



**IMANUWALI YOKUFINYELELA KULWAZI OLUSEHHOVISI LIKA-  
OMBUD WABAHLINZEKI ZINSIZAKALO ZEZIMALI (“U-Ombud we-  
FAIS”)**

**(ngokuhambisana nesigaba 14 soMthetho Oqgugquzela Ukufinyelela Kulwazi, wezi-2000)**

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## **1. Isingeniso**

### **1.1 Singobani thina na?**

Ihhovisi lika-Ombud wabahlinzeki zinsizakalo zezimali ('U-Ombud we-FAIS') lasungulwa ngokoMthetho Wezokweluleka ngezimali, i-Financial Advisory and Intermediary Services Act, 37 wezi-2002 ('UMthetho we-FAIS').

Iqhaza lika-Ombud we-FAIS ukuxazulula ukungaboni ngaso linye kwabahlinzeka ngosizo lwezimali kanye namaklayenti abo kulandelwa izinkambiso ezinobulungiswa, ezilula, ezongayo nezisheshayo. Umngcele wamandla ka-Ombud we-FAIS ugcina ekuphulweni kwemithetho okwenzeke ngomhla zingama-30 Septhemba 2004 nangemva kwakhe kanye nezimangalo ezingevqile kuma ku-R800 000.00.

U-Ombud we-FAIS uzimele, akachemile kanti imisebenzi yakhe uyenza ngaphandle kokwesaba, ukwenzelela nokwahlulela. Usizo luka-Ombud alukhokhelwa mali kanti wonke umuntu oludingayo angafinyelela kulo. Usizo luka-Ombud we-FAIS alufani lolwabameli abasebenza njengabeluleki kwezomthetho ekubeni yena ugcina ekubeni umlamuli, ukuba umbonisi nokuthatha izinqumo ngezikhalo ngokuhambisana noMthetho we-FAIS neMithethonqubo ephathelene Nezinkambiso zasehhovisi lika-Ombud wabahlinzeki zinsizakalo zezimali.

Kusukela lu-1 Ephreli 2005, u-Ombud we-FAIS wanikezwa igunya lokusebenza njengo-Ombud Ogunyazwe Umthetho Wezwe ngaphansi koMthetho wezikimu Zezinsizakalo Ngezimali zika-Ombud, i-Financial Services Ombud Schemes Act, 37 yezi-2004 ('uMthetho we-FSOS'). Lokhu kusho ukuthi u-Ombud angabhekana nezikhalo ezibhekiswe kuzinkampani zezimali, ezingangeni phansi kwezinye izikimu zawo-Ombud noma la kunokungabaza khona ukuthi ubani ofanele abhekane nodaba.

### **1.2 Imisebenzi ka-Ombud we-FAIS**

"isikhalo" se-FAIS kuchaza isikhalo esiqondiswe kusizo lwezimali lomhlizeki lusizo lwezimali noma komele lowo mhlizeki lusizo lwezimali. Isikhalo sizocutshungulwa uma kunezinsolo zokuthi umhlinzeki lusizo lwezimali noma ommele:

- Uye wawuphula noma wehluleka ukugcina isihlinzeko soMthetho we-FAIS kwase kuthi ngenxa yaloko umkhalazi walahlekelwa imali noma kwaba khona ithuba lokuthi angalahlekelwe imali kumbe acekeleke phansi;
- Uye waba budedengu wanikeza usizo lwezimali okuphethe ngokuthi umkhalazi akhinyabezeke noma kwaba nengozi yokuthi angakhinyabezeke; noma
- Waphatha umkhalazi ngokungenabulungiswa.

Lapho ecubungula kumbe ethatha isinqumo ngesikhalo, u-Ombud we-FAIS angalandela asebenzise noma iyiphi inkambiso ayibona ifanele, futhi angavumela noma iluphi uhlangothi lufune usizo lwabameli.

Uhlangothi olumangalelwe kufanele lwaziswe ngesikhalo esethulwe eHhovisi, khona luthole ithuba lokuzilungiselela ngokugcwele ukubhekana necala. Ummangalelwa kudingeka enze izinto ngobungoti nangobuqotho futhi akhombise ubambiswano oluyinkomba yokufuna ukwenza isiqiniseko sokuthi kufinyelelwe kusixazululo esihle maqondana nesikhalo.

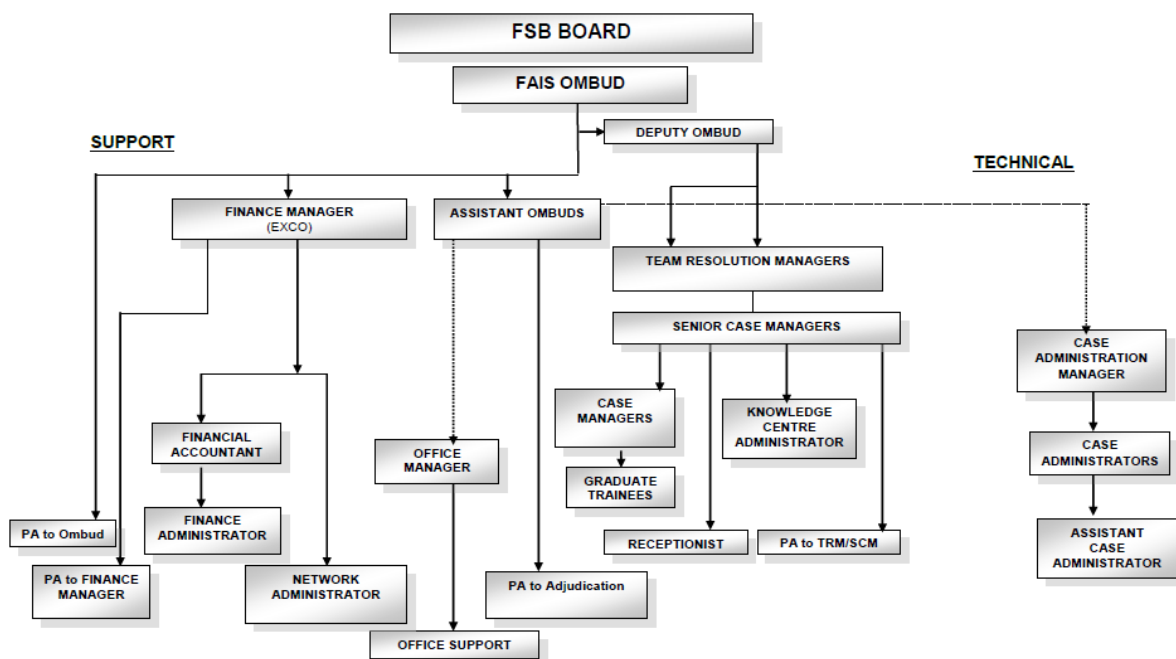
U-Ombud we-FAIS kufanele aqale abhekisise ukuthi asikho yini isixazululo sesikhalo ngokuxoxisana phakathi kwabathintekayo, abe umlamuli noma enze isiphakamiso sokuthi isikhalo singaxazululwa kanjani.

Lapho udaba lungazange lwaxazululeka noma uma iziphakamiso zika-Ombud we-FAIS zingemukelwanga yizona zonke izinhlangothi, u-Ombud we-FAIS uzothatha isinqumo esingunqamula juqu esingahle simbandakanye –

- ukusichitha isikhalo; noma
- ukusemukela ngokuphelele noma ngokuyingxenywe isikhalo, isib. ngokunquma ukuthi umkhalazi anxeshazelwe ngokufanelekile ngokukhinyabezeka kwakhe ngokwezimali nokuhlupheka ahlangebazane nako.

Isinqumo sika-Ombud we-FAIS sinomphumela ofana nowesinqumo senkantolo. Isinqumo singaphikiswa ngokusidlulisela kwinkundla yokudlulisela amacala kepha lokho kwenzeka kuphela ngemvume ka-Ombud we-FAIS ozobuka ukuba nkimbinkimbi kodaba kuqala nanokuthi kungenzeka yini ukuthi kufinyelelwe kwesinye isinqumo enkundleni yokudlulisela amacala. Omunye ongagunyaza ukudluliswa kodaba uSihlalo Wenkundla Yokudlulisa Amacala, uma u-Ombud we-FAIS enqaba ukuthi udaba ludluliswe.

### 1.3 I-Organogram/ukwakheka



## 2. IsiPhathimandla Solwazi Sethu/Imininingwane Yokusithinta

U-Ombud, uNksz NN Bam uyena siphathimandla esijutshiwe ehovisi lika-Ombud we-FAIS. Ngokwesigaba 17 se-PAIA, uNksz Bam ubeke iPhini Siphathimandla Solwazi, elibhekana nezicelo zokufinyelela kumarekhodi. Uma ufisa ukwenza isicelo sokufinyelela kumarekhodi ka-Ombud we-FAIS, isicelo sakho kufanele sibhekiswe kumaPhini Ziphathimandla Olwazi abekiwe.

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### **3. Usebenza kanjani uMthetho we-PAIA?**

Ilungelo lokufinyelela kulwazi lizinze phansi kwesigaba 32 soMthethosisekelo waseRiphabhuliki yaseNingizimu Afrika. Isigaba 32 sihlizeka ukuthi wonke umuntu abe nelungelo lokufinyelela kulwazi oluphethwe umbuso; noma olukomunye umuntu luzosetshenziselwa ukuvikela noma ukusetshenziswa kwanoma iliphi ilungelo. UMthetho Oqgugquzela Ukufinyelela Kulwazi (i-PAIA) umthetho ophumelelisa isigaba 32 soMthethosisekelo. Lo Mthetho ulawulwa yiKhomishane Yamalungelo Abantu YaseNingizimu Afrika (SAHRC), kanti wagunyazwa yiPhalamende mhla zi-2 kuFebruwari 2000 waqala ukusebenza mhla ziyi-9 kuMashi 2001.

Inhloso yoMthetho ukugqugquzela ukwenzeka kwezinto kube sobala, ubuqotho nokuphatha okuphusile ngokuqwashisa umphakathi nokuwufundisa:

- ukuqonda nokusebenzisa amalungelo awo,
- ukuqonda imisebenzi nemishikashika yezinhloko zikahulumeni, kanye
- nokucubungulisa nokuhlanganyela kuzinqumo ezithathwa uhulumeni ezithinta amalungelo awo.

iKhomishane Yamalungelo Abantu yaseNingizimu Afrika (SAHRC) inesibopho sokubhala umhlahlandlela ngezilimi zasezweni ezilishumi nomuvo, ozoba nokwazisa okushoyo ukuthi uMthetho usetshenziswa kanjani. Lo mhlahlandlela utholakala kuwebhusayithi ye-SAHRC.

Noma iluphi ulwazi noma imibuzo ngalo mhlahlandlela ingabhekiswa  
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#### 4. Ukutholakala kwale manuwali

Le manuwali izotholakala emahhovisi abasebenzela u-Ombud we-FAIS, kuwebhusayithi ka-Ombud we-FAIS ku [www.faisombud.co.za](http://www.faisombud.co.za) kanti ingathunyelwa nange-imeyili uma kuceliwe.

#### 5. Amarekhodi aphethwe u-Ombud we-FAIS

U-Ombud we-FAIS uphethe futhi ulawula izigaba ezilandelayo zamarekhodi:

**Imininingwane Yabasebenzi.** Lawa marekhodi ambandakanya izinkontilaki zokusebenza zabo bonke abasebenzi baka-Ombud we-FAIS, izinqubomgomo zokuqashwa nemidanti ngamaholo.

**Ulwazi oluphathelene nezikhalazo olwemukelwe ngokoMthetho we-FAIS.** Lolu lumbandakanya ukuxhumana okuhambisana nezikhalazo, izinqumo nezicelo zemvume yokudlulisa udaba.

**Amarekhodi ebhiznis ka-Ombud we-FAIS.** Lawa marekhodi ambandakanya:

- (a) Amarekhodi ezimali
- (b) amaMinithi emihlangano yekomidi eliphezulu, imihlangano yeminyango, nemihlangano yesitafu.
- (c) Amasumgomo nezinye izinqubomgomo Zokuqhuba umsebenzi
- (d) Imibiko Yonyaka neminye imibiko yangokomthetho
- (e) Ama-newsletter, okubhalwe emaphephandabeni, neminye imibhalo eshicilelwe

#### 6. Ukufinyelela kumarekhodi aphethwe u-Ombud we-FAIS

##### 6.1 Ukuzambula ungaselwanga

<b>Izinqumo zika-Ombud we-FAIS</b>	Izinqumo ezithathwe ngokwesigaba 28 soMthetho we-FAIS ziyatholakala kuwebhusayithi ka-Ombud we-FAIS ku- <a href="http://www.faisombud.co.za">www.faisombud.co.za</a>
<b>Imibiko</b>	Imibiko Yonyaka ka-Ombud we-FAIS iyatholakala ngesimo sobuchwepheshe kuwebhusayithi ka-Ombud we-FAIS ku- <a href="http://www.faisombud.co.za">www.faisombud.co.za</a>
<b>Amafomu</b>	Amafomu okurejista izikhalo ayatholakala ngo-word kuwebhusayithi ka-Ombud we-FAIS ku- <a href="http://www.faisombud.co.za">www.faisombud.co.za</a>
<b>Amakhasi okwazisa</b>	Ikhasi lokwazisa liyatholakala ngesimo sobuchwepheshe kuwebhusayithi ka-Ombud we-FAIS ku- <a href="http://www.faisombud.co.za">www.faisombud.co.za</a>
<b>Ama-Newsletter</b>	i-newsletter ka-Ombud we-FAIS iyatholakala ngesimo sobuchwepheshe kuwebhusayithi ka-Ombud we-FAIS ku- <a href="http://www.faisombud.co.za">www.faisombud.co.za</a>
<b>Izikhala zemisebenzi ezikhona</b>	Izikhangisi zezikhala zemisebenzi ezikhona ziye zifakwe kuwebhusayithi ka-Ombud we-FAIS ku- <a href="http://www.faisombud.co.za">www.faisombud.co.za</a>

##### 6.2 Ukuzambula ngokucelwa

<b>Ukuxhumana</b>	Okutshelwa abezindaba
<b>Ezabasebenzi</b>	Umgomo Wokuziphatha kwa-Ombud we-FAIS i-Credo yakwa-Ombud we-FAIS Imibiko Yokulinganiswa Emsebenzini Imibiko Yakwa-HR Imibiko Yokuqeqesha
<b>Ukuphathwa Kwezimali</b>	amaBhajethi Amasumgomo Amasu Okusebenza Onyaka Izitatimende zezimali Imibiko yoMcwaningi-mabhuku Jikelele

### **6.3 Ukuzambula okunemikhawulo ngoMthetho we-FAIS**

Ngokuvamile, ulwazi oluyiswa ku-Ombud luyimfihlo kanti u-Ombud kuphela onokuluvezela uRegistrar noma olunye uhlangothi lwesikhalo ngokungdingekela ukuba kuxazululeke isikhalo, noma uma kunesidingo ngaphansi koMthetho noma imuphi omunye umthetho. Isigaba 29 soMthetho we-FAIS siphathelene nokufinyelela kumarekhodi ka-Ombud.

“29 Ukugcinwa kwamarekhodi

(1) U-Ombud kufanele awagcine kahle amafayela namarekhodi ezikhalo kanjalo namarekhodi anoma yiziphi izinqubo zokuthathwa kwezinqumo ezenziwe ngokwesigaba 28.

(2) Ukuze enze imisebenzi yakhe ngaphansi kwalo mthetho nanoma imuphi omunye umthetho, u-registrar unako ukufinyelela kumafayela namarekhodi ka-Ombud, kanti angasebenzisa amakhophi amarekhodi ezinqubo asayindwe u-Ombud angabe esabufuna obunye ubufakazi ukufinyelela esiphethlweni sodaba.

(3) Noma imuphi umuntu onesidingo, angathola ikhophi yanoma iliphi irekhodi, uma u-Ombud ekubona kumfanele futhi kuhambisana nemithethonqubo efanele yobumfihlo, bese ekhokha inani u-Ombud alinqume ukuthi likhokhwe ngokutholakala kwamarekhodi.

Umuntu ocela irekhodi kufanele aveze inombolo ekhomba isikhalo okwafayelwa ngaphansi kwayo imidanti kuSiphathimandla Solwazi. ISiphathimandla Solwazi sizothola ukuthi imiphi imininingwane kulelo fayela eyabizwa ngeyimfihlo bese isuswa ifayela lelo lingakafinyeleli kumuntu ofake isicelo.

Umuntu ocela irekhodi angalibuka irekhodi emahhovisi ka-Ombud we-FAIS, ngezikhathi zomsebenzi uma esyikhokhile imali enqunyiwe. Noma iziphi izicelo zamafotokhophi emibhalo kuzokhokhwa u- R1-00 ngekhosi lawo.

## **7. Kucelwa kanjani ukufinyelela kumarekhodi aphethwe u-Ombud we-FAIS.**

Isicelo kufanele sibhekiswe kuSiphathimandla Solwazi kusetshenziswa imininingwane yokusithinta edaluliwe. Noma isiphi isicelo sokufinyelela kumarekhodi ngokoMthetho kufanele senziwe sigcwaliswe efomini Lesicelo elifakwe kusinezelelo 1.

Umfaki sicelo kufanele ahlinzeke imininingwane eyenele efomini lesicelo ukuze iSiphathimandla Solwazi sikwazi ukulithola irekhodi sazi nokuthi ubani ocela ulwazi. Isimo ofisa irekhodi lifinyelele ngaso kuwe naso kuyadingeka usidalule.

Umfaki sicelo kufanele alazi ilungelo afuna ukulisebenzisa kumbe ukulivikela bese echaza ukuthi kungani ecele irekhodi maqondana nokusebenzisa kumbe ukuvikela lelo lungelo.

Uma isicelo senelwa omunye umuntu, umfaki sicelo kufanele bese eletha ubufakazi nencazelo yokuthi umfakela isicelo ngaliphi lo ammele ngendlela ezokusenelisa iSiphathimandla Solwazi .

Uma umfaki sicelo ongakwazi ukufunda nokubhala, kumbe ekhubazekile, angesenza isicelo serekhodi ngomlomo. ISiphathimandla Solwazi noma lowo ogunyazwe ukuba asimele uzomgcwalisela ifomu umfaki sicelo bese emnika ikhophi yalo.

ISiphathimandla Solwazi kufanele simazise umfaki sicelo ukuthi unesibopho sokukhokha imali enqunyiwe (uma idingeka) andukuba kubhekanwe nesicelo sakhe. Umfaki sicelo kudinga ayikhokhe imali efanele.

ISiphathimandla Solwazi sizobe sezithatha isinqumo-ke sisho ukuthi siyasivuma isicelo noma cha bese sibhalela sazisa umfaki sicelo.

## **8. Amanani akhokhwayo**

Umfaki sicelo ofuna ukufinyelela kurekhodi elinolwazi lwakhe umfaki sicelo akudingi akhokhe mali yokufaka isicelo. Wonke omunye umfaki sicelo kufanele akhokhe ngokwesilinganiso samasenti angama-20 ngekhasi elenziwe ikhophi.

## **9. Izixazululo ezingasetshenziswa uma izihlinzeko ze-PAIA zingagcinwanga**

U-Ombud we-FAIS akanazo izinhlelo zangaphakathi zokubhekela ukudluliswa kodaba ezingavumela ukuba kuphikiswane nezinqumo ezithabathwe iSiphathimandla Solwazi noma iPhini laso. Lolo hlangothi olukhalazayo lungafaka isicelo sokudlulisa udaba lusibhekise eNkantolo kaMantshi. Uma inkantolo isilulalela udaba olufana nalolu, izokuba sesimweni sokuthatha noma isiphi isinqumo yehlulele ngobulungiswa ngodaba olusezithebeni zayo.