to admit assisted or involuntary mental health care users, such hospital must in addition to a licence contemplated in sub-regulation (1), apply in writing to the national department for a licence to admit such users.
- (3) A written application for a licence contemplated in sub-regulation (2) must indicate that-
- (a) the mental health care practitioners who will examine assisted or involuntary mental health care users in terms of sections 27 and 33 of the Act, will not be employed as staff at that hospital and will have no material or financial interest in that hospital;
 - (b) the hospital has been inspected and audited by designated officials of the provincial department concerned and found to be suitable to accommodate assisted and/or involuntary mental health care users or assisted and voluntary mental health care users, as the case may be; and
- (4) "Suitable to accommodate" in sub- regulation 3 (b) includes -
- (a) a lockable ward in addition to an open ward;
 - (b) suitable mental health care practitioners, including at least one psychiatrist, as well as other trained staff deemed necessary to carry out all necessary duties;
 - (c) procedures for ensuring the safety of assisted and involuntary mental health care users and other health users in that hospital; and
 - (d) an approved activity or psychosocial rehabilitation ward programme,

- (5) The conditions of a licence contemplated in sub-regulation (2) must be clearly stipulated by the provincial department concerned, and must include -
- (a) the number of people to be accommodated;
 - (b) whether such service is to be used for children, adults or geriatrics;
 - (c) service requirements;
 - (d) duration of the licence;
 - (d) that the licence is not transferable; and
 - (e) that the renewal of a licence must be done by the province, based on an inspection.
- (6) If a condition of a licence contemplated in sub-regulation (5) is not complied with, the national department concerned may withdraw that a licence.

Licensing of community facilities

43. (1) Any service not directly run under the auspices of an organ of the State and which is not a designated hospital, but which provides residential or day-care facilities for 5 people or more with mental disorders must in terms of the Act -
- (a) obtain a licence from the provincial department concerned to operate; and
 - (b) be subjected to at least an annual audit by designated officials of the provincial department concerned.
- (2) The conditions of a licence contemplated in sub-regulation (1) must be clearly stipulated by the national department concerned and must include -
- (a) the physical address of the relevant service;
 - (b) the number of people to be accommodated;
 - (c) whether such service is to be used for children, adults or geriatrics;

- (d) service requirements;
 - (e) the duration of the licence; and
 - (f) that the licence is not transferable.
- (3) If a condition of a licence as contemplated in sub-regulation (1) or (2) is not complied with, the provincial department concerned may withdraw that licence.

CHAPTER 10: EDUCATIONAL PROGRAMMES

Establishment and implementation of educational programmes for mental health care users admitted at health establishments

44. (1) The National Department of Education must, after consultation with the national department and the National Department of Social Development, establish educational programmes for users in the compulsory age groups or those entitled to basic adult education programmes.
- (2) Any decision about where a user contemplated in sub-regulation (1) must receive educational support should be based on assessing and determining the intensity of support needed and where such support can be reasonably provided.
- (3) The assessment contemplated in sub-regulation (2) must be conducted by a committee consisting of a representative of the Provincial Department of Education, the National Department and the National Department of Social Development in accordance with the career and in consultation with the person concerned.
- (4) Any final decision about the placement of a user must be approved by the head of the provincial Department of Education concerned.
- (5) Exemptions from compulsory education resulting from a person being mentally ill or intellectually disabled must be made by a committee contemplated in sub-regulation (3) and based on the functional level of the mental health care user concerned.

**CHAPTER 11: CARE AND ADMINISTRATION OF PROPERTY OF MENTALLY ILL
PERSON OR PERSON WITH SEVERE OR PROFOUND INTELLECTUAL DISABILITY**

Application to Master of High Court for appointment of an administrator

45. The Master of a High Court must make a decision contemplated in section 60 (8) of the Act in terms of form MHCA 40.

CHAPTER 12: GENERAL PROVISIONS

Payment of maintenance costs and expenses in facilities run under auspices of the State

46. (1) Voluntary or assisted mental health care users must be assessed and charged according to a patient fee structure.
- (2) Appeals against a fee contemplated in sub-regulation (1) must be directed for consideration to the head of the health establishment concerned.
- (3) An involuntary mental health care user is exempted from payment of a fee contemplated in sub-regulation (1).
- (4) An awaiting trial prisoner who is admitted for observation in terms of the Criminal Procedure Act, must be charged in accordance with the tariff agreed to between the Department of Health and the Department of Justice and Constitutional Development and must be paid by the latter Department.
- (5) A mentally ill prisoner who is admitted for treatment must be charged in accordance with the tariff agreed to between the Department of Health and the Department of Correctional Services and must be paid by the latter Department.

Estimated property value and annual income

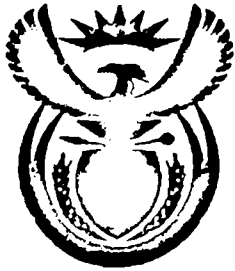
- 47 (1) The estimated property value for the purposes of sections 60(4)(b), 60(5)(c) and 61(4)(b) of the Act is R200 000.
- (2) The annual income for the purposes of sections 60(4)(b), 60(5)(c) and 61(4)(b) of the Act is R24 000.

Repeal

48. (1) Government Notice No. R. 565 of 27 March 1975 as amended by Government Notices Nos. R. 1000 of 11 June 1976, R. 599 of 15 April 1977, R. 2315 of 24 November 1978, R. 2295 of 19 October 1979, R. 2629 of 10 December 1982, R.943 of 6 May 1983 and R.858 of 19 April 1985 is hereby repealed.
- (2) Government Notice No. R. 1061 of 4 June 1982 is hereby repealed.



ME TSHABALALA- MSIMANG
MINISTER OF HEALTH



DEPARTMENT OF HEALTH
Republic of South Africa

ANNEXURES

MHCA 01

DEPARTMENT OF HEALTH

EMERGENCY ADMISSION OR TREATMENT WITHOUT CONSENT REPORT TO MENTAL HEALTH REVIEW BOARD [Section 9(2) of the Act]

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

Occupation Marital status: S M D W

Residential address:
.....
.....
.....
.....

Date of admission of person for emergency care without their consent

Time of admission of person for emergency care without their consent

Name of health establishment

Reason for admission without consent:

Based on_my/practitioners at this health establishment's assessment, any delay in providing care, treatment and rehabilitation services / admission may, due to mental illness, result in:

- (a) the death or irreversible harm to the user

Reasons for this assessment (including mental health status and behavioural reasons)
.....
.....

- (b) the user inflicting serious harm to him/herself or others
 Reasons for this assessment (including mental health status and behavioural reasons)
- (c) the user causing serious damage to or loss of property belonging to him/herself or to others
 Reasons for this assessment (including mental health status and behavioural reasons)

I (name of mental health care practitioner)
 hereby declare that I have personally assessed
 (name of mental health care user) at
(name of health establishment) on (date).

.....
 Signature

Outcome of assessment within 24 hours -

- (a) An application for involuntary care, treatment and rehabilitation was made
 Date of application Time of application.....
- (b) The user agreed to voluntary care, treatment and rehabilitation.
- (c) The user was discharged.

Print initials and surname.....

Signature:
 (health care provider or head of health establishment)

Date:



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 02

DEPARTMENT OF HEALTH

REPORT ON EXPLOITATION, PHYSICAL OR OTHER ABUSE, NEGLECT OR
DEGRADING TREATMENT OF A MENTAL HEALTH CARE USER

[Section 11(2) of the Act]

I
(name)

.....
..... (address)

hereby declare that I have witnessed exploitation, physical or other abuse, neglect or
degrading treatment of the following mental health care user:

(where known)

Surname of user

Date of birth or estimated age

Gender: Male Female

Occupation Marital status: S M D W

Residential address:
.....
.....
.....
.....

Name of health establishment or other place where exploitation, physical or other abuse,
neglect or degrading treatment occurred

Address:
.....
.....
.....
.....



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 04

DEPARTMENT OF HEALTH

APPLICATION FOR ASSISTED- OR INVOLUNTARY CARE, TREATMENT AND
REHABILITATION

[Section 27(1) or 33(1) of the Act]

I hereby apply for assisted care or involuntary care for:

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

Occupation Marital status: S M D W

Residential address:
.....
.....
.....
.....

Surname of applicant

First name(s) of applicant

Date of birth of applicant (must be over 18 years of age)

Residential address:
.....
.....
.....
.....

Relationship between applicant and mental health care user: (mark with a cross)

Spouse Next of kin Partner Associate
Guardian Health care provider Parent

(If user is under 18 this application must be made by the parent or guardian)

I last saw the user on at
(date) (time) (place)

(The applicant must have seen the user within seven days of making this application)

Where the applicant is the health care provider:

If the spouse, next of kin, partner, associate, parent or guardian is unwilling to make the application, state the reasons why:

.....
.....
.....
.....

If the spouse, next of kin, partner, associate, parent or guardian is incapable or not available to make the application, state the steps that have been taken to locate them:

.....
.....
.....
.....
.....

I, the undersigned, am of the opinion that the above-mentioned person is suffering from a mental illness / intellectual disability for the following reasons:

.....
.....
.....
.....

and believe that assisted- or involuntary care, treatment and rehabilitation is needed because

.....
.....
.....
.....
.....

In the case of an application for involuntary care:

I further give reasons which show that the person is so ill that he / she will not accept treatment as a voluntary mental health care user or cannot be admitted as an assisted mental health care user

.....
.....
.....
.....
.....

I also attach the following information in support of my application (if available)

- Medical certificates
 - History of past mental illness / intellectual disability
 - Other:
-

Print initials and surname.....

Signature:

(Applicant)

Date:

Place:

Note: Applicant must sign under oath



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 05

DEPARTMENT OF HEALTH

EXAMINATION AND FINDINGS OF MENTAL HEALTH CARE PRACTITIONER
FOLLOWING AN APPLICATION FOR ASSISTED- OR INVOLUNTARY CARE,
TREATMENT AND REHABILITATION
[Sections 27(5) and 33(5) of the Act]

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

Occupation Marital status: S M D W

Residential address:
.....
.....
.....
.....

Date of examination: Place of examination:

Category of designated mental health care practitioner:

Physical health status (filled in only by mental health care practitioner qualified to conduct physical examination):

(a) General physical health

.....
.....
.....
.....

(a) Are there signs of injuries? Yes No
(b) Are there signs of communicable diseases? Yes No

If the answer to (b) or (c) is Yes, give further particulars:

.....
.....

Information on user received from other person(s) or family (state names and contact details)

.....

Facts concerning the mental condition of the user which were observed on previous occasions (State dates and places):

.....

Mental health status of the user at the time of the present examination:

.....

Type of illness (provisional diagnosis):

.....

In my opinion the above-mentioned user

Has homicidal tendencies	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Has suicidal tendencies	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Is dangerous	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

Recommendation to head of health establishment – application for assisted care

The user is capable of making an informed decision on the need to receive care, treatment and rehabilitation services: Yes No

The user is suffering from a mental illness / severe or profound intellectual disability, and as a consequence of this requires care, treatment and rehabilitation for their own health and safety or the health and safety of others Yes No

If Yes, this should be on an inpatient or outpatient basis: Inpatient Outpatient

Give reasons:

.....
.....

Recommendation to head of health establishment – application for involuntary care

The user is capable of making an informed decision on the need to receive care, treatment and rehabilitation services:

Yes No

The user is willing to receive care, treatment and rehabilitation services

Yes No

In my view, the user is likely to inflict serious harm on him / herself or others

Yes No

In my view, care, treatment and rehabilitation is necessary for the user's financial interests and reputation

Yes No

The user should receive involuntary care, treatment and rehabilitation

Yes No

If No, would you recommend that the user receive assisted care?

Yes No

I (name of mental health care practitioner)
hereby declare that I have personally assessed
..... (name of mental health care user) at
.....(name of health establishment) on (date).

.....
Signature

Date:

Place:



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 06

DEPARTMENT OF HEALTH

72-HOUR ASSESSMENT AND FINDINGS OF MEDICAL PRACTITIONER OR MENTAL HEALTH CARE PRACTITIONER AFTER HEAD OF HEALTH ESTABLISHMENT HAS GRANTED APPLICATION FOR INVOLUNTARY CARE, TREATMENT AND REHABILITATION
[Section 34(1) of the Act]

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

Occupation Marital status: S M D W

Residential address:
.....
.....
.....
.....

Date of beginning of 72-hour assessment:

Place of assessment:

Category of designated mental health care practitioner for example "nurse", "psychologist" or "medical practitioner":

Physical health status (filled in only by mental health care practitioner qualified to conduct physical examination):

(a) General physical health
.....
.....
.....

(a) Are there signs of injuries? Yes No
(b) Are there signs of communicable diseases? Yes No

If the answer to (b) or (c) is Yes, give further particulars:
.....

.....
.....
.....

Facts concerning the mental condition of the user which were observed on previous occasions (State dates and places):

.....
.....
.....

Mental health status of the user at the time of the present assessment:

.....
.....
.....

Type of illness (provisional diagnosis):

.....
.....
.....

In my opinion the above-mentioned user

Has homicidal tendencies

Yes

No

Has suicidal tendencies

Yes

No

Is dangerous

Yes

No

"If 'No' to all the above-mentioned questions, the following recommendation and reason(s) therefore are as follows:"

Recommendation to head of health establishment – application for assisted care

The user is capable of making an informed decision on the need to receive care, treatment and rehabilitation services:

Yes

No

The user is suffering from a mental illness / severe or profound intellectual disability, and as a consequence of this requires care, treatment and rehabilitation for their own health and

safety or the health and safety of others Yes No

If Yes, this should be on an inpatient or outpatient basis: Inpatient Outpatient

Give reasons:

.....
.....

Recommendation to head of health establishment – application for involuntary care

The user is capable of making an informed decision on the need to receive care, treatment and rehabilitation services: Yes No

The user is willing to receive care, treatment and rehabilitation services Yes No

In my view, the user is likely to inflict serious harm on him / herself or others Yes No

In my view, care, treatment and rehabilitation is necessary for the user's financial interests and reputation Yes No

The user should receive involuntary care, treatment and rehabilitation Yes No

If Yes, should this use receive involuntary outpatient care, treatment and rehabilitation Yes No

If No, would you recommend that the user receive assisted care? Yes No

Print initials and surname.....

Signature:

(mental health care practitioner / medical practitioner)

Date:

Place:



MHCA 07

DEPARTMENT OF HEALTH

NOTICE BY HEAD OF HEALTH ESTABLISHMENT ON WHETHER TO PROVIDE ASSISTED- OR INVOLUNTARY INPATIENT CARE, TREATMENT AND REHABILITATION

[Sections 27(9), 28(1) and 33(8) of the Act]

I hereby consent / do not consent (name of head of health establishment)

to the inpatient assisted care, treatment and rehabilitation / involuntary care, treatment and rehabilitation* of (name of user)

The findings of two mental health care practitioners concur that the user –

- (a) should / should not receive assisted care, treatment and rehabilitation services as an outpatient / inpatient; or (b) must / must not receive involuntary care, treatment and rehabilitation services

I am satisfied / not satisfied, that the restrictions and instructions on the mental health care user's right to movement, privacy and dignity are proportionate to the care, treatment and rehabilitative services contemplated.

The reasons for consenting / not consenting are as follows:

.....

Print initials and surname.....

Signature:

(head of health establishment)

Date:

Place:

* Delete what is not applicable

[Copy to applicant, mental health care user and Review Board]



MHCA 08

DEPARTMENT OF HEALTH

NOTICE BY HEAD OF HEALTH ESTABLISHMENT TO REVIEW BOARD REQUESTING APPROVAL FOR FURTHER INVOLUNTARY CARE, TREATMENT AND REHABILITATION ON AN INPATIENT BASIS [Section 34(3)(c)(ii) of the Act]

I. hereby request (name of head of health establishment)

approval from the Review Board for further involuntary care, treatment and rehabilitation on an inpatient basis of (name of user)

The findings of the mental health care practitioner and medical practitioner are that the user requires further involuntary care, treatment and rehabilitation.

I am satisfied / not satisfied that the restrictions and intrusions on the mental health care user's right to movement, privacy and dignity are proportionate to the care, treatment and rehabilitative services contemplated.

Attached hereto please find -

- (a) a copy of the application to obtain involuntary care, treatment and rehabilitation [MHCA 04]; (b) a copy of the notice given in terms of section 33(8) [MHCA 07]; and (c) a copy of the assessment findings [MHCA 06].

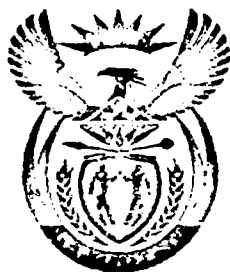
The basis of this request for further involuntary care, treatment and rehabilitation on an inpatient basis is

Signature: (head of health establishment)

Date:

Place:

“(Copy (excluding attachments) to applicant)”



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 09

DEPARTMENT OF HEALTH

**NOTICE BY HEAD OF HEALTH ESTABLISHMENT AFTER 72-HOUR
ASSESSMENT PERIOD INFORMING REVIEW BOARD THAT MENTAL HEALTH CARE
USER WARRANTS FURTHER INVOLUNTARY CARE, TREATMENT AND
REHABILITATION ON AN OUTPATIENT BASIS
[Section 34(3)(b) of the Act]**

I hereby inform
(name of head of health establishment)
the Review Board that
(name of user)
requires further involuntary care, treatment and rehabilitation on an outpatient basis.

I am satisfied / not satisfied that the restrictions and intrusions on the mental health care user's right to movement, privacy and dignity are proportionate to the care, treatment and rehabilitative services contemplated.

Signature:
(head of health establishment)

Date:

Place:

[Copy to mental health care user and Review Board]



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 10

DEPARTMENT OF HEALTH

**TRANSFER OF INVOLUNTARY MENTAL HEALTH CARE USER –
SCHEDULE OF CONDITIONS RELATING TO HIS OR HER OUTPATIENT CARE,
TREATMENT AND REHABILITATION
[Sections 34(3)(b) or (5) of the Act]**

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

Occupation Marital status: S M D W

Residential address:

.....

.....

.....

.....

Name of custodian into whose charge the user is discharged:

.....

Address of custodian:.....

.....

.....

.....

.....

The user's mental health status will be monitored and reviewed at

..... (name of health establishment)

The user is to present him / herself to this health establishment every weeks /
months to be monitored and have his or her mental health status reviewed.

Name of health establishment(s) where involuntary mental health care, treatment and rehabilitation will be provided on an outpatient basis if different from preceding health establishment:

Conditions of behaviour which must be adhered to by the user:

.....
.....
.....
.....
.....

Name of psychiatric hospital / care and rehabilitation centre where the user is to be admitted if he / she relapses to the extent of being a danger to him / herself or others if he / she remains an involuntary outpatient, or to which he / she is to be admitted if the conditions of outpatient care are violated

(name of health establishment)

Print initials and surname.....

Signature:

(head of health establishment)

Date:

Place:

Signature of user:

(understand and accept the stipulated conditions)

Signature of custodian:

(understand and accept the stipulated conditions)

[Copy to Review Board, user, custodian and head of health establishment to whom user was referred on outpatient basis]



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 11

DEPARTMENT OF HEALTH

TRANSFER OF INVOLUNTARY MENTAL HEALTH CARE USER ON
INPATIENT BASIS TO PSYCHIATRIC HOSPITAL
[Section 34(4), (5) or (6) of the Act]

..... an involuntary
(name and surname of user)
mental health care user on an inpatient basis who was admitted to
..... (name of health establishment)
which is not a psychiatric hospital on (date) must be
transferred to (name of psychiatric hospital).

Print initials and surname
(head of health establishment)

Signature:
(head of health establishment)

Date:

Place:

[Copy to Review Board]



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 12

DEPARTMENT OF HEALTH

TRANSFER OF INVOLUNTARY MENTAL HEALTH CARE USER FROM
INPATIENT TO OUTPATIENT CARE AND VICE VERSA

[Section 34(4) or (5) of the Act]

Transfer from inpatient to outpatient care

The mental health status of

(name and surname of user)

an involuntary inpatient at

(name of health establishment)

has improved / altered to such an extent that he / she should be provided with care, treatment and rehabilitation services as an outpatient. The schedule of conditions attached to this transfer are outlined in the attached MHCA 10.

Transfer from outpatient to inpatient care

..... an involuntary outpatient being

(name and surname of user)

monitored and reviewed at

(name of health establishment)

has not complied with the terms and conditions applicable to his / her discharge / relapsed to the extent of being a danger to him / herself or others if he / she remains an involuntary outpatient, and must be admitted as an involunatry inpatient to

..... (name of health establishment).

Specific reasons for transfer to inpatient care are:

.....
.....
.....

Print initials and surname

Signature:

(head of health establishment)

Date:

Place:

[Copy to Review Board]



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 13A

DEPARTMENT OF HEALTH

PERIODICAL REPORT NO. ON MENTAL HEALTH CARE USER
(ASSISTED/INVOLUNTARY USER/MENTALLY ILL PERSON)

[Sections 30 (2), 37(2) and 55 (1) of the Act]

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

The user is an: (mark with a cross)

Assisted user Involuntary inpatient Involuntary outpatient

Name of health establishment concerned:

Registration number (if any):

Date of first admission of mental health care user under this section:

Mental health status: (Short statement of the mental health status before and since admission, since the last report, and the present condition, with special reference to any symptom indicating homicidal, suicidal or dangerous tendencies)

Before admission:

.....
.....
.....
.....



MHCA 12

DEPARTMENT OF HEALTH

TRANSFER OF INVOLUNTARY MENTAL HEALTH CARE USER FROM
INPATIENT TO OUTPATIENT CARE AND VICE VERSA

[Section 34(4) or (5) of the Act]

Transfer from inpatient to outpatient care

The mental health status of

(name and surname of user)

an involuntary inpatient at

(name of health establishment)

has improved / altered to such an extent that he / she should be provided with care, treatment and rehabilitation services as an outpatient. The schedule of conditions attached to this transfer are outlined in the attached MHCA 10.

Transfer from outpatient to inpatient care

..... an involuntary outpatient being

(name and surname of user)

monitored and reviewed at

(name of health establishment)

has not complied with the terms and conditions applicable to his / her discharge / relapsed to the extent of being a danger to him / herself or others if he / she remains an involuntary outpatient, and must be admitted as an involunatry inpatient to

..... (name of health establishment).

Specific reasons for transfer to inpatient care are:

.....
.....
.....

Print initials and surname

Signature:

(head of health establishment)

Date:

Place:

[Copy to Review Board]



MHCA 13A

DEPARTMENT OF HEALTH

PERIODICAL REPORT NO. ON MENTAL HEALTH CARE USER
(ASSISTED/INVOLUNTARY USER/MENTALLY ILL PERSON)
[Sections 30 (2), 37(2) and 55 (1) of the Act]

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

The user is an: (mark with a cross)

Assisted user Involuntary inpatient Involuntary outpatient

Name of health establishment concerned:

Registration number (if any):

Date of first admission of mental health care user under this section:

Mental health status: (Short statement of the mental health status before and since admission, since the last report, and the present condition, with special reference to any symptom indicating homicidal, suicidal or dangerous tendencies)

Before admission:
.....
.....
.....
.....

Since admission / previous report:

.....
.....
.....
.....
.....

Present mental status:

.....
.....
.....
.....
.....

Present treatment programme to be followed, including psycho-pharmacological, ECT, occupational therapy or psychotherapy social work intervention with family, leave of absence to family, etc):

.....
.....
.....
.....
.....

Present physical condition:

.....
.....
.....
.....
.....

Diagnosis at present date:

.....

.....
.....
.....

Family contacts:

Personal Correspondence Regular Seldom Never

In the case of never, what has been done to trace the family?

.....
.....
.....

Assisted mental health care user (section 30 of the Act)

Does the user have the capacity to express him / herself on the need for care, treatment and rehabilitation? Yes No

Comment:

Is there other care, treatment or rehabilitation which is less restrictive or intrusive on the user's

rights to movement, privacy and dignity? Yes No

Comment:

Should the user be discharged? Yes No

Comment:

Involuntary mental health care user (section 37 of the Act)

Does the user have the capacity to express him / herself on the need for care, treatment and rehabilitation? Yes No

Comment:
.....

Is the user likely to inflict serious harm on him / herself or others? Yes No

Comment:
.....

Is there other care, treatment or rehabilitation which is less restrictive or intrusive on the user's rights to movement, privacy and dignity? Yes No

Comment:
.....

Should the user be discharged? Yes No

Comment:
.....

If the user is an inpatient, should he / she be transferred to outpatient involuntary care?
Yes No

Comment:
.....

Recommendation on a plan for further care, treatment and rehabilitation (to be completed for any of assisted and involuntary users and mentally ill prisoners)

(Specify treatment programme followed, give details of psychiatric interviews, counseling, group therapy sessions etc, stating clearly the aims of treatment, progress made, assessments done, changes made and patient's reactions to changes):

Please add additional paper, as this is extremely important!!

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Print initials and surname of assessing practitioner:

Signature:
(assessing practitioner)

Date:

Place:

Instructions and remarks:

.....
.....
.....

Signature:
(head of health establishment)

Date:

Place:

“Copy of report in case of mentally ill prisoner to relevant magistrate, administrator, if appointed, and head of relevant prison”



MHCA 13B

DEPARTMENT OF HEALTH

PERIODICAL REPORT NO. ON MENTAL HEALTH CARE USER
[Sections 46(2) of the Act]

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

The user is an: (mark with a cross)

State patient Mentally ill prisoner

Name of health establishment concerned:

Registration number (if any):

Date of first admission of mental health care user under this section:

Mental health status: (Short statement of the mental health status before and since admission, since the last report, and the present condition, with special reference to any symptom indicating homicidal, suicidal or dangerous tendencies)

Before admission:

.....

Since admission / previous report:

.....
.....
.....
.....
.....

Present mental status:

.....
.....
.....
.....
.....

Present treatment for example psycho-pharmacological treatment, ECT, occupational therapy or psychotherapy:

.....
.....
.....
.....
.....

Present physical condition:

.....
.....
.....
.....
.....

Diagnosis at present date:

.....
.....

.....
.....

Family contacts:

Personal Correspondence Regular Seldom Never

In the case of never, what has been done to trace the family?

.....
.....
.....

State patients (section 46 of the Act)

Charge faced:

.....
.....

Should the user be discharged conditionally? Yes No

Comment:
.....

Should the user be discharged unconditionally? Yes No

Comment:
.....

Give reasons if the "present mental status" reflects a normal picture and further confinement is recommended:

.....
.....
.....
.....

Comment on the merit of granting the user leave of absence:

.....

.....
.....
.....

Recommendation on a plan for further care, treatment and rehabilitation (to be completed for any of assisted and involuntary users and mentally ill prisoners)

(Specify treatment programme followed, give details of psychiatric interviews, counselling, group therapy sessions etc., stating clearly the aims of treatment, progress made, assessments done, changes made and patient's reactions to changes):

Please add additional paper as this is extremely important!!

.....
.....
.....
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.....
.....

Print initials and surname of assessing practitioner:

Signature:

(assessing practitioner)

Date:

Place:

Instructions and remarks:

.....
.....
.....

Signature:

(head of health establishment)

Date:

Place:

STATE PATIENTS

[This part must be completed by head of national department (or designated official)]

Considerations and remarks:

.....
.....
.....
.....

Recommendations:

(a) Further care and treatment:

.....
.....
.....

(b) Leave of absence (State patients):

.....
.....
.....

(c) Discharge of user:

.....
.....
.....

Signature:

(head of national department)

Date:

Place:

[Copy to be sent back to head of health establishment]

MHCA 14



DEPARTMENT OF HEALTH
Republic of South Africa

DEPARTMENT OF HEALTH

DECISION BY REVIEW BOARD CONCERNING –

- (a) assisted mental care, treatment and rehabilitation [section 28(3) of the Act];
- (b) appeal against decision of head of health establishment concerning assisted care, treatment and rehabilitation [section 29(2) of the Act];
- (c) further involuntary care, treatment and rehabilitation on an inpatient basis [section 34(7) of the Act]; or
- (d) appeal against decision of head of health establishment on involuntary care, treatment and rehabilitation [section 35(2) of the Act]

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

Occupation: Marital status: S M D W

Residential address:
.....
.....
.....

The Review Board of
(name of review Board)

have considered documentation and issues relevant to:

Application for assisted- / involuntary* care, treatment and rehabilitation of the above user.

The Review Board have considered (inter alia) whether:

- (a) the user is capable of making an informed decision on the need to receive care, treatment and rehabilitation services.
- (b) the user is suffering from a mental illness or severe or profound intellectual disability, and as a consequence of this requires care, treatment and rehabilitation for his / her health and safety or the health and safety of others.
- (c) the use is willing to receive care, treatment and rehabilitation services.
- (d) the user is likely to inflict serious harm on him / herself or others.

- (e) care, treatment and rehabilitation is necessary for the user's financial interest and reputation.
- (f) the user's right to movement, privacy and dignity will be unnecessarily restricted.

Application to appeal against decision of head of health establishment on assisted- / involuntary* care, treatment and rehabilitation

The Review Board have requested / provided the opportunity for the following to make oral or written representations on the merits of the request:

- (a) applicant
- (b) appellant
- (c) independent mental health care practitioner(s)
- (d) head of health establishment
- (e) others

The Review Board concludes that* -

- (a) the user should not receive care, treatment and rehabilitation services without his / her consent either as an assisted- or involuntary user.
- (b) the user should receive care, treatment and rehabilitation services as an assisted user.
- (c) the user should receive involuntary care, treatment and rehabilitation services as an inpatient.
- (d) the user should receive involuntary care, treatment and rehabilitation services as an outpatient.

Reasons for this decision:

.....

.....

.....

.....

Print initials and surname

Signature:

(chair of Review Board)

Date:

Place:

[Copy to be sent (as applicable) to: applicant, appellant, head of health establishment concerned, head of provincial department and High Court Judge]

MHCA 15



DEPARTMENT OF HEALTH

APPEAL TO REVIEW BOARD AGAINST DECISION OF HEAD OF HEALTH ESTABLISHMENT ON ASSISTED- OR INVOLUNTARY MENTAL HEALTH CARE, TREATMENT AND REHABILITATION [Sections 29(1) and 35(1) of the Act]

Details of user

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

Occupation: Marital status: S M D W

Residential address:
.....
.....
.....

Is the user the applicant? Yes No

If No to the above:

Surname of appellant:

First name(s) of appellant:

Residential address:
.....
.....
.....

Relationship between applicant and mental health care user: (mark with a cross)

Spouse Partner Associate
Next of kin Parent Guardian

Grounds for the appeal:

.....
.....
.....
.....
.....
.....

Facts on which the appeal is based:

.....
.....
.....
.....
.....
.....

Signature:

(appellant)

Date:

Place:



DEPARTMENT OF HEALTH
Republic of South Africa

DEPARTMENT OF HEALTH

ORDER BY HIGH COURT FOR FURTHER TREATMENT AND
REHABILITATION / DISCHARGE OF AN INVOLUNTARY USER ON AN
INPATIENT BASIS
[Section 36(c) of the Act]

In the High Court of South Africa. Division

In the matter of

(involuntary user's name)

at present being confined at

(name of health establishment)

as an involuntary user following the decision of the Review Board under sections 34(7) or
35(4) of the Act dated the

IT IS HEREBY ORDERED

That the said

(name of user)

- (a) (i) be further kept / provided with care, treatment and rehabilitation services until the
said user has recovered or is otherwise legally discharged;
- (ii) the financial affairs of the said user be managed and administered according to
the provisions of Chapter VIII of the Act; or
- (b) the said user be discharged immediately.

By order of the Honourable Justice

Date:

Place:

Registrar:

[Copy to be sent to applicant, appellant, Review Board and head of health establishment]



MHCA 17

DEPARTMENT OF HEALTH

**DECISION BY REVIEW BOARD FOLLOWING PERIODICAL REPORT OF
REVIEW ON ASSISTED- OR INVOLUNTARY MENTAL HEALTH CARE USERS
AND MENTALLY ILL PRISONERS
[Sections 30(4), 37(4) or 55(2)(a) of the Act]**

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female Occupation: Marital status: S M D W

Health establishment concerned

(name of health establishment)

The Review Board of have considered

(name of Review Board)

documentation and issues relevant to the periodic review of the above user.

The Review Board have considered (inter alia) whether:

- (a) the user is capable of making an informed decision on the need to receive care, treatment and rehabilitation services.
- (b) the user is suffering from a mental illness or severe or profound intellectual disability, and as a consequence of this requires care, treatment and rehabilitation for his / her health and safety or the health and safety of others.
- (c) the user is willing to receive care, treatment and rehabilitation services.
- (d) the user is likely to inflict serious harm on him / herself or others.
- (e) care, treatment and rehabilitation is necessary for the user's financial interest and reputation.
- (f) the user's right to movement, privacy and dignity will be unnecessarily restricted.

The Review Board have requested the following people to make oral or written representations:

- (a) applicant
- (b) independent mental health care practitioner(s)
- (c) head of health establishment

(d) others

The Review Board concludes that:

- (a) the user should cease to receive care, treatment and rehabilitation services unless with his / her consent as a voluntary mental health care user.
- (b) the user should continue to receive care, treatment and rehabilitation services as an assisted user.
- (c) the user should continue to receive involuntary care, treatment and rehabilitation services as an inpatient.
- (d) the user should continue to receive involuntary care, treatment and rehabilitation services as an outpatient.
- (e) the user should be transferred from being an involuntary inpatient to being an involuntary outpatient.

Reasons for this decision:

.....

.....

.....

.....

Print initials and surname

Signature:

(Chair of Review Board)

Date:

Place:

[Copies to be sent in the case of:

- assisted or involuntary user to user, applicant, head of health establishment concerned and head of provincial department;
- mentally ill prisoner, administrator (if appointed) head of health establishment concerned, relevant magistrate, head of relevant prison and head national department..



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 18

DEPARTMENT OF HEALTH

SUMMONS TO APPEAR BEFORE A REVIEW BOARD
[Sections 29(2)(a) and 35(2)(c) of the Act]

.....

(name of person summoned and his or her address)

is hereby summoned to appear at (place)

on (date and time) before the Review Board of

..... (name of health establishment)

to give evidence in respect of

.....
.....
.....

(if the person summoned is to produce any book, record, document or thing, add)

and you are hereby directed to produce:

.....
.....
.....
.....

(specify the book, record, document or thing concerned)

Given under the hand of the chairperson of the Review Board, this day

of

Signature:

(chairperson of Review Board)



DEPARTMENT OF HEALTH
Republic of South Africa

DEPARTMENT OF HEALTH

REQUEST BY HEAD OF HEALTH ESTABLISHMENT TO REVIEW BOARD TO TRANSFER -

- (a) an assisted- or involuntary mental health care user in terms of section 39(1) of the Act to maximum security facilities;
- (b) a State patient between designated health establishments in terms of section 43 of this Act; or
- (c) a mentally ill prisoner between designated health establishments in terms of section 54(2) of the Act.

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

Occupation: Marital status: S M D W

Health establishment from where the request is made:

State clearly the reason(s) for the request:
.....
.....
.....
.....
.....

Has the user previously absconded or attempted to abscond? Yes No

Explain circumstances:
.....
.....
.....
.....

Has the user inflicted harm on others at the health establishment?

Yes

No

Explain circumstances:

.....
.....
.....
.....
.....

In your opinion is the user likely to inflict harm on others in the health establishment

Yes

No

Explain:

.....
.....
.....
.....
.....

Other reason(s) for making the request:

.....
.....
.....
.....
.....

Print initials and surname

Signature:

(head of health establishment)

Date:

Place:

MHCA 20



DEPARTMENT OF HEALTH
Republic of South Africa

DEPARTMENT OF HEALTH

ORDER BY REVIEW BOARD TO TRANSFER -

- (a) an assisted- or involuntary mental health care user in terms of section 39(4) of the Act to maximum security facilities;
- (b) a State patient between designated health establishments in terms of section 43(3) of this Act; or
- (c) a mentally ill prisoner between designated health establishments in terms of section 54(2) of the Act.

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

Occupation: Marital status: S M D W

Health establishment making the request:

The Review Board of
(name of Review Board)

have considered documentation and representation relevant to the transfer of the above user to a maximum security facility.

The Review Board have considered *inter alia* that:

- (a) the transfer is not being done in order to punish the user.
- (b) The transfer is warranted taking cognizance of the mental health status of the user.

Reason(s) for transfer:
.....
.....
.....

.....
.....
.....
.....

The above user must be transferred to a health establishment with maximum security facilities.

Print initials and surname

Signature:

(chairperson of Review Board)

Date:

Place:

[Copy to:

- with respect to assisted- and involuntary mental health care users, this order must be sent to the head of the provincial department.
- With respect to State patients and mentally ill prisoners the order must be sent to the head of the national department]



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 21

DEPARTMENT OF HEALTH

NOTICE OF TRANSFER OF STATE PATIENT OR MENTALLY ILL PRISONER
[sections 43(8) or 54(6) of the Act]

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

Occupation: Marital status: S M D W

The above State patient or mentally ill prisoner has been transferred:

From:
(name of health establishment)

To:
(name of health establishment)

Reasons for transfer:
.....
.....
.....

Date of transfer:

Print initials and surname

Signature:
(person effecting the transfer)

Date:

Place:

[Copy:

- In respect of State patient to be sent to official *curator ad litem* and national department.
- In respect of mentally ill prisoner to be sent to the head of the relevant prison, Review Board and national department as well as to the administrator where appointed]



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 22

DEPARTMENT OF HEALTH

**HANDING OVER CUSTODY BY THE SOUTH AFRICAN POLICE SERVICES
(SAPS) OF A PERSON SUSPECTED OF BEING MENTALLY ILL OR
SEVERELY OR PROFOUNDLY INTELLECTUALLY DISABLED AND LIKELY TO
INFLECT SERIOUS HARM
[Section 40(1) of the Act]**

I

(print rank, initials and surname of member of SAPS)

have reason to believe from personal observation or from information obtained from a mental health care professional that

.....

.....

.....

(user's name or description if no name is available)

is suffering from a mental disability and is likely to inflict serious harm.

I have apprehended the person and have brought him / her to

.....

(name of health establishment)

for assessment by a mental health care practitioner.

Name and address of next of kin (where possible)

.....

.....

.....

I hereby hand over custody of the said person to the head of the health establishment or his / her designate.

Signature:

(member of SAPS)

Date:

Time:

Place:

I
 (name of head of health establishment or designated person)
 accept custody of
 (name of user or description if no name is available)
 at the
 (name of health establishment)

The user's physical condition is as follows (describe any bruises, lacerations etc):

.....

The user will be assessed by two mental health care practitioners in terms of section 33 of the Act.

Signature:
 (head of health establishment or designated person)

Date:

Time:

Place:

[Copy to be sent to SAPS to confirm in writing the physical condition as stated above during handing over of custody]

The SAPS hereby confirms that the physical condition as stated above was present during the handing over of the user in terms of section 40(1) of the Act.

Print initials and surname:

Signature:
 (member of SAPS who handed over custody)

Date:

Place:

[Copy to Review Board]



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 23

DEPARTMENT OF HEALTH

TRANSFER OF STATE PATIENTS FROM DETENTION CENTRE TO A DESIGNATED
HEALTH ESTABLISHMENT

[Section 42(3) of the Act]

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

Occupation: Marital status: S M D W

Residential address:
.....
.....
.....

The above State patient, currently held in detention at
(name of detention centre)

must be transferred to
(name of health establishment)

for care, treatment and rehabilitation services.

Signature:
(head of national department)

Date:

Place:

[Copy to be forwarded to head of detention centre and the official *curator ad litem*]

[On receipt of a court order in terms of section 42(1) of the Act, Form J105, the national department must complete MHCA 23 and forward a copy to the detention centre and head of health establishment concerned]

MHCA 24



DEPARTMENT OF HEALTH
Republic of South Africa

DEPARTMENT OF HEALTH

TRANSFER OF STATE PATIENTS BETWEEN DESIGNATED HEALTH ESTABLISHMENTS

[Section 43(1) of the Act]

Surname of user
First name(s) of user
Date of birth or estimated age
Gender: Male Female

Occupation: Marital status: S M D W

The above State patient shall be transferred:

From: (name of health establishment)

To: (name of health establishment)

Reasons for transfer:

.....
.....
.....
.....

Print initials and surname:

Signature:
(head of provincial department)

Date:

Place:

Concurrence of head of province to where the State patient is to be transferred must be obtained where inter-provincial transfers are contemplated.

Signature:
(head of provincial department)

Date:

Place:

(Copy to be forwarded to official *curator ad litem*, head of national department and head of health establishment to where State patient is transferred)



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 25

DEPARTMENT OF HEALTH

NOTICE OF ABSCONDMENT TO SOUTH AFRICAN POLICE SERVICE (SAPS)
AND REQUEST FOR ASSISTANCE TO LOCATE, APPREHEND
AND RETURN USER

[Sections 40(4), 44(1) or 57(1) of the Act]

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

Occupation: Marital status: S M D W

Date of admission to health establishment:

The above user absconded from:
(name of health establishment)

Address:
.....
.....
.....
.....

Date of abscondment:

User is: (mark with a cross)

Assisted user Involuntary user State patient Mentally ill prisoner

Diagnosis on medical condition:

.....
.....
.....
.....
.....

Estimation of likelihood of doing harm to self or others: (mark with a cross)

Little chance Reasonable chance Highly likely Extremely likely

Circumstances of abscondment:

.....
.....
.....
.....

Attach full report (if available)

Your assistance in locating and apprehending the above user is appreciated

Print initials and surname:

Signature:

(head of health establishment)

Date:

Place:

[In case of an assisted- or involuntary user: copy of this notice to be submitted to head of provincial department]

[In case of a State patient: copy of this notice to be submitted to Registrar or Clerk of the relevant Court official *curator ad litem* and head of national department]

[In case of a mentally ill prisoner: copy of this notice to be submitted to head of the prison from where the user was initially transferred and to head of national department]



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 26

DEPARTMENT OF HEALTH

NOTICE OF RETURN OF ABSCONDED USER TO THE HEALTH
ESTABLISHMENT

(to be completed by the head of the health establishment)

[Sections 40(4), 44(1) or 57(1) of the Act]

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

Occupation: Marital status: S M D W

Date of admission to health establishment:

The above user absconded from:
(name of health establishment)

Address:
.....
.....
.....
.....

Date of abscondment:

Date of return:

Returned by (e.g. SAPS, self, relative):

State physical / mental condition:

.....
.....
.....
.....
.....
.....

Print initials and surname:

(head of health establishment)

Signature:

Date:

Place:

[In case of an assisted- or involuntary mental health care user: copy of this notice to be submitted to head of provincial department]

[In case of State patient: copy of this notice to be submitted to Registrar or Clerk of the relevant Court, official *curator ad litem* and head of national department]

[In case of a mentally ill prisoner: copy of this notice to be submitted to the head of the prison from where the user was initially transferred and to head of national department]

MHCA 27



DEPARTMENT OF HEALTH
Republic of South Africa

DEPARTMENT OF HEALTH

LEAVE OF ABSENCE TO –
STATE PATIENTS IN TERMS OF SECTION 45 OF THE ACT; OR
ASSISTED- OR INVOLUNTARY MENTAL HEALTH CARE USERS IN TERMS
OF SECTION 66(1)(j) OF THE ACT

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

Occupation: Marital status: S M D W

Residential address or custodian's name and address whilst on leave of absence:

.....
.....
.....
.....

The user is: (mark with a cross)

State patient Assisted user Involuntary user

Date of commencement of leave:

Due date of return from leave:

Name of health establishment where the user's mental health status will be monitored and reviewed:

The user is to present him- / herself to this health establishment every weeks / months to be monitored and his / her health status reviewed.

Name of health establishment(s) where care, treatment and rehabilitation will be provided and the nature of this:

Conditions of behaviour which must be adhered to by the user:

.....
.....
.....
.....
.....
.....

Name of psychiatric hospital where the user is to be admitted if he / she relapses and / or is not complying with the terms and conditions applicable to the leave:

.....

Print initials and surname:

Signature:

(head of health establishment)

Date:

Place:

Print initials and surname:

Signature:

(custodian)

Date:

Place:

MHCA 28



DEPARTMENT OF HEALTH
Republic of South Africa

DEPARTMENT OF HEALTH

**CANCELLATION OF LEAVE OF ABSENCE –
A STATE PATIENT IN TERMS OF SECTION 45 OF THE ACT; OR
AN ASSISTED- OR INVOLUNTARY MENTAL HEALTH CARE USER IN TERMS
OF SECTION 66(1)(j) OF THE ACT**

I hereby cancel the leave of absence of
(name of State patient, assistant- or involuntary mental health care user)

File No.

You are not complying with the terms and conditions applicable to the leave of absence
and/or have/has relapsed to the extent of requiring hospitalization.

Reasons for cancellation of leave of absence:

.....
.....
.....
.....
.....

You must return to
(name of health establishment)
by (date) or you will be reported to the
South African Police Services as absconded.

Print initials and surname:

Signature:
(head of health establishment)

Date:

Place:

(Copy to custodian)



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 29

DEPARTMENT OF HEALTH

APPLICATION FOR DISCHARGE OF STATE PATIENT TO JUDGE IN CHAMBERS
(WHERE APPLICANT IS NOT AN OFFICIAL *CURATOR AD LITEM* OR
ADMINISTRATOR)

[Section 47(2)(e) of the Act]

Surname of user

First name(s) of user

File No. (if known)

Date of birth or estimated age

Gender: Male Female

Occupation: Marital status: S M D W

Residential address:
.....
.....
.....

Charge against user:

Person making application (mark with a cross)

State patient him/herself Administrator Head of health establishment
(state what)
Responsible medical practitioner Spouse Associate Next of kin Other

Reason for application:
.....
.....
.....
.....

Has an application been made for discharge of the user within the preceding 12 months by
any application other than an official *curator ad litem*? Yes No

If Yes provide details of the status of that application (and no need to proceed further with this form)

.....
.....
.....

Report from psychologist (if available)

Yes

No

In your opinion does the official *curator ad litem* have a conflict of interest with the user?

Yes

No

Give reasons:

.....
.....
.....

Supply proof that a copy of the application has been given to the official *curator ad litem* concerned.

Where the applicant is an "associate" state the nature of the substantial or material interest in the user

.....
.....
.....

Attach all reports you have available relevant to this application.

Provide details of any prior application for discharge that you are aware of:

.....
.....
.....

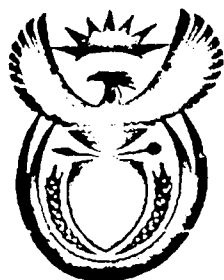
Print initials and surname:

Signature:

(Applicant)

Date:

Place:



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 30

DEPARTMENT OF HEALTH

APPLICATION FOR DISCHARGE OF STATE PATIENT TO JUDGE IN CHAMBERS
(WHERE APPLICANT IS AN OFFICIAL *CURATOR AD LITEM* OR ADMINISTRATOR)

[Section 47(2)(c) of the Act]

Surname of user

First name(s) of user

File No. (if known)

Date of birth or estimated age

Gender: Male Female

Address:

Date of admission:

Charge against user:

Date declared a State patient:

Health establishment where user is being treated:

Application for discharge made by official *curator ad litem* / other

If other, state whom:

Has an application been made for discharge of the user within the preceding 12 months by any applicant other than an official *curator ad litem*? Yes No

If yes, provide details of the status of that application (and no need to proceed further with this form)

.....
.....
.....
.....

Report from psychologist (attach if available) Yes No

Attach reports containing the history of the user's mental health status and a prognosis concerning their mental health status from:

- Head of the relevant health establishment
- Two mental health care practitioners at least one of whom should be a psychiatrist

Recommendations and comments on whether the application should be granted:

.....

.....

.....

.....

Print initials and surname:

Signature:

(official *curator ad litem*)

Date:

Place:

Psychiatric report in terms of section 47(2) and 47(3)(a) of the Act

General information regarding:

- (a) escapes / attempted escapes
- (b) violent behaviour
- (c) seclusions and reasons for this
- (d) attempts at obtaining alcohol and dagga
- (e) any other unacceptable behaviour

Summarized history of user's mental health status:

.....

.....

.....

.....

Description of present mental condition:

.....

.....

.....

.....

Prognosis:

.....
.....
.....
.....

Recommendation(s):

.....
.....
.....
.....

Print initials and surname:

(head of health establishment)

Signature:

Date:

Place:

Psychiatric report in terms of section 47(2) and 47(3)(a) of the Act by a psychiatrist / medical practitioner

Educational qualifications

Occupation before admission

Nature of charge

Review of medical and psychiatric history before admission:

.....
.....
.....

Present mental state and duration

.....
.....
.....

Diagnosis

.....

.....
.....

Treatment received in hospital

.....
.....
.....

Prognosis

.....
.....
.....

Recommendations

.....
.....
.....

Print initials and surname:

Signature:

(psychiatrist / medical practitioner)

Date:

Place:

Psychiatric report in terms of section 47(2) and 47(3)(a) of the Act by a psychiatrist / medical practitioner

Educational qualifications

.....

Occupation before admission

Nature of charge

Review of medical and psychiatric history before admission:

.....
.....
.....

Present mental state and duration

.....
.....

.....
Diagnosis

.....
.....
.....

Treatment received in hospital

.....
.....
.....

Prognosis

.....
.....
.....

Recommendations

.....
.....
.....

Print initials and surname:

Signature:

(psychiatrist / medical practitioner)

Date:

Place:



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 31

DEPARTMENT OF HEALTH

ORDER BY JUDGE IN CHAMBERS FOR CONDITIONAL DISCHARGE OF STATE
PATIENT

[Section 47(6) of the Act]

Surname of user

First name(s) of user

File No. (if known)

Date of birth or estimated age

Gender: Male Female

Occupation: Marital status: S M D W

Residential address

Nature of charge:

The above-mentioned State patient is hereby ordered to be conditionally discharged under the following terms and conditions:

.....

Period of conditional discharge (years)

Name and address of custodian into whose charge the user is transferred:

.....

Where the user's mental health status will be monitored and reviewed:

.....

(name of health establishment)

The user is to present him / herself to this health establishment every weeks / months to be monitored and his / her mental health status reviewed.

Name of the health establishment(s) where care, treatment and rehabilitation will be provided (if different from the preceding health establishment) and the nature of this:

.....

Conditions of behaviour which must be adhered to by the user:

.....
.....
.....
.....

Name of psychiatric hospital / care and rehabilitation center where the user is to be admitted if he / she relapses or if the conditions of the conditional discharge are violated.

.....

Print initials and surname:

Signature:

(Judge in chambers)

Date:

Place:



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 32

DEPARTMENT OF HEALTH

SIX MONTHLY REPORT ON CONDITIONALLY DISCHARGED STATE PATIENT

[Section 48(3) of the Act]

Surname of user

First name(s) of user

File No. (if known)

Date of birth or estimated age

Gender: Male Female

Address:

Nature of charge:

Date of conditional discharge:

Date of last report:

Comment on the extent to which the user is adhering to the terms and conditions of the discharge:

.....
.....
.....

Current mental health status of user:

.....
.....
.....

Recommendation to head of health establishment from where the user was conditionally discharged

.....
.....
.....

Print initials and surname:

Signature:

(person monitoring the State patient)

Date:

Place:

(Copies to be forwarded to the State patient, head of relevant health establishment, clerk of the court and head of national department)



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 33

DEPARTMENT OF HEALTH

UNCONDITIONAL DISCHARGE BY HEAD OF HEALTH ESTABLISHMENT OF STATE
PATIENT PREVIOUSLY DISCHARGED CONDITIONALLY

[Section 48(4)(a) of the Act]

Surname of user

First name(s) of user

File No. (if known)

Date of birth or estimated age

Gender: Male Female

Address:

Date of conditional discharge:

Date of expiry of conditional discharge:

I hereby state that the period of the above user's conditional discharge has expired, that he / she has complied with the terms and conditions applicable to his / her mental health status and that his / her mental health status has not deteriorated.

The above user is hereby unconditionally discharged.

Print initials and surname:

Signature:

(head of health establishment)

Date:

Place:

(Copies to be forwarded to the State patient, Registrar of the Court concerned, the official *curator ad litem* and national department)



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 34

DEPARTMENT OF HEALTH

APPLICATION TO REGISTRAR OF THE HIGH COURT FOR AN ORDER
AMENDING THE CONDITIONS / REVOKING THE CONDITIONAL DISCHARGE
OF A STATE PATIENT
[Section 48(5) of the Act]

Surname of user

First name(s) of user

File No. (if known)

Date of birth or estimated age

Gender: Male Female

Address:
.....

Nature of charge:

Residential address:
.....
.....
.....

I hereby request that the conditional discharge of the above State patient be amended or revoked

The above State patient has not complied with the following terms and conditions of his/her conditional discharge (explain)

.....
.....
.....

and his/her mental health status has deteriorated (explain)

.....
.....
.....

(if applicable) I recommend that the terms and conditions of the discharge be amended along the following lines:

.....
.....
.....
.....

Print initials and surname:

Signature:
(head of health establishment)

Date:

Place:

(Copies to be forwarded to the official *curator ad litem* and national department)



MHCA 35

DEPARTMENT OF HEALTH

APPLICATION BY STATE PATIENT TO JUDGE IN CHAMBERS FOR
AMENDMENT TO ANY CONDITION APPLICABLE TO DISCHARGE OR
REQUESTING UNCONDITIONAL DISCHARGE

[Section 48(6) and (7) of the Act]

Surname of user

First name(s) of user

File No. (if known)

Date of birth or estimated age

Gender: Male Female

Residential address:

.....

.....

.....

Date of conditional discharge:

Date of last request for amendment / revocation of conditional discharge:

(may not be within six months of current application)

I hereby request that the following terms(s), condition(s) of my discharge be amended:

.....

.....

.....

.....

Reasons for amending condition / requesting unconditional discharge:

.....

.....

.....
.....
.....

Print initials and surname:

Signature:

(State patient)

Date:

Place:

Decision by Judge in Chambers:

.....
.....
.....
.....
.....
.....

Print initials and surname:

Signature:

(Judge in Chambers)

Date:

Place:

(Copy to State patient, head of health establishment, head of the national department,
Registrar of the High Court and *curator ad litem*)

MHCA 36



DEPARTMENT OF HEALTH
Republic of South Africa

DEPARTMENT OF HEALTH

ASSESSMENT OF MENTAL HEALTH STATUS OF PRISONER FOLLOWING REQUEST
FROM HEAD OF A PRISON AND/OR MAGISTRATE

[Sections 50(2) or 52 of the Act]

Surname of user

First name(s) of user

File No. (if known)

Date of birth or estimated age

Gender: Male Female

Occupation: Marital status: S M D W

Residential address:
.....
.....
.....

Nature of charge:

Prison number:

Date of examination: Place of examination:

Category of designated mental health care practitioner:

Physical health status (filled in only by practitioner qualified to conduct physical examination)

(a) General physical health
.....
.....
.....

(b) Are there signs of injuries? Yes No

(c) Are there signs of communicable disease? Yes No

If the answer to (b) or (c) if Yes, give further particulars:
.....
.....
.....

Report facts on previous observations of mental illness (state who provided this information)

.....
.....
.....

Facts concerning the mental condition of the user which were observed on previous occasions (State dates and places)

.....
.....
.....

Mental health status of the user at the time of the present examination:

.....
.....
.....

Type of illness (provisional):

.....
.....
.....

In my opinion the above-mentioned user:

Has homicidal tendencies	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has suicidal tendencies	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is dangerous	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Recommendation to head of prison

The prisoner is mentally ill and requires care, treatment and rehabilitation	Yes <input type="checkbox"/>	No <input type="checkbox"/>
--	------------------------------	-----------------------------

In my opinion the prisoner can be given care, treatment and rehabilitation within the prison and/or in a prison hospital	Yes <input type="checkbox"/>	No <input type="checkbox"/>
--	------------------------------	-----------------------------

In my opinion the mental illness is of such a nature that the prisoner should be sent to a psychiatric hospital for care, treatment and rehabilitation:

.....
.....



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 37

DEPARTMENT OF HEALTH

MAGISTERIAL ORDER TO HEAD OF PRISON TO –
(a) TRANSFER PRISONER TO HEALTH ESTABLISHMENT; OR
(b) TAKE NECESSARY STEPS TO ENSURE THAT THE REQUIRED LEVELS OF CARE AND TREATMENT ARE PROVIDED TO THE PRISONER CONCERNED
[Sections 52(3)(a) or (b) of the Act]

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

Occupation: Marital status: S M D W

Residential address:
.....
.....

Prison number:

Charge against prisoner:

I hereby order that due to mental illness / intellectual disability the above user be transferred to a designated health establishment for care, treatment and rehabilitation in accordance with the procedure in section 54 of the Act.

Note: attach copy of MHCA 36 as completed by person who assessed the mental health care status of _____ the prisoner concerned.

OR

[Deleted subheading]

I hereby order that the above user be provided with the required levels of care within the prison / prison hospital *

Print initials and surname:

Signature:

(magistrate)

Date:

Place:

* Delete which order by magistrate is not applicable

[Copy to be forwarded to the Administrator (if appointed) and the head of the national department]

MHCA 38



DEPARTMENT OF HEALTH
Republic of South Africa

DEPARTMENT OF HEALTH

APPLICATION TO MAGISTRATE FOR CONTINUED DETENTION OF A MENTALLY ILL PRISONER

[Sections 58(3) of the Act]

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

Occupation: Marital status: S M D W

Health establishment concerned:

File No:

Prison number:

Charge against person:

The above user has been admitted at:

(name of health establishment)

as a mentally ill prisoner since: (date of admission)

The date of expiry of his / her prison sentence is:

(date of expiry of sentence)

Application for further confinement of the user in terms of Chapter V of this Act was made on

..... by

In terms of section 58(3) of the Act, I hereby request permission to keep this user at this health establishment and provide care, treatment and rehabilitation pending the outcome of the application.

Print initials and surname:

Signature:

(head of health establishment)

Date:

Place:



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 39

DEPARTMENT OF HEALTH

APPLICATION TO MASTER OF A HIGH COURT TO APPOINT ADMINISTRATOR

[Section 60(1) and (2) of the Act]

Surname of user in respect of whom application is made

First name(s) of user

Date of birth or estimated age

Gender: Male Female

Occupation: Marital status: S M D W

Name of applicant:
(print initials and surname)

The above user has been admitted at:
(name of health establishment)

Relationship of applicant to the user:
.....

If the applicant is not the spouse or next of kin:

Give reasons why the spouse or next of kin are not making the application:
.....
.....
.....

If the spouse or next of kin are not available:

What steps have been made to trace the whereabouts of the spouse or next of kin?
.....
.....
.....

All medical certificates or relevant reports related to mental health status and the ability of the user to manage his / her own property (enclose and list)
.....
.....
.....

On what grounds do you believe that the user is incapable of managing his / her property?

.....
.....
.....

Have you seen the user within seven days of this application?

Yes No

Give details:

.....
.....
.....

Give the particulars and estimated value of the property of the user:

.....
.....
.....

What is the annual income of the user?

.....

Who, in your opinion, would be most suited to be an administrator for the property of the user?

.....

Provide further particulars of the person (e.g. relationship with user, occupation)

.....
.....
.....

Give the name(s) and contact details of people who may be able to provide further information relating to the mental health status of the user:

.....
.....
.....

Attach proof that a copy of this application has been given to or served on the person in respect of whom this application is made:

.....

Name and surname of applicant:

Signature:

(applicant)

Date:

Place:

Affidavit to be signed by a Justice of the Peace / Commissioner of Oaths

I, the undersigned and applicant, hereby affirm that:

I am 18 years of age or older:

I am a relative, being

I am not a relative, being

Signature:

The above statements was solemnly declared or sworn before me at:

The respondent has acknowledged that he / she knows and understands the content of the affidavit which was sworn to / affirmed before me

Print initials and surname:

Signature:

(Justice of the Peace / Commissioner of Oaths)

Date:

Place:

Decision of Master of the High Court in terms of section 60(13) of the Act

Having considered the allegations and facts related to this application, I hereby –

(a) appoint

(name of person)

as an interim administrator pending the outcome of an investigation to be conducted;

(b) appoint

(name of person)

as the administrator of the above user's property;

- (c) order that an investigation be conducted in terms of section 60(4) of the Act;
- (d) assert that no administrator should be appointed.

Print initials and surname:

Signature:

(Master of the High Court)

Date:

Place:



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 40

DEPARTMENT OF HEALTH

DECISION BY MASTER OF THE HIGH COURT ON APPOINTMENT OF AN
ADMINISTRATOR

[Section 60(8) of the Act]

Following an investigation as set out in section 60(5) of the Act, I hereby order that:

- (a)
(name of person)
be appointed as the administrator of the property of:
..... (user's name)
- (b) no administrator be appointed with respect to the property of:
..... (user's name)
- (c) refer the matter for the consideration of a High Court Judge in Chambers.

Reason for this decision:
.....
.....
.....

The powers, functions and duties of the administrator, if appointed, will be carried out in accordance with section 63 of the Act.

Print initials and surname:

Signature:

(Master of High Court)

Date:

Place:

(Copy to be forwarded to the applicant, person in respect of whom the application was made and to the head of the health establishment where the person concerned has been admitted)

MHCA 41



DEPARTMENT OF HEALTH
Republic of South Africa

DEPARTMENT OF HEALTH

NOTICE OF APPEAL TO HIGH COURT JUDGE IN CHAMBERS REGARDING
THE DECISION OF THE MASTER OF THE HIGH COURT TO APPOINT OR NOT
TO APPOINT AN ADMINISTRATOR
[Sections 60(10) of the Act]

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

Occupation: Marital status: S M D W

Residential address:

.....

.....

.....

Surname of applicant:

First name(s) of applicant:

Residential address:

.....

.....

.....

Relationship between applicant and mental health care user: (mark with a cross)

Spouse

Next of kin

Other (state what)

Grounds of the appeal:

.....

.....

.....

.....

Facts on which the appeal is based:

.....
.....
.....
.....

Print initials and surname:

Signature:

(Applicant)

Date:

Place:

MHCA 42



DEPARTMENT OF HEALTH
Republic of South Africa

DEPARTMENT OF HEALTH

NOTICE OF DECISION OF HIGH COURT TO APPOINT AN ADMINISTRATOR OR TO
TERMINATE THE APPOINTMENT OF AN ADMINISTRATOR

[Sections 61(3) and 64(3) of the Act]

Surname of user

First name(s) of user

Date of birth or estimated age

Gender: Male Female

Occupation: Marital status: S M D W

Residential address:
.....
.....

Appointment of administrator

Having considered all the relevant facts relating to the appointment of an administrator for the property of the above user in terms of section 61(3) of the Act, I hereby order that:

an administrator be appointed / no administrator be appointed (delete which is not applicable)

Reasons for decision:

.....
.....

Continuance / termination of administratorship:

Having considered all the relevant facts relating to the termination of the administratorship of the property of the above user in terms of section 64(3) of the Act, I hereby order that:

The powers, functions and duties of the administrator of the above user's property shall henceforth be terminated / shall continue (delete which is not applicable)

Print initials and surname:

Signature:

(Judge in the High Court)

Date:

Place:

[Copy to appellant, applicant, head of relevant health establishment, head of provincial department and, in the case of a decision regarding termination of administratorship, the administrator]



DEPARTMENT OF HEALTH
Republic of South Africa

MHCA 43

DEPARTMENT OF HEALTH

CONFIRMATION OF APPOINTMENT OF ADMINISTRATOR
[Section 62 of the Act]

I hereby appoint:

.....

(name of administrator)

to be the administrator of the property of

(name of user)

Address of administrator:
.....
.....
.....

With effect from:(date)

As the administrator you will take care of, and administer the property of the above person and perform all acts incidental thereto and subject to any other law you will carry on the business or other undertakings of the person concerned.

You will continue to act as the administrator until your duties have been legally terminated.

Print initials and surname:

Signature:

(Master of the High Court)

Date:

Place:



DEPARTMENT OF HEALTH
Republic of South Africa

DEPARTMENT OF HEALTH

APPLICATION FOR TERMINATION OF TERM OF OFFICE OF AN
ADMINISTRATOR AND THE DECISION OF THE MASTER OF THE HIGH
COURT

[Section 64 of the Act]

Name of administrator:

Application made by: (initials and surname)

- (a) person in respect of whom an administrator was appointed;
- (b) the administrator;
- (c) person who made the application for the appointment of an administrator.

Grounds on which the application is made:

.....

.....

.....

.....

.....

.....

N.B. All medical certificates or relevant reports subsequent to appointment of an administrator are to be enclosed.

Estimated property value:

Signature:

(applicant)

Date:

Place:

Decision of Master of High Court

Having considered the facts relevant to this application I hereby:

- (a) terminate the appointment of the administrator;
- (b) decline to terminate the appointment of the administrator;
- (c) refer the matter for the consideration of a High Court Judge in chambers.

Reasons for decision:

.....

.....

.....

.....

.....

.....

.....

.....

.....

Print initials and surname:

Signature:

(Master of the High Court)

Date:

Place:

[Copy to applicant and head of health establishment]

Facts on which the appeal is based:

.....
.....
.....
.....
.....
.....
.....
.....

Signature:

(Appellant)

Date:

Place:

[Copies to Master of High Court]

Termination of term of office of administrator

Having considered all the relevant facts relating to the termination of the administrator of the property of the above user in terms of section 64(7) of the Act, I hereby order that –

The powers, functions and duties of the administrator of the above user's property shall henceforth be terminated / shall continue (delete which is not applicable)

Reasons for this decision:

.....
.....
.....
.....
.....
.....
.....
.....
.....

Print initials and surname:

Signature:

(Judge of the High Court)

Date:

Place:

[Copy to appellant, applicant, head of relevant health establishment, head of provincial department and, in the case of a decision regarding termination of administratorship, the administrator]

ISAZISI SIKA RULUMENTE
ISEBE LEMPILO

No. R. 1467

15 December 2004

UMTHETHO WOKONGIWA KWEMPILO YENGGONDO
IMIMISELO

Umpathiswa wezeMpilo uthe phantsi kwezi ziqendu zilandelayo 19(2)(a), 16, 27(2), 29(2)(a), 33(2), 34(1)(b), 3 (b)(i), 5(a) no 7(a), 35(2)(c), 44(4) 47(2), 48(6), 57 (4) 66 no 67. zoMthetho wokongiwa kweMpilo yeNgqondo, 2002 (uMthetho NA.17 ka 2002) malunga ne siqendu 68 soMthetho wenza lemimiselelo iqulathwe kwisihlomelo.

Isihlomelo

Okuqulethweyo

Umba

Ummiselelo Nombolo

Inkcazelo magama

1

Isahluko 1: Uphawu lwemigangatho wezithethe

2

Ukuhlnganiswa nokusetyenziswa kwenkonzo yezempilo

3

Izigqibo ezenziwa yintloko yeziko lezempilo

4

Ukutyelela amakhaya

5

Ukongiwa ngabahlali

Ukuncediswa nokunikezelwa ngemali kumaqumru anganikezeli

ngenkonzo zikaRhulumente kwamanye amaqumru anikezela ngenkonzo ezingabhatalelwayo

6

Ingxelo ngokuphathwa kakubi nokuxhatshazwa

7

Isahluko 2: Isicelo sokongiwa kwempilo yengqondo nokulolongwa komguli

Ukulaliswa isibhedlele ngokungxamisekileyo

Isicelo sokuncedwa esibhedlele ngokungxamisekileyo isicelo sokongiwa

8

Isicelo sokuncedwa ngokongiwa kwempilo yengqondo

9

Isicelo esinyanzelisa ukongiwa kwempilo yengqondo nokulolongwa ukongiwa ithuba leyure eziyi 72 emva kokuba intloko yeziko lempilo

10

ivume isicelo esinyanzelisa ukongiwa, ukunyangwa nokulungiswa kwesimo

11

Ulwazi malunga neenkonzo zempilo ezinikezela ngovavanyo

12

Isahluko 3: Isibheni

Ukubhena uchasa isigqibo sentloko leziko yezempilo sokwala isicelo kokwangiwa o kuncediswayo, unyango nokulungiswa kwesimo okunyanzelekileyo

13

Isibheni esichasa isigqibo sentloko yezempilo malunga nokwangiwa okunyanzeliswayo, ukunyangwa nokubuyisela kwesimo esisiso

14

Ukujongwa kwezibheni yiBhodi yokuHlola

15

Umyalalo weNkundla ePhakamileyo yokunikezelwa kwakhona konyango nokulungiswa kwesimo okunyanzelekileyo	16
Isahluko 4: Ukutshintshwa nokukhutshwa kwabantu abagulayo ingxelo xa kukhutswa unyango	17
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(1) kule mimiselo naliphi na igama okanye umhlathi othe wanikezelwa intsingiselo efanayo, okanye-
“iziko lempilo elilawulwa phantsi kwempembelelo zikaRhulumente”
 lithetha-

(a) iziko lempilo loluntu

(b) iziko lempilo eliqeshiswe okanye elibhatalelwa nguRhulumente ukuba linikezele ngonyango lokongiwa impilo yengqondo endaweni kaRhulumente;

“indawo eliqilimo lokhuseleko” kuthetha iwadi okanye icandelo kwisibhedlela sabantu abagula ngengqondo esimiselwe yintloko yesosibhedlela ukuba senza lo misebenzi;

“Ukugadwa kokushukuma komzimba ngomashini” kuthethwa ukusetyenziswa kwemashini okanye izixhobo zokusebenza apho umzimba okanye amalungu omzimba

omntu owongiwa impilo athi anqandwe ukuba angashukuma okanye angaphazanyiswa;

“**ukunqandwa kokushukuma komzimba ngokusabenzisa amandla**” kuthetha ukunqanda ukushukumisa umzimba okwethutyana, ngokusebenzisa amandla ngumtu omnye okanye abaninzi ukulungiselela ukuba umntu lowo onqandwayo angazenzakalisi okanye enzakalise abanye abantu;

“**indawo ezinikezela ngonyango**” kuthetha iziko lonyango elinikezela ngonyango olungundoqo

“**isibhedlele sabucala**” kuthethwa isibhedlele esingekho phantsi kukaRhulumente okanye asingahlawulelwa nguRhulumente

“**ukubekwa bucala**” kuthetha ukuhlaliswa komyangwa kwindawo apho ukuhamahamba kwake kuthintelwayo

“**uMthetho**” kuthetha uMthetho woKwangiwa kweMpilo yeNgqondo 2002(uMthetho Na.17 ka 2002).

ISIAHLUKO 1: ISITHETHE NOMGANGATHO WOKUNIKEZELA NGENKONZO EPHAKAMILEYO

Ukulungelelanisa nokusebenzisa iinkonzo zokongiwa kwempilo yengqondo

- 2 (1) Umntu ofuna okanye okucingwa ukuba ufuna ukongiwa impilo yengqondo makathi ngokwesiqhelo azizise kwiziko lempilo elinikezela ngonyango olungundoqo.
- (2) Umongiwa ogula ngengqondo makavavanywe kujongwe ukuba ngaba ufuna iinkonzo zokongiwa ukunyangwa okanye ukubuyiselwa kwisimo esisiso aze athi-
 - (a) anyangwe yaye akhathalelwe kulondawo enikezela ngonyango olungundoqo athunyelwe;
 - (b) athunyelwe kumntu oqeqeshelwe ukunyanga impilo yengqondo kubahlali ukuze avavanywe kuthi ukuba unyango luyafuneka anyangelwe kubahlali; okanye
 - (c) athunyelwe esibhedlele avavanywe nje okanye avavanywe alaliswe.
- (3) Umnyangwa owongiwa impilo yengqondo ofuna unyango olukunqanaba lwesithathu okanye unyango lweencutshe zonyango lwengqondo makathunyelwe kwiziko lempilo olunikezela ngonyango olo lufunekayo.
- (4) Umnyangwa owongiwa impilo yengqondo othunyelwe kwinqanaba lwesibini okanye lwesithathu, othi emva kokuba ekhutshiwe kunyango

afune ukulandelelwa ngonyango olungundoqo oluphezulu makathunyelwe kwelonqanaba aze ongiwe anyangwe abuyiselwe.

Izigqibo zentloko yeziko lempilo

3. (1) Xa intloko yeziko lempilo isenza izigqibo phantsi kwale mimiselo ethi ibengaphandle komsebenzi aqeqeshelwe wona makavumelane nabanye abantu abaqeqeshelwe impilo yengqondo abafanelekileyo.
- (2) Imisebenzi emayenziwe yintloko yeziko lonyango ngokoMthetho okanye lemimiselo mayithi, ukuba intloko leyo ayikho, yenziwe ngumntu obambele intloko kweloziko lonyango

Ukutyelelwa emakhaya

4. Abantu abonga abantu abagula ngengqondo bangatyelela amakhaya nemisebenzi yabantu abo bagula ngengqondo okanye ababuthathaka ngokwasengqondweni kwezondawo zisemagolokonxeni basebenzela kuzo, ukuba ngaba oloncedo luyafuneka banyangwe babuyiselwe esimeni sabantu abagula ngengqondo.

Ukongiwa ngabahlali

5. (1) Inkqubo nendawo abahlali abanokuthi bongwe, banyange baze bancede ukubuyisela kwisimo esisiso somntu onengxaki yokugula ngengqondo mazenziwe zibekho apho kunokwenzeka.
- (2) iinkqubo zabahlali nendawo zingaphathwa-
 - (a) ngamanqanaba kaRhulumente;
 - (b) ngamaziko empilo aphantsi kuka Rhulumente;
 - (c) ngamaqumru angenzi nzuzo;
 - (d) yimibutho yabantu abasebenza bengajonganga ntlawulo nabasabenzisa iinkonzo;
 - (e) ngamaqumru enza inzuzo
 - (f) ngabantu ababhaliswe kwinkonzo zempilo okanye nezentlalo ntle ngokoMthetho weKhansile okanye amaqumrhu anikezela ngoqeqesho, okanye
 - (g) amaziko abhalisiweyo oqeqesho
- (3) Iinkonzo ezenziwe ngamaqumrhu axelwe kummiselwana (2) angathi ngokomsebenzi abawuqeqeshelweyo baquke ukonga ngamayeza, indawo yokuhlala yabahlali, iindawo zokucebisana, imibutho yokuncedisana nokunyanga isifo zengqondo ngapjandle kwamayeza, ubuchule ngenkqubo zokubuyiselwa kwisimo esisiso kokwasemfundweni, inqubo zokubuyiselwa kwisimo esisiso kokwasemzimbeni okanye ezinye iinkonzo ezinokunceda empilweni yomntu ogula ngengqondo.

Ukuncediswa ngokwasezimalini nokutshintshelwa kumaqumrhu onyango angengo maqumrhu ka Rhulumente namaqumrhu anikezela ngeenkonzongajonganga kuhlawulwa

- 6 URhulumente makanikezele ngoncedo lwemali kumaqumru angengomaqumru kaRhulumente okanye kumaqumrhu anikezela ngeenkonzongokuthanda lingajonganga ntlawulo ukuze akwazi ukunikezela ngeenkonzozokonga kubahlali, unyango nokubuyisela kwisimo esisiso abantu abagula ngengqondo ukuze kukwazi ukufezekiswa iimfuno zoMthetho.

Iingxelo malunga nokuxhatshazwa nokuphathwa kakubi

7. (1) Nawuphi na umntu othe wabona naluphiluna uhlobo lokuphathwa kakubi komyangwa owongiwa impilo yengqondo oxelwe kwisi qendu 11(1) soMthetho-
- (a) makaxele kwibhodi yokuhlola enxulumene nokongokwe fomu MHCA01 ye candelo;okanye
 - (b) angamangala kuMalungu eNkonzo zaMapolisa oMzantsi Afrika.
- (2) Xa ibhodi yophengululo ifumana ingxelo okanye isaziso esimiselwe kummiselwana (1) loo bhodi kufuneka iphande ngaloo ngxelo oknaye eso saziso kwaye ukuba kukho imfuneko, imangale kwiNkonzo yaMapolisa oMzantsi Afrika

ISAHLUKO 2: ISICELO SOKONGIWA KWEMPILO YENGQONDO NOKULOLONGWA

Ukungeniswa esibhedlele ngokunxgamisekileyo okanye ukongiwa ngaphandle kwemvume

- 8 Nawuphi na umntu okanye iziko leMpilo elonga, linyange lize libuyisele kwisimo esisiso umnyangwa owongiwa impilo yengqondo okanye limgenise esibhedlela lomnyangwa kwiimeko ezixelwe kwisiqendu 9(1)(c) soMthetho, makanike ongxelo ebhaliweyo yalonto kwifomu MHCA02 kwisifakelo lweBhodi yokuHlola enxulumene nokho.

Isicelo sokongiwa kwepilo ngokuncediswa

- 9 (1) Isicelo sokongiwa kwepilo yengqondo ngokuncediswa masenziwe ngumntu oxelwe kwisiqendu 27(1) soMthetho mayenziwe kwifomu MCHA02 wesifakelo.
- (2) Apho umenzi sicelo angakwazi ngenxa yaso nasiphi na isizathu ukuze agcwalise isicelo esibhaliweyo, makancediswe lelinye ilungu labaqeshwa beloziko lempilo elixeliweyo.

- (3) Isicelo esixelwe kummiselwana (1) masibe khona kwelo ziko lempilo apho kukho abantu ababini abaqeqeshelwe ukunyanga izigulo zenqondo abakwazi ukuxilonga loomguli ngokumalunga nesiqendu 27(4) soMthetho.
- (4) Isicelo esixelwe kummiselwana (1) masithi, apho sithe sagcwaliswa singeniswe kwintloko yeziko yempilo.
- (5) Ekugqityweni koxilongo oluxelwe kummiselwana (3), abantu abaqeqeshelwe ukunyanga impilo yengqondo mabafake iziphumo soxilongo lwabo ezikwifom MCHA04 kwisifakelo, kwintloko yeziko lempilo elo.
- (6) Iziko lempilo elingakwazi ukwenza uxilongo oluxelwe kwisiqendu 24 soMthetho malithumele umenzi sicelo kwelimnye iziko lempilo elikufutshane elenza eloxilongo.
- (7) Intloko yeziko lempilo elo mayinike isaziso ngokwe siqendu 27(9) soMthetho kumenzi sicelo sikwifomu MCHA05 secandelo esithi sichaze isigqivo sakhe malunga nesicelo sokongiwa ngokuncediswa, ukunyangwa nokubuyiselwa kisimo esisiso nezizathu zesosigqibo.
- (8) Intloko yeziko lonyango elo mayithi kokwesiqendu 28(1) soMthetho, zingaphelanga intsuku ezisixhenxe zesosigqibo sakhe esixelwe kummiselo (7) athumele okopi yesicelo sokongiwa okuncediswayo, Sonyango nokubuyiselwa kwisimo esisiso, iye kwiBhodi yokuhlola ihambe nekopi lweziphumo zoxilongo lwabantu ababini abaqeqeshelwe ukunyanga izigulo zengqondo abaxelwe kummiselwana (5) kunye nekopi yesaziso sommiselwana (7).
- (9) IBhodi yoHlole leyo mayithi emva kokufumana iincwadi ezixelwe kummiselwana (8) yaye emva kokugqiba ukwenza uphando ngokwesiqendu 28(2) soMthetho, yaye zingaphelanga iintsuku ezingama-30, enze ingxelo ngeziphumo zophando lwakhe nesigqibo sentloko yeziko lwempilo esekelwe oko, umenzi sicelo nentloko yeSebe lePhondo elinxulumene noko, kwiFomu MHCA 14 yesifakelo.

Isicelo Sonyango yempilo yengqondo ngonyanzeliso nokuvavanywa

10. (1) Isicelo sonyango lwempilo yengqondo ngonyanzeliso ngumntu oxelwe kwisiqendu 33(1) soMthetho masenziwe kwiFomu MHCA 04 wesifakelo.
- (2) Apho umenzi sicelo angakwazi, nangasiphi na isizathu ukugcwalisa isicelo esibhaliweyo, lo menzi sicelo makancediswe lilungu labasebenzi lelo ziko lempilo.
- (3) Isicelo esixelwe kummiselwana (1) masibekho kuwo wonke amaziko empilo apho kukho okunani abantu ababini abaqeqeshelwe ukunyanga izigulo zengqondo abanokukwazi ukuxilonga umguli lowo ngokwesiqendu 33(4) soMthetho.

(4) Isicelo esikwiFomu exelwe kummiselwana (1) kufuneka xa sithe sagcwaliswa sifakwe kwintloko yeziko lempilo.

(5) Ekugqityweni koxilongo oluxelwe kummiselwana (3), abo bantu baqeqeshelwe ukunyanga izigulo zengqondo mabanike iziphumo zolo xilongo lwabo kwiFomu MHCA 05 zecandelo, kwintloko yeziko lwempilo elo.

(6) Iziko lempilo elingakwazi ukwenza uxilongo oluxelwe kwisiqendu 33(4) soMthetho malithumele ummenzi sicelo lowo kwiziko lempilo elikufutshane elinikezela ngolo xilongo.

(7) Intloko yeZiko lempilo elo mayinike isaziso ngokwesiqendu 33(8) soMthetho kumenzi sicelo kwiFomuMHCA 07 wesifakelo, sesigqibo sakhe malunga nesicelo sokongiwa okunyanzeliswayo, unyango nokubuyiselwa kwisimo esisiso nezizathu zeso sigqibo.

Ulolongo lweeyure ezingama 72 emva kokuba intloko yeziko lophando linikezele imvume yokongiwa okunyanzeliswayo, unyango nokubuyiselwa kwisimo esisiso

11. (1) Uvavanyo oluxelwe kwisiqendu oluxelwe kwisiqendu 34 soMthetho malwenziwe malunga neFomuMHCA 06 lwecandelo.

(2) Ugqirha owenza ulolongo oluxelwe kwisiqendu 34 soMthetho angathi aseke inkqubo nendawo apho umongiwa onyangwa impilo yengqondo kufuneka egcinwe iiyure eziyi 72 zololongo ukuqinisekisa ukhuseleko lwaloo mnyangwa nabanye abantu.

(3) Ukuba ngaba iimeko kwelo ziko lempilo azilulungelanga ulolongo lweyure eziyi 72 okanye abasebenzi kwelo ziko lempilo abakwazi ukumelana nomnyangwa lowo ngenxa yokuba umnyangwa lowo anganobungozi kuye nakwabanye abantu okanye kwimpahla ukuba uhleli kwelo ziko lonyango, elo ziko lonyango malimtshintshe umnyangwa lowo limse kwelinye iziko elinabasebenzi abakulungeleyo oko okanye elinezixhobo zokusebenza ezifanelekileyo ukuba kwenziwe olo lolongo.

(4) Ugqirha oxelwe kummiselwana (2) makenze ingxelo yokugula yethutyana yako nakuphi na ukugula ngengqondo aze aqalise unyango ngokwemigaqo yokunyanga engumkhombandlela ngokukhawuleza.

(5) Ugqirha makahlole imeko yempilo yengqondo kufutshane anike inkcazelo evela kwintloko emiselwe impilo ejongene nezinga lengqondo mayelana ne yure eziyi 24 kwiyure eziyi 72 kwixesha lohlolo.

(6) Umhloli wempilo yengqondo olawule kwiyure ezingama-72 zohlolo makanikezele kwiyure eziyi12 emva kokuphela kweyure ezingama-72 zexesha lohlolo, ingxelo eyongezelelweyo kwifomu MHCA06 yesifakelelo kwintloko yeziko lempilo ngokujongene nayo ibonisa uvavanyo olo emzimbeni nase ngqondweni yomyangwa ogula ngegqondo kunye nemibono nokuqhubeka konyango kumyangwa lowo.

(7) Intloko yeziko lempilo mayimkhupe ize imtshintshele umyangwa ogula ngengqondo kunyango lokuzithandela ngeloxesha lovavanyo lweyure ezingama-72 ukuba imo yengqondo yomnyangwa lowo iyakuvumela oko.

(8) Ukuba ngaba intloko yeziko lempilo elo emva kovavanyo lweyure ezingama-72 linembono zokuba imo yegqondo yomnyangwa ogula ngengqondo ifuna ukuba aphinde asiwe kulongiwa olunyanzeliswayo, unyango nokubuyiselwa kwisimo esisiso ehleli ngaphandle makathi axhelele iBhodi yoHlolo kwifomu MHCA 09 wecandelo elo.

(9) Ukuba ngaba intloko yeziko elo emva kohlolo lweyure ezinghama-72 inembono yokuba imo yengqondo yomnyangwa ogula ngengqondo ifuna ukuba afumane iinkonzo zokongiwa ngokunyanzeliswa, unyango nokubuyiselwa kwisimo esisiso engaphakathi, kufuneka acele iBhodi yohlolo kwifomu MHCA 09 yecandelo ukuba ivume okunye ukongiwa, ukunyangwa nokubuyiselwa kwisimo esisiso

(10) ukuba iBhodi yohlolo mayithi zingaphelanga intsuku eziyi 30 ifumene incwadi ezixelwe kwisiqendu 34(3)(c)(i) ithumele isigqibo malunga nokuphinde kongiwe ngokunyanzeliso, ukunyangwa nokubuyiselwa kwisimo esisiso engaphakathi umnyangwa lowo kwifomu MHCA 14 yesifakelo aze anike izizathu kumenzi sicelo nentloko yeziko lempilo.

Ulwazi malunga namaziko empilo anikezelo ngovavanyo

- 12 (1) Intloko yesebe lephondo mayinikezele onke amaziko empilo aphantsi kuka Rhulumente, amaziko empilo abucala ephondo, amalungu enkonzo zamapolisa o mzantsi Afrika nesebe lezeMpilo likaZwelonke elikweso sithili sephondo elinikezela uvavanyo lwe yure iziyi 72 eluxelwe kwisiqendu 34 salomthetho.
- (2) Intloko yelosebe lephondo mayilungise ololudwe oluxelwe kummiselwana (1) unyaka nonyaka, ixela ukuba leliphu na iziko lempilo elikwesosithili lize linikezele ngoluhlu olo lulungisiweyo oluxelwe kumiswelana (1).

ISAHLUKO 3: IZIBHENO

Izibheno ezichasene nesigqibo sentloko yeziko lezempilo sokuphucula isicelo sokongiwa ngokuncediswayo, unyango kunye nukubuyiselwa kwisimo esisiso

13. (1) Umntu obhekiselwe kwisiqendu 29(1) soMthetho kwintsuku eziyi 30 zosuku lokubhalwa kwesilumkiso esikhutshwe malunga nesiqendu 27(9), isicelo kwifomu ye MHCA15 yeSihlomelo sokuchasa izigqibo zentloko yeziko lezempilo kwiBhodi yesiHlolo.

- (2) Isicelo esixeliweyo kwisiqendu 29(1) soMthetho, mhlawumbi-

- (a) esenziwe sabhekiswa kwiBhodi yoHlolo malunga nayo;
- (b) esingeniswe kwintloko yeziko lempilo apho izicelo malunga nesiqendu 27 soMthetho esenziwe ngokukhawulezileyo kwiBhodi yeoHlolo.

Isicelo esichasene nesigqibo seziko lempilo sokuvavanywa ngokunyanzelekileyo, ezonyango nobuyiselwa kwesimo sempilo esisiso

14. (1) Umntu obhekiselwe kwisiqendu 35(1) somthetho angathi, kwintsuku eziyi 30 ezibhalwe kwisilumkiso ezikhutshwe malunga nesiqendu 33(8), isicelo esikwi fomu yeMHCA 15 sesokongezelo ngokuchasene nesigqibo sentloko seziko lezempilo.
- (2) Isicelo esixeliweyo kwisiqendu 35(1) soMthetho-
- (a) sangabhekiswa kwiBhodi yoHlolo nkokujongene nayo;
 - (b) sangangeniswa kwintloko yeziko lempilo apho isicelo malunga nesiqendu 33 soMthetho asenze khona, othi ngokukhawulezileyo kufakwe isicelo kwiBhodi yoHlolo ngokujongene nayo.

Ukujongwa kwezicelo yiBhodi yoHlolo

15. (1) Ukuba isicelo esichasene nesigqibo esixeliweyo kwisiqendu 27(9) kunyenesama 33(8) somthetho sokunikesela ulolong okanye ulongo olunyanzelikileyo, unyango nokubuyisela kwesimo esisiso esenziwe yoBhodi yoHlolo, unobhala othi iBhodi yoHlolo mayiqinisekise ukuba onke amaxwebu malunga nesiqendu 29 no 35 soMthetho esifumaneka sakhutshwa kumalungu eBhodi yoHlolo ngokucinane kwiveki enye phambi kokuba isicelo sijongwe yiBhodi yezoHlolo.
- (2) Unobhala weBhodi yoHlolo makazise umbheni ngencwadi ebhaliweyo, umntu oxelwe kwisiqendu 27(1) okanye 33(1) soMthetho onxulumene nabanyangwa abongiwa impilo yengqondo ngugqira, intloko yeziko lempilo naye nawuphi na umntu iBhodi yoHlolo ecinga ukuba ubalulekile kumamelo lwesicelo, ngosuku lwesicelo, nokuba sibhaliwe okanye sithethiwe, loo ngxaki mayisiwe kwiBhodi yoHlolo.
- (3) IBhodi yoHlolo ngokucacileyo ingamema lomntu oxelwe kusimmiselo (2) azokuhlalela ukuxoxwa kwesicelo.
- (4) IBhodi yoHlolo mayinike isaziso sokuhlalewa kwesicelo ngokuncinane iiveki ezimbini phambi kolo suku lokuhlalelwa kwesicelo.
- (5) Bhodi yoHlolo ingabiza naye nawuphi na umntu ngefomu yeMHCA18 yeSihlomelo avele phambi kwayo nje ngengqina elizokunikezala ngobungqina okanye ikhuphe nayiphi na incwadi, uxwebu olushicilelweyo okanye nayiphi na into, enezimvo ezinxulumene neBhodi yoHlolo malunga nezicelo.

- (6) Umntu oxelwe kummiselo (5) makenzelwe imbuyiselo ngengxowa mali ebekwe lisebe lephondo ejongene naziphi na indleko loomntu angazifumana kukoyohlalela umanyelo lwesicelo.

Umyalelo yinkundla ephakamileyo wokhathalelo lokungazimiseli, unyango nokulungiswa kwesimilo

16. Kwiintsuku ezingama-30 emva kokufunyanwa kwamaxwebhu angeniswe yiBhodi yoPhengululo ngokwemiqathango yamacandelo 34 (7) okanye 35(4), iNkundla ePhakamileyo kufuneka ngokwemiqathango yecandelo lama 36 lomThetho ngendlela ye-MHCA 16 yeSihlomele iyalele -

- (a) ukulaliswa esibhedlele okungaphaya komsebenzisi wokhathalelo lwempilo yengqondo, ukuba kukho imfuneko, yokuba imicimbi yezimali yomsebenzisi onjalo iphathwe kwaye ilawulwe ngokwemimiselo yeSahluko VIII somThetho; okanye

- (b) ukukhutshwa ngoko nangoko komsebenzisi onjalo

ISIQENDU 4: UKUTSHINTSHWA NOKUKUTSHWA

Iingxelo yokukhutshwa

17. Intloko yeziko lezempilo ma ikhupe ingxelo yokukhutshwa kwifomu yeMHCA03 yongezelelo.

Umnyangwa owongiwa impilo yengqondo onyanzeliswayo onyangwa engaphandle

18. (1) Ukuba immo yengqondo yomnyangwa owongiwa impilo yengqondo ifuna ukuba aphinde afumane, ukongiwa, unyango nokubuyiselwa kwisimo esisiso olunyanzeliswayo engaphandle ngokwesiqendu 34(3) okanye 34(5) soMthetho, intloko yeziko lempilo mayinikezele umgcini wakhe ngoludwe lwenkqubo nemeko ezinxulumene nokongiwa engaphandle, ukunyangwa nokubuyiselwa kwisimo esisiso somongiwa lowo, kwifomu MHCA10 yeSihlomelo.

- (2) Uludwe lwemeko ezixelwe kummiselwana (1) mazifundelwe unyangwa owongiwa impilo yengqondo kunye nomgcini wakhe okanye kufundwe kuguqulwe kwiilwimi zobuRhulumente anokuthi loo mnyangwa aziqonde.

- (3) Iimeko ezixelwe kummiselwana (1) maziqulathe oku-

- (a) igama lomgcini walowo mnyangwa wongiwa impilo yengqondo aze anikwe;

- (b) igama leziko lempilo apho umnyangwa ongiwa impilo yengqondo, immo yengqondo yomnyangwa mayijongwe;

- (c) igama leloziko lempilo apho unyango luzakunikezelwa khona ukuba unyango olo aluzakunikezelwa kwiziko lempilo elo lixelwe kumhlathi (b);
- (d) indlela yokuziphatha emayithotyelwe ngumyangwa onyangwa impilo yengqondo;
- (e) igama lesibhedlele saloogqira wengqondo okanye iziko lokongiwa nokubuyisela simo esisiso,apho umnyangwa aza kulaliswa khona, ukuba-
- (i) lowo ubuyele kwisimo apho angafaka yena okanye abanye abantu engozini ukuba uhlala engumnyangwa wangaphandle onyanzeliswayo; okanye
 - (ii) imiqathango yonyango engaphandle yophulwe.
- (4) Eloziko lempilo malithumele uludwe olunemiqathango ku-
- (a) kumanyangwa owongiwa impilo yengqondo;
 - (b) umgcini oxelwe kummiselo 3(a);
 - (c) onke amaziko empilo axelwe kumimiselwana (3)(b) and(c);kanye
 - (d) neBhodi yoHlolo leyo.
- (5) Umnyangwa owongiwa impilo yengqondo ongayamkeli imiqathango emalunga nokongiwa, nokunyangwa nokubuyiselwa kwisimo esisiso ngesinyanzeliso engaphandle, makahlale engumnyangwa owongiwa impilo yengqondo.
- (6) Umgcini olawula umnyangwa owamkela unyango lokwangiwa impilo yengqondo uthenjwe ukuba angathatha naluphi na uxanduva lwaloomyangwa xa lomnyangwa ekutshiwe kwiziko lempilo ngokujongene nokuba umnyanga lowo ufumana unyango lwangaphakathi.
- (7) Ukuba umgcini onolawulo lomnyangwa owamkela unyango lokongiwa impilo yengqondo ufuna ukutshintsha apho umnyangwa ahlala khona kwaye olotshintsho lufuna kuseyenziswe elinye iziko lempilo-
- (a) apho isimo somongiwa owamkela unyango lwempilo yengqondo sizakujongwa, sihlolwe; kwaye
 - (b) apho unyango luzakunikezelwa khona,
- umgcini makacele ngencwadi ebhaliweyo kwintloko yeziko lempilo malunga nokutshintshelwa kwalomnyangwa kwelinye iziko lezempilo.
- (8) Ukuba intloko yeziko lempilo nentloko yeloziko lempilo apho umnyangwa azakutshintshelwa khona bayasivuma isicelo esixelwe kummisewana (7), loo mnyangwa angatshintshelwa kwelinye iziko lempilo.

- (9) Apho umnyangwa owongiwa impilo yengqondo engazi ukuba ajongwe aze ahlolwe njenge kwimiqathango yommiselwana (1), emva kwemiqathango efanelekileyo ithethiwe leloziko lempilo laze lamfumana umnyangwa lowo, lomyanwa lowo uthathwa nje ngokuba uqweshile ngokwesiqendu 40(4) somhetho, kwaye ezomeko ezijongene neziko lezempilo mazichazelwe inkonzo yamaPolisa omZantsi Africa kwifomu MHCA25 lolwengezelelo .

Utshintsho lomnyangwa owamkela unyango lokongiwa impilo yengqondo ngokunyanzeliswa

19. Amalungiselelo otshintsho oluxelwe kwisiqendu sama 34(4)(b) soMthetho makenziwe kwifomu MHCA11 yongezelelo phakathi kweentloko zesibedlele sengqondo, uo neziko elijongene nokonga nobuyiselo kwisimo esisiso kunye nentloko yeziko lempilo apho imnyangwa onyanzeliswayo alaliswe khona.

Ukutshintshwa komnyangwa owamkela unyango lokwangiwa kwempilo yengqondo onyanzeliswayo esuswa kunyango lwaphakathi esiwa kunyango lwangaphandle okanye kolwangaphandle esiwa kolwangaphakathi

20. (1) apho sicelewe ngokwesiqendu 8(3) okanye 34(5) okanye (6), umnyangwa owamkela unyango nokwangiwa impilo yengqondo angatshintshelwa ukusuka kunyango lwangaphakathi asiwe kolwangaphandle okanye kolwangaphandle asiwe kolwangaphakathi kusetyenziswa ifomu yeMHCA12 yesongzelelo.
- (2) Amalungiselelo otshintsho axelwe kummiselwana (1) makenziwe phakathi kwentloko zesibhedlele sengqondo kunye nentloko yeziko lezempilo apho umnyangwa onyanzeliswayo ongiwa engaphandle enziwa uvavanyo khona.
- (3) Apho utshintshosele lwenziwe isaziso solotshintsho masingeniswe kwiveki ezimbini yintloko yeziko lempilo kwiBhodi yezoHlolukuba ilujonge ngokwesiqendu 34(7) soMthetho.

Ingxelo zamaxesha ngamaxesha

21. (1) Uhlolo lwamxesha ngamaxesha ku-
- (a) mnyangwa owamkela unyango lokwangiwa kwempilo yengqondo encediswe ngokwesiqendu 30 soMthetho;
- (b) mnyangwa owamkela unyango lokongiwe impilo yengqondo ngonyanzeliso ngokwesiqendu 37 soMthetho;
- (c) isigulane sikaRhulumente ngokwesiqendu 46 soMthetho;
- (d) ibanjwa eligula ngengqondo ngokwesiqendu 55

soMthetho, masenziwe kwifomu yeMHCA13 yeSihlomelo.

(2) Malunga nomntu obhekiselwe kwisimiselo(1)(a).(b)okanye (c)-

- (a) uhlobo lokuqala malenziwe ngugqira kwinyanga ezintandathu emva kokuqalisa kolkongiwa, unyango kunye nenkozo ezijongene nobuyiselo simmo esisiso;
- (b) uhlobo lwesibini malenziwe ngugqira wengqondo ngenyanga ezilishumi elinesibini emva kohlobo lokuqala oluchaswe kumhlathi (a) kunye,
- (c) uhlobo malenziwe qho emva kwenyanga ezingamashumi anesibini ngaphandle kokuba uhlobo olulolunye malenziwe ngomnye ugqirha.

(3) Malunga nomntu oxelwe kummiselwana (1)(d) yohlobo lwamaxhesha ngamaxhesha malenziwe qho emva kwenyanga ezintandathu ngugqira.

(4) Kwintsuku ezingama 30 emva kokuba iBhodi ifumane ingxelo emfutshane yohlobo lwamaxhesha ngamaxhesha ebekiselwe kwisimiselo (1)(a),(b)kunye no(d), looBhodi yoHlobo mayenze isigqibo ngohlobo olo kwifomu yeMHCA17 yesifakelo.

Isicelo sotshintsho somnyangwa owamkela unyango lwempilo yengqondo kwindawo enokhuseleko oluluqilima

22. Intloko yeziko lempilo ingathi ngokwesiqendu 43 okanye 54(2) soMthetho kwifomu yeMHCA19 yeSihlomelo icele kwiBhodi yoHlobo utshintsho lomnyangwa kaRhulumente okanye ibanjwa eligula ngengqondo lisiwe kwelinye iziko lempilo elinokhuseleko oluluqilima.

Umyalelo wotshintsho lomnyangwa owamkela unyango lokwangiwa impilo yengqondo wokusiwa kukhuseleko oluluqilima

23. (1) Ukuba iBhodi yoHlobo iyavuma ngokwesiqendu 39(4) soMthetho intlokoyeziko lempilo exelwe kwisimiselo 20 (1), loBhodi yoHlobo ingathi ngefomu yeMHCA20 yeSihlomelo inike umyalelo wotshintsho lomnyangwa oncediswayo okanye onyanzeliswayo asiwe kwiziko lempilo elunokhuseleko oluluqilima.

(2) Ukuba iBhodi yoHlobo ivuma malunga nesiqendu 43(3) okanye 54 (1) soMthetho isicelo sentloko yeziko lempilo ngoku bhekisele kummiselo 20(2) onkanye (3), looBhodi yoHlobo ingathi kwifomu yeMHCA20 yeSihlomelo iyalele utshintsho lwesigulane sikaRhulumente okanye ibanjwa eligula ngengqondo ukuba liye kwelinye iziko lempilo olinokhuseleko ululuqilima.

Isaziso sotshintsho lwesigulane sikaRhulumente okanye ibanjwa eligula ngengqonda phakathi kwamaziko empilo

24. (1) Umntu onoxanduva oluchapazela ukutshintshwa kwesigulane sikaRhulumente ngokwesiqendu 43 makathi kwifomu yeMHCA21 yeSihlomelo, azise umgcini osemthethweni (*curator ad litem*).
- (2) Umntu okanye iziko eliyalela utshintsho ngokwesiqendu 54 soMthetho, makazise, kwintsuku ezilishumi elinesine zolotshintsho, kwifomu yeMHCA21 yeSihlomelo makazise intloko yentolongo apho ibanjwa ligcinwe khona.

Ukutshintshwa kwesigulane sikaRhulumente sisuka kwindawo yokugcinwa sisisiwa kwiziko lempilo phakathi kwamaziko empilo

25. (1) Intloko yeSebe lezeMpilo kaZwelonke mayithi emva kokuba ifumene umyalelo obhekiselelwe kwisiqu 42(1) soMthetho owenza amalungiselelomalunga nesiqu 42(3) somthetho okwifomu yeMHCA23 yesonongezelelo sotshintsho lwesigulane sikaRhulumente sisuka kwiziko lokugcinwa lisisiwa kwiziko lempilo malunga nesiqu 41 soMthetho.
- (2) Nangani intloko yeSebe lezeMpilo likaZwelonke yenze isigqibo malunga nesiqu 43(2) soMthetho sokuba umnyangwa kaRhulumente makatshintshelwe kuyiphi na indawo yokugcinwa, intloko yeSebe lePhondo efanelekileyo ingathi ngokwesiqu 43(1) soMthetho yenze amalungiselelo okuba umnyangwa kaRhulumente atshintshwe aye kwelinye iziko lempilo ngefomu MHCA24 yeSihlomelo malunga nesiqu 41 soMthetho.

Isicelo sekhefu

26. (1) Intloko yeziko lempilo ingakhupha isibonelelo sokungabikho ngefomu yeMHCA27 yeSihlomelo kwisigulane esinediwayo okane esinyanzeliswayo ngexesha elingagqithanga inyanga ezintandathu, ngaphandle kokuba imigaqo emayithotyelwe ngelo xesha lesicelo elichazwe kwifom exeliweyo.
- (2) Intloko yeziko lempilo leyo ingasivuma isicelo sokungabikho esenziwe ngefomu yeMHCA27 yeSihlomelo kwisigulane sikaRhulumente ixesha elingadluliyo iinyanga ezintandathu ngexesha: Ngaphandle kokuba imiqathango neemeko ekufuneka kuvunyelwene ngazo ngelo xesha lekhefu zimiselwe kwifom enjalo
- (3) Intloko yeziko lempilo leyo, ngexesha lekhefu, ukuba ngaba inesizathu sokukholelwa ukuba isigulane sikaRhulumente, sincediswa okanye esinyanzeliswayo asivumelani nemiqathango neemeko ezikhoyo kwikhefu elinjalo, ikhefu malirhoxiswe kwifom ye-MHCA 28 yeSihlomelo kwaye ixele ukuba isigulane sikaRhulumente, sincediswa okanye singabuyiselwa kumaziko ezempilo ngumntu osigcinileyo okanye izimiselo 28 okanye 29

Ukugqithiselwa kwesigulane esincediswayo okanye esinyanzeliswayo, isigulane sikaRhulumente okanye ibanjwa eligula ngengqondo phantsi kwamacandelo ngoncedo olusuka kwiNkonzo yaMapolisa omMzantsi Afrika

27. (1) Intloko yesebe lempilo ingathi kwimeko ezingaqhelekanga nasemva kwemvume kagqira wempilo yengqondo, isicelo esincedisana nenkonzo yamaPolisa omMzantsi Afrika malunga notshintsho lomnyangwa owamkela unyango lwempilo yengqondo, umnyangwa kaRhulumente okanye ibanjwa eligula ngengqondo.
- (2) Isicelo esixelwe ngummiselwana (1) masenziwe qho ukuba intloko yezempilo yonelisekile ukuba olo lolongo nonyango olunikwe lomnyangwa okanye inzame zokunikela ulolongo zenziwe yaye intloko inoluvo lokuba umnyangwa lowo, umnyangwa kaRhulumente okanye ibanjwa eligula ngengqondo linobungozi kakhulu ukuba lingatshintshwa ngesithuthi esikhwele ngamagosa empilo kuphela okanye singaqhwesha gaphandleni kokuba sigadiwe.
- (3) Umnyangwa owongiwa impilo yengqondo oxelwa ngummiselwana (1) ofanele ukuba atshintshwe angagcinwa emapoliseni ixesha elingekho ngaphezulu kwiyure ezengama 24 ngenjongo zokulungiselela utshintsho olo.
- (4) IGosa lezempilo malikhape umnyangwa owamkela unyango lempilo yengqondo oxelwa ngummiselwana (1) ngexesha lotshintsho.

Ukubanjwa nokunikezelwa komntu kwiziko lempilo yiNkonzo yamaPolisa omMzantsi Afrika

28. Ukuba ngaba ilungu leeNkonzo zamaPolisa omMzantsi Afrika libamba umntu ngokwemiqathango yecandelo 40 (1) lomThetho, ilungu malenze ukuba umntu -
- (a) asiwe kwiziko lempilo eliphantsi lolawulo lukaRhulumente, elidweliswe ngokwemiqathango yomthetho we-12 lisebe lephondo elibandakanyekayo, ukuze kuhlolwe isimo sengqondo saloo mntu; kunye
- (b) nokuba anikezelwe kusetyenziswa ifom ye-MHCA 22 yeSihlomelo ekhululelwa kwintloko yeziko lempilo okanye nawuphi na omnye umntu owonyulwe yintloko yesebe leziko ukuba amkele abantu abanjalo.

Ukubuyiswa komntu obalekileyo oye wabanjwa kwaye eselugcinweni lweNkonzo yamaPolisa omMzantsi Afrika

29. (1) Ukua umnyangwa wengqondo ubalekile okanye kucingelwa ukuba ubalekile, intloko yeziko le, pilo ebandakanyekayo ngokwemiqathango yecandelo lama-40(4), lomThetho kunye nakwifom ye-MHCA 25 yeSihlomelo inokwazisa kwaye ifune uncedo kwiNkonzo yamaPolisa omMzantsi Afrika, ukufumana, ibambe kwaye ibuyisele umnyangwa kwiziko elibandakanyekayo

- (2) Ukuba ngaba umnyangwa ekubhekiselwe kuye kwicandelo (1) ubanjiwe yiNkonzo yamaPolisa oMzantsi Afrika ngokwemiqathango yamacandelo 40(4), omThetho kummandla weziko lempilo elinjalo, iNkonzo yamaPolisa oMzantsi Afrika kufuneka ambuyisele umnyangwa onjalo ngoko nangoko kwiziko elinjalo kwaye amnikezele kwintloko yeziko lempilo elinjalo okanye nawuphi na omnye umntu owonyuliweyo yileyo ntloko ukuba amkele umnyangwa onjalo, ngaphandle kokuba ifom ye-MHCA 26 yeSihlomelo kufuneka igcwaliswe ngelo xesha kunikezelwa ngomnyangwa
- (3) Ukuba ngaba umnyangwa wengqondo obalekileyo kwiziko lempilo ubanjiwe yiNkonzo yamaPolisa oMzantsi Afrika ngokwemiqathango yamacandelo 40(4), 44(1) okanye lama-57 (1) lomThetho kwaye oko kubanjwa akwenzeki kummandla welo ziko lempilo, iNkonzo yamaPolisa oMzantsi Afrika kufuneka -
- (a) yazise intloko yeziko lempilo ukuba umnyangwa onjalo ubanjiwe kwaye uselugcinweni lweNkonzo yamaPolisa oMzantsi Afrika; kwaye
- (b) anike ulwazi oluphathelele nemeko yomzimba kunye nengqondo aloo mnyangwa ilungu elazisayo elinokuyinika.
- (4) Intloko yeziko lezempilo elixelwa ngummiselwana (1), ukuba immeke zifuna ukuba, kuthathwe amanyathelo okuqinisekisa ukuba ughirha ovela kwiziko elikufutshane nesikhululo samapolisa apho umnyangwa owamkela unyango lwempilo yengqondo uphantsi kogcino lwamapalisa khona okanye kwogqira wengqondo, ehlola ukuba umnyangwa owamkela unyango lwempilo yengqondo unikwa unyango olufunekayo kwisithili samapolisa okanye kwiziko lezempilo elikufutshane.
- (5) Emva kohloko uluxelwe ngummiselwana (4) kuluxanduva lelungu elikwi NKonzo yamaPolisa oMzantsi Afrika kwisikhululo apho umnyangwa owamkela unyango lwempilo yengqondo egcinwe khona, ukucebisana nentloko yeziko yezempilo nokwenza izivumelwano zokubuyisa komnyangwa owamkela unyango lwempilo yengqondo, kucingelwe impilo nemeko yengqondo yalomnyangwa, ngaphandle kokuba lomnyangwa -
- (a) nganobungozi ukuba angatshintshwa ngesithuthi esikhwele abezempilo bodwa; okanye
- (b) angathanda ukuqwesha ukuba xa etshintshwa ngapandle kokuba ugadiwe.
- Iomongiwa kufuneka ahanjise ziiNkonzo zamPolisa omZantsi Afrika okanye ilungu elinye elisuka kumapolisa omZantsi Afrika.
- (6) Umnyangwa owamkela unyango lwempilo yengqondo angahlaliswa kwisikhululo samapolisa ngexesha elingekho ngaphezulu kwiyure ezingama 24 ngenjongo zinokuchaphazela ubuyiso lwesosigulane.

Ukhululo lomnyangwa kaRhulumente

30. (1) Umntu oxelwe kwisiqendu 47(1) soMthetho apho umgcini ingengomgcini osemthethweni okanye olawula isigulane sikaRhulumente makenze isicelo ngefomu yeMHCA29 yeSihlomelo kwijaji ese-ofisini malunga nokukhutshwa komnyangwa kaRhulumente.
- (2)Umgcini osemthethweni okanye umlawuli wesigulane sikaRhulumente Angacela, kw ifomu yeMHCA30 yeSihlomelo kwijaji ese-ofisini ukuba kukhutshwe isigulane sikaRhulumente ngaphandle kwemiqathango.
- (3) Yakuba ijaji ijonge isicelo ingenza isinqumo sokuba MHCA31 sokuba umnyangwa kaRhulumente akhutshwe ngaphandle kwemiqathango.
- (4) Ukuba intloko yeziko lezempilo emva kokufumana ingxelo exelwe kwisiqendu 41(3) soMthetho yaye inezi zizathu zokuba umnyangwa kaRhulumente akayithobelanga yonke imiqathango emalunga okanye immo yakhe yehlile ngokwasempilweni loo ntloko kufuneka ukuba isebenzise ifomu yeMHCA34 yeSihlomelo ngenjongo zesisqendu 48(5) soMthetho.
- (5)Isigulane sikaRhulumente esikhutshwe ngemiqathango masithi ngenjongo zesisqendu 48(6) soMthetho senze isicelo ngefomu yeMHCA35 yeSihlomelo

Inqubo malunga nokuphela kwexesha ibanjwa eligula ngengqondo lihleli eziseleni

31. Isicelo malunga nesiqendu 58(3) soMthetho kufuneka senziwe ngefomu yeMHCA38 yeSihlomelo

ISAHLUKO V**Imiqathango eyenziwa yinzululwazi yotyando, ngechiza okanye ngobuchule ngamachiza okunyanga****Inzululwazi yonyango lwengqondo**

32. (1) Akukho nzululwazi yonyango lwengqondo enokunyanga umnyangwa owamkela unyango lwempilo yengqondo ongakwaziyo ukunika imvume malunga kuhlinzwa kwakhe.
- (2) Umyangwa owamkela unyango lwempilo yengqondo okwaziyo ukunika incazelo kwi nzululwazi leyo yonyango lwengqondo, makanike loo mvume ngobhalo.
- (3) Phambi kokuba nayo nayiphi na inzululwazi yonyango lwengqondo inyange umnyangwa owamkela unyango lwempilo yengqondo,ingxelo yolonyango eyenziwe yaze yasayinwa ubuncinane ngoogqira bengqondo ababini mabachaze ngezimvo zabo ngalo lonke unyango lwempilo yengqondo obe lusetyenzisiwe lwaze alaphumelela noqhaqho ukuba

luyafuneka.

- (4) Uqhaqho lungenziwa kuphela yinzululwazi ngonyango lwengqondo ebhalisiweyo evumileyo ukwenza eloqhaqho.

Unyango lombane oloxhuzulo lomzimba

33. (1) Unyango lombane oloxhuzulo lomzimba kufuneka lulawulwe ngugqira oqeqeshelwe uvavanyo lwempilo yengqondo kwaye maluphatwe ngokusetyenziswe iyeza lokuphelisa intlungu nomculo oyekelelisayo.
- (2) Akukho mnyangwa owamkela unyango lwempilo yengqondo ongena kunyango lombani oloxhuzulo mzimba olugqithe kwisinye, kwiyure ezingama 24, kwaye olonyango malungabikho qho ngentsuku ezahlukeneyo.
- (3) Unikezelo lwesimiselo 37 ngokunxulumene nemvume ebhaliweyo mayithotyelwe kunyango lombani oluxhuzula umzimba.
- (4) Iziko lezempilo phantsi koncedo likaRhulumente okanye iziko elizimeleyo lingenza unyango lombane loxhuzulo lomzimba ngomashini ukuba livunyelwe yintloko yesebe lephondo.
- (5) Nanini na xa unyango lombane loxhuzulo mzimba lusenziwa irejista esayiniweyo yaze yagcwaliswa ngugqirha nesishwankathelo salo rejista, mayingeniswe liziko lempilo na kwiBhodi yoHlolo ngekota nganye kwifomu yeMHCA 47 yeSihlomelo

Unyango lolaliso

34. Ukusetyenziswa konyango olulalisayo aluvumelekanga kumnyangwa onyangelwa impilo yengqondo.

Imvume yonyango okanye uqhaqho malunga nengulo engeyiyo ingulo yengqondo

35. (1) Umnyangwa owamkela unyango lwempilo yengqondo onyanzeliswayo, oncediswayo, umnyangwa kaRhulumente okanye ibanjwa eligula ngengqondo okwaziyo ukunika imvume ngencazelo yonyango okanye uqhaqho, malunike imvume yokufumana unyango okanye uqhaqho okanye hayi.
- (2) Apho ugqira wempilo yengqondo ecinga ukuba isigulane asikwazi ukunika imvume yonyango okanye uqhaqho ngenxa yengulo yengqondo okanye ubuthathaka ngokwasengqondweni, umgcini wasemthethweni, ukuba inkundla sele imonyule, umyeni okanye umfazi okanye isizalwane, okanye umnonopheli, umntwana ongaphezulu keminyaka engama 18, usisi nobhuti, okanye iqabane linganikezela ngemvume yonyango okanye uqhaqho.

(3) Intloko yeziko lezempilo apho umnyangwa wempilo yengqondo ahlala khona intloko yeloziko enelays-isenisi ngokommiselo 47 okanye 48 apho umnyangwa owamkela unyango lwempilo yengqondo ahlala khona anganikezela ngemvume yonyango okanye uqhaqho ukuba –

- (a) akakho umntu oxelwe ngummiselwana (2) okanye iinzame zokumfumana aziphumelelanga;
- (b) ukuba ezinye iindlela zixoxiwe nentloko yeziko lezempilo okanye intloko yezio elinelaysisenisi iyanela ukuba olona ncedo lubalulekileyo nolufunekayo malwenziwe.
- (c) ugqira ookwenza uqhaqho authi malwenziwe olo nyango okanye uqhaqho.

(4) Iinkcukaca ezifunwe kummiselwana (1) nakwimihlathi (a), (b) kunye no (c) yommselwana (3) emazifakwe kwixwebu loshicilelo lonyango malunga nomnyangwa owamkela unyango lwemio yengqondo ngokujongene phambi konikezelo lonyango okanye uqhaqho.

Ukusetyenziswa kweendlela zoomatshini zokuthintela

36. (1) Ukusetyenziswa kweendlela zoomatshini zokuthintela makungangasetyenziselwa ukutshitshwa komnyangwa owamkela unyango lempilo yengqondo kwiziko lempilo ngaphandle kokuba iindlela zamayeza okanye iinzame zokuthomalalisa ubundlobongela zokunqanda ukushukuma komzimba zisetyenzisiwe zaza azanceda isigulane singazenzakalisi okanye senzakalise abanye abantu.

(2) Apho indlela zoomatshini zokuthintela zifunekayo ukulungiselela ukunikezela ngamayeza oko kuthintela kungenziwa ngexesha olufutshane ngokuxhomekeke kwimeko zalowo ugula ngengqondo nje ngokuba kufuneka kuze kwenziwe unyango.

(3) Ngexesha umnyangwa owamkela unyango lwempilo yengqondo ephantsi kothintelo, kufuneka ahlale eqwalaselwe ubuncinane imizuzu engama 30 kwaye oloqwalaselo malushicilelwe kwincwadi yonyango.

(4) Naphi na apho kusetyenziswa iindlela zoomatshini zokuthintela -

- (a) irejista egcinelwe lonjongo mayigcwaliswe ize isayinwe ngugqira;
- (b) indlela zoomatshini zokuthintela nexesha ezisetyenzisiweyo, nangamaxesha xa umnyangwa wamkela unyango lwempilo yengqondo, ebeqatshelwe kunye nezizathu sokusebenzisa olohlobo lokuthintela ngugqira kuloo rejista ixelwe kumhlathi (a);
- (c) intloko yeziko lempilo mayinifumane ingxelo mihla le ebonisa zonke iziganeko ezibandakanya iindlela zoomatshini zokuthintela.

(5) Isishwankathelo serejista esixelwe kummiselwana (4) masingeniswe liziko lezempilo kwiBhodi yoHlolo kanye ngekota kwifomu yeMHCA48 yeSihlomelo.

(6) Makungasetyenziswa ukusebenza kweendlela zo omashini bokuthintela nje ngesohlwayo.

Ukwenziwa ikheswa

37. (1)(a) Umnyangwa owamkela unyango lwempilo yengqondo angangahlaliswa yedwa nje ngesohlwayo kwaye ukuhlaliswa yedwa kungasetyenziswa ukuzama ukunqanda isimo sengqondo esiphazamiseke kakhulu, nesiyingozi kwabanye abantu.

(b) Ukuhlaliswa kwesigulane sodwa makungangasetyenziswa njengesohlwayo.

(2) Ngexesha apho umnyangwa esamkela unyango lwempilo yengqondo esenziwa ikheswa makahlolwe ubuncinci bemizuzu engama 30 kwaye olohlolo lubhalwe phantsi

(3) Naninina apho ulwenziwo kheswa lusetyenzisiwe-

(a) irejista esayinwe ngugqira mayigcwaliswe;

(b) ixesha apho umnyangwa owamkela unyango lwempilo yengqondo kufuneka ukuba ahleliswe yedwa kunye nezizathu zoko, mazichazwe ngokuphandle kwirejista ngugqira; kunye

(c) intloko yeziko lempilo mayifumane ingxelo mihla le ebonisa zonke iziganeko zolwenziwo kheswa.

(4) Isishwankathelo serejista exelwe kummiselwana (2) masingeniswe liziko lempilo kwiBhodi yezoHlolo qho ngekota kwifomu yeMHCA48 yeSihlomelo.

ISAPHLUKO 6: UKHUSELEKO OLULUQILIMO

38. Amalungiselelo otshintsho lomnyangwa owamkela unyango lwempilo yengqondo ukuya kwelinye iziko lempilo makenziwe phakathi kweentloko ezimbini zamaziko ezempilo

ISAPHLUKO 7: IIREKHODI EZINYANZELEKILEYO

39. Ezi zilandelayo incwadi mazigcinwe kwiziko lempilo elinikezela ngonyango lwempilo yengqondo, ukongiwa nokubuyiselwa kwisimo esisiso

(a) incwadi enengxelo malunga nolwamkelo, ukukhutshwa, ukufa, ukutshintshwa kunye notshintsho lwesimo kwaso nasiphi na isigulane

esifumana unyango lwempilo yengqondo kweloziko, ukungabikho, okanye ukuqhwecha;

- (b) ingxelo ngonyango ngazo zonke incukaca ezijongene nempilo kunye nempilo yengqondo yomnyangwa owamkela unyango lwempilo yengqondo nengxelo yonyango ebezibhalwe zenziwa , kunye netsuku zongeniso lwezongxelo ezenziweyo, uphawu oluzeleyo, igama elibhalwe kunye nazo zonke incazo zoghira wempilo yengqondo owenze elongeniso;
- (c) ingxelo zolawulo lweencwadi zasemththweni neekopi ezingqinelana nezomnyangwa owamkela unyango lwempilo yengqondo;
- (d) ingxelo zokwenzakala kancinci okunye kakhulu ezifunyenwe kumnyangwa owamkela unyango lwempilo yengqondo kweso sibhedlela senqondo okanye kolololongo kunye namaziko

Iingxelo zenyanga

- 40. Intloko yeziko lempilo exelwe kummiselo 44 ngenyanga mayingenise kwintloko yesebe lephondo ukubuyiselwa kwenani lwezigulane, isimo sazo esisemthethweni kunye nenkcukaca ezixelwe kummiselo 44(a).

ISAHLUKO 8: UHLOLO NONYANGO

Uhlolo nonyango lomnyangwa owamkela unyango ngokubhekiselwe kumaziko ezempilo ngumthetho wenkundla ngokwemiqathango womThetho woLwaphulo-mThetho, 1977 (umThetho oyiNombolo yama-51 ka-1977)

- 41. (1) Umntu ekubhekiselelwe kuye yinkundla yomthetho kwiziko lempilo ngokwemiqathango yecandelo lama-79 lomThetho woLwaphulo-mThetho, 1977 makaxelelwe ukuba ingxelo izakufakwa ngughira wempilo yengqondo kumthetho wenkundla kwaye lowo akanyanzelekanga anikezele ngolwazi.
- (2) Ukuba umntu oxelwe ngummiselwana (1) ufumaniseke ukuba ugula ngenqondo, loomntu uyingozi kuye nakwabanye kwaye unyango luka gqirha wengqondo lungxamisekile, olonyango maluqaliswe ngoko na ngoko phambi kommiselwana (1) ongeniswe kwi nkundla yomthetho
- (3) Apho umntu othunyelwe yinkundla yomthetho kwiziko lezempilo malunga nokuhlolwa, lomntu anga, kokuncediswa yiNkonzo yaMapolisa oMzantsi Afrika siwa kumaziko ezempilo ukulungiselela ukuhlolwa izigulo zengqondo okanye uphando lwempilo yomzimba olungenokwenziwa kwindawo apho umntu avalelwe khona, ngaphandle kokuba ngexesha umntu ephantsi kohloko kwiziko lezempilo, uphantsi kokhuseleko lweNkonzo yaMapolisa oMzantsi Afrika ihleli iluxanduva lokhuseleko kwindawo apho kuhlala khona amabanjwa

- (4) Xa umntu oxelwe ngummiselwana (2) ephandiwe, oxelwe ngummiselwana (3), loomntu makatshintshwe kuncediswana neeNkonzo zaMapolisa oMzantsi Afrika ukusiwa kuloo ndawo atshintshelwa kuyo loomntu ahlala, okanye enye indawo, nqu nesibhedlele sonyango lwezengqondo, esilungiselelwe uphando ngaphandle kokuba amaphepha anxulumene nophando athunyelwe nomntu kwindawo athunyelwe kuyo.

ISIAHLUKO 9: UKUGUNYAZISWA KUNYE NOKUNIKEZELWA KWEPHEPHA-MVUME

Ukugunyaziswa nokunikezelwa kwephepha-mvume kwisibhedlele sabucala esinika iinkonzo zempilo yengqondo

42. (1) Isicelo sonikezelo lwephepha-mvume malunga nokusebenza esibhedlele masenziwe sihambelane nemithetho yezempilo ngokubanzi.
- (2) Ngokongezelela kwiphepha-mvume elixelwe kummiselwana (1). isibhedlele esinqwenela ukwamkela umnyangwa owamkela unyango lwengqondo ngokuncediswa okanye ngokunyanzeliswa, masicele ngobhalo kwisebe lesizwe malunga ne mpepha mvume lokwamkela esisigulane
- (3) Isicelo esibhalwe phantsi sephepha-mvume elivumelana nommiselwana (2) masibonakalise oku okulandelayo-
- (a) ugqirha wempilo yengqondo ozokuhlola umnyangwa onyangwa impilo yengqondo oncedisayo okanye onyanzeliswayo ngemiqathango yecandelo lama-27 kunye nelama-33 oMthetho akanako ukuqeshwa njengesinye isitafu sesibhedlele, engenakunikwa zinto zokusebenza okanye intlawulo kweso sibhedlele;
- (b) isibhedlele sihlolwe kwaphicothwa iincwadi zemali ngamagosa esebe lephondo elibandakanyekayo kwaye kwafumaniseka sifanelekile ukugcina umnyangwa onyangwa impilo yengqondo oncediswayo okanye ozitahndeleyo.
- (4) "Ofanelekileyo ukugcina"- ngummiselo 3(b) ngonyanzeliso okanye
- (a) iwadi etshixekayo ukongeza kwiwadi evulelekileyo
- (b) ugqira wempilo yengqondo kunye nogqira wengqondo kunye namagosa awo aqeqeshiweyo ekucingelwa ukuba anokwenza nawuphi na imsebenzi
- (c) inkqubo zokuqinisekisa ukhuseleko kumnyangwa owamkela unyango malunga nempilo yengqondo oncediswayo okanye onyanzeliswayo sisibhedlele
- (d) inkqubo yonyango lwempilo yengqondo ngokwasekuhlaleni ephuculiweyo .

(5) Imeko ezixelwe kwisimiselo (2) malunga nempepha mvume mazichazwe ngokucacileyo lisebe lephondo elo zize liqulathe oku-

- (f) inani labantu abazakuhlaliswa
- (g) ukuba ingaba loo nkonzo izakusetyenziselwa abantwana, abantu abadala, okanye abantu abadala abongiwayo
- (h) Iimfuneko zeenkono
- (i) ubude bexesha lephepha mvume
- (j) ukuba iphepha mvume alidluliselwa; kunye
- (k) nokuba uhlaziyo lwephepha mvume malwenziwe kwiiphondo elo ngokusekelwe kuhlolo

(6) Ukuba imeko yephepha mvume elixelwe ngummiselo 5 ayithotyelwanga, isebe lesizwe elibandakanyekayo, lingalirhoxisa elo phepha mvume.

Unikezwa ngephepha mvume kweendawo zoluntu

43. (1) Nayo nayiphi na inkonzo engaqhutywa ngqo nguRhulumente okanye elingesosibhedlele sonyuliweyo, kodwa enikeza ngendawo yokuhlala okanye indawo yokugcinwa emini abantu abahlanu nangaphezulu ebanophazamiseko ngengqondo mayithi ngokomThetho-

- (a) ifumane iphepha-mvume kwisebe lephondo elo ukuze isebenze;
- (b) kwenziwe uphicothi-zincwadi qho ngonyaka ngamagosa esebe lephondo elibandakanyekayo;

(2) Imeko zephepha-mvume ezixelwe kummiselwana (1) mazimiselwe ngokucacileyo lisebe leSizwe elibandakanyekayo kwaye ziquke-

- (a) Idilesi yobuqu yaloo nkonzo ibalulekileyo;
- (b) Inani labantu abaza kugcinwa
- (c) ukuba loo nkonzo izakusetyenziswa ngabantwana, abantu abadala okanye abantu abadala abongiwayo;
- (d) iimfuneko zenkonzo;
- (e) ubude bexesha lephepha mvume;
- (f) ukuba iphepha mvume alidluliselwa.

(3) Ukuba imeko yephepha mvume emiselwe kummiselwana (2) okanye (3) ayithotyelwanga, isebe lesizwe elibandakanyekayo, lingalirhoxisa elo phepha mvume.

ISAHLUKO 10: IINKQUBO EZIFUNDISAYO

Ukusekwa kunye nokuphunyezwa kweenkqubo zokufundisa abanyangwa abagula ngengqondo abangeniswe kumaziko ezempilo

44. (1) ISebe leSiswe lezeMfundo kufuneka, emva kokudibana neSebe leSizwe loPhuhliso lweNtlalo, liseke iinkqubo zokufunda zabanyangwa kubantu abaneminyaka enyanzeliweyo okanye abo bafanelwe ziinkqubo zofundiswa kwabantu abadala
- (2) Nasiphi na isigqibo esimalunga nomnyangwa esixelwe kummiselwana (1) masifumane inkxaso ngemfundo ngenjongo zokujonga nokufumanise uncedo olufunekayo apho uncedo lunganikwa khona
- (3) Uhlolo oluxelwe kummiselwana (2) maluhutywe yikomiti equlathe aabameli beSebe lezeMfundo lePhondo, iSebe leSizwe kunye neSebe leSizwe lophuhliso lweNtlalo ngokungqinelana noluhlul lwemisebenzi kunye nangokudibana nomntu obandakanyekayo.
- (4) Nasiphi na isigqibo malunga nobeko lomnyangwa masivunywe yintloko yeSebe lezeMfundo lephondo elibandakanyekayo.
- (5) Ukukhutshwa ngaphandle komntu kwimfundo enyanzeliwayo okwenziwa kukuba umntu egula ngengqondo okanye ekhubazeke ngokwasemqondweni makwenziwe yikomoti emiselwe kummiselwana (3) kwaye ibe ngokusekelwe kumgangatho wokusebenza komnyangwa obandakanyekayo.

ISAHLUKO 11: UKUKHATHALELWA NOKULAWULWA KWEPROPATI YOMNTU OGULA NGENGQONDO OKANYE UMNTU OKHUBAZEKE KAKHULU NGOKWENGQONDO

Isicelo esiya kuMnumzana weNkundla ePhakamileyo ukuze kuqeshwe umlawuli

45. UMnumzana weNkundla ePhakamileyo kufuneka enze isigqibo esimisilwe kwicandelo lama-60 (8) lomThetho ngokwemiqathango yefom ye-MHCA 40.

ISAHLUKO 12: IMIMISELO JIKELELE

ohlawulo lweendleko nemali ezisetyenziselwa ukugcina esimeni esisiso iziko eliphantsi kwenkxaso kaRhulumente

46. (1) Abanyangwa abasebenzisa unyango lwempilo yengqondo ngokunganyanzeliswa okanye ngokuncediswa, mabahlolwe baze bahlawuliswe iindleko ezimalunga nobume bomnyangwa lowo.

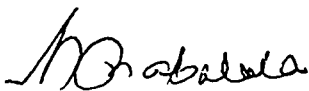
- (2) Izibheno zeendleko ezixelwe kummiselwana (1) mazithunyelwe ukuba zithathelwe ingqalelo yintloko yeziko lempilo elibandakanyekayo.
- (3) Umnyangwa owongiwa impilo yengqondo ngokunyanzeliswa akabhatali ndleko zixelwe kummiselwana (1).
- (4) Ibanjwa elilindele umhla wokuxoxwa kwetyala elingeniselwe ukuhlolwa malunga nomThetho weNkqubo yoLwaphulo-Mthetho malibhataliswe ngokungqinelana nerhafu ekuvunyelelene ngayo phakathi kweSebe lezeMpilo kunye neSebe leZobulungisa noPhuhliso loMgaqo Siseko.
- (5) Ibanjwa eligula ngengqondo elilaliselwe ukuba linyangwe malibhataliswe ngokungqinelana nerhafu ekuvunyelelene ngayo phakathi kweSebe lezeMpilo kunye neSebe leeNkonzo zoLuleko kwaye makubhatale eli Sebe lesibini.

Uqikelelo lwexabiso lwepropati kunye nengeniso yonyaka

47. (1) Uqikelelo lwexabiso lwempahla ngenjongo zamacandelo 60(4)(b), 60(5)(c) no 61 (4)(b) oMthetho ngama R200 000.
- (2) Ingeniso yonyaka ngenjongo zamacandelo 60(4)(b), 60(5)(c) kunye nama 61(4)(b) oMthetho ngama R24 000.

Urhoxiso

48. (1) Isaziso sikaRhulumente esingunombolo R.565 somhla wama 27 ngoMatshi kumnyaka ka 1975 njekokuba salungiswa ngezaziso zikaRhulumente esiyinombolo R.1000 somhla we-11 Juni 1976, R.599 somhla we-15 Aprili 1977, R.2315 somhla wama-24 Novemba 1978, R.2295 somhla we-19 Oktobha 1979, R2629 somhla we-10 Disemba ka 1982, R.943 somhla wesi-6 Mayi 1983 kunye nesingunombolo R858 somhla we-19 Aprili ka 1985 siyarhoxiswa.
- (2) Isaziso sikaRhulumente esiyiNombolo.R.1061 somhla wesi-4 kuJuni ka-1982 siyarhoxiswa.



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b) Umguli ubenokuzenzakalisa okanye enzakalise abanye ngokumasikizi.....

Izizathu zolu phononongo (ziquka imo yempilo ngokwasengqondweni nendlela yokuziphatha)

.....

c) Umguli ubenokwenza umonakalo omkhulu okanye onakalise izinto ezizezakhe okanye ezabanye.

Izizathu zolu phononongo (ziquka imo yempilo ngokwasengqondweni nendlela yokuziphatha)

.....

Zingaphelanga iiyure ezingama-24 –

a) Kuye kwenziwa isicelo sonyango olunyanzeliswayo nokulungiswa kwengqondo

Umhla wesicelo lxesha lesicelo

b) Umguli unike imvume yokunyangwa nokulungiswa kwengqondo;

c) Umguli ukhululwe.

Bhala izimeli-magama nefani :

Intsayino-gama :

(Umboneleli ngonyango okanye intloko yeziko lempilo)

Umhla :

ISEBE LEZEMPILO

INGXELO NGOKUXHATSHAZWA NEMPATHO-MBI NGOKWASEMZIMBENI NANGEZINYE IINDLELA, UKUNGAHOYWA NEMPATHO ETHOBA ISIDIMA SOMNYANGWA

[Umhlathi 11(2) woMthetho]

Mna.....

(igama)

.....

..... Idilesi

Ndazisa ukuba ndibone kuxhatshazwa / ukuphathwa kakubi ngokwasemzimbeni nangezinye iindlela / ukungahoywa / ukuphathwa ngendlela ethoba isidima salo mnyangwa :-

(apho yaziwayo)

Ifani yomnyangwa

Umhla wokuzalwa okanye ubudala obuqikelelwayo

Isini: Indoda umfazi

Umsebenzi Imo yomtshato: utshatile akatshatanga uqhawule umtshato ngumhlolo/mhlolokazi

Idilesi yokuhlala

.....

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.....

Igama leziko lezonyango okanye indawo apho uxhatshazo, impatho-mbi ngokwasemzimbeni okanye ngezinye iindlela, ukungahoywa okanye ukuthotywa kwesidima lwenzeke khona

Idilesi

.....

.....

.....

.....

Intsayino-gama

(yintloko yeziko lempilo)

Umhla :

(Ikopi mayithunyelwe kwiBhodi yoHlobo, kwintloko yentlongo nakwintloko yesebe likazwelonke)

Ukuba kunjalo kufuneka oku akufumane esisigulana sangaphandle/sangaphakathi

Isigulana sangaphakathi/sangaphandle

Nika izizathu

.....

Iziphakamiso kwintloko yeziko lezonyango – isicelo seenkonzo ezinyanzeliswayo

Umnyangwa uyakwazi ukuzenzela isigqibo esivokothekileyo ngemfuneko yokufumana iinkonzo zonyango nokulungiswa kwengqondo Ewe/hayi

Umnyangwa uzimisele ukufumana iinkonzo zonyango nokulungiswa kwengqondo Ewe/hayi

Ngokweembono zam umnyangwa angazenzakalisa okanye enzakalise abanye Ewe/hayi

Ngokweembono zam iinkonzo zonyango nokulungiswa kwengqondo ziyafuneka ukubonelela imo yasezimalini nesidima somnyangwa Ewe / hayi

Umnyangwa kufuneka afumane iinkonzo ezinyanzeliswayo zonyango nokulungiswa kwengqondo Ewe / hayi

Ukuba akunjalo, ungaphakamisa ukuba umnyangwa azifumane iinkonzo zonyango? Ewe / hayi

Bhal izimeli-magama nefani

Intsayino-gama

(Ngugqirha wezigulo zengqondo)

Umhla

Indawo.....

Ukuba kunjalo kufuneka oku akufumane esisigulana sangaphandle/sangaphakathi

Isigulana sangaphakathi/sangaphandle

Nika izizathu

.....

Iziphakamiso kwintloko yeziko lezonyango – isicelo seenkonzo ezinyanzeliswayo

Umnyangwa uyakwazi ukuzenzela isigqibo esivokothekileyo ngemfuneko yokufumana iinkonzo zonyango nokulungiswa kwengqondo Ewe/hayi

Umnyangwa uzimisele ukufumana iinkonzo zonyango nokulungiswa kwengqondo Ewe/hayi

Ngokweembono zam umnyangwa angazenzakalisa okanye enzakalise abanye Ewe/hayi

Ngokweembono zam iinkonzo zonyango nokulungiswa kwengqondo ziyafuneka ukubonelela imo yasezimalini nesidima somnyangwa Ewe / hayi

Umnyangwa kufuneka afumane iinkonzo ezinyanzeliswayo zonyango nokulungiswa kwengqondo Ewe / hayi

Ukuba akunjalo, ungaphakamisa ukuba umnyangwa azifumane iinkonzo zonyango? Ewe / hayi

Bhal izimeli-magama nefani

Intsayino-gama

(Ngugqirha wezigulo zengqondo)

Umhla

Indawo.....

.....
.....

Ukuba isicelo sesonyango olunyanzeliswayo:

Ndongenza izizathu ezibonakalisa ukuba umntu lowo ugula kangangokuba akanako ukuluvuma unyango njengesigulana esizithandelayo okanye akanako ukwamkelwa njengomnyangwa oncediswayo

.....
.....
.....
.....

Ndifakelela nezi nkukacha zilandelayo ukuxhasa esi sicelo sam (ukuba zikhona):

- Iziqinisekiso zonyango
 - Inkcazelo yezigulo zengqondo zangaphambili uphazamiseko / ngokwasengqondweni
 - Ezinye
-

Bhal izimeli-magama nefani

Intsayino-gama

Umhla

Indawo

(Ukuba isigulana singaphantsi kweminyaka eli-18 esi sicelo masenziwe ngumzai okanye ngumgcini-ngokomthetho)

Ndigqibele ukumbona umnyangwa ngo (umhla) ngo.....

(Umhla) (ixesha) (indawo)

(Umenzi sicelo makabe umbonile umguli ngeentsuku ezisixhenxe zokwenziwa kwesicelo)

Apho umenzi-sicelo ingulowo unika unyango:

Ukuba iqabane lomtshato, isizalwane, iqabane, iqabane lomsebenzi, umzali okanye umgcini-ngokomthetho abafuni ukusenza isicelo eso, chaza izizathu zoko:.....

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.....
.....
.....

Ukuba iqabane lomtshato, isizalwane, iqabane, iqabane lomsebenzi, umzali okanye umgcini-ngokomthetho abafumaneki ukwenza isicelo eso, chaza amanyathelo athathiweyo ukuzama ukubafumana

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Mna osayine apha ngezantsi ndinoluvo lokuba lo mntu ukhankanywe apha ngentla ugula ngengqondo / uphazamiseke kakhulu ngokwasengqondweni ngezi zizathu:.....

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Yaye ndikholelwa ukuba unyango oluncediswayo okanye olunyanzeliswayo, neenkonzozo zokulungiswa kwengqondo luyafuneka kuba

.....
.....

ISEBE LEZEMPILO

UHLOLO LWEYURE EZINGAMASHUMI ASIXHENXE NAMBINI KUNYE NEZIPHUMO ZOGQIRHA OKANYE ZOMONGI WEMPILO YENGQONDO EMVENI KOKUBA INTLOKO YEZIKO LEMPILO INIKEZELE NGEMVUME KWISICELO SOLWANGIWO NGOKUNYANZELISWAYO, NGONYANGO NOBUYISELO KWIMO YESIQHELO

[Umhlathi 34(1) woMthetho]

Ifani

yomnyangwa.....

Amagama esigulana

Umhla wokuzalwa okanye ubudala obuqikelelwayo

Isini

Indoda / umfazi

Umsebenzi Akatshatanga

Utshatile,

Uqhawule umtshato

Ngumhlolo/kazi

Idilesi yokuhlala

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Umhla wohlobo lwee-yure eziyi 72 Indawo yoxilongo

Udidi lomniki-lunyango lwezigulo ngokwasengqondweni okhethiweyo.....

.....

Imo yempilo ngokwasemzimbeni (izaliswe kuphela ngumniki-lunyango oqinisekiselwe ukwenza uxilongo:.....

(a) Impilo ngokubanzi

.....
.....
.....
.....

(a) Kukho iimpawu zokwenzakala? Ewe / hayi

(b) Kukho iimpawu zesifo esosulelayo? Ewe / hayi

Ukuba impendulo ku (b) okanye ku (c) ngu-ewe, nika iingcombolo ezongezelelweyo:

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Ulwazi ngesimo sengqondo sesigulane esasibonwe kumaxa adlulileyo (Chaza imihla nendawo)

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Imo yengqondo yomnyangwa ngelixa loxilongo kwesi isihlandlo

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Uhlobo lwesigulo (ingxelo yethutyana)

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Ngokoluvo lwam lo mnyangwa ungentla –

Unomkhwa wokufuna ukubulala	Ewe / hayi
Unomkhwa wokufuna ukuzibulala	Ewe / hayi
Unobungozi	Ewe / hayi

Iziphakamiso kwintloko ye ziko lempilo – Isicelo seenkonzo zokongiwa ezincediswayo

Umnyangwa unako ukuzenzela isigqibo ngemfuneko yokufumana iinkonzo zonyango nokulungiswa kwengqondo Ewe / hayi

Umnyangwa ugula sisigulo sengqondo okanye uphazamiseko olumandla ngokwasengqondweni, kwaye ngeso sizathu ufuna uncedo lweenkonzo zonyango nokulungiswa kwengqondo Ewe/hayi

Ukuba kunjalo kufuneka oku akufumane esisigulana sangaphandle/sangaphakathi

Isigulanasangaphakathi/sangaphandle

Nika izizathu

.....

Iziphakamiso kwiNtloko yeziko lezonyango – Isicelo seenkonzo ezinyanzeliswayo

Umnyangwa uyakwazi ukuzenzela isigqibo esivokothekileyo ngemfuneko yokufumana iinkonzo zonyango nokulungiswa kwengqondo Ewe/hayi

Umnyangwa uzimisele ukufumana iinkonzo zonyango nokulungiswa

kwengqondo Ewe/hayi

Ngokweembono zam umnyangwa angazenzakalisa okanye enzakalise abanye

Ewe/hayi

16

Ngokweembono zam iinkonzo zonyango nokulungiswa kwengqondo ziyafuneka ukubonelela imo yasezimalini nesidima somnyangwa Ewe / hayi

Umnyangwa kufuneka afumane iinkonzo ezinyanzeliswayo zonyango nokulungiswa kwengqondo. Ewe / hayi

Ukuba akunjalo, ungaphakamisa ukuba umnyangwa azifumane iinkonzo zonyango? Ewe / hayi

Bhal izimeli-magama nefani

Intsayino-gama

(Ngugqirha wezigulo zengqondo)

Umhla

Indawo.....

ISEBE LEZEMPILO

ISAZISO SENTLOKO YEZIKO LEMPILO NGOKUBA ZINIKEZWE NA IINKONZO EZINCEDISWAYO OKANYE EZINYANZELISWAYO ZOLWANGIWO, ZONYANGO NOBUYISELO KWIMO YESIQHELO

[Umhlathi 27(9); 28(1) 33(8) woMthetho]

Mna, (igama)ndiyavumelana/andivumelani

(igama leNtloko yeziko LezeMpilo)

nokunikwa iinkonzo ezincediswayo zonyango nokulungiswa kwengqondo/ ukuthunyelwa

kuvavanyo kuka

(igama lomnyangwa)

Iziphumo zoogqirha ababini bezigulo zengqondo ziyavumelana ukuba umnyangwa-

(a) umele/ akamelanga kufumana uncediso ngolwangiwo, unyango neenkonzo zolungiso ngqondo njengesigulana sangaphandle/ sangaphakathi okanye

(b) makafumane/ makangafumani ulongiwo ngokunyanzelwa

Ndiyoneliseka / andonelisekanga ukuba imiqathango nongenelelo kumalungelo omnyangwa okuhamba ngokukhululekileyo, ikhusi nesidima zikumlinganiselo onguwo kwiinkonzo zonyango nokulungiswa kwengqondo okucingwayo.

Izizathu zokuvumelana / zokungavumelani zezi zilandelayo

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Bhala izimeli magama nefani.....

Intsayino-gama :

(intloko yeziko lempilo)

Umhla :

Indawo :

(Ikopi iye kumceli)

ISEBE LEZEMPILO

ISAZISO YINTLOKO YEZIKO LEMPILO KWIBHODI YOPHONONONGO ICELA UKUPHUNYEZISWA KOLUNYE ULONGIWO NGOKUNYANZELISWAYO OKANYE NGOKUNGAZITHANDELIYO, UNYANGO NOBUYISELO KWISIMO SESIQHELO NJENGESIGULANA SANGAPHAKATHI

[Umhlathi 34(3) (c)(ii) woMthetho]

Mnandicela

(bhala igama lentloko yeziko lonyango)

imvume yeBhodi yoHlolo ngolongiwo ngokunyanzelwayo, ngonyango nolungiso-ngqondo olongeziweyo kwisigulana sangaphakathi

(igama lomnyangwa)

Ugqirha wengqondo ufumanisa ukuba umnyangwa uyazifuna iinkonzo ezongezelelweyo zolongiwo ngokunyanzeliswayo, zonyango nobuyiselo kwimo yesiqhelo

Ndanelisekile/andanelisekanga kukuba imiqathango nonyakathiso lwamalungelo omnyangwa okuhamba ngokukhululekileyo, ikhusi nesidima alamene neenkonzo zolongiwo, zonyango nobuyiselo kwimo yesiqhelo ezilindelweyo.

Fumana oku kuncanyathelisiweyo-

(a) ikopi yesicelo sokufumana ulongiwo ngokunyanzelwayo, unyango nobuyiselo kwimo yesiqhelo [MHCA 04]:

(b) ikopi yesaziso esinikezelweyo ngokwemiqathango yomhlathi 33(8) [MHCA 07]: ne

(a) kopi yeziphumo zohlolo [MHCA 06].

Izizathu zesisicelo solongiwo olongeziweyo ngokunyanzeliswayo, sonyango nobuyiselo kwisimo sesiqhelo njengesigulana sangaphakathi zezi

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Intsayino-gama :

(yintloko yeziko lempilo)

Umhla :

Indawo :

ISEBE LEZEMPILO

ISAZISO ESISUKA KWINTLOKO YEZIKO LEMPILO EMVENI KWETHUBA LOHLOLO OLUZIYURE EZINGAMASHUMI ASIXHENXE NAMBINI SISAZISA IBHODI YOHLOLO UKUBA UMNYANGWA UDINGA OLUNYE ULONGIWO NGOKUNYANZELISWAYO, UNYANGO NOBUYISELO KWIMO YESIQHELO NJENGESIGULANA SANGAPHANDLE

[Umhlathi 34(3)(b) woMthetho]

Mna.....ndazisa

(igama lentloko yeziko lempilo)

iBhodi yoHlolo ukuba.....

(igama lomnyangwa)

udinga ulongiwo ngokunyanzeliswayo olongezelelweyo, unyango nobuyiselo kwimo yesiqhelo njengesigulana sangaphakathi.

Ndanelisekile/andanelisekanga kukuba imiqathango nonyakathiso lwamalungelo omnyangwa okuhamba ngokukhululekileyo, ikhusi nesidima alamene neenkonzozolongiwo, zonyango nobuyiselo kwimo yesiqhelo ezilindelweyo.

Intsayino – magama.....

(intloko yeziko lempilo)

Umhla:.....

Indawo.....

(Ikopi iye kumnyangwa)

MHCA 10

ISEBE LEZEMPILO

UTSHINTSHELO LWESIGULANA SENGQONDO ESINYANZELISWAYO-

ULUDWE LWENKQUBO EMAYILANDELWE EMALUNGA NOLONGIWO NGAPHANDLE, NGONYANGO NOBUYISELO KWIMO YESIQHELO

[Umhlathi 34(3)(b) okanye (5) woMthetho]

Ifani yesigulana

Amagama esigulana

Umhla wokuzalwa okanye ubudala obuqikelelwayo

Isini: Indoda/umfazi

Umsebenzi..... Imo yomtshato Utshatile
Akatshatanga
Uqhawule umtshato
Ngumhlolo/mhlolokazi

Idilesi yokuhlala

Igama lomgcini-ngokomthetho ekunikezelwa elugcinweni lwakhe umnyangwa

Idilesiyomgcini-ngokusemthethweni.....

Imo yempilo ngokwasengqonweni yomnyangwa iya kuphononongwa ihlelwe ngokutsha

e.....(igama leziko
 lezonyango)

Umnyangwa makeze kweli ziko lezonyango ngazo zonke iiveki/iinyanga ezi ukuze
 kuphononongwe kuhlelwe ngokutsha impilo yakhe yasengqondweni

Igama leziko/lamaziko l/eenkonzo ezinyanzeliswayo zezonyango nokulungiswa kwengqondo ziza kufumaneka khona ngohlobo lwesigulana sangaphandle:

.....
.....

Imiqathango yokuziphatha emayiqwalaselwe ngumnyangwa:

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.....
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.....

Igama lesibhedlele/leziko leenkonzo zonyango nokulungiswa kwengqondo apho aya kungeniswa kuso umnyangwa ukuba imo yempilo yakhe iyadodobala okanye kukho uloyiko lokuba angayingozi kwakuye okanye kwabanye ukuba unokuyekwa abe sisigulana sangaphandle esinyanzeliswayo, okanye siyakungeniswa khona ukuba imiqathango yokuba sisigulana sangaphandle ithe yophulwa

(igama leziko lezonyango)

Bhala izimeli-magama nefani.....

Intsayino – magama.....

(intloko yeziko lempilo)

Umhla

Indawo

Intsayino-gama yomnyangwa

(sisamkela imiqathango ebekiweyo)

intsayino-gama yomgcini.....

(esamkela imiqathango ebekiweyo)

(Ikopi iye kwiBhodi yoPhononongo, kumnyangwa, kumgcini nakwintloko yeziko lempilo apho umnyangwa athunyelwe khona njengesigulana sangaphandle)

ISEBE LEZEMPILO

**UTSHINTSHELO LWESIGULANA SENGQONDO ESINYANZELISWAYO SISUSWA NGAPHAKATHI
SISISWA KWISIBHEDLELE SEZIFO ZENGQONDO**

[Umhlathi 34(4), (5) okanye (6) woMthetho]

.....isigulana sengqondo

(igama nefani yomnyangwa)

esinyanzeliswayo, esongiwa ngaphakathi esingeniswe e

.....(igama leziko lempilo)

elingesosibhedlele sezifo zengqondo ngomhla.....(umhla)

masitshintshelwe e.....(igama lesibhedlele sezifo zengqondo).

Bhala izimeli magama nefani.....

(intloko yeziko lempilo)

Umhla.....

Indawo.....

ISEBE LEZEMPILO

Ukutshintshwa komnyangwa wonyango olunyanzeliswayo wangaphakathi abe ngumnyangwa wangaphandle nangokuphendulelekileyo

[Umhlathi 34(4) okanye (5) woMthetho]

Ukutshintshwa kwesigulana sangaphakathi sibe sesangaphandle

Imo yempilo ngokwasengqondweni ka

(igama lomnyangwa)

osisigulana esinyanzeliswayo e

(igama leziko lezonyango)

incomeka/itshintshe kangangokuba kufuneka afumane iinkonzo zonyango nokulungiswa kwengqondo esisigulana sangaphandle. Uluhlu lwemigaqo ehambisana nolu tshintsho lubekwe kwiFomu MHCA 10 .

Ukutshintshwa kwesigulana sangaphandle sibe sesangaphakathi

....., osisigulana esinyanzeliswayo

(igama nefani yomnyangwa)

sangaphandle oqwalaselwa aphononongwe e

(igama leziko lezonyango)

akayithobelanga imiqathango yokukhululwa kwakhe / impilo yakhe ngokwasengqondweni idodobele kangangokuba angayingozi kuye nakwabanye ukuba uhlala esisigulana esinyanzeliswayo sangaphandle e

.....(igama leziko lezonyango)

Izizathu ezicacileyo zokutshintselwa kunyango lwangaphakathi zezi :-

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.....
.....

Bhala izimeli-magama nefani :

Intsayino-gama :

(intloko yeziko lempilo)

Umhla :

Indawo :

ISEBE LEZEMPILO

INGXELO ETHE GQOLO ENGUNOMBOLO NGOMNYANGWA OFUMANA
IINKONZO ZONYANGO LWENGQONDO

[Imihlathi 30(2); 37(2); 46(2); okanye 55(1) yoMthetho]

Ifani yomnyangwa

Amagama omnyangwa

Umhla wokuzalwaokanye ubudala obuqikelelwayo

Isini Indoda/umfazi

Umnyangwa :- (phawula ngonongxatha

ngoncediswayo ngonyanzeliswayo wangaphakathi ngonyanzeliswayo wangaphandle
.....sisigulane sikarhulumentelibanjwaeligula ngengqondo (phawula ngonongxatha)

Iziko elichaphazelekayo

Inombolo yobhaliso (ukuba kukho nayiphi).....

Umhla wokungeniswa okokuqala komnyangwa kukhathalelo lwempilo yengqondo phantsi kweli candelo
.....

Imo yempilo ngokwasengqondweni : (Inkcazo emfutshane ngesimo sempilo ngokwasengqondweni phambi
nasemva kokungeniswa, ukususela kwingxelo yokugqibela, imo yangoku, nesiboniso esisodwa esicacisa
iimpawu zomkwa wokufuna ukubulala okanye ukuzibulala okanye ubungozi)

Phambi kokwamkelwa

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Emva kokwamkelwa/ingxelo yamandulo

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Imo yangoku

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Inkqubo yonyango lwangoku emayilandelwe, kuqukwa i-psycho-pharmacological, ECT, unyango lwasemsebenzini okanye ungenelelo kusapho ngonyango lwengqondo kumsebenzi wentlalo-ntle, ikhefu lokungabikho kusapho, njl. njl.

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Imo yangoku ngokwasemzimbeni

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Imbono ngengulo ngalo mhla

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Unxibelelwano nezizalwana

olulolwakhe / imbalelwano / ukuthi rhoqo / amaxa anqaphazayo/ olungekhoyo

Ukuba alukho unxibelelwano nezizalwana yintoni eyenziweyo ukufumana izizalwana ezo?

.....
.....
.....

Abanyangwa abancediswayo (umhlathi 30 woMthetho)

Umnyangwa ingaba uya kwazi ukuzixela ngokwakhe iimfuno zakhe zeenkonzozo zokunyangwa nokulungiswa ingqondo? Ewe / hayi

Phawula
.....

Zikhona ezinye iinkonzozo zonyango nolungiso-ngqondo ezingenazimbophelelo nalungenelelo zingephi kumalungelo omnyangwa okuhamba ngokukhululekileyo, ikhusi nesidima? Ewe/hayi

Phawula.....

Makakhululwe umnyangwa? Ewe / hayi

Phawula
.....

Abanyangwa abanyanzeliswayo (umhlathi 37 woMthetho)

Umnyangwa ingaba uyakwazi ukuzixela ngokwakhe iimfuno zakhe zeenkonzozo zonyango nokulungiswa ingqondo? Ewe / hayi

Phawula.....
.....

Kunokwenzeka ukuba umnyangwa azenzakalise okanye enzakalise abanye?

Ewe / hayi

Phawula.....
.....

Kukho ezinye iinkonzo zonyango nokulungiswa kwengqondo ezingenazimbonelelo nalungenelelo lungephi kumalungelo omnyangwa okuhamba ngokukhululekileyo, ikhusi nesidima?

Ewe / hayi

Phawula.....
.....

Makakhululwe umnyangwa ? Ewe / hayi

Phawula
.....

Ukuba umnyangwa unyangwa engaphakathi, makatshintshelwe ekubeni ngumnyangwa wangaphandle ofumana unyango olunyanzeliswayo? Ewe / hayi

Phawula.....
.....

Iziphakamiso ngesicwanqciso seenkonzo ezongezelelweyo zonyango nokulungiswa kwengqondo (mayiqcwaliswe kuye nawuphi na umnyangwa oncediswayo kunye nakonyanzelwayo nakwizigulane ezigula ngengqondo)

(Cacisa umgaqo wonyango olandelwayo, unike ingcombolo zophononongo-ngqondo ngobuzo-mibuzo, ukuxhaswa, unyango ngamaqela enkxaso, amaqela amaxesha athe gqolo nolunye, ucacise ngokuthe gca injongo zolo nyango, inkqubela eyenzekileyo, uphononongo olwenziweyo, utshintsho olwenziweyo noluvo lwazigulana kutshintsho olo)

Nceda wongezelele elinye iphepha njengoko lo mba ubaluleke ngokukodwa!

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Bhala izimeli-magama nefani zikagqirha ophononongayo:.....

Intsayino-gama :

(ugqirha ophononongayo)

Umhla :

Indawo :

Imiyalelo kunye nokuphawula

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.....

.....

Intsayino-gama : (iNtloko yeziko lezempilo)

Umhla :

Indawo :

(Ikopi yengxelo kumabanjwa agula ngengqondo iye kumantyi obandakanyekayo, umlawuli, ukuba uqeshiwe, kunye nentloko yejele ebandakanyekayo)

ISEBE LEZEMPILO

INGXELO ETHE GQOLO ENGUNOMBOLO NGOMNYANGWA OFUMANA
IINKONZO ZONYANGO LWENGQONDO

[Imihlathi 46(2) yoMthetho]

Ifani yomnyangwa

Amagama omnyangwa

Umhla wokuzalwaokanye ubudala obuqikelelwayo

Isini Indoda/umfazi

Umnyangwa :- (phawula ngonongxatha

sisigulane sikarhulumentelibanjwa eligula ngengqondo

Iziko elichaphazelekayo

Inombolo yobhaliso (ukuba kukho nayiphi).....

Umhla wokungeniswa okokuqala komnyangwa kukhathalelo lwempilo yengqondo phantsi kweli candelo
.....

Imo yempilo ngokwasengqondweni: (Inkcazo emfutshane ngesimo sempilo ngokwasengqondweni phambi nasemva kokungeniswa, ukususela kwingxelo yokugqibela, imo yangoku, nesiboniso esisodwa esicacisa iimpawu zomkwa wokufuna ukubulala okanye ukuzibulala okanye ubungozi)

Phambi kokwamkelwa

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Emva kokwamkelwa/ingxelo yamandulo

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Imo yangoku

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Inkqubo yonyango lwangoku emayilandelwe, kuqukwa i-psycho-pharmacological, ECT, unyango lwasemsebenzini okanye ungenelelo kusapho ngonyango lwengqondo kumsebenzi wentlalo-ntle, ikhefu lokungabikho kusapho, njl. njl.

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Imo yangoku ngokwasemzimbeni

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Imbono ngengulo ngalo mhla

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Unxibelelwano nezizalwana

olulolwakhe / imbalelwano / ukuthi rhoqo / amaxa anqaphazayo/ olungekhoyo

Ukuba alukho unxibelelwano nezizalwana yintoni eyenziweyo ukufumana izizalwana ezo?

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Abanyangwa bakarhulumente (umhlathi 46 woMthetho)

Ityala ajongene nalo:

Umnyangwa angakhululwa kukho imiqathango?

Ewe/Hayi

Phawula
.....

Umnyangwa angakhululwa ngaphandle kwemiqathango

Ewe/Hayi

Phawula:.....

Nika izizathu ukuba "isimo sangoku sengqondo"sibonisa umfanekiso oqhelekileyo kwaye ukuvaletwa okungaphaya kwenziwa isincomo saso:

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Phawula ngokunikwa komnyangwa ikhefu lokungabikho

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Iziphakamiso ngesicwangciso seenkonzo ezongezelelweyo zonyango nokulungiswa kwengqondo (mayiqcwaliswe kuye nawuphi na umnyangwa oncediswayo kunye nakonyanzelwayo nakwiziqulane ezigula ngenqondo)

(Cacisa umgaqo wonyango olandelwayo, unike ingcombolo zophononongo-ngqondo ngobuzo-mibuzo, ukuxhaswa, unyango ngamaqela enxaso, amaqela amaxesha athe gqolo nolunye, ucacise ngokuthe gca injongo zolo nyango, inkqubela eyenzekileyo, uphononongo olwenziweyo, utshintsho olwenziweyo noluvo lwazigulana kutshintsho olo)

Nceda wongezelele elinye iphepha njengoko lo mba ubaluleke ngokukodwa!

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Bhala izimeli-magama nefani zikagqirha ophononongayo:.....

Intsayino-gama :

(ugqirha ophononongayo)

Umhla :

Indawo :

Imiyalelo kunye nokuphawula

.....
.....
.....

Intsayino-gama:

33

(iNtloko yeziko lezempilo)

Umhla :

Indawo :

IZIGULANE ZIKA RHULUMENTE

[Mayigcwaliswe yiNtloko yeSebe leSizwe (okanye igosa elonyuliweyo)]

Ingqwalasela nokuphawula.....
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Iziphakamiso

a) linkonzo nonyango olongezelelweyo

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b) Ikhefu(kwizigulane zikaRhulumente)

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c) Ukukhululwa komnyangwa

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Intsayino-gama :.....

(Intloko yeSebe Likazwelonke LezeMpilo)

Umhla :

Indawo :

(Ikopi mayibuyiselwe mayibuyiselwe kwintloko yeziko)

MHCA 14

ISEBE LEZEMPILO

ISIGQIBO SEBHODI YOPHONONONGO LWEMPILO YENGQONDO MALUNGA

(a) nolongiwo lwengqondo ngokuncediswayo, ngonyango, nobuyiselo kwimo yesiqhelo [umhlathi 28(3) woMthetho];

(b) nesibheno esichasene nesigqibo sentloko yeziko lempilo esimalunga nolongiwo ngokuncediswa, ngonyango nobuyiselo kwimo yesiqhelo [umhlathi 29(2) woMthetho];

[c] nolunye ulongiwo ngokunyanzelwayo, unyango nobuyiselo kwimo yesiqhelo kwisigulane sangaphakathi [umhlathi 34(7) woMthetho okanye

(d) ngesibheno esichasene negqibo sentloko yeziko lempilo ngolongiwo ngokunyanzelwayo, ngonyango nobuyiselo kwimo yesiqhelo [umhlathi 35(2) woMthetho]

Ifani yomnyangwa.....

Amagama omnyangwa

Umhla wokuzalwa okanye ubudala obuqokelelwayo

Isini Indoda/umfazi

Umsebenzi	Imo yomtshato	Utshatile
		Akatshatanga
		Uqhawule umtshato
		Ngumhlolo/mhlolokazi

Idilesi yokuhlala

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.....

IBhodi Yophononongo Lwempilo Yengqondo

(igama leBhodi leyo)

iwajongisisile amaxwebhu nemiba ephathelele :-

Isicelo seenkonzo zonyango/kunyangano olunyanzeliswayo nokulungiswa kwengqondo kulo mnyangwa ungentla.

IBhodi iqwalasele (phakathi kwezinye) ukuba: -

- umnyangwa unako na ukuzenzela izigqibo ezizizo malunga nemfuneko yokufumana iinkonzo zonyango nokulungiswa kwengqondo;
- Umnyangwa ugula ngengqondo na okanye ukuphazamiseka ngokwasengqondweni, yaye ngeso sizathu ufuna iinkonzo zonyango nokulungiswa kwengqondo ukwenzela ukhuseleko lwakhe nolwabantu;
- Umnyangwa uzimisele na ukufumana iinkonzo zonyango nezokulungiswa kwengqondo;
- Umnyangwa angabayingozi kuye nakubanye abantu
- iinkonzo zonyango nokulungiswa kwengqondo ziyafuneka na ukukhusela imo yezemali nesidima somnyangwa;
- Amalungelo omnyangwa okuhamba ngokukhululekileyo, ikhusi nesidima ziya kuphazamiseka ngokungenamfuneko na.

Isicelo sokubhena malunga nesigqibo sentloko yeziko ngeenkonzo zongeniso oluncediswayo, unyangano nobuyiselo kwisimo sesiqhelo

IBhodi yoHlolo icele / ivule ithuba lokuba ababalandelayo benze isicelo esibhaliweyo okanye ngomlomo ngongoqo weso sicelo :-

- (a) Umenzi-sicelo;
- (b) Umfaki-sibheni;
- [c] Ugqirha wezigulo zengqondo ozimeleyo;
- (d) Intloko yeziko lezempilo;
- (e) Abanye.

IBhodi yoHlolo igqibe ekubeni :-

- a) Umnyangwa makangafumani lunyangano, iinkonzo zonyango nokulungiswa kwengqondo njengomnyangwa oncediswayo okanye onyanzeliswayo ngaphandle kwemvume yakhe;
- b) Umnyangwa makazifumane iinkonzo zonyango nokulungiswa kwengqondo njengomnyangwa oncediswayo;
- c) Umnyangwa makazifumane iinkonzo zonyango olunyanzeliswayo nokulungiswa kwengqondo njengesigulane sangaphakathi

- d) Umnyangwa makafumane iinkonzo zonyango nokulungiswa kwengqondo olunyanzeliswayo njengesigulana sangaphandle.

Izizathu zesi sigqibo zezi:

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.....

Bhala izimeli-magama nefani:

Intsayino-gama :

(usihlalo weBhodi Yophononongo Lwezigulo Zengqondo)

Umhla :

Indawo:

(Mayithunyelwe (apho kuyimfuneko) kwaba : ijaji yeNkundla ePhakamileyo; Intloko yeSebe Lezempilo lePhondo; umfaki-sibheni)

ISEBE LEZEMPILO

**ISIBHENO KWIBHODI YOPHONONONGO ESICHASENE NESIGQIBO SENTLOKO YEZIKO LEMPILO
 SOLONGIWO NGOKUNCEDISWAYO, NGOKUNYANZELWA NGOLONGIWO, NGOKUNYANGWA
 NOKUBUYISELWA KWIMO YESIQHELO**

[Umhlathi 29(1); 35(1) woMthetho]

Ifani yesigulana

Amagama esigulana

Umhla wokuzalwaokanye ubudala obuqikelelwayo

Isini

Indoda/umfazi

Umsebenzi Imo yomtshato Utshatile/Akatshatanga

Uqhawule umtshato

Ngumhlolo/mhlolokazi

Idilesi yokuhlala

.....

.....

Umfaki-sibheno sisigulana ngokwaso? Ewe/hayi

Ukuba akunjalo

Ifani yomfaki-sibheno

Amagama omfaki-sibheno

Idilesi yokuhlala

.....

.....

Ubuhlobo phakathi komfaki-sicelo nomnyangwa ofumana iinkonzo zonyango lwengqondo :- (phawula ngonongxatha)

Liqabane lomtshato sisizalwana Liqabaneliqabane ngokomsebenzi

.....ngumzali ngumgcini-ngokomthetho.....

Amanqaku ekusekelwe kuwo isibhenno:

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.....
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.....

Izizathu zesibhenno:

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.....
.....

Intsayino-gama :

(ngumbheni)

Umhla :

Indawo :

ISEBE LEZEMPILO

**UMYALELO WEJAJI YENKUNDLA EPHAKAMILEYO WOKUBA KUQHUBEKE UKUNIKWA
KWEENKONZO ZONYANGO NOBUYISELO KWIMO YESIQHELO/ UKUKHULULWA KWESIGULANE
ESINYANZELISWAYO NJENGESIGULANE SANGAPHAKATHI**

[Umhlathi 36(c) woMthetho]

Kwinkundla ePhakamileyo yoMzantsi AfrikaIcandelo lase

Kumbandela ka

(igama lomnyangwa onyanzeliswayo)

Osagcinwe e

(igama leziko lonyango)

njengomnyangwa onyanzeliswayo ngokwesigqibo seBhodi yoPhononongo Lwempilo Yasengqondweni
phantsi komhlathi 34(7) okanye 35(4) somhla we

NGOKWENJENJE KUYALELWA UKUBA

U

(Igama lomnyangwa)

(a) (i) makuqhutyekwe agcinwe ekwiinkonzo zonyango nokulungiswa kwengqondo ade abe uphilile okanye
akhululwe ngokusemthethweni.

(ii) imicimbi yemali yesigulane mayiphathwe ngokwemigaqo yeSahluko VIII soMthetho; okanye

(b) isigulane eso sikhululwe ngokukhawuleza

Ngokomyalelo weJaji ebekekileyo

Umhla :

Indawo :

Unobhala weNkundla :

ISEBE LEZEMPILO

Isigqibo seBhodi yoPhononongo Lwempilo yasengqondweni elandela ingxelo ingxelo ethe gqolo ngabanyangwa abafumana unyango ngokwasengqondweni abancediswayo nabanyanzeliswayo

[Umhlathi 30(4); 37(4)] okanye 55(2)(a) woMthetho

Ifani yomnyangwa

Amagama omnyangwa

Umhla wokuzalwaokanye ubudala oqikelwayo

Isini Indoda/umfazi

UmsebenziImo yomtshato, utshatile/akatshatanga, Uqhawule umtshato, ngumhlolo/mhlolokazi

Iziko lezempilo elichaphazelekayo

(igama leziko lezemipilo)

IBhodi Yophononongo Lwemo YeMpilo Ngokwasengqondweni yase iwaqwalasele

(igama leBhodi)

amaxwebhu neencwadi ezingqamene nophononongo kulo mnyangwa ungasentla.

IBhodi iqwalasele (phakathi kwezinye) ukuba :-

- (a) nyangwa uyakwazi na ukuzenzela isigqibo esivokothekileyo ngemfuneko yokufumana iinkonzo zonyango nokulungiswa kwengqondo.
- (b) Umnyangwa ugula sisigulo sengqondo na okanye ukuphazamiseka kahkhulu ngokwasengqondweni, yaye ngeso sizathu ufuna iinkonzo zonyango nokulungiswa kwengqondo ukwenzela impilo nokhuseleko lwakhe nolwabanye
- (c) Umnyangwa ukulungele na ukufumana uncedo, unyango nobuyiselo kwimo yesiqhelo
- (d) Umnyangwa kunokwenzeka na ukuba azenzikalise okanye enzakalise abanye ngokumasikizi
- (e) linkonzo zonyango nokulungiswa kwengqondo ziyafuneka na ukulungiselela iimeko zemali nesidima somnyangwa.
- (f) Ilungelo lomnyangwa lokuhamba ngokukhululekileyo, ikhusi nesidima aziyi kuphazanyiswa ngokungenamfuneko na.

IBhodi icele aba balandelayo ukuba benze iziphakamiso ezibhaliweyo okanye ngomlomo :-

- (a) Umenzi-sicelo
- (b) Ugqirha wezempilo ozimeleyo
- (c) Intloko yeziko lezempilo

(d) Abanye

IBhodi igqibe ekubeni :

- a) Umnyangwa ayeke ukufumana iinkonzo zonyango nokulungiswa kwengqondo azinikwa ngaphandle kwemvume yakhe;
- b) Umnyangwa makaqhubeke efumana iinkonzo zonyango nokulungiswa kwengqondo njengomnyangwa oncediswayo;
- c) Umnyangwa makaqhubeke efumana iinkonzo zonyango olunyanzeliswayo nokulungiswa kwengqondo njengesigulana sangaphakathi;
- d) Umnyangwa makuqhutyekwe agcinwe kwiziko leenkonzo zonyango nokulungiswa kwengqondo kodwa anganyanzeliswa ngonyango ngaphandle kwemvume yakhe;
- e) Umnyangwa makaqhubeke ukufumana unyango olunyanzeliswayo neenkonzo zonyango zezigulana zangaphandle;
- f) Umnyangwa kufuneka atshintshwe ekubeni ngumnyangwa onyanzeliswayo ongaphakathi enziwe abe ngonyanzeliswayo ongaphandle.

Izizathu zesi sigqibo

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Bhala izimeli-magama nefani :

Intsayino-gama :

(usihlalo weBhodi yoPhononongo)

Umhla :

Indawo :

(Mayithunyelwe kumnyangwa ogula ngengqondo, umenzi-sicelo, intloko yeziko lempilo, iNtloko Yesebe Lezempilo LikaZwelonke kumabanjwa agula ngengqondo nakwiJaji yenkundla ePhakamileyo kwizigulane zengqondo ezinyanzeliswayo)

. ISEBE LEZEMPILO

UMYALELO WOKUVELA PHAMBI KWEBHODI YOPHONONONGO

[Imihlathi 29(2)(a) no 35(2)(c) woMthetho]

.....

(igama lomntu obiziweyo nedilesi yakhe)

uyalelwa ukuba avele e.....(indawo)

ngomhla.....(umhla nexesha) phambi kweBhodi yoPhononongo yase

.....(igama leziko lempilo)

ukuba anikezele ngobungqina ngo.....

.....

.....

.....

.....

(ukuba umntu obiziweyo kumele aveze incwadi, amarekhodi, amaxwebhu okanye enye into)

ukuba uyalelwa ukuba uveze:

.....

.....

.....

.....

(chaza incwadi, amarekhodi, amaxwebhu okanye into efunekayo)

Kunikezelwe phantsi kwesandla sikasihlalo we Bhodi yo Phononongo ngalomhla..... walenyanga,
nyaka.....

Utyikityo gama.....

(usihlalo we Bhodi yo Phononongo)

Umnyangwa ukhe wenzakalisa abanye kwiziko lezonyango?

Ewe

Hayi

Cacisa iimeko zoko:

.....
.....
.....
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.....

Ngokweembono zakho kunokwenzeka ukuba umnyangwa enzakalise abanye kwiziko lezonyango?

Ewe

Hayi

Cacisa:

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.....

Ezinye izizathu zokwenza isicelo

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.....

Bhala izimeli-magama nefani.....

Intsayino-gama :

Intloko yeziko lezempilo

Umhla :

Indawo :

ISEBE LEZEMPILO

UMYALELO OSUKA KWIBHODI YOPHONONONGO NGOTSHINTSHELO –

- (a) lwesigulane sengqondo esincediswayo okanye esinyanzeliswayo ngokwemigaqo yomhlathi 39(4) woMthetho sisiswa kwiziko lokhuseleko oluqilima
- (b) lwesigulane sikaRhulumente phakathi kwamaziko empilo atyunjiweyo ngokwemigaqo yomhlathi 43(3) waloMthetho; okanye
- (c) lwebanjwa eligula ngengqondo phakathi kwamaziko empilo atyunjiweyo ngokwemigaqo yomhlathi 54(2) woMthetho.

Ifani yomnyangwa

Igama/Amagama omnyangwa

Umhla wokuzalwa okanye ubudala obuqikelelwayo

Isini: Indoda umfazi

UmsebenziImo yomtshato: utshatile, akatshatanga, Uqhawule umtshato,Ngumhlolo/mhlolokazi

Iziko lezempilo elenza isicelo

IBhodi yoPhononongo lwempilo ngokwasengqondweni yase

(igama leBhodi yoPhononongo)

iwaqwalasele amaxwebhu neziphakamiso ezinxulumene nokutshintshelwa kwalo mnyangwa ungentla kwiziko elinokhuseleko oluluqilima.

IBhodi iqwalasele (phakathi kwezinye) ukuba :-

- (a) Utshintsho alwanzelwa ukuyalekisa umnyangwa lowo na;
- (b) Utshintsho olo lufanelekile na xa kuthathelwa ingqalelo imo yempilo ngokwasengqondweni yomnyangwa.

Izizathu /isizathu zo/sotshintsho

.....

.....

Lo mnyangwa ungentla kufuneka atshintshelwe kwiziko lezonyango elinokhuseleko oluluqilima.

Bhala izimeli-magama nefani :

Intsayino-gama :

(Usihlalo IBhodi yoPhononongo Lwezempilo Ngokwasengqondweni)

Umhla :

Indawo :

[Ikopi

- emalunga nezigulane zengqondo ezincediswayi okanye ezinyanzeliswayo mayithunyelwe kwintloko yesebe lephondo.
- Ikopi emalunga nezigulane zikaRhulumente okanye namabanjwa agula ngengqondo mayithunyelwe kwintloko yesebe lika zwelonke]

ISEBE LEZEMPILO

**ISAZISO SOKUTSHINTSWA KWESIGULANA SIKARHULUMENTE/SEBANJWA ELIGULA
NGENGQONDO**

[Umhlathi 43(8); 54(6) woMthetho]

Ifani yomnyangwa

Igama/Amagama omnyangwa

Umhla wokuzalwa okanye ubudala obuqikelelwayo

Isini: Indoda umfazi

Umsebenzi:Imo yomtshato: utshatile/akatshatanga, Uqhawule umtshato, Ngumhlolo/mhlolokazi

Esi sigulana sikaRhulumente silandelayo/ibanjwa eligula ngengqondo litshintshiwe ukusuka

e.....

(igama leziko lezempilo)

ukuya

e.....

(iziko lezempilo)

Izizathu zotshintsho

.....
.....
.....
.....

Umhla wotshintsho

Bhala izimelo-magama nefani:

Intsayino-gama :

(umntu owenza utshintsho)

Umhla :

Indawo :

[ikopi:

emalunga nezigulana zikaRhulumente ithunyelwe kummeli womthetho nakwisebe lika zwelonke.

**emalunga namabanjwa agula ngengqondo ithunyelwe kwintloko yentilongo echaphazelekayo
nakwisebe lika zwelonke nakumlawuli okhethiweyo]**

ISEBE LEZEMPILO

**UKUNIKEZELWA KOMNTU OKROKRELWA NGOKUBA UGULA NGENGQONDO/UPHAZAMISEKE
KAKHULU NGOKWASENGQONDWENI NONOKWENZA INGOZI EMASIKIZI, KWICANDELO
LAMAPOLISA OMZANTSI AFRIKA
[Umhlathi 40(1) woMthetho]**

Mna

(bhala inqanaba, izimeli-magama nefani yelungu lecandelo lamaPolisa)

ndinesizathu sokukholelwa ngokuzibonela ngokwam/ngokwengcombolo endizifumene kumsebenzi oqeqeshelwe ukusebenza ngezigulo zengqondo ukuba u

.....
.....
.....

(igama lomnyangwa okanye inkcazo yakhe ukuba igama alifumaneki)

ugula ngesigulo sengqondo kwaye angenzakalisa abanye ngokumasikizi.

Ndimbambile loo mntu ndamzisa e

.....
(igama leziko lezempilo)

ukuba ahlolwe ngugqirha wezengqondo.

Igama nedilesi yesizalwane (ukuba oko kuyenzeka)

.....
.....
.....

Ugcino lwalo mntu ndilunikezela kwiNtloko yeli ziko lezempilo okanye komele yena

Intsayino-gama :

(Ilungu le SAPS)

Umhla :

Ixesha :

Indawo :

Mna

igama leNtloko yeziko lezempilo okanye lomntu otyunjiweyo)

Ndiyalmkela ugcino luka.....

.....

(igama lomnyangwa okanye inkcazo yakhe ukuba igama alifumaneki)

e

(igama leziko lezempilo)

Isimo somzimba sesigulane sinje (xela imikrwelo nokugruzuka njalo- njalo):

.....
.....
.....
.....
.....

Umnyangwa uya kuphononongwa ngoogqirha ababini bezempilo yasengqondweni ngokomhlathi 33 woMthetho

Intsayino-gama :.....

(Intloko yeziko lempilo okanye umntu otyunjiweyo)

Umhla :

Ixesha :

Indawo :

[Ikopi mayithunyelwe kwi SAPS ukuqinisekiswa ngembalelwano imo yempilo yomzimba wesigulane njengoko kukhankanyiwe apha ngentla ngexesha lonikezelo ngogcino]

I SAPS iyayiqinisekisa imeko yempilo yomzimba njengoko kukhankanyiwe ngentla ngexesha lonikezelo lwesigulana ngokwemigaqo yomhlathi 40(1) woMthetho

Bhala izimeli magama nefani.....

Intsayino gama.....

(ilungu le SAPS elinikezele ngogcino lwesigulana)

Usuku.....

Indawo.....

ISEBE LEZEMPILO

**UKUTSHINTSHWA KWESIGULANA SIKARHULUMENTE SISUKA ELUVALELWENI UKUYA KWIZIKO
LEMPILO**

Umhlathi 42(3) woMthetho]

Ifani yomnyangwa

Amagama omnyangwa

Umhla wokuzalwaokanye ubudala obuqikelelwayo

Isini: Indoda umfazi

UmsebenziImo yomtshato: utshatile/akatshatanga,Uqhwule umtshato Ngumhlolo/mhlolokazi

Idilesi yokuhlala

.....

.....

.....

Esi sigulana sikaRhulumente singentla siselugcinweni e

(igama leziko logcino)

kufuneka sitshintshelwe e

(igama leziko lezempilo)

Sifumane khona iinkonzo zonyango nokulungiswa kwengqondo.

Intsayino-gama :

(intloko yeSebe LikaZwelonke Lezempilo)

Umhla :

Indawo :

[Ikopi mayithunyelwe kwiNtloko yeZiko Lengqeqesho nommeli-ngokomthetho osemthethweni]

[Ekufunyanweni komyalelo wenkundla ngokwemigaqo yomhlathi 42(1) woMthetho, kwi-fomu J105, isebe likazwelonke maligcwalise ifomu MHCA 23 lize lidlulisele ikopi kwiziko lengqeqesho nakwintloko yeziko lempilo elichaphazelekayo]

ISEBE LEZEMPILO

**UKUTSHINTSHA KWEZIGULANA ZIKARHULUMENTE PHAKATHI KWAMAZIKO
EZEMPILOAMISELWEYO**

[Umhlathi 43(1) woMthetho]

Ifani yomnyangwa

Amagama omnyangwa

Umhla wokuzalwaokanye ubudala obuqikelelwayo

Isini: Indoda umfazi

Umsebenzi.....Imoyomtshato:utshatile/akatshatanga, Uqhawule umtshato Ngumhlolo/mhlolokazi

Esi sigulana sikaRhulumente singentla siza kutshintshwa sisuswa

e (igama leziko lezonyango)

sisiwe e (igama leziko lezonyango)

Izizathu zotshintsho

.....
.....
.....
.....

Bhala izimeli-magama nefani :

Intsayino-gama :

INTloko yeSebe LezempiloLephondo

Umhla :

Indawo :

Imvume yeNtloko yePhondo ngendawo apho isigulana sikaRhulumente masitshintshelwe khona mayifunyanwe xa kucetwa utshintsho phakathi kwamaPhondo

Intsayino-gama :

(INtloko yeSebe Lezempilo LePhondo)

Umhla :

Indawo :

(Ikopi mayithunyelwe kummeli-ngokomthetho osemthethweni)

, kwintloko yesebe likazwelonke nakwintloko yeziko lempilo apho isigulana sikaRhulumente sithunyelwa khona)

ISEBE LEZEMPILO

ISAZISO SOKUQHWESHA KWIINKONZO ZAMAPOLISA ASEMZANTSI AFRIKA NESICELO
SOKUNCEDISWA UKUKHANGELA NOKUBAMBA KUBUYISWE UMNYANGWA

[Umhlathi 40(4); 44(1), 57(1) woMthetho]

Ifani yomnyangwa

Amagama omnyangwa

Umhla wokuzalwa okanye ubudala obuqikelelwayo

Isini: Indoda Umfazi

UmsebenziImo yomtshato utshatile/akatshatanga, uqhawule umtshato, Ngumhlolo/mhlolokazi

Umhla wokwamkelwa kwiziko lezonyango

Lo mnyangwa ungentla uqhweshe e

(igama leziko lezonyango)

Idilesi
.....
.....
.....
.....

Umhla wokuqhvesha

Umnyangwa u: (phawula ngonongxatha)

ngoncediswayongonyanzeliswayo ...sisigulana sikaRhulumentelibanjwa eligula ngengqondo

Imbono yobugqirha ngemo yempilo:

.....
.....
.....
.....
.....

Uqikelelo lokuba anganobungozi na kuye nakwabanye abantu (phawula ngonongxatha) :-

Amathuba oko - mancinane	awangakanani	makhulu	agqithile
Kuye/kwabanye	kuye/kwabanye	kuye/kwabanye	kuye/kwabanye

limeko aqhweshe phantsi kwazo:

.....

Ncamathisela ingxelo egcweleyo (ukuba kuyenzeka)

Uncedo lwenu ekukhangeleni nibambe lo mnyangwa ungentla luyancomeka

Izimeli magama nefani:

Intsayino-gama :.....

(INTloko yeziko lezonyango)

Umhla :.....

Indawo :.....

[Kumnyangwa oncediswayo okanye onyanzeliswayo: ikopi yesizasiso mayithunyelwe kwintloko yesebe lephondo]

[Isigulana sikaRhulumente : kuNobhala weNkundla echaphazelekayo; uMmeli-ngokomthetho osemthethweni; neNtloko yeSebe Likazwelonke Lezempilo;]

[Ibanjwa eligula ngengqondo : kwiNtloko yeSebe Likazwelonke Lezempilo;

Ibanjwa eligula ngengqondo : kwiNtloko yentolongo apho umnyangwa ubetshintshwe esuka khona ekuqaleni; neNtloko yeSebe Lezempilo Likazwelonke]

ISEBE LEZEMPILO

ISAZISO SOKUBUYISELWA KOMNYANGWA OBEQHWESHILE KWIZIKO LONYANGO

[Umhlathi 40(4); 44(1), 57(1) woMthetho]

Ifani yomnyangwa.....

Amagama omnyangwa

Umhla wokuzalwaokanye ubudala obuqikelelwayo

Isini

Indoda/umfazi

UmsebenziImo yomtshato

Utshatile/akatshatanga

Uqhawule umtshato

Ngumhlolo/mhlolokazi

Umhla wokwamkelwa kwiziko lezonyango.....

Lo mnyangwa ungentla uqhweshe e

(igama leziko lezonyango)

Idilesi:

.....

.....

.....

Umhla wokuqhvesha

Umhla wokubuyiselwa

Ubuyiswe :- (umz. Ziinkonzo zesipolisa; uzibuyele, sisizalwana).....

Chaza isimo somzimba nengqondo

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.....

Bhala izimeli-magama nefani

(intloko yeziko lonyango)

Intsayino-gama:

INTloko yeziko lezonyango

Umhla :

Indawo :

(Ikopi mayithunyelwe : kumnyangwa oncediswayo – kwiNkonzo zesiPolisa zoMzantsi Afrika; INTloko yeSebe Lephondo Lezempilo)

(Isigulana sikaRhulumente – KwiiNkonzo zesiPolisa zoMzantsi Afrika; Unobhala weNkundla echaphazelekayo; uMmeli-ngokomthetho osemthethweni;)

(Ibanjwa eligula ngengqondo – kwiinkonzo zesiPolisa zoMzantsi Afrika; INTloko yeNtolongo apho umnyangwa wayetshintshwe esuka khona; iNTloko yeSebe Lezempilo likaZwelonke)

ISEBE LEZEMPILO

IMVUME YOKUNGABIHO KWI –

ZIGULANA ZIKARHULUMENTE NGOKWEMIGAQO YOMHLATHI 45 WOMTHETHO;
KWIZIGULANA EZINCEDISWAYO OKANYE EZINYANZELISWAYO NGOKWEMIGAQO

YOMHLATHI 66(1)(j) WOMTHETHO

Ifani yomnyangwa

Amagama omnyangwa.....

Umhla wokuzalwaokanye ubudala obuqikelelwayo

Isini: Indoda umfazi

Umsebenzi

Imo yomtshato Utshatile/akatshatanga

Uqhawule umtshato

Ngumhlolo/mhlokazi

Idilesi yokuhlala okanye igama lomgcini wesigulana nedilesi yakhe ngethuba lekhefu.

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.....
.....
.....

Isigulana – sikaRhulumente..... esincediswayo..... esinyanzeliswayo..... (phawula ngonongxatha)

Umhla wokuqala wekhefu:

Umhla wokubuya ekhefini

Igama leziko lezonyango apho imo yempilo yomnyangwa ngokwasengqondweni iza kuphononongwa khona
.....

Umnyangwa makaye kweli ziko lezonyango ngazo zonke iiveki/iinyanga ezi ukuya kuhlotwa
kuphononongwe nempilo yakhe ngokwasengqondweni

Igama leziko/lamaziko ezonyango apho iinkonzo zonyango nokulungiswa kwengqondo ziya kufumaneka khona kunye nohlobo lwazo : -.....

Imiqathango yokuziphatha emayiqwalaselwe ngumnyangwa:

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.....

Igama lesibhedlele sokulungiswa kwezigulo zengqondo apho makangeniswe khona umnyangwa ukuba impilo yakhe idodobele kwaye/okanye akayiqwalaseli imiqathango nemiyalelo ebibekelwe elo khofu

.....

Bhala izimeli-magama nefani :.....

Intsayino-gama :.....

(intloko yeziko lonyango)

Umhla :.....

Indawo :.....

Bhala izimeli magama nefani.....

Intsayino magama.....

(ngumgcini)

Umhla.....

Indawo.....

IZIKO LEZEMPILO

**UKURHOXISWA KWEMVUME YOKUNGABIKHO KWI-SIGULANE SIKARHULUMENTE
NGOKWEMIGAQO YOMHLATHI 45 WOMTHETHO; KWISIGULANE SEMPILO YENGQONDO
ESINCEDISWAYO OKANYE ESINYANZELISWAYO NGOKWENDLELA YOMHLATHI 66(1) (j)
WOMTHETHO**

Ngokwenjenje ndirhoxisa ikhefu lika

(igama lesigulana sika Rhulumente okanye esincediswayo)

Inombolo yoxwebhu :

Umnyangwa/wena obugciniswe umnyangwa aka/awuyiqwalaselanga imiqathango nemiyalelo ebibekiwe kwikhefu abelinikiwe kwaye/okanye impilo yakhe idodobele kangangokuba ufuna unyango lwasesibhedlele.

Izizathu zokurhoxisa ikhefu:

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.....

Wena/umnyangwa makabuyele e

(iziko lezempilo)

ngo(umhla) okanye uyakuxelwa kwiiNkonzo zamaPolisa aseMzantsi Afrika njengoqhwehileyo)

Bhala igama nefani :

Intsayino-gama :

(INTloko yeziko lezonyango)

Umhla :

Indawo :

(kopi iye kumgcini wesigulana)

MHCA 29

ISEBE LEZEMPILO

ISICELO SOKUKHULULWA KWESIGULANA SIKARHULUMENTE KWIJAJI EKUMAGUMBI OKUXOXA
AMATYALA ANGAFUNI KUSIWA ENKUNDLENI

(APHO UMENZI – SICELO INGENGUYE UMPHATHI ONGUMMELI NGOKOMTHETHO)

[Umhlathi 47(2) (e) woMthetho]

Ifani yomnyangwa

Amagama omnyangwa

Inombolo yoxwebhu

Umhla wokuzalwa okanye ubudala obuqikelelwayo

Isini: Indoda umfazi

Umsebenzi

Imo yomtshato

utshatile/akatshatanga

Uqhawule umtshato

Ngumhlolo/mhlolokazi

Idilesi yokuhlala:

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.....

Ityala elibekwa umenzi-sicelo.....

Umntu owenza isicelo (yenza unongxatha)

Isigulana sikaRhulumente ngokwasoumlawuli-ziko.....iNtloko yeziko lezonyango..... (phawula
ngonongxatha)

Ugqirha ochaphazelekayo Iqabane lomtshato iqabane lomsebenzi iqabane
isizalwane omnye

Isizathu sokwenza isicelo

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.....

Ingaba senziwe isicelo sokukhulula isigulana ngeenyanga eziyi 12 ngesicelo esingesiso esommei ngokwasemthethweni Ewe hayi

Ukuba uthi Ewe nikezela ngenkcukacha zewonga lesicelo (kwaye akukho sizathu sokuqhubeka ngale fomu)

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.....
.....

Igxelo kagqirha wolungiso-ngqondo (yifake ukuba ikhona) Ewe hayi

Ngokoluvo lwakho uMmeli-ngokomthetho osemthethweni ingaba onomdla obetha-bethanayo? Ewe/hayi
Nika izizathu

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.....
.....

Nika ubungqina bokuba uMmeli-ngokomthetho osemthethweni ochaphazelekayo uyinikiwe ikopi yesi sicelo.
Apho umenzi-sicelo iliqabane ngokomsebenzi chaza uhlobo lomdla ongundoqo kumnyangwa Faka zonke iingxelo onazo ezichaphazela esi sicelo

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.....

Nika iingcombolo zaso nasiphina isicelo sangaphambili sokukhululwa komnyangwa onolwazi ngaso.

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.....

Bhala izimeli-magama nefani :

Intsayino-gama :

(Umceli)

Umhla :

Indawo :

Fakela iingxelo eziphethe inkcazelo ngobume bempilo ngokwasengqondweni noqikelelo lobo bume kwiza elizayo esuka –

- KwiNtloko yeziko lezonyango elichaphazelekayo;
- Kwintloko yeziko lempilo elichaphazelekayo Koogqirha ababini ubuncinane, omnye wabo abe ngugqirha wokulungisa isimo sengqondo.

Iziphakamiso nokuphawula ekubeni isicelo eso singavunywa na

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Bhala izimeli-magama nefani:

Intsayino-gama :
(Ummeli-ngokomthetho osemthethweni)

Umhla :

Indawo :

Ingxelo yeenkonzo zolungiso-ngqondo phantsi komhlathi 47(2) no 47(3)(a) woMthetho.

likcukcukacha ngokubanzi ngokuphathelele :

- (a) ekuqhweneni/kumalinge okuqhweni;
- (b) kwisimo esindlongondlongo;
- (c) ekugcinweni bucala nezizathu zoko;
- (d) Amalinge okufumana utywala okanye intsangu;
- (e) Okunye ukuziphatha okungamkelekanga.

Isishwankathelo somlando ngesimo somnyangwa ngokwasengqondweni

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Ingcaciso ngesimo sangoku:

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Uqikelelo ngemo yelixa elizayo

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Iziphakamiso

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Bhala izimeli-magam nefani :

(intloko yeziko lempilo)

Intsayino-gama :

Umhla :

Indawo :

Ingxelo kagqirha wolungiso-ngqondo/ugqirha phantsi komhlathi 47(2) no47(3)(a) woMthetho wokunyangwa kwabantu abagula ngengqondo

Iziqinisekiso zemfundo

Umsebenzi phambi kokwamkelwa

Uhlobo lwesityholo

Uphononongo lomlando wolungiso-ngqondo nonyango phambi kokwamkelwa

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.....
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Isimo sengqondo sangoku nobungakanani bexesha sinjalo

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Umbono kagqirha

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Unyango alufumene esibhedlele

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.....
Uqikelelo lwesimo ekuhambeni kwexesha

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Iziphakamiso

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Bhala izimeli-magam nefani :

Intsayino-gama :

(Ugqirha wolungiso-ngqondo/ugqirha)

Umhla:

Indawo :

ISEBE LEZEMPILO

UMYALELO WOKUKHULULWA KWESIGULANA SIKARHULUMENTE NGEMIQATHANGO YEJAJI EKUMAGUMBI OKUXOXA AMATYALA ANGAFUNI KUSIWA ENKUNDLENI

[Umhlathi 47(6) woMthetho]

Ifani yomnyangwa :

Amagama omnyangwa :

Inombolo yoxwebhu (ukuba iyaziwa) :

Umhla wokuzalwa okanye ubudala obuqikelelwayo

Uhlobo lwesityholo

Isini Indoda/umfazi

UmsebenziImo yomtshato utshatile/akatshatanga

Uqhawule umtshato

Ngumhlolo/mhlolokazi

Idilesi yokuhlala

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Ityala.....

Lo mnyangwa ungentla kuyalelwa ukuba akhululwe ngale miqathango nemiyalelo ilandelayo

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Ixesha lokukhululwa ngemiqathango yiminyaka e

Igama nedilesi yomgcini akhululelwa elugcinweni lwakhe umnyangwa.....

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Apho impilo ngokwasengqondweni yomnyangwa iya kujongwa iphononongwe khona

.....

(Igama leziko lempilo)

Umnyangwa makaye kweli ziko lezonyango

(igama leziko)

..... ngazo zonke iiveki/iinyanga ezi ukuze kujongwe
kuze kuphononongwe isimo sakhe sempilo ngokwasengqondweni

Igama/amagam leziko/amaziko le/ezonyango ekuya kufumaneka kulo/kuwo iinkonzo zezonyango nolungiso-
ngqondo, nohlobo lwezo nkonzo.....

Imiqathango yokuziphatha emayiqwalaselwe ngumnyangwa

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.....

Igama lesibhedlele solungiso-ngqondo/iziko leenkonzo zonyango nolungiso-ngqondo apho umnyangwa aya
kungeniswa khona ukuba isimo sempilo yakhe siyadodobala okanye wophule imiqathango yokukhululwa

.....

Bhala izimeli-magama nefani :

Intsayino-gama :

(yiJaji ekumagumbi okuxoxa amatyala)

Umhla :

Indawo :

MHCA 32

ISEBE LEZEMPILO

INXELO EYENZIWA QHO NGEENYANGA EZINTANDATHU NGESIGULANA SIKARHULUMENTE EBESIKHULULWE NGEMIQATHANGO

[Umhlathi 48(3) woMthetho]

Ifani yomnyangwa

Amagama omnyangwa

Inombolo yoxwebhu (ukuba iyaziwa)

Umhla wokuzalwaokanye ubudala obuqikelelwayo

Isini Indoda umfazi

Idilesi

.....

Uhlobo lwesityholo

Umhla wokukhululwa ngemiqathango

Umhla wengxelo yokugqibela

Ukuphawula ngobungakanani umnyangwa aqwalasela ngabo imiqathango yokukhululwa

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Isimo sengqondo sangoku

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Iziphakamiso kwiNtloko Yeziko Lezonyango elikhulule umnyangwa ngemiqathango

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Bhala izimeli-magama nefani :

Intsayino-gama :

(Umntu olandelela imo yesigulana sikaRhulumente)

Umhla :

Indawo :

(Iikopi mazithunyelwe - Kwisigulana sikaRhulumente, iNtloko Yeziko Lezonyango elichaphazelekayo, uNobhala weNkundla neSebe Likazwelonke Lezempilo)

MHCA 33

ISEBE LEZEMPILO

UKUKHULULWA OKUNGENAMIQATHANGO KWESIGULANA SIKARHULUMENTE EBKADE SIKHULULWA NGEMIQATHANGO YINTLOKO YEZIKO LEMPILO

[Umhlathi 48(4)(a) woMthetho]

Ifani yomnyangwa

Amagama omnyangwa

Inombolo yoxwebhu (ukuba iyaziwa)

Umhla wokuzalwa okanye ubudala obuqikelelwayo

Isini: Indoda Umfazi

Umhla wokukhululwa ngemiqathango

Umhla wokuphelelwa kwemiqathango

Ngokwenjenje ndichaza ukuba ukukhululwa kwalo mnyangwa ungentla ngemiqathango kuphelelwe yaye uyilandele imiqathango abeyibekelwe yaye isimo sempilo yakhe asidodobalanga.

Ngokwenjenje lo mnyangwa ungentla ukhululwa ngaphandle kwemiqathango.

Bhala izimeli-magama nefani :

Intsayino-gama :

(INTloko Yeziko Lezonyango)

Umhla :

Indawo :

(Iikopi mazithunyelwe kwisigulana sikaRhulumente, uNobhala weNkundla echaphazelekayo, uMmeli-ngokomthetho osemthethweni nesebe Likazwelonke Lezempilo)

MHCA 34

ISEBE LEZEMPILO

ISICELO KUNOBHALA WENKUNDLA EPHAKAMILEYO SOKUHLOMELA/SOKURHOXISA
UKUKHULULWA NGEMIQATHANGO KWESIGULANA SIKARHULUMENTE

[Umhlathi 48(5) woMthetho]

Ifani yomnyangwa

Amagama omnyangwa

Inombolo yoxwebhu (ukuba iyaziwa)

Umhla wokuzalwa okanye ubudala obuqikelelwayo

Isini: Indoda Umfazi

Idilesi yokuhlala.....

.....

Uhlobo lwesityholo

Idilesi yokuhlala:

.....

.....

.....

Ngokwenjenje ndicela ukuba ukukhululwa ngemiqathango kwalo mnyangwa ungentle ihlonyelwe/irhoxiswe

Esi sigulana sikaRhulumente asiyiqwalaselanga le miqathango nemiyalelo ilandelayo

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.....

kwaye imo yempilo yaso ngokwasengqondweni idodobe (cacisa)

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.....

ISEBE LEZEMPILO

**UKUKHULULWA OKUNGENAMIQATHANGO KWESIGULANA SIKARHULUMENTE EBKADE
SIKHULULWA NGEMIQATHANGO YINTLOKO YEZIKO LEMPILO**

[Umhlathi 48(4)(a) woMthetho]

Ifani yomnyangwa

Amagama omnyangwa

Inombolo yoxwebhu (ukuba iyaziwa)

Umhla wokuzalwa okanye ubudala obuqikelelwayo

Isini: Indoda Umfazi

Umhla wokukhululwa ngemiqathango

Umhla wokuphelelwa kwemiqathango

Ngokwenjenje ndichaza ukuba ukukhululwa kwalo mnyangwa ungentla ngemiqathango kuphelelwe yaye uyilandele imiqathango abeyibekelwe yaye isimo sempilo yakhe asidodobalanga.

Ngokwenjenje lo mnyangwa ungentla ukhululwa ngaphandle kwemiqathango.

Bhala izimeli-magama nefani :

Intsayino-gama :

(INTloko Yeziko Lezonyango)

Umhla :

Indawo :

(likopi mazithunyelwe kwisigulana sikaRhulumente, uNobhala weNkundla echaphazelekayo, uMmeF-
ngokomthetho osemthethweni nesebe Likazwelonke Lezempilo)

MHCA 34

ISEBE LEZEMPILO

ISICELO KUNOBHALA WENKUNDLA EPHAKAMILEYO SOKUHLOMELA/SOKURHOXISA
UKUKHULULWA NGEMIQATHANGO KWESIGULANA SIKARHULUMENTE

[Umhlathi 48(5) woMthetho]

Ifani yomnyangwa

Amagama omnyangwa

Inombolo yoxwebhu (ukuba iyaziwa)

Umhla wokuzalwa okanye ubudala obuqikelelwayo

Isini: Indoda Umfazi

Idilesi yokuhlala.....

.....

Uhlobo lwesityholo

Idilesi yokuhlala:

.....

.....

.....

Ngokwenjenje ndicela ukuba ukukhululwa ngemiqathango kwalo mnyangwa ungentle ihlonyelwe/irhoxiswe

Esi sigulana sikaRhulumente asiyiqwalaselanga le miqathango nemiyalelo ilandelayo

.....

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.....

kwaye imo yempilo yaso ngokwasengqondweni idodobebe (cacisa)

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.....

.....

(Ukuba kukho unxulumano) Ndiphakamisa ukuba le miyalelo nemiqathango yoko kukhululwa ihlonyelwe ngokwale miba ilandelayo:-

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.....
.....
.....

Bhala izimeli-magama nefani :

Intsayino-gama :

(INtloko Yeziko Lezonyango)

Umhla :

Indawo :

(Ikopi ithunyelwe kuMmeli-ngokomthetho osemthethweni neSebe Likazwelonke Lezempilo)

ISEBE LEZEMPILO

**ISICELO SESIGULANA SIKARHULUMENTE KWIJAJI EKUMAGUMBI OKUXOXA SOKUHLONYELWA
KWEMIQATHANGO/SOKUKHULULWA NGAPHANDLE KWEMIQATHANGO**

[Umhlathi 48(6) no (7) woMthetho]

Ifani yomnyangwa

Amagama omnyangwa

Inombolo yoxwebhu (ukuba iyaziwa)

Umhla wokuzalwa okanye ubudala obuqikelelwayo

Isini: Indoda umfazi

Idilesi yokuhlala

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.....

Umhla wokukhululwa ngemiqathango

Umhla ekwagqityelwa ngawo ukwenziwa isicelo sokuhlonyelwa kwemiqathango/ sokukhululwa ngaphandle
kwemiqathango mayingabingaphantsi kweenyanga ezintandathu

Ngokwenjenje ndicela ukuba le miyalelo nemiqathango yokukhululwa kwam ihlonyelwe/ ndikhululwe
ngaphandle kwemiqathango:

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.....

Izizathu zokuhlonyelwa/zokurhoxiswa kwemiqathango

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.....

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.....

Bhala izimeli-magama nefani :

Intsayino-gama :

(Isigulana sikaRhulumente)

Umhla :

Indawo :

Isigqibo seJaji ekumagumbi okuxoxa amatyala angafuni kusiwa enkundleni:

.....

.....

.....

.....

Bhala izimeli magama nefani.....

Intsayino magama.....

(YiJaji ekumagumbi okuxoxa)

Umhla.....

Indawo.....

(Ikopi kwisigulana sikaRhulumente, kwintloko yeziko lempilo, kwintloko yesebe likazwelonke, kuNobhala weNkundla ePhakamileyo nakummeli ngokomthetho)

ISEBE LEZEMPILO

**IZIPHUMO ZESIMO SENGQONDO SEBANJWA EMVA KWESICELO ESIVELA KWINTLOKO
YENTOLONGO OKANYE KUMANTYI
[Umhlathi 50(2) okanye 52 woMthetho]**

Ifani yomnyangwa

Amagama omnyangwa

Umhla wokuzalwa okanye ubudala obuqikelelwayo

Isini: Indoda Umfazi

Umsebenzi

Imo yomtshato: utshatile/akatshatanga Uqhawuleumtshato Ngumhlolo/mhlolokazi

Idilesi yokuhlala:

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.....

.....

Uhlobo lwesityholo

Inombolo yasentolongweni

Umhla woxilongo..... Indawo yoxilongo

Udidi logqirha wolungiso-ngqondo ochongiweyo

Isimo sempilo yomzimba

(a) Impilo ngokwasemzimbeni ngokubanzi

.....

.....

.....

(b) Kukho iimpawu zokwenzakala? Ewe Hayi

(c) Kukho iimpawu zesifo esosulelayo ? Ewe Hayi

Ukuba impendulo ku (b) okanye ku (c) ngu-ewe nika iinkcukacha ezizezinye

.....

.....

.....

Nika ingxelo ngemiba ebiqwalaselwe ngemo yempilo ngokwasengqondweni (chaza ukuba ngubanina obenze le ngcombolo)

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.....
.....

Imiba enxulumene nemo yengqondo yomnyangwa ebiqwalaselwe kumaxa angaphambili (chaza imihla neendawo).....

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.....
.....

Imo yempilo ngokwasengqondweni yomnyangwa ngeli ilixa loxilongo

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.....

Uhlobo lwesigulo (lomzuzwana)

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.....

Ngokoluvo lwam lo mnyangwa ungentla: -

Unomkhwa wokufuna ukubulala	Ewe	Hayi
Unomkhwa wokufuna ukuzibulala	Ewe	Hayi
Unobungozi	Ewe	Hayi

Isiphakamiso kwiNtloko yeNtolongo

Ibanjwa ligula ngengqondo kwaye lifuna iinkonzo zonyango nokulungiswa kwengqondo Ewe Hayi

.....

Ngokoluvo lwam ibanjwa linokunikwa iinkonzo zonyango nokulungiswa kwengqondo lisentolongweni okanye/kunye nakwisibhedlele sasentolongweni Ewe Hayi

.....

Ngokoluvo lwam esi sigulo sengqondo siluhlobo lokuba ibanjwa kufuneka lithunyelwe kwisibhedlele sokulungiswa kwengqondo ukuze sifumane iinkonzo zonyango nokulungiswa kwengqondo:

.....
.....

ISEBE LEZEMPILO

UMYALELO KAMANTYI KWINTLOKO YENTOLONGO YOTSHINTSHELO LWEBANJWA KWIZIKO LEMPILO NGEENJONGO ZOKUBONELELA NGOLONGWO, UNYANGO NOBUYISELO KWIMO YESIQHELO

[Umhlathi 52(3) (a) no (b) woMthetho]

Ifani yomnyangwa

Amagama omnyangwa

Umhla wokuzalwa okanye ubudala obuqikelelwayo

Isini: Indoda Umfazi

Umsebenzi.....Imo yomtshato utshatile/akatshatanga Uqhawule umtshato Ngumhlolo/mhlolokazi

Idilesi yokuhlala:

.....

.....

Inombolo yasentolongweni

Ityala elibekwa ibanjwa.....

Apho kufuneka ibanjwa litshintshelwe kwiziko lezonyango

Ngokwenjenje ndiyalela ukuba ngenxa yokugula ngengqondo/yokudodobala kwengqondo kwalo mnyangwa ungentla makatshintshelwe kwiziko elichongiweyo lezempilo aye kufumana iinkonzo zonyango nokulungiswa kwengqondo ngokwenkqubo ephantsi komhlathi 45 yalo Mthetho.

Apho ibanjwa kufuneka linikwe iinkonzo zonyango nokulungiswa kwengqondo ngaphakathi kwimeko zasentolongweni

Ngokwenjenje ndiyalela ukuba lo mnyangwa ungentle anikwe loo mlinganiselo weenkonzo ufunekayo ephakathi entolongweni/kwisibhedlele sentolongo

Bhala izimeli magama nefani.....

Intsayino-gama :

(umantyi)

Umhla :

Indawo :

(Ikopi mayithunyelwe kuMlawuli (apho anyuliweyo) nakwiNtloko Yesebe Likazwelonke Lezempilo)

Izinto eziboniweyo malunga nesimo sengqondo sesigulana kwixesha langa phambili (Xela iintsuku nendawo):

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.....
.....

Imo yempilo ngokwasengqondweni yomnyangwa ngeli ilixa loxilongo

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.....

Uhlobo lwesigulo (lomzuzwana)

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.....

Ngokoluvo lwam lo mnyangwa ungentla :-

Unomkhwa wokufuna ukubulala	Ewe	Hayi
Unomkhwa wokufuna ukuzibulala	Ewe	Hayi
Unobungozi	Ewe	Hayi

Isiphakamiso kwiNtloko yeNtlongo

Ibanjwa ligula ngengqondo kwaye lifuna iinkonzo zonyango nokulungiswa kwengqondo Ewe Hayi

Ngokoluvo lwam ibanjwa linokunikwa iinkonzo zonyango nokulungiswa

kwengqondo lisentolongweni okanye/kunye nakwisibhedlele sasantolongweni Ewe Hayi

Ngokoluvo lwam esi sigulo sengqondo siluhlobo lokuba ibanjwa kufuneka

lithunyelwe kwisibhedlele sokulungiswa kwengqondo ukuze sifumane iinkonzo

zonyango nokulungiswa kwengqondo:

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ISEBE LEZEMPILO

ISICELO KWINKUNDLA EPHAKAMILEYO SOKONYULA UMLAWULI

[Umhlathi 60(1) no (2) woMthetho]

Ifani yomnyangwa ozakuthi amelwe.....

Amagama omnyangwa

Umhla wokuzalwaOkanye ubudala obuqikelelwayo

Isini Indoda/umfazi

UmsebenziImo yomtshata Utshatile/akatshatanga Uqhawule umtshato Ngumhlolo/mhlolokazi

Igama lomenzi-sicelo

(bhala izimeli-magama nefani)

Isigulana esi singentla singeniswe e:.....

(igama leziko lempilo)

Ubuhlobo phakathi komenzi-sicelo nomnyangwa

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.....
.....

Ukuba umenzi-sicelo asiloqabane lomtshato okanye isizalwane

Zeziphi inzame ezenziweyo ukufumana iqabane lomtshato okanye isizalwane?

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.....

Ukuba iqabane lomtshato okanye isizalwane asifumaneki

Manyathelo mani athathiweyo ukuzama ukufumana umkhondo welo qabane okanye isizalwane?

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.....
.....

Zonke iziqinisekiso zonyango neengxelo ezichaphazela ubume bempilo ngokwasengqondweni nokukwazi komnyangwa ukuziphathela izinto zakhe (zifake udwelise uluhlu)

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.....

Isekelwe kuyiphiphi imihlaba inkolo yakho yokuba umnyangwa akakwazi ukuziphathela izinto zakhe?

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.....

Ukhe wambona umnyangwa kwiintsuku ezisixhenxe phambi kwesi sicelo? Ewe Hayi

Nika ingcombolo nexabiso eliqikelelwayo lezinto zomnyangwa

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Lithini ixabiso eliqikelelwayo lengeniso yomnyangwa ngonyaka?

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Ngubani, ngokoluvo lwakho, onganguyena mntu ufanelekileyo ukuba nguMlawuli wezinto zomnyangwa?

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Nika ezinye iinkcukacha ngaloo mntu (umz. Ubuhlobo nomnyangwa, umsebenzi)

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.....

Nika amagama neengcombolo zalapho bafumaneka khona abantu abanokukwazi ukunika ulwazi olongezelelekileyo ngesimo sempilo ngokwasengqondweni yomnyangwa

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Fakela ubungqina bokuba ikopi yesi sicelo uyinikiwe umntu ekwenziwa ngaye esi sicelo

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.....
.....

Igama nefani yomenzi – sicelo.....

Intsayino-gama :

(Umenzi-sicelo)

Umhla :

Indawo :

Ubungqina obufungelweyo mabutyikitywe ngumahluleli-mthethweni okanye ngumkomishanala wokufungisa

Mna, lo utyikitye apha ngezantsi ndiyangqina ukuba:

Ndineminyaka engama-18 nangaphezulu.....

Ndisisizalwana esingu

Andisosizalwana, ndingu

Intsayino-gama yomenzi-sicelo :

Le nkcazo ingentla ingqinwe ngokundilisekileyo/ifungelwe phambi kwam

Umfungi ungqinile ukuba uyakwazi kwaye ekuqonda okuqulethwe yile ngxelo ifungelweyo/ingqinwe phambi kwam

Bhala izimeli-magama nefani :

Utyikityo gama:

(Umahluleli-mthethweni okanye umkomishanala wokufungisa)

Umhla :

Indawo:.....

Isigqibo sikaMabi-mafa weNkundla ePhakamileyo phantsi komhlathi 60(13) woMthetho

Ekubeni ndiwaqwalasele amabango nemiba ephathelele kwesi sicelo :

(a) ndonyula u.....

(igama lomntu)

ukuba abe nguMlawuli wethutyana kude kugqitywe uphando oluza kwenziwa.

(b) ndonyula u

(igama lomntu)

njengomlawuli wezinto zalo mnyangwa ungasentla

(c) ndiyalela ukuba kwenziwe uphando phantsi komhlathi we-60(4) walo Mthetho

(d) ndigxininisa ukuba makungonyalwa Mlawuli

Bhala izimeli-magama nefani :

Intsayino-gama :

(Umabi-Mafa weNkundla ePhakamileyo)

Umhla :

Indawo :

ISEBE LEZEMPILO

ISIGQIBO SIKA-MABI MAFA WENKUNDLA EPHAKAMILEYO NGOKONYULWA KOMLAWULI

[Umhlathi 60(8)] woMthetho

Ukulandela uphando njengoko luhleliwe kumhlathi 60(5) woMthetho, ndiyalela ukuba:

(a) u

(igama lomntu)

makonyulwe njengomlawuli wezinto zika

(igama lomnyangwa)

(b) akuzukonyulwa Mlawuli malunga nezi zinto.....

.....(igama lesigulana)

(b)

(c) lo mbandela ndiwudlulisela ukuba uqwalaselwe yiJaji yeNkundla ePhakamileyo kwigumbi layo

Izizathu zesi sigqibo:.....

.....

.....

Amagunya, umsebenzi noxanduxa lomlawuli, ukba wonyulwe, iya kwenziwa ngokomhlathi we-63 wa'lo Mthetho

Bhalaizimeli-magama nefani :

Intsayino- magama.....

(Umabi-Mafa weNkundla ePhakamileyo)

Umhla :

Indawo :

(Ikopimayithunyelwe kumenzi-sicelo kunye nomntu esenziwa ngaye esi sicelo nakwintloko yeziko lempilo apho isigulana sigcinwe khona)

MHCA 41

ISEBE LEZEMPILO

**ISAZISO SESIBHENO KWIJAJI YENKUNDLA EPHAKAMILEYO MALUNGA NESIGQIBO SOMABI- MAFA
WENKUNDLA EPHAKAMILEYO NGOKONYULA NOKUNGONYULI UMLAWULI**

[Umhlathi 60(10) woMthetho]

Ifani yomnyangwa

Amagama omnyangwa

Umhla wokuzalwa okanye ubudala obuqikelelwayo

Isini	Indoda/umfazi	
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Umsebenzi	Imo yomtshato	Utshatile/akatshatanga
-----------------	---------------	------------------------

Uqhawule umtshato

Ngumhlolo/mhlolokazi

Idilesi yokuhlala

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Ifani yomfaki-sibheno

Amagama omfaki-sibheno

Idilesi yokuhlala

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Ubuhlobo phakathi komenzi-sicelo nomnyangwa ~

Iqabane lomtshato isizalwane abanye (cacisa)

Imihlaba yesibheno

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Imiba ekuseketwe kuyo isibheno

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.....
.....

Bhala izimeli magama nefani:.....

(Umfaki sicelo)

Intsayino-gama :

(Ngumfaki sicelo)

Umhla :

Indawo :

ISEBE LEZEMPILO

ISAZISO NGESIGQIBO SEJAJI YENKUNDLA EPHAKAMILEYO SOKONYULA
UMLAWULI/SOKUNQUMAMISA ULAWULO

[Umhlathi 61(3) no 64(3) woMthetho]

Ifani yomnyangwa

Amagama omnyangwa

Umhla wokuzalwa okanye ubudala obuqikelelweyo

Isini: Indoda Umfazi

Umsebenzi.....Imo yomtshato Utshatile/akatshatanga Uqhawule umtshato Ngumhlolo/mhlolokazi

Idilesi yokuhlala:

.....

.....

Ukonyulwa koMlawuli

Ekubeni ndiwaqwalasele onke amabakala achaphazelekayo malunga nokonyulwa koMlawuli wezinto zalo mnyangwa ungentle phantsi komhlathi we-61(3) woMthetho ndiyalela ukuba :

Makonyulwe/makangonyulwa uMlawuli (hlaba engasebenziyo)

Izizathu zesi sigqibo

.....

.....

Ukuqhubeka/ukunqunyanyiswa kolawulo

Ekubeni ndiwaqwalasele onke amabakala achaphazelekayo malunga nokulawulwa kwezinto zalo mnyangwa ungentle phantsi komhlathi we-64 (3) woMthetho ndiyalela ukuba:

Amagunya, umsebenzi noxanduva lomlawuli wezinto zalo mnyangwa ungentle luza kuqhubeka/kunqunyanyiswa (susa engasebenziyo)

Bhala izimeli-magama nefani:

Intsayino-gama :

(Ijaji yeNkundla ePhakamileyo)

Umhla :

Indawo :

(Ikopi mazithunyelwe kumfaki-sibheni; iNtloko yeziko lezonyango elichaphazelekayo; iNtloko yeSebe Lezempilo Lephondo kunye noMlawuli, apho isigqibo simalunga nokunqunyanyiswa kolawulo, umlawuli)

ISEBE LEZEMPILO
INGQINISEKISO YOLONYULO LOMLAWULI
[Umhlathi 62 woMthetho]

Ndonyula u

(igama loMlawuli)

ukuba abenguMlawuli wezinto zika

(igama lomnyangwa)

Idilesi yomlawuli:

.....

.....

.....

ukususela ngo(umhla)

NjengoMlawuli uya kukhathalela ulawule izinto zalo mntu ungentle wenze zonke izinto ezinxulumene nok
kwaye phantsi kwawo nawuphina umthetho uya kwenza imicimbi nezinye iimbophelelo zaloo mntu
uchaphazelekayo

Uyakuqhubeka ukusebenza njengoMlawuli lude lube uxanduva lwakho luqunyanyisiwe
ngokwasemthethweni

Bhala izimeli-magama nefani :

Intsayino-gama :

(UMabi-Mafa weNkundla ephakamileyo)

Umhla :

Indawo :

ISEBE LEZEMPILO

ISICELO SOKUNQUMAMISA ULAWULO NESIGQIBO SIKAMABI- MAFA WENKUNDLA
EPHAKAMILEYO

[Umhlathi 64 woMthetho]

Igama loMlawuli

Isicelo senziwe ngu(bhala izimeli-
magama nefani)

- (a) ngumntu ekonyulelwe yena uMlawuli;
- (b) nguMlawuli;
- (c) ngumntu owenze isicelo sokonyulwa koMlawuli

Imihlaba yokwenziwa kwesicelo

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Qaphela : Faka zonke iziqinisekiso okanye iingxelo ezichaphazelekayo ezilandela ukonyulwa komlawuli

Ixabiso eliqikelelwayo lezinto

Intsayino-gama :

(Umenzi-sicelo)

Umhla :

Indawo :

Isigqibo soMabi-Mafa weNkundla ePhakamileyo

Ekubeni ndiwaqwalasele onke amabakala achaphazelekayo kwesi sicelo :

- (a) ndiyakunqumamisa ukonyulwa koMlawuli;
- (b) ndiyarhoxa ekumnqumamiseni uMlawuli;
- (c) lo mba ndiwudlulisela uphononongo kwiJaji yeNkundla ePhakamileyo

Izizathu zesigqibo :

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Bhala izimeli-magama :

Intsayino-gama :

(UMabi-Mafa weNkundla ePhakamileyo)

Umhla :

Indawo :

(likopi mazithunyelwe kumenzi-sicelo nakwintloko yeziko lempilo)

Imiba ekusekelwe kuyo isibheni:

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Intsayino-gama :

(Umntu ofaka isibheni)

Umhla :

Indawo :

(Ikopi mayithunyelwe kuMabi-Mafa weNkundla ePhakamileyo)

MHCA 46

ISEBE LEZEMPILO

ISAZISO SESIGQIBO SEJAJI YENKUNDLA EPHAKAMILEYO SOKONYULA UMLAWULI/
SOKUNQUMAMISA ULAWULO

[Umhlathi 60(12) no 64(7) woMthetho]

Ifani yomnyangwa

Amagama omnyangwa

Umhla wokuzalwa okanye ubudala obuqikelelwayo

Isini Indoda/umfazi

UmsebenziImo yomtshato utshatile/akatshatanga

Uqhawule umtshato

Ngumhlolo/mhlolokazi

Idilesi yokuhlala

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Ulonnyulo loMlawuli

Ekubeni ndiwaqwalasele onke amabakala anxulumene nokonyulelwa kwezinto zalo mnyangwa ungentle uMlawuli phantsi komhlathi we-61 (12) woMthetho ndiyalela ukuba: -

Konyulwe/kungonyulwa Mlawul (susa engasebenziyo)

Izizathu zesi sigqibo

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Ukunqunyanyiswa kolawulo

Ekubeni ndiwaqwalasele onke amabakala okunqunyanyiswa kolawulo lwezinto zalo mnyangwa ungentle phantsi komhlathi we-64 (7) woMthetho ndiyalela ukuba :-

Amagunya, umsebenzi noxanduva lomlawuli wezinto zalo mnyangwa ungentla luyanqunyanyiswa/luza kuqhubeka (susa engasebenziyo)

Izizathu zesigqibo:

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Bhala izimeli-magama nefani :

Intsayino-gama :

(Ijaji yeNkundla ePhakamileyo)

Umhla :

Indawo :

(Iikopi mazithunyelwe kumfaki-sibheni, iNtloko yeziko lezonyango elichaphazelekayo, iNtloko yeSebe Lezempilo Lephondo, kunye, apho izizathu simalunga nokunqunyanyiswa kolawulo, noMlawuli)

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