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DIE PROKUREURSORDE VAN DIE NOORDELIKE PROVINSIES

UMMELI WAKHO – UMELULEKI ONGAMETHEMBA

Le ncwajana izokwazisa ngamaphuzu asemqoka okuphathwa kwefa lomufi, kanye nezindaba zomthetho ezihilelekile.

Kutuswa ukuba uthintane nommeli wakho ukuze ubhale incwadi yefa futhi kutuswa ukuba ummeli wakho akhethwe njengoMabi Wefa encwadini yakho yefa.

Ummeli wakho
- uzokucebisa nganoma iziphi izinkinga ezingase zivele;
- uzosingatha zonke izinkinga zezomthetho ezingase ziphakame;
- unolwazi nobuchule obudingekayo ukuze aqinisekise ukuthi incwadi yakho yefa ibhalwa ngokuvumelana neziyalezo zakho, futhi
- uyoqinisekisa ukuthi incwadi yakho yefa ibhalwe kahle, ilondolozwa kahle futhi iyasebenza ngokuvumelana noMthetho Wezincwadi Zamafa.

Kuyokwenzekani ngefa lami nempahla yami lapho sengishonile?

Indlela engcono kakhulu yokuqinisekisa ukuthi lapho usushonile impahla yakho iphathwa ngokuvumelana nezifiso zakho neziqondiso iwukuba ubhale incwadi yefa. Lokhu kukunika ithuba lokukhetha uMabi Wefa ozonakelela impahla yakho. Uma ushona ungenayo incwadi yefa, umndeni wakho ungase ubhekane nezingqinamba kanye nezinkinga ezinkulu.

Uma umuntu eshona engenayo incwadi yefa efanele, impahla yakhe izodluliselwa kwabanye ngokuvumelana noMthetho Wokudluliswa Kwefa. Ezimweni ezinjalo, ifa lizodluliselwa koshade naye osaphila noma kuyena nezingane zomufi nabazukulu (uma ingane ishone ngaphambi komufi kodwa yashiya izingane). Uma zingekho izingane, ifa lizodluliselwa kubazali, futhi uma nabo bengasekho, kubafowenu nodadewenu.

Ukusingathwa kwezindaba zefa lomufi kuqala kanjani?

Uma umuntu eshona eshiya ifa noma incwadi yefa, umuntu ashade naye osaphila — noma uma engekho, isihlobo esiseduze esihlala esifundeni ashonele kuso – kumelwe sibike ifa ngokwendlela echaziwe eNkosini YeNkantolo Ephakeme (Master of the High Court), zingakapheli izinsuku ezingu-14.

Lapho impahla/ifa selibikiwe, iNkosi YeNkantolo ikhetha uMabi Wefa ngokukhipha iNcwadi Yokwabiwa Kwefa (uma impahla yomufi iyinani elingaphezu kuka-R125 000) noma iNcwadi Yokugunyaza (uma impahla yomufi ingaphansi kwenani elingu-R125 000).

Ummeli wakho unolwazi nobuchule bokukusiza ngokulungiselela izincwadi ezidingekayo zokubika nokunakelela ukusingathwa kwempahla ngendlela efanele.

Ubani ongase akhethwe njengoMabi Wefa ukuze asingathe ukwabiwa kwempahla?

Kutuswa ukuba ummeli wakho akhethwe njengoMabi Wefa ngoba
- ujwayelene neziqondiso ezisencwadini yakho yefa,
- uyazi ukuthi impahla yakho ikuphi,
- unolwazi oluningiliziwe ngezindaba zomndeni wakho,
- uzoba sesimweni esingcono sokuhlanganisa impahla yakho futhi anakekele ukubhaliswa kwefa elidluliswayo futhi lokhu akwenze ngobunono, futhi
- unolwazi olukhethekile lwenqubo yokusingathwa kwezindaba zefa.

Kodwa-ke, ilungu lomndeni nalo lingakhethwa njengoMabi Wefa lisizane nommeli wakho.

Iyini indima efezwa uMabi Wefa?

UMabi Wefa kulindeleke ukuba
- ahlanganise impahla yomufi,
- akhokhe izikweletu zakhe,
- akhokhe yonke impahla eyabiwe ngefa, futhi
- abele izindlalifa ifa elisele ngokuvumelana nencwadi yefa yomufi, noma ngokuvumelana noMthetho Wokudluliswa Kwefa uma umufi eshone engayibhalanga incwadi yefa.

Ngaphansi kwezimo ezithile ezingavamile, uMthetho Wokuphathwa Kwamafa uyamvumela owakwakho osaphila ukuba athathe ifa lomufi noma ingxenye yalo, uma kunesiqinisekiso esifanele sowakwakho osaphila sokuthi

uyonakekela ifa lanoma iziphi izingane ezisencane. Izindlalifa nazo zinelungelo lokungena eSivumelwaneni Sokwabiwa Kwefa okuyodingeka sibuye sinikwe iNkosi YeNkantolo ukuze isigunyaze. Ngokuvamile ngaphansi kwalezi zimo ummeli unikeza iseluleko njengochwepheshe.

Yini enye okufanele umuntu ayazi ukuze azizwe ekhululekile ngenqubo yokunakekelwa kwezindaba zefa?

Ngaphambi kokuba imidanti itholakale ukuze ihlolwe, uMabi Wefa, egunyazwe iNkosi YeNkantolo, angakhipha inani elithile lemali nanoma iyiphi impahla efeni uma uMabi Wefa ekubona kufaneleka lokho ukuze kunakekelwe izidingo zomndeni womufi.

Ngaphezu kwalokho, uma impahla ikwazi ukukhokhela izikweletu futhi kunemali eyanele, uMabi Wefa angakhipha imali ayinike izindlalifa nabantu ababelwe ifa ngokuvumelana nokwabiwa kwalo. Lokhu kunjalo ikakhulukazi uma indlalifa iwumkamufi/umyeni wakhe noma lapho kungase kubambezeleke ukusingathwa kwendaba.

Yini eyenzekayo nge-akhawunti yefa?

Ngemva nje kokubikwa kwempahla, uMabi Wefa uthola inani lempahla kanye nezikweletu ezihilelekile ngesikhathi sokushona komufi.

Ngemva kokukhishwa kweziNcwadi Zokwabiwa Kwefa, uMabi Wefa kumelwe akhiphe isaziso kuyi-Government Gazette nasephephandabeni elilodwa noma ngaphezulu esifundeni umufi abehlala kuso, acele bonke abantu abakweletwayo kuleli fa ukuba bafake izikhalo kuMabi Wefa phakathi nesikhathi esinqunyiwe, ngokuvamile esiyizinsuku ezingu-30 kusukela ngosuku lwesaziso sokugcina.

Ngemva kwalokho, kodwa kungakedluli izinyanga ezingu-6 kukhishwe iziNcwadi Zokwabiwa Kwefa noma sekudlule isikhathi iNkosi YeNkantolo engase isivumele, uMabi Wefa unesibopho sokuthumela eNkosini YeNkantolo irekhodi lokudayiswa kwempahla nokwabiwa kwefa.

INkosi YeNkantolo izohlola imidanti, futhi uma konke kusesimweni esifanele, igunyaze uMabi Wefa ukuba akhiphe isaziso ngale midanti ukuze ihlolwe. Imidanti yoMabi Wefa kufanele igcinwe obala eHhovisi LeNkosi YeNkantolo – futhi uma umufi ebehlala kwesinye isifunda, ikhophi yale midanti kufanele igcinwe emafayelini omphakathi ehhovisi leMantshi – izinsuku ezingengaphansi kwezingu-21, ukuze ihlolwe inoma imuphi umuntu ofuna ukwazi ngefa. UMabi Wefa kumelwe akhiphe isaziso kuyi-Government Gazette nasephephandabeni elilodwa noma ngaphezulu asakazwa esifundeni umufi abehlala kuso esisho isikhathi le midanti ezogcinwa ngaso nendawo ezogcinwa kuyo ukuze ihlolwe.

Uma isikhathi sokuhlola sesidlulile, iNkosi YeNkantolo izokwazisa uMabi Wefa ukuthi imidanti ebigcinelwe ukuhlolwa ayiphikiswanga muntu. UMabi Wefa angabe esekhokhela abakweletwayo futhi abele izindlalifa ifa ngokuvumelana nemidanti. UMabi Wefa uzothumela eNkosini YeNkantolo wonke amarisidi namarekhodi abantu abakweletwayo nalokho okwabelwe izindlalifa.

Uma uMabi Wefa ephethe imali engu-R1 000 noma ngaphezulu, kufanele avule i-akhawunti yefa. Kodwa-ke, lokhu akusebenzi uma ummeli ophethe indaba esebenzisa i-akhawunti yakhe ukuze abe izimali zomufi.

Intela i-Value Added Tax, i-Capital Gains Tax ne-Income Tax

UMabi Wefa kufanele athole ukuthi impahla kufanele yini ikhokhe i-value added tax (VAT) kanye/noma i-income tax.

Uma umufi ebebhaliswe njengomdayisi uMabi Wefa kungase kudingeke abhalise ifa ukuze ngenjongo ye-VAT. Lokhu kuyokwenza ukuba kudonswe i-VAT. Kungase kudingeke ukuba uMabi Wefa akhokhe intela kwabakwaSouth African Revenue Service ngayo yonke impahla yebhizinisi lomufi. UMabi Wefa angase akwazi ukudayisa ibhizinisi komunye usomabhizinisi okhokha i-VAT futhi lelo bhizinisi lifakwe ngaphansi kwesigaba i-'zero rated'.

UMthetho We-Income Tax unenkambiso yokuthi uma umuntu eshona, kuthathwa ngokuthi ufake yonke impahla yakhe ngaphansi kwefa lomufi ngemali ayitholile noma egciniwe elingana nenani lokuthenga leyo mpahla, futhi impahla yomufi ibhekwa njengezuze lelo nani ngokwesilinganiso sezimakethe. Lesi isimiso esivame ukusetshenziswa, kodwa ngezinye izikhathi kungase kwenziwe okuhlukile. Ngokwesibonelo, impahla yomyeni/inkosikazi esaphila ngemva kokushona kowakwakhe ayibhekwa njengempahla ebisidayisiwe ngesikhathi sokushona komufi.

Empahleni eningi kuye kudonswe i-income tax. Lokhu kungase kube nomthelela enanini lemali ezokwabelwa izindlalifa.

Idonswa nini intela yefa?

Okwamanje intela yefa idonswa emalini yefa eyisilinganiso esingu-20%. Imali edonswayo ibalwa ngokudonsa inani eligodlwayo elingu-R3.5 million 'enanini lalo lonke ifa'. Inani layo yonke impahla ehlanganiswe efeni lomufi elingelowakwakhe osaphila, ngokusho kwencwadi yomufi yefa noma ngokuvumelana nomthetho wokudluliswa kwefa, lingase lidonswe uma lihlanganisiwe empahleni yefa.

Ingabe kukhona indlalifa engakhetha kukho?

Noma iyiphi indlalifa inelungelo lokwenqaba noma lokulahla isipho noma ifa elinikwayo.

Kuye kukhethwe uma abashadile behlanganise impahla yabo futhi osaphila kumelwe akhethe ukuthi uthatha isabelo sakhe futhi alahlekelwe izinzuzo zefa elihlanganyelwe, noma uyavuma ukuba ifa lakhe lidayiswe futhi athole izinzuzo zalokho. Lokhu kukhetha komuntu osaphila ngokuvamile kubizwa ngokuthi i-'adiation'.

Uma indlalifa ingalamukeli ifa, lelo fa lizodluliswa ngokuvumelana nencwadi yomufi yefa noma ngokuvumelana nemithetho yokudluliswa kwefa.

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