IMPAHLA YABANTU ABASWELEKILEYO

OKO UNELE UKWAZI

IGQWETHA LAKHO - UMCEBISI WAKHO ONOKUTHEMBA

Le ncwadana iza kukwazisa ngezona zinto zibalulekileyo ngokwabiwa kwempahla yabantu abaswelekileyo kuquka nezinto ezingokwasemthethweni ezibandakanyekileyo.

Kucetyiswa ukuba uye eggwetheni xa ubhala ngendlela efunwa labiwe ngayo ilifa. Ibe kuncomyelwa nokuba iggwetha lakho linyulwe kubhalwe igama lalo kwilifa lakho ukuze libe nembophelelo yempahla yakho.

Iggwetha lakho

- liya kukucebisa malunga nayiphi na ingxaki enokuvela;
- liya kuqubisana nazo naziphi na izinto ezingokwasemthethweni ezinokuvela;
- linolwazi olufunekayo nobuchule ukuqinisekisa ukuba ilifa lakho libhalwe ngendlela efuna ngayo, yaye
- liya kuqinisekisa ukuba ilifa lakho lisayinwa lize lagqinisiswa, lisemthethweni yaye lihambelana namazwi akwiWills Act.

Kuza kwenzeka ntoni kwimpahla yakho xa ndithe ndaswelekile emva kokuba ndiswelekile?

Eyona ndlela yokuqinisekisa ukuba emva kokuba uswelekile izinto onazo zabiwa kakuhle ngokuvumelana nemingqweno yakho nangokwendlela oyifuna ngayo, kukubhala phantsi ukuba zifanele zinikwe bani. Oku kubizwa ngokuba likhetho Umntu oza kubhalwa igama lakhe phantsi oza kwaba izinto onazo. Ukuba uswelekile ungakhange ubhale phantsi indlela ilifa elifanele labiwe ngayo, intsapho yakho iza kuba sengxakini yaye kuza kuba nzima kuyo.

Xa umntu eswelekile engakhange abhale phantsi indlela elifanele labiwe ngayo ilifa, impahla iya kudluliselwa ngokwendlela efuna ngayo i-Intestate Succession Act. Kwimeko ezinjalo, impahla iya kudluliselwa kwiqabane lomtshato elisaleyo okanye kwiqabane lomtshato nakubantwana babo uswelekileyo nakubazukulwana (xa kungale kwaswelekile umntwana, abantwana abasaphilileyo bomntu oswelekileyo). Ukuba akukho bantwana, iya kuwela kubazali yaye emva kokuba bona beswelekile, iya kufumaneka ngabantakwabo nodadewabo.

Ngubani ophathiswa impahla yomntu oswelekileyo?

Xa umntu eswelekile eshiya izinto anazo okanye ebhale phantsi indlela elimele labiwe ngayo ilifa, iqabane lomtshato elisaleyo – okanye ukuba akukho qabane lisaleyo izalamane ezikufutshane esihlalo kwintsapho akeswelekile kuso – lifuneka zingaphelanga iintsuku ezili-14 ukususela kusuku eluswelekileyo ngalo adlulise ingxelo ngako impahla ngendlela emiselweyo kuMlawuli Wenkundla Ephakamileyo.

Emva kokuba kudluliselwe ingxelo ngempahla, uMlawuli unyula Umntu eluthanyo igama lakhe phantsi oza kwaba ilifa ngokubhala ileta Yokwabiwa Kwezinto (ukuba izinto zomntu oswelekileyo zixabisa ngaphezu kwe-R125 000) okanye iLeta Egunyazisayo (ukuba izinto zomntu oswelekileyo zixabisa ngaphantsi kwe-R125 000).

Iggwetha lakho linobuchule lokulungiselela ungeteleleleo amaxwebhu angelo afunekayo kwanokuko xa kwabiwa impahla.

Ngubani onokunyulwa aze abhalwe phantsi njengomlawuli welifa?

Kucetyiswa ukuba kufanele kunyulwe iggwetha lakho Njengomntu oza kubhalwa phantsi ukuze abe lilifa lona.

- liqhelana nenkqubo eliwiliwa lakho,
- liyazazi izinto onazo ukuba ziphi,
- linezinto elizaziyo ngamalungelo entsapho yakho,
- linolungelo lokudlulisela nayiphi na impahla ngendlela ekulindeleke ngayo, ibe
- linolwazi olukhethekileyo olungokwasemthethweni ngendlela ezinokwabiwa ngayo izinto.

Noko ke, ilungu lentsapho neggwetha lakho banokunyulwa aze amagama abo abhalwe phantsi Njengabaza kwaba ilifa.

Yintoni imbophelelo yalowo obhalwe phantsi igama lakhe njengoza kwaba ilifa?

Loo mntu kufuneka

- aqokelele izinto anazo umntu oswelekileyo,
- ahlawule amatyala akhe,
- ahlawule izinto ezisaleyo, aze
- adlulisele imali esaleyo kwiindlalifa ngokuvumelana nemingqweno yomntu oswelekileyo okanye ngokuvumelana nemilungiselelo eIntestate Succession Act xa umntu oswelekileyo eswelekile engayibhalanga phantsi indlela elifanele labiwe ngayo ilifa.

IAdministration of Estates Act, kwimeko ezithile ezikhethekileyo iyawela iqabane elisaleyo ukuba lithathe

impahla yomntu osweleklleyo okanye inxalenye yempahla ukuba iiza kuyigcina kakuhle. Iindlalifa zinelungelo lokungena Kwisivumelwano Esitsha Sokudluliselwa Kwezinto yaye eso sivumelwano simele sidluliselwe kuMlawuli oza kwamkela eso sivumelwano. Kudla ngokufuneka icebo elikhethekileyo legqwetha kwiimeko ezinjalo.

Yintoni enye into umntu afanele ayazi ukuze abe nentembelo kakhulu kwindlela owabiwe ngayo impahla?

Umntu obhalwe phantsi ukuze abe lilifa, mhlawumbi ngaphambi kokuba le ngxelo ihlolwe ngemvume yoMlawuli unokukhupha imali eyaneleyo nempahla ethile njengombono yaloo mntu ubhalwe phantsi njengomabi ukuze intsapho yomntu osweleklleyo ilale ityile.

Ukongezelela, apho ilifa liyimali eyaneleyo yokuhlawula amatyala Umntu obhalwe phantsi ukuze abe lilifa unokuqhubeka namalungiselelo aye kwiindlalifa bathethe ngelifa nangezinto zomntu osweleklleyo. Le yimeko ekhethekileyo apho umntu eziwela kuye izinto zomntu osweleklleyo iba liqabane lomtshato eliseleyo okanye apho kusenokubakho ukulibaziseka kwezinto.

Yintoni eyenzekayo kwiingxelo zempahla?

Ngokukhawuleza nje emva kokuba kunikelwe ingxelo ngempahla, umntu obhalwe phantsi ukuze abe lilifa ubala ixabiso lezinto nelamatyala ukususela ngemini umntu asweleka ngayo.

Emva kokuba kufunyenwe ileta Yokwabiwa Kwezinto Umntu obhalwe phantsi ukuze abe lilifa umele apapashe isaziso kwiGovernment Gazette nakwamanye amaphephandaba akwisithili lo usweleklleyo ebehlala kuso kubizwa bonke abantu abayibangayo impahla baze bakudluliseIe oko Kumntu obhalwe phantsi ukuze abe lilifa kungaphelanga ixesha elithile elimisiweyo, ngokuqhelekileyo elidla ngokuba ziintsuku ezingama-30 ukususela kusuku lokugqibela ekupapashwe ngalo.

Emva koko, kodwa zingaphelanga iinyanga ezi-6 emva kokuba ileta Yokwabiwa Kwezinto ifunyenwe, okanye ngelinye ixesha njengokuba uMlawuli esenokuvuma, Umntu obhalwe phantsi ukuze abe lilifa unembopheleleko yokudlulisela kuMlawuli ingxelo yokuba kubhangiswe oko nokwabiwa kwempahla.

UMlawuli uya kuyihlolisisa le ngxelo aze ukuba ifanelekile, anike igunya Umntu obhalwe phantsi ukuze abe lilifa abhengeze le ngxelo ukuze ihlolwe. Le ngxelo yoMntu obhalwe phantsi ukuze abe lilifa imele ihlale ivuliwe kwiOfisi yoMlawuli – ibe ukuba lo mntu usweleklleyo ibingumntu owaziwayo kuso nasiphi na isithili, ikopi yale ngxelo ifanele ihlale ivuliwe kwiofisi kaMantyi – kungekhona ngaphantsi kweentsuku ezingama-21, ukuze ihlolwe ngomnye umntu onomdla kule mpahla. Umntu obhalwe phantsi ukuze abe lilifa umele apapashe isaziso kwiGovernment Gazette nakwamanye amaphephandaba akwisithili aziwa kuso lo mntu usweleklleyo, esi saziso sichaze ixesha nendawo eza kuhlolwa kuyo le ngxelo.

Emva kokuba ixesha lokuhlola lidlulile, uMlawuli uya kwazisa Umntu obhalwe phantsi ukuze abe lilifa ukuba ingxelo lindelwe ukuhlolwa kungekho kuxambulisana. Umntu obhalwe phantsi ukuze abe lilifa unokuhlawula abantu ababolekisa ngemali aze abe impahla kwiindlalifa ngokuvumelana nale ngxelo. Umntu obhalwe phantsi ukuze abe lilifa uya kudlulisela kuMlawuli iirisithi zabantu ababolekisa ngemali nakwiindlalifa.

Ukuba Umntu obhalwe phantsi ukuze abe lilifa unemali ezii-R1 000 okanye ngaphezulu, uya kuvula iakhawunti yebhanki. Noko ke, oku kuvumeleka apho igqwetha liza kusebenzisa iakhawunti layo ukuze lifake iimali zalowo usweleklleyo.

IRhafu Yexabiso Elongeziweyo, IRhafu Yeenzuzo Zenkunzi neRhafu Yengeniso Umntu obhalwe phantsi ukuze abe lilifa uya kuqiniseka enoba impahla unokuhlawula irhafu yengeniso (VAT).

Ukuba umntu osweleklleyo ubhaliswe njengomntu obethengisa Umntu obhalwe phantsi ukuze abe lilifa unokubhalisa impahla ukuze kutsalwe IVAT.

Kuza kutsalwa IVAT. Umntu obhalwe phantsi ukuze abe lilifa kusenokufuneka ahlawule irhafu yokukhutshwa kwzo zonke izinto zomntu osweleklleyo kwiSouth African Revenue Service. Umntu obhalwe phantsi ukuze abe lilifa usenokukwazi ukuthengisa ezi zinto komnye umntu othengisayo ohlawula kuze kungabikho nto kwiakhawunti.

I-Income Tax Act iyakwenza oko xa umntu esweleka, loo mntu zisenokuthathwa zonke izinto zakhe ngenxa yemali efunyenweyo xa bekuthengiswa ezo zinto okanye kongezeleleke ezinye izinto ezilingana nezo ngenxa yexabiso lezo zinto yaye impahla yalo mntu usweleklleyo isenokungaliboni ixabiso lezo zinto. Lo ngumthetho oqhelekileyo, kodwa izinto zenziwa ngendlela eyahlukileyo kwabanye abantu. Ngokomzekelo, izinto eziwele kwiqabane lomtshato eliseleyo emva kokuba kuqale kwafa elinye kuwo ziyafumaneka.

Kwimpahla ezininzi irhafu yengeniso iyahlawulwa. Oku kusenokuchaphazela kubungakanani bemali eza kufunyanwa ziindlalifa.

Umsebenzi wempahla uhlawulwa nini?

Lo msebenzi uhlawulwa imali esisigxina engangama-20 ekhulwini. Ubalwa ngokuthatyathwa kwezigidi ezizi-R3.5 'kwixabiso lemali esalayo'. Ixabiso lazo zonke izakhiwo liqukiwe kwimpahla yomntu osweleklleyo yaye liwela kwiqabane lomtshato eliseleyo, ngokuvumelana nelifa lomntu osweleklleyo okanye ngokuvumelana nomthetho lisenokutsalwa ukusa kwinqanaba lokuba liqukwe kwimpahla.

Ngaba indlalifa inokuzikhethela?

Nawuphi na umntu oza kufumana kwell lifa unelungelo lokulala nelifa.

Ukhetho lubakho xa amaqabane omtshato eyo alinika abantu abaninzi impahla zabo yaye iqabane lomtshato eliseleyo alilifuni ilifa okanye lingasifuni isabelo salo linandiphe nje inzuzo zelifa. Olu khetho lwenziwa liqabane lomtshato eliseleyo kuthiwa 'yi-adiation'.

Xa umntu obefanele ukuba ufumana ilifa engalifuni, elo lifa liya kwabiwa ngokuvumelana nomnqweno womntu osweleklleyo okanye ngokuvumelana nendlela umthetho ofuna ngayo.

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