

# IMITHETHO NEMITHETHO YOKUSEBENZA NGOKUSEBENZISWA KWESIKHATHI ESIFUNDWAYO

## 1. IMITHETHO

- 1.1. Bayede Mobile (Proprietary) Limited (inombolo yokubhalisa : (2018/452906/07) inkampani yangasese eyakhiwe ngokuhambisana nentshonalanga yeRiphabhlikhi yaseNingizimu Afrika ene-regustored addresso

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("Umnikezeli Wezinsizakalo"), inikeza Amasevisi Kubhalisile Ababhalisile, ngokusebenzisa i-Network.

- 1.2. Le migomo nemibandela yokubhaliselwa ekhokhelwayo ejwayelekile ("le migomo") ilawula ukusetshenziswa koMbhali wezinsizakalo ezinikezwe uMhlinzeki weNkonzo.
- 1.3. Umbhalisi osebenzisa i-network futhi asebenzise izinsizakalo uyavuma, ngenxa yokungena nokusetshenziswa okunjalo, ukuboshwa imigomo evezwe lapha. Uma ngabe uMbhali ethanda ukuboshwa yiMigomo, uMbhali angase angasebenzisi Amasevisi.
- 1.4. Ababhalisile kuphela abaneminyaka engu-18 (EIGHTEEN) iminyaka abangavuma futhi bavume ukuboshwa ile Migomo. Uma i-Bona Fide End User (umsebenzisi ovumelekile) engaphansi kweminyaka engu-18 (EIGHTEEN), Umsebenzisi onjalo kufanele athole imvume yomgcinini wakhe ukuba aboshwe yiMigomo ngaphambi kokufinyelela iNethiwekhi futhi isebenzisa Amasevisi.
- 1.5. Umhlinzeki Wensizakalo ugcina ilungelo, ngokuqonda kwakhe kuphela, ukuze ukuchitshiyelwa kanye / noma ukubuyisela noma yiyiphi imigomo noma yonke. ImiGomo efana nalezi zichibiyelo kuzodlulisa futhi ithathele noma yimiphi imigomo yaphambilini futhi iyokwenziwa kuWebhuki Wezinsizakalo Zomsebenzi Wonke. Njalo uma uMbhali ufinyelela ku-Network noma esebenzisa uMnyango, uMbhali uzobheka uvumele ukutholakala okunjalo kuNethiwekhi noma ukusebenzisa iMisebenzi, kule Migomo, njengoba ichitshiyelwe futhi / noma ishintshwe nguMhlinzeki Wensizakalo ngezikhathi ezithile. Uma uMbhali enganelisekile ngeMigomo echitshiyelwe, uMbhali kufanele avimbele ukungena I-Network futhi isebenzisa amasevisi.
- 1.6. UMhlinzeki weNkonzo uzonikezela uMbhali isaziso esandulelayo lapho uMhlinzeki Wezinkonzo eqoqe ulwazi lomuntu siqu kuMbhali kanye nenhloso ka mhlinzeki Wesevisi oqoqe lolo lwazi luyathinteka ngokuchibiyela okuhlosiwe.
- 1.7. Uma kuwukuthi noma yikuphi kule Migomo uMbhali engayitholi ngaphansi kwalokho uMsizi weBhalisile uhlinzekela uMhlinzeki weNsizakalo esebenzisa imininigwana yokushicilela kwi-Webaithe ngezikhathi ezithile Sicela uqaphele ukuthi izingcingo Kumhlinzeki Wenkonzo kunenkokhelo emazingeni kazwelonke futhi kungabhekwa ukuqeqeshwa, ukuphepha kanye nezinhloso zokuqinisekisa izinhlamvu.

## 2. UKUHFLELA

Kule Migomo, izihloko ze-clause zizoba lula futhi ngeke zisetshenziswe ekuchazeni kwakhe futhi zihlanganisa inkulumo ngokucacile Inhloso ephikisanayo –

- 2.1. okuchazayo-  
2.1.1. noma yiliphi ubulili kufaka hlangana nabantu abathintekayo

- 2.1.2. umuntu ongekho emthethweni noma owomthetho futhi ngokungafani nalokho
- 2.1.3. ama-denotes angamabomu ngobuningi futhi ngokuphambene
- 2.2. izinkulumo ezilandelayo zizobhekana nezincazelo ezinikezwe ngezansi futhi zihlangane no-
- 2.2.1. **"Usuku Lokuqalisa"**- usuku lokusebenza kwe-SIM ye-Subscriber kwi-Network
- 2.2.2. **"Yenza kusebenze "** - noma **"kusebenze"**- ukuvuselelwa kwe-SIM kubhalisile kwi-Network;
- 2.2.3. **"Ukuhlanganyela"** - abaxhumanisi beNsizakalo yeNsizakalo nabahlanganyela nabo, kubandakanya inkampani yayo yokubamba kanye nezinkulumo ze-Subsidiaries zinezincazelo ezihambelana- nazo zonke izinkampani ngaphakathi kweqembu lenkampani eliphethe;
- 2.2.4. **"Isikhathi Somoya"** - I-Network Balance esetshenziselwe Ukwenza Izingcingo Zezwi phezu kwe-Network;
- 2.2.5. **"uMthetho Ogunyaziwe"**- noma yimuphi umthetho osebenza eRiphabliki yaseNingizimu Afrika, kufaka phakathi aw, umthetho ovamile, umthetho wesintu, noma ngabe yimuphi umthethosisekelo noma ozayo, umthetho, isinqumo, isinqumo, isivumelwano, umthetho, umthethonqubo, isiqondiso, umthetho, ukuhleleka, imfuneko, isicelo noma isikhombandlela esikhishwe yiGunya, njengobe kungashintshwa kabusha esikhundleni sakho, kuphinde kwenziwe, kuvuselelwe noma kuhunyushwa kabusha ngezikhathi ezithile;
- 2.2.6. **"Umsebenzisi Oqotho"** - umsebenzisi we-ond Network kanye / noma Imisebenzi engumuntu onokwemvelo onenhloso yangempela yokusebenzisa iNethiwekhi kanye / noma Izinsizakalo ngosuku oluqhubekayo
- 2.2.7. **"Usuku lweBhizinisi"** - nganoma yiluphi usuku ngaphandle kweMgqibelo, ngeSonto, noma iholidi lomphakathi olusemthethweni eRiphabhlikhi yaseNingizimu Afrika;
- 2.2.8. **"Idatha"** - Idatha ehambayo yimuphi umgwaqo wokushintsha iphakethe okungenzeka ube yi-generatod uaing noma yiziphi izinsiza zokupakisha iphakethe (General Packet Radio Services ('GPRS'), Idatha Enhanced for Global Evolution (EDGE), Technology Technology (3G noma i-Generation Wireless Mobile Telecommunications Technology) I-Fourth Generation Wireless Mobile Telecommunications Technology r4G) nanoma iyiphi inhlanganisela yalezi noma amazinga amathekhnoloji esikhathi esizayo ezithwala futhi zithumele idatha;
- 2.2.9. **"Idivayisi"** - noma iyiphi i-divayisi yeselula evunyelwe yi-ICASA futhi isetshenziswe yi-Subscriber ukuze ifinyelele amasevisi e-Network;
- 2.2.10. **"Financial Technology Services"** - ukudluliselwa kwezikweletu, amasheyithi, ukuhoxiswa kanye nezinkokhelo ezingase zitholakale nguMhlinzeki Wezinsizakalo kanye nabalingani bayo noma abalingani kusukela kwesikhathi esithile kuya kwesinye isikhathi;
- 2.2.11. **"I-ICASA"** - igunya lokuxhumana elizimele laseNingizimu Afrika elisungulwe ngokwemibandela ye- Independent Communications Authority Act 13 of 2000, njengokuchibiyelwa kwayo;
- 2.2.12. **"Inombolo Yocingo"** - isiteshi esithintekayo sezinsizakalo ezihlanganisiwe zedijithali (" MSISDN ") inombolo ehambisana ne-SIM yalowo obhalisile;
- 2.2.13. **"I-Nethiwekhi"** - Indlela exhuniwe kunethiwekhi yezokuxhumana eNingizimu Afrika eyenzelwe ukunikeza amaSevisi kubabhalisi;
- 2.2.14. **"Ibhalansi ye-Nethiwekhi"** - i-Airtime, Idatha kanye ne-SMS ibhalansi etholakalayo enambeni yombhalisi ehlotshaniswa

- ne-SIM ebhaliswe kubasebenzisi abathile be-Subscriber etholakala koBhalisile Inombolo;
- 2.2.15. **"Amaqembu"** - amaqembu kule Migomo, ngokuba nguMhlinzeki Wesevisi kanye no-Subscriber;
- 2.2.16. **"Ulwazi Lomuntu siqu"** - lonke ulwazi oludlulisela kwi-id umuntu onokwethenjela, ophilayo, onokwemvelo futhi ongasetshenziselwa owodwa noma ngolunye ulwazi ukuthola, ukuxhumana noma ukuthola umuntu noma ukukhomba umuntu kumongo;
- 2.2.17. **"Abasebenzi"** abaqondisi beqembu, izikhulu, abalingani, abasebenzi, ama-agent, abaxhumanisi abangaphansi kwamanye amazwe noma abanye abameleli;
- 2.2.18. **"I-POPI"**-Ukuvikelwa koMuntu Ulwazi lomthetho 4 ka-2013, njengoba uchitshiyelwe;
- 2.2.19. **"Ukuthunyelwa"** ukudluliswa kwenombolo yocingo kusuka kuMhlinzeki Wenkonzo kunomunye umnikuzeli wesevisi ngaphandle kokushintsha I-Mobile Number;
- 2.2.20. **"Ukuqala ngokukhokha"**- indlela uMbhalisi angathola ngayo iNethiwekhi futhi asebenzise leNkonzo, okuwukuthi ukuthenga isikweletu esingaphambili okuzokwabiwa kwi-Subscriber's Network Balance;
- 2.2.21. **"Ukucubungula"**- ukuqoqwa, ukuthola, ukurekhoda, inhlango, ukuqoqa, ukugcina, ukuvuselela noma ukuguqulwa, ukubuyisa, ukuguqulwa, ukubonisana, ukusetshenziswa, ukusakazwa ngokusabalalisa ukudluliselwa noma ukwenza okutholakala kunoma yiluphi uhlobo, ukuhlanganisa, ukuxhumanisa, kanye nokuphumula ukulimala, ukubhujiswa noma ukuchithwa kolwazi;
- 2.2.22. **"Ukurekhoda"** - kunenzuzo echazwe kuyo eSigabeni 1 se-POPI;
- 2.2.23. **"RICA"**-Regulatory of Interception of Communications and Provision of Communication-Related Information Act 70 ka 2002, njengoba ichitshiyelwe;
- 2.2.24. **"Izinsizakalo"** izinsizakalo zenethiwekhi ezitholakale nguMhlinzeki Wezinsizakalo kuMbhalisi futhi okungabandakanya
  - 2.2.24.1. "i-Data;
  - 2.2.24.2. ukubeka nokwamukela Izingcingo Zezwi;
  - 2.2.24.3. ze-SMS;
  - 2.2.24.4. zezobuchwepheshe bezezimali,
- namadivaysi nanoma yiziphi ezinye izinsiza, imikhijizo noma ukukhushulwa okwenziwe nguMhlinzeki Wezinsizakalo noma abasebenzi beNzizakalo noma abahlanganyeli kwiNethiwekhi;
- 2.2.25. **"SIM"** ikhadi lekhadu lokubhalisa lomsebenzisi elibhaliswe kuMbhalisi ophethe inombolo ye- MSISDN eyabelwe uMhlinzeki Wezinsizakalo ku-Subscriber, okuvumela uMbhalisi afinyelele kwiNethiwekhi futhi asebenzise amasevisi;
- 2.2.26. **"I-SMS"** -uhlelo lomyalazo olufushane olusetshenziselwa ukuthumela imilayezo emifushane kwamanye amadivaysi eselula ngaphezu kwenethiwekhi;
- 2.2.27. **"Obhalisile"** - Umsebenzisi wamasevisi ogunyaziwe;
- 2.2.28. **"I-Traffic"** -ukudluliselwa kwezibonakaliso ngenkathi usebenzisa iMisebenzi yonkana kwinethiwekhi;
- 2.2.29. **"VAS"** izinsizakalo ezengeziwe ezitholakala ngoMhlinzeki Wenkonzo kanye noMhlinzeki Wenkonzo noma abalingani ngezikhathi ezithile;
- 2.2.30. **"I-VAT"** - intela eyengeziwe yokukhokha ngokwezimali ngokwemali ye-Value Added Tax Act 89 ka-1981 (i- "VAT Act"), njengoba ichitshiyelwe;
- 2.2.31. **"I-Voice Call"**-ukudluliselwa kwe-circuit- Ukushintshwa kwezwi ngePakethe ngeNethiwekhi;
- 2.2.32. **"I-Website"** -iwebhusayithi yoMhlinzeki Wezinsizakalo ngezikhathi ezithile, futhi sitholakala ku- [www.bayedemobile.co.za](http://www.bayedemobile.co.za);
- 2.3. noma yikuphi ukubhekisela kokuqinisekiswa kuleyo nqubo njengoba kusebenze Idethi futhi njenge-a noma yenziwe kabusha ngezikhathi ezithile;
- 2.4. uma kunoma yikuphi ukuhlinzekwa kwenzuzo yokuhlinzekwa ngokunikeza amalungelo noma ukubeka izibopho kunoma yiliphi iQembu, ngakho-ke noma ngabe liqukethe kuphela ekuqedeni, ukuhlinzekwa kuzonikezwa lelo lungiselelo njengokungathi libophezelekile emzimbeni walo Mthetho;
- 2.5. umfelokazi noma yiliphi igama elichazwe ngaphakathi kwesigatshana esithile ngaphandle kwalesi sigatshana sesi-2, esithatha isichasiselo esichazwe kuso kuleso sigaba somthetho noma kuphi lapho kungukuthi yi-usod kule Migomo;
- 2.6. uma kunoma yiliphi inani lezinsuku elibekiwe kule Migomo, zizocutshungulwa kuphela ezokuqala futhi zibandakanya ngosuku lokugcina ngaphandle uma usuku lokugcina luwela ngosuku olungelona usuku lwebhizinisi, lapho kwenzeka ukuthi usuku lokugcina luzoba usuku olulandelayo lwebhizinisi eliphumelelayo;
- 2.7. noma yikuphi ukubhekisela kwezinsuku (ngaphandle kokubhekisela ezinsukwini zebhizinisi), izinyanga noma iminyaka ukubhekisela ezinsukwini zekhalenda, izinyanga noma iminyaka, njengoba kungenzeka;
- 2.8. uma kwenzeka ukuthi usuku lokukhokha kwanoma yiliphi inani elifanele ngokwemibandela yale Migomo kufanele liwele usuku olungelona usuku lwebhizinisi, usuku olufanele lokukhokha luzoba yiSuku lwebhizinisi elilandelayo
- 2.9. lapho isibalo sichazwa ngamanani namazwi futhi kukhona ukuphikisana phakathi kwalababili, amagama azosakaza;
- 2.10. ukusetshenziswa kwegama elithi "kufaka/hlangana" elilandelwa isibonelo esithile angeke kuthathwe njengokunciphisa incazelo yegama eliphambi kwalo futhi umthetho we-*eiusdem generis rule* ngeke isetshenziswe ekuchazeni igama elinjalo noma isibonelo esithile;
- 2.11. ukulawulwa kokwakhiwa kwesivumelwano esizokwenziwa ngokumelene nePhathi elibhekene nokuhlelwa kabusha noma ukulungiswa kwale Migomo, ngeke kusebenze

### 3. UKUSEBENZISWA

- 3.1. Umhlinzeki weNkonzo kudingeka, ngokwesigaba 39 no-40 se-RICA, ngokucacile ekhomba uMbhalisi ngaphambi kokuhlinzekwa nganoma yiziphi izinsizakalo kumhlinzeki we-Subscriber
- 3.2. Umhlinzeki wezinsizakalo ezenza ukugcina imfihlo nokuvikelwa kolwazi lomuntu siqu lombhalisi ngokuhambisana noMthetho osebenzayo
- 3.3. Umbhalisi uyavuma ukuthi uma uthenga iSIM, uMbhalisi ngeke abe nokufinyelela okusheshayo kwiNethiwekhi Ukuze ufinyelele iNethiwekhi futhi usebenzise Amasevisi uMbhalisi owenza ukuhlinzeka ngalokhu okulandelayo;
- 3.3.1. igama eliphelele lombhalisi kanye nenombolo yesazisi, kanye nekhophi eqinisekisiwe yedokhumenti yokubhalisa kwabakwaBhalisile lapho isithombe soBhalisile, amagama agcwele kanye nenombolo yobunikazi bevela khona, futhi ikheli lokuhlala noma ikheli le-Subscriber, kanye nekhophi yobufakazi bekheli elihlinzekiwe, okuhlanganisa ne-Billing Services, i-akhawunti yocingo, i-ratos kamasipala kanye nenkokhelo yentela ekhulile kunezinyanga ezintathu (ezintathu), ukuqinisekisa ikheli enikezwe yi-Subscriber; noma
- 3.3.2. uma imibhalo okukhulunywe ngayo kwisigatshana 3.3.2 ingayifaki imininingwane ephelele yoMbhalisi, incwadi efungelwe eqinisekisa indawo yokuhlala yoMbhalisi,

egcinwe ngumuntu ogama lakhe eliphelele elivela ebufakazini bekheli.

- 3.4. Uma uMhlinzeki weNkonzo enelisekile ngolwazi olunikezwa uMbhali njengoba kuvezwe kulo mshwana wesithathu (3) Izinsizakalo zizotholakala kuMbhali angakapheli amahora awu 24 (TWENTY-FOUR) kuya emahoreni angu-48 (FORTY-EIGHT).
- 3.5. Umbhali uzama ukwazisa iNkonzo Umhlinzeki ngokushesha uma kungenzeka kunoma yiziphi izinguquko kunoma yiluphi ulwazi olunikezwe ngokuhambisana nalesi sigatshana 3 no-RICA.
- 3.6. Isiqinisekiso sokubhalisa ukuthi ulwazi kanye nemibhalo ehlinzekwe ngokwalo mhlathi 3 kuyiqiniso futhi ilungile, futhi ulwazi noma imibhalo hhayi ukukhohliswa nganoma iyiphi indlela noma ngendlela
- 3.7. Umbhali uyavuma ukuthi izidingo ezibekiwe kulesi sigaba somthombo we- azitholalalanga. zingashintsha nganoma yisiphi isikhathi ngenxa yanoma yikuphi ushintsho olwenziwe ku-RICA

#### 4. UKUBIZA IMALI

- 4.1. Umbhali uzobophezela izimali, amacala, amanani kanye namanani asebenzayo njengoba kushicilelwe kwiWebsite ngezikhathi ezithile.
- 4.2. Umbhali ovumayo ekukhethweni kwakhe ukuhlela isikhathi seMigomo yipulani ekhokhelwa kuqala, futhi kubhalwe ukuthi iMisebenzi inikezwa ngesisekelo sokukhokha kuphela.
- 4.3. Umbhali uyavuma ukuthi ngokubekwa ohlelweni lokukhokhelwa kuqala, uMbhali kufanele abe ne-Balance Network enhle kwi-SIM yayo ukuze afinyelele iNethiwekhi futhi asebenzise amasevisi.

#### 5. IZINSIZAKALO

- 5.1. Umnikuzeli Wezinsizakalo uzokusebenzisa imizamo yakhe engcono yokunikeza uMbhali ithuba lokufinyelela kuNethiwekhi nokusetshenziswa kweMisebenzi ngokuhambisana nemigomo ebekiwe kule Migomo.
- 5.2. Ngaphandle kwesigatshana 5.1 ngenhla, uMhlinzeki weNkzisa angeke aqinisekise izinga leNethiwekhi. Ikwalithi yeNethiwekhi ingenziwa yizici ezingekho ngqo kuMhlinzeki Wenzizakalo, lezo zinto ezingase zifake kepha azikhawulelwanga ezivimbela ngokomzimba, izimo zezulu ezibi, ukuphazanyiswa komsakazo, ivolumu yabasebenzisi be-Bona Fide End ukufinyelela iNethiwekhi ngesikhathi esisodwa, ne-Network Traffic.
- 5.3. UMhlinzeki weNkonzo akavumeli ukuthi:
  - 5.3.1. Izinsizakalo zizokwazi ukutholalala ngamahora angu-24 (ama-TWENTY-FOUR) amahora ngosuku, noma
  - 5.3.2. Amasevisi azotholakala ezingu-365 ngonyaka; noma
  - 5.3.3. ngeke kube khona ukulibaziseka kuNethiwekhi, ukulahlekelwa kwesignali, noma ukulahlekelwa ukufinyelela kwiNethiwekhi; noma
  - 5.3.4. ukuthi iNethiwekhi izoba mahhala amaphutha; noma
  - 5.3.5. ukuthi iNethiwekhi izoba mahhala yokuphazanyiswa; noma
  - 5.3.6. ukuthi iNethiwekhi izotholakala ngezikhathi zonke noma
  - 5.3.7. ukuthi iNethiwekhi ifanele kunoma iyiphi inhloso ethile; noma
  - 5.3.8. ukuthi iNethiwekhi izobe ivikelekile futhi ithembeke
- 5.4. Umbhali ngalokhu unikezela uMhlinzeki Wezinsizakalo futhi engenzi lutho uMhlinzeki Wezinsizakalo, Abambisene Naye nabasebenzi bayo, ngokumelene nokulahlekelwa, izindleko, umonakalo noma izindleko zanoma yiluphi uhlobo oluhlupekile noma olwenziwe yi- Umbhali, ovela kunoma yiliphi ukulibaziseka noma ukwehluleka ekuhlinzekeni kweMisebenzi noma ukufinyelela kwiNethiwekhi
- 5.5. Ukuze uMbhali enze ukusetshenziswa kwe-SIM ezweni elingaphandle kweRiphabhulikhi yaseNingizimu Afrika, uMbhali kumele enze isicelo kumhlinzeki wesevisi ngokwemigomo

njengoba kushicilelwe kwiWebhukhi ngezikhathi ezithile (Imithetho nemibandela yokusebenzisa i-Nethiwekhi ezweni elingaphandle kwe Riphahulikhi yase Ningizimu Afrika). I-Subscriber iyavuma ukuthi ngokwenza kanjalo, uMbhali uzobe esehambisana nemigomo nemibandela yokuzulazula ngaphezu kwaleyo ebekiwe kule migomo.

- 5.6. Umbhali uyabhekeleka, ngokwemigomo yanoma yikuphi okuqinisekisiwe kwemikhiqizo nemibambano, ngokufaka esikhundleni kwanoma yikuphi okulahlekile , okonakalisiwe noma eyebiwe SIM.
- 5.7. Ngokuhambisana nesigaba 41 se-RICA, uMbhali uzimisele ukubika ngokusemthethweni esiteshini samaphoyisa kunoma yimuphi umasipala wamaphoyisa aseNingizimu Afrika, iSIM elahlekile, eyebiwe noma elibhujisiwe ngokushesha lapho ezwa ukulahleka , ukweba noma ukubhujiswa. Umbhali uyavuma ukuthi lokhu kuyisibopho sikaMbhali ngokwe-RICA.
- 5.8. Uma uMbhali ebike iSIM elahlekile, eyebiwe noma ebhujisiwe, uMbhali uzimisele ukukwazisa uMhlinzeki Wezinsizakalo ngokubiza ngo-084 135 ukuthi i-SIM ye-Subscriber ilahlekile, ibanjwe noma ibhujiswe. Emva kwalokho uMhlinzeki Wezinsizakalo uzokhipha uhlu lwe-SIM ukuze aluvimbele noma yimiphi imizamo engu-58 yimuphi umuntu okungenzeka abe ne-SIM ebhalisiwe ukuze asebenzise i-SIM kumanani abhalisele.
- 5.9. Uma uMbhali ehluleka ukwazisa uMhlinzeki Wezinsizakalo njengoba kuvezwe esigatshaneni 5.8 noma yikuphi ukusetshenziswa kweSIM ukufinyelela kuNethiwekhi kuzoba yi-akhawunti yoMbhali.

#### 6. I-PORTING

- 6.1. Uma uMbhali efisa ukufakela inombolo yakhe yeselula kwineethiwekhi ehlukeni uMbhali uzimisele ukukwazisa uMhlinzeki weNkonzo ngokuhambisana nenqubo eshicilelwe kwi-Website ngezikhathi ezithile.
- 6.2. U-Subscriber uyavuma ukuthi uzobophezeleka izindleko okubandakanyekayo ekudluliseni inombolo ye-Mobile

#### 7. IMISEBENZI YABASEBENZISI

- 7.1. Izimvume zokubhaliselwa ngokubheka uMhlinzeki weNkonzo ngokuthi iBone Fide End User.
- 7.2. Umbhali :
  - 7.2.1. uzosebenzisa le Nkonzo futhi afinyelele iNethiwekhi ngokuhambisana nemigomo ebekwe kulemigomo,;
  - 7.2.2. masinyane abike kuMhlinzeki Wenkonzo nganoma yikuphi ukuphazamiseka noma ukwepulwa kweNethiwekhi;
  - 7.2.3. ngaphandle kokudlulisela iSIM yayo kunoma yimuphi omunye umuntu ozosetshenziswa kwiNethiwekhi ngaphandle kwemvume ebhaliwe ngaphambilini evela kuMhlinzeki Wenzizakalo
  - 7.2.4. angaziphathe ngendlela engase umonakalo noma ukuphazamisa izinto nganoma iyiphi indlela ngeNkonzo noma iNethiwekhi: futhi
  - 7.2.5. ungadayisi kabusha iMisebenzi noma iSIM yayo kunoma yimuphi omunye umuntu
- 7.3. Umakwenzeka ukuthi uMbhali wehluleka ukukhiqiza noma iyiphi i-Traffic kwiNombolo yakhe yeselula eyabelwe isikhathi esingama-120 (ONE HUNDRED AND TWENTY) izinsuku ("ukungasebenzi kwesikhathi") noma ngaphezulu, uMhlinzeki weNkonzo uzomele akhiphe ukumisa ukufinyelela koMbhali kwiNethiwekhi.
- 7.4. Umhlinzeki wesevisi uzokwazisa umbhali, kungakapheli izinsuku ezimbili zokusebenza ngemuva kokuphela kwesikhathi sokungasebenzi, ilungelo lakhe lokumisa ukufinyelela koMbhali kuNethiwekhi, futhi uzonikeze uMbhali ithuba lokudlulisela inombolo yocingo kwenye inethiwekhi yeselula.

- 7.5. Uma Umbhalisi akakwazi ukulungisa ukungasebenzi ngaphakathi kwezinsuku ezingu-30 (THIRTY) zeBhizinisi ezinikezwe isaziso sokufinyelela komhlinzeki, uMhlinzeki weNkonzo uzoba nelungelo lokuqeda uMbhalisi.
- 7.6. Uma uMbhalisi enqamula le Migomo noma yikuphi ukulinganisa kweNethiwekhi okuzosala kuyothathwa yi-Subscriber 7.6
- 9.2.11. noma kukhona ukuhlelwa okuhleliwe noma okuhleliwe; noma kukhona ukulungiswa okuhleliwe okungahleliwe okudingekayo okuvimbela uMbhalisi kusuka ku-9.2.12 9.2.13 ukufinyelela kuNethiwekhi.
- 9.3. Ukufinyeleleka koMthengi kuNethiwekhi kuyomiswa okwesikhashana uma:
- 9.3.1. iNethiwekhi ibhekana nokuhluleka kwezobuchwepheshe; noma
- 9.3.2. iNethiwekhi iyaqhubeka nokuguqulwa; noma
- 9.3.3. iNethiwekhi iyalungiswa.

## 8. UMSEBENZI WEZENKONZO ZOMSEBENZI

- 8.1. Umhlinzeki Wemisebenzi udinga wonke amalaysense ezidingekayo, izimvume kanye nezimvume zitholakale ukuze zinikeze uMnyango kanye nokufinyelela kwiNethiwekhi.
- 8.2. Umhlinzeki Wenzizakalo kumele-
- 8.2.1. ngokwemibandela yesigatshana 5 ngenhla, besebenzisa yonke imizamo efanele ukuqinisekisa ukuthi I-Network itholakele ukufinyeleleka yi-Subscriber
- 8.2.2. isebenzise yonke imizamo eqinisekayo ukuqinisekisa ukuthi amasevisi anikezwe ku-Subscriber,
- 8.2.3. angenzi lutho noma avumele noma yini eyenziwe engase iphazamise noma ibe nomthelela omubi kuMnethiwekhi;
- 8.2.4. yenza isikhungo sokunakekelwa kwamakhasimende sitholakale kwi-Subscriber 24 (ama-TWENTY-FOUR) amahora ngosuku; futhi
- 8.2.5. usebenzise imizamo yayo enengqondo ukuqinisekisa ukuthi uMbhalisi unokufinyelela kwinombolo ephuthumayo esetshenziselwa ukuxhumana nezinsizakalo eziphuthumayo ezifana namaphoyisa, izevisi yomlilo, noma i-ambulensi, etholakala yi-Subscriber ngocingo ngokudayela 112, njengoba kungadingeka UMthetho osebenzayo
- 9.4. Ukumiswa Kwezinsizakalo nguMhlinzeki Wezinsizakalo ngokwemibandela yalesi sigatshana 9 ngeke kube ukukhishwa nguMhlinzeki Wenkonzo nganoma yimaphi amanye amalungelo noma izixazululo ezitholakalayo kuMhlinzeki Wenzizakalo ngokwalezi Terns 95 Uma kwenzeka ukuthi ukwepulwa noma umcimbi oholela ekumisweni kweMisebenzi ngokuhambisana nalesi sigaba somthetho 9 kulungiswe ukwaneliseka koMhlinzeki weNsizakalo, uMhlinzeki Wezinsizakalo ngeke avunyelwe ukuxhuma ukuxhuma uMbhalisi kuNethiwekhi, kodwa Umbhalisi uzobe enesibopho sokuthola i-reconnection feo njengoba ishicilelwe kwi-Website ngezikhathi ezithile uma ukumiswa noma ukuvuselelwa kweNkonzo kungenxa yokuziphatha koBhalisile.

## 9. UKUSHENXISWA, UKUVALWA NOMA UKUCINYWA KWSEVISI NGU MHLINZEKI WENZIZAKALO

- 9.1. Umhlinzeki weNkonzo angeke aphoqekele ukuhlinzeka ngemisebenzi kuMbhalisi uma ukuhlinzekwa kwezinsizakalo kungumthwalo ongenakuqhathaniswa noma kungenakuqondakala kuMhlinzeki Wenzizakalo
- 9.2. Ukufinyeleleka koMthengi kuNethiwekhi kanye nokusetshenziswa kweMisebenzi kuzomiswa uma
- 9.2.1. uMhlinzeki Wezinsizakalo efundiswe ukuba enze njalo yiGunyaziwe; noma
- 9.2.2. eqhubeka nokuhlinzeka ngemisebenzi ezophula umthetho osebenzayo noma amalaysensi atholakele ukuhlinzeka ngemisebenzi; noma
- 9.2.3. uMbhalisi uhlulekile ukukhokhela noma yiliphi inani elifanele ngokwemibandela yale Migomo, noma
- 9.2.4. uMbhalisi yiyona imbangela yokusetshenziswa okungavamile kokusetshenziswa okungaholela ekuhlinzekeni koMhlinzeki weMisebenzi ukuthi afake izindleko ezihambisana nazo: noma
- 9.2.5. kukhona ukuhlukunyezwa nguBhalisile wale Migomo; noma uMbhalisi usebenzisa amadivaysi ezebiwe noma ama-SIM ukuze athole iNethiwekhi futhi asebenzise amasevisi noma enze ukukhwananisa; noma
- 9.2.6. uMbhalisi usebenzisa amadivaysi angazange avunye yi-ICASA ukuze athole iNethiwekhi, noma
- 9.2.7. uMbhalisi ungena ngokungekho emthethweni eNethiwekhi noma esebenzisa Amasevisi; noma
- 9.2.8. i-Device iye yalahleka, yanakala noma yebiwe; noma
- 9.2.9. Imisebenzi isetshenziswa yi-Subscriber ngendlela engathinteka kakhulu kwiNethiwekhi ngendlela iNethiwekhi egxilile kakhulu, noma
- 9.2.10. uMhlinzeki Wezinsizakalo unquma ukuthi kukhona isizathu esizwakalayo sokumiswa, ukunikezelwa kabusha noma ukuvimbela;

## 10. IZIKHUNGELO ZEMALI YOKUBHALISA

Akukho lutho kule Migomo iyoba ilaysense noma ukudluliselwa kwanoma yimaphi amalungelo okuhlinzeka ngempahla yomhlinzeki weNsizakalo, kufaka phakathi i-copyright kanye nezimpawu zokuthengisa, umnikazi kumnikazeli wezinsizakalo noma abalaysensi bayo, noma okuhlobene egameni loMhlinzeki Wezinsizakalo, Ukuphazamisa Umhlinzeki Wenkonzo, Amasevisi noma iSIM.

## 11. UKUQHUBA KWESIKHATHI

Umhlinzeki Wezinsizakalo uzokwazisa uMbhalisi wezinhlalo zokunakekela okuhleliwe okuzokwenziwa kwiNethiwekhi. Umbhalisi ngalokhu u-releasos futhi ugcine engenabungozi uMhlinzeki Wezinsizakalo, Abambisene Naye nabasebenzi Bakhe, abahluleli, abaqashiwe kanye nezibopho, kusukela kunoma yikuphi noma zonke izimangalo, ukungabi nabulungisa, ukulimala, ukulahlekelwa, ukujeziswa, izindleko kanye nezindleko zanoma yiluphi uhlobo oluvela ekugcinweni kwesitoreji, kungakhathaliseki ukuthi kuhlelwe noma kungenakulungiswa.

## 12. UKUVIKELEKA KWEMNININGWANE NGASESE

- 12.1. Umhlinzeki Wenkonzo uqinisekisa ukuthi labo kanye nabasebenzi bayo bazohambisana nazo zonke izibopho zokuvikelwa kwedatha eziqukethwe kuMthetho osebenzayo mayelana nolwazi lomuntu siqu loMbhalisi futhi ngokukhethekile uma kusetshenziswe noma yiluphi ulwazi lomuntu siqu Ubhalisile futhi ufaka noma yiluphi ulwazi olunjalo lomuntu siqu kwiRekhodi.
- 12.2. Umbhalisi uyavuma ukuthi uMhlinzeki weNsizakalo uyagcina. Ukucubungula nokusebenzisa ulwazi lomuntu siqu ngokuhambisana noMthetho osebenzayo.
- 12.3. Naphezu kwalokhu okushiwo ngenhla, uMbhalisi uyavuma ngokwemigomo yomgomo wobumfihlo woMhlinzeki weNsizakalo njengoba ushicilelwe kwi-Website ngezikhathi ezithile

## 13. UKUPHULA KWEMIGOMO

- 13.1. Uma kwenzeka uMbhalisi enza noma yikuphi ukuphulwa kwalemigomo futhi ehluleka ukulungisa ukuphulwa kungakapheli 15 (FIFTEEN) Izinsuku zebhizinisi lapho sithola isaziso kulowo

mnikelo, futhi lapho kwenzeka, uMhlinzeki weNkonzo uzothola ilungelo, ngokusemthethweni nangokuqonda okuphelele, noma ukufaka isicelo ukusebenza okuqondile ngokwemibandela yale Migomo, noma ukukhansela ukufinyelela koMbhali kuNethiwekhi, futhi kungabanga noma yimuphi umonakalo njengoba uMhlinzeki weMisebenzi angase ahlupeke ngenxa yokuphulwa okunjalo.

- 13.2. Ngaphandle kokubandlulula nanoma yimaphi amanye amalungelo noma izixazululo zoMhlinzeki Wenkonzo ngalezi zindlela Imigomo noma emthethweni, uMbhali uzobophezeleka futhi ngaleyo ndlela akhokhele uMhlinzeki Wezinsizakalo ngokumelene nanoma yiziphi izindleko zomthetho kummeli nomkhawulo wamakhasimende akhe Ngumhlinzeki Wenkonzo ovela kunoma yikuphi ukuphulwa nguBhalisile.

#### 14. UKUXAZULULWA KWEMIBANGO

- 14.1. Uma kufanele kube khona ukuphikisana phakathi kwamaqembu avela kule Migomo, uMbhali angathumela isikalhalo kuMhlinzeki Wenkonzo njengalokhu elandelayo
  - 14.1.1. ebiza Isikhungo socingo somhlinzeki wesevisi ku 084 1 3734, noma
  - 14.1.2. ukudayela 135 kusuka kuDivaysi ye-Subacriber.
- 14.2. uma kwenzeka ukuthi ingxabano ingakapheli ukugculiswa kwabathengi, uMbhali angathumela lolu daba ku-
  - 14.2.1. IKhomishana kaZwelonke yabathengi ku-0860 266 786 noma i- [www.nccsa.org.za](http://www.nccsa.org.za) ;
  - 14.2.2. iNational Consumer Tribunal (012) 683 8140 noma i- [www.thenct.org.za](http://www.thenct.org.za) ,noma
  - 14.2.3. Umthengi wezeMpahla kanye neMisebenzi e-0860 000 272

#### 15. IMICIMBILI NAMAZISO

- 15.1. Amaqembu akhetha njengabo domicilia citandi et oxecutandi kuzo zonke izinhloso ngaphansi kwalemigomo noma ngabe kuhambisana nenqubo yenkantolo. isaziso noma amanye amadokhumenti noma ukuxhumana kwanoma yiluphi uhlobo, amakheli alandelayo:
  - 15.1.1. Umhlinzeki Wesevisi: Ikheli elibhalisiwe lomhlinzeki weNsisakalo, kanye ne-imeyli [engage@bayedemobile.co.za](mailto:engage@bayedemobile.co.za)
  - 15.1.2. Umbhali: Inombolo Yomakhalekhukhwini Yobhalisile njengobhalisiwe kwiNethiwekhi kanye nekhele lokuhlala elihlinzekwe nguMbhali ngokuhambisana nezidingo zeRICA ezibekwe esigatshaneni Iphutha! Umthombo Wokubamba Iphutha Lokubhalisa awatholalalanga.
- 15.2. Noma yisiphi isaziso noma ukuxhumana okudingekayo noma okuvunyelwe ukunikezwa ngokwemibandela yale Migomo kuyosebenza ngokusemthethweni kuphela uma kubhaliwe, kodwa kuyokwazi ukunikeza isaziso nge-imeyli kuMhlinzeki Wenkonzo kanye ne-SMS ku-Abhalisile.
- 15.3. Noma yiliphi Iqembu lingahle lenze isaziso kwenye iQembu lishintshe ikheli elingokwenyama elikhethwe njenge-domicilium citandi yalo ye-executandi kwelinye ikheli elingokwenyama, uma nje ushintsho lusebenza kahle ngosuku lwe-4 (FOURTH) lwebhizinisi kusukela kokuthola isaziso ngenye Iqembu.
- 15.4. Noma yisiphi isaziso ku-Party :
  - 15.4.1. esithunyelwe ngokuthunyelwe okubhalisiwe esikhokhelwa ngokubhalwe kahle ku-domicilium citand et executandi kuyobanjelwa ukuthi yamukelwe ngosuku lwesine 4 (FOURTH) lwebhizinisi emva kokuthumela (ngaphandle uma kungqubuzana noma kuphikisana) ;
  - 15.4.2. esinikezwe umuntu onomthwalo wemfanelo ngesikhathi esijwayelekile sebhizinisi ku-domicilium citandi et

executandi yayo izobheka ukuthi yamukelwe ngosuku lokuthutha noma

- 15.4.3. ethunyelwe nge-imeyli noma i-SMS ekhelini layo elikhethiweyo le-emalil, lizobhekwa liye lahlelwa ngosuku lokuthunyelwa (ngaphandle uma kungqubuzana nalokho okuphambene nalokho)

#### 16. OKUJWAYELEKILE

- 16.1. UMhlinzeki Wensizakalo uyoba nelungelo lokuqeda iMisebenzi nganoma isiphi isikhathi ukufundiswa kwanoma yisiphi isikhulu. Ukuqedwa nguMhlinzeki Wezinsizakalo ngokuhambisana nalesi sigaba somthetho 16 ngeke kube ukwepulwa kwalemigomo futhi uMbhali ngeke abe nesicelo sokumangalelwa kuMhlinzeki Wensizakalo nganoma yimuphi umonakalo noma ukulahlekelwa okubangelwa ukupheliswa kwalowo Mhlinzeki Wenkonzo.
- 16.2. UMbhali ngeke anelungelo lokunikezela noma alinike noma yiliphi lamalungelo alo noma anikeze noma yiziphi izibopho zalo ngaphansi kwalemigomo ngaphandle kwemvume ebhaliwe yoMhlinzeki Wensizakalo.
- 16.3. UMhlinzeki Wezinsizakalo uyoba nelungelo lokunikezela noma alinike noma yiliphi lamalungelo alo noma anike noma yiliphi izibophezelo zalo ngaphansi kwale Migomo, ngesaziso kumbhali.
- 16.4. Gcina njengoba kuhlinzekwe ngokucacile lapha, isigaba ngasinye, isigatshana, isikhathi kanye nokuhlinzekwa kwalemigomo kanye nanoma yikuphi ingxenye yayo kuzothathwa njengokungabonakali, futhi uma kunoma yisiphi isizathu noma iyiphi ingxenye yale migomo kubanjwe ukuthi akuvumelekile noma akuqinisekisiwe, okufanayo ngeke kuphazamise ukuqinisekiswa nokusebenza kweMigomo elandelayo, ezoqhubeka nokunikezwa amandla nokusebenza ngokugcwele futhi ibophezele kumaPhathi.
- 16.5. Le Migomo ngeke ivimbele uMhlinzeki Wezinsizakalo ukungena ezivumelwaneni ezifanayo nabantu abathintekayo
- 16.6. Le Migomo yenza irekhodi elilodwa lesivumelwano phakathi kwamaqembu ngokuphathelene nalokho okushiwo lapha. Akukho Nhlango eyoboshwa nanoma yiliphi igama elichazayo noma elichazwe, isethulo, iwaranti, isithembiso noma okunye okungazange kubhalwe lapha.
- 16.7. Akukho ukungezwa, ukuhluka noma ukukhansela okuvunyelwene ngakho, le Migomo iyoba yimuphi amandla noma umphumela ngaphandle kokuba ibhalwe phansi futhi isayinwe noma ngenxa yezinhlangothi.
- 16.8. Akukho ukuphumula, ukuzithokozisa noma ukunwetshwa kwesikhathi, noma yiliphi iQembu elinganikeza kunoma yiliphi elinye, liyokhipha amalungelo eQembu lelo noma livimbele leloQembu ekusebenziseni noma yiliphi ilungelo elikhona noma elizayo ngaphandle kokubandlululwa nanoma yikuphi ukuhlinzekwa kwale Migomo, noma yiliphi i-intanethi-esihlokweni se-Party kuzoboshwa yiMigomo.
- 16.9. Le Migomo iyohunyushwa futhi ilawulwe yimithetho yeRiphabhuliki yaseNingizimu Afrika.
- 16.10. LeMigomo ingase ibhekwe kumuntu oyedwa noma ngaphezulu, okunye okuzobhekwa njengento yokuqala kanye nakho konke okuzobanjwa kanye nokubhekwa njengento eyodwa.