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PROCLAMATION*by the**President of the Republic of South Africa*

No. R. 6, 2003

**COMMENCEMENT OF SECTIONS 8 TO 13, 15 TO 22 AND 24 TO 28 OF
THE DEBT COLLECTORS ACT, 1998 (ACT NO. 114 OF 1998)**

Under section 28 of the Debt Collectors Act, 1998 (Act No. 114 of 1998), I hereby fix 7 February 2003 as the date on which sections 8 to 13, 15 to 22 and 24 to 28 of the said Act shall come into operation.

Given under my Hand at the Seal of the Republic of South Africa at Pretoria this 6th day of February Two Thousand and Three.

T. M. MBEKI

President

By Order of the President-in-Cabinet:

P. M. MADUNA**Minister of the Cabinet**

PROKLAMASIE*van die**President van die Republiek van Suid-Afrika*

No. R. 6, 2003

**INWERKINGTREDING VAN ARTIKELS 8 TOT 13, 15 TOT 22 EN 24 TOT 28
VAN DIE WET OP SKULDINVORDERAARS, 1998 (WET NO. 114 VAN
1998)**

Kragtens artikel 28 van die Wet op Skuldinvorderaars, 1998 (Wet No. 114 van 1998), bepaal ek hierby 7 Februarie 2003 as die datum waarop artikels 8 tot 13, 15 tot 22 en 24 tot 28 van genoemde Wet in werking tree.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria hierdie 6de dag van Februarie Tweeduisend-en-drie.

T. M. MBEKI**President**

Op las van die President-in-Kabinet:

P. M. MADUNA**Minister van die Kabinet**

GOVERNMENT NOTICES
GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

No. R. 185

7 February 2003

DEBT COLLECTORS ACT, 1998 (ACT NO. 114 OF 1998)

REGULATIONS

The Minister for Justice and Constitutional Development has, under section 23 of the Debt Collectors Act, 1998 (Act No. 114 of 1998), and after consultation with the Council for Debt Collectors, made the regulations in the Schedule.

SCHEDULE

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 to it and, unless the context otherwise indicates -

"day" means any day of the week other than a Saturday, Sunday or public holiday;

"the Act" means the Debt Collectors Act, 1998 (Act No. 114 of 1998); and

"sheriff" means a person appointed in terms of section 2 of the Sheriffs Act, 1986 (Act No. 90 of 1986), and also a person appointed in terms of sections 5 and 6 of that Act as an acting sheriff and a deputy sheriff respectively.

Application for registration as debt collector

2.(1) An application for registration as a debt collector, as contemplated in section 9(1) of the Act, shall correspond substantially with -

- (a) Form 1A of Annexure A in the case of a natural person, including an

officer in the employ of a juristic person, a director of a company or a member of a close corporation; and

(b) Form 1B of Annexure A in the case of a juristic person, and be lodged in duplicate with the Council.

(2) An application lodged in terms of subregulation (1) shall be accompanied by an application fee -

(a) in the case of a company or close corporation carrying on business as a debt collector, in the amount of -

(i) R1 000 in respect of a company or close corporation;

(ii) R300 in respect of each director or member of the company or close corporation; and

(iii) R300 in respect of every officer of the company or close corporation who is involved in debt collecting; or

(b) in the case of a natural person, in the amount of R200,

which fee is payable by means of a bank guaranteed cheque and which is not refundable if the application is not granted.

(3) The Council shall notify the applicant if his or her application is not granted and furnish reasons for such decision.

Exemption from disqualifications

3. An application for exemption by a person as contemplated in section 10(2)(a) of the Act, shall correspond substantially with Form 2 of Annexure A.

Certificate of registration

4.(1) The Council shall issue a certificate of registration which corresponds substantially with Form 3 of Annexure A to every person registered as a debt collector.

- (2) A person registered as a debt collector shall -
- (a) prominently display his or her certificate of registration in his or her office;
 - (b) indicate the number of his or her certificate of registration on all correspondence; and
 - (c) produce proof of registration on request of any person approached by him or her in the performance of his or her functions as a debt collector.
- (3) The Council may, under the circumstances it deems fit and upon receipt of-
- (a) a written request of a registered debt collector; and
 - (b) payment of a fee of R100,
- issue a duplicate certificate of registration to the debt collector.

Register of Applications

5.(1) The Council shall keep a register of applications, as contemplated in section 12 of the Act, in which the following particulars shall be entered:

- (a)(i) In the case of a company or close corporation -
 - (aa) the full registered and trading name, registration number and business and registered address;
 - (bb) the full names and identity number(s) of the director(s) or member(s); and
 - (cc) the full names and identity number(s) of the officer(s) who is/are involved in debt collecting.
- (ii) In all other cases, the full names, identity number and business address of the applicant.
- (b) The date on which the application was received.
- (c) The date on which the application and subscription fees were received.
- (d) The financial year end of the debt collector.
- (e) An indication whether the applicant applied for exemption and whether exemption was granted in terms of section 10(2) of the Act.

- (f) The date on which the application was approved or rejected.
- (g) The reasons for the rejection of the application.
- (h) The date of suspension of registration in terms of section 13(2) of the Act.
- (i) The date of withdrawal of registration in terms of section 16 or 17 of the Act and the reason(s) for such withdrawal.

(2) The register referred to in subregulation (1), shall be available for inspection at the registered office of the Council during office hours.

Payment of subscription fees

6. Every person registered as a debt collector shall, in terms of section 13(1) of the Act, pay an annual subscription fee to the Council -

- (a) in the case of a company or close corporation carrying on business as a debt collector, in the amount of -
 - (i) R1 000 in respect of a company or close corporation;
 - (ii) R300 in respect of each director or member of the company or close corporation; and
 - (iii) R300 in respect of every officer of the company or close corporation who is involved in debt collecting; or
- (b) in the case of a natural person, in the amount of R200.

Improper conduct

7.(1) The Council may -

- (a) establish a committee or committees, consisting of at least three members of the Council, one of whom must be suitably qualified in law, and designate one of those members as chairperson of the committee; or
- (b) nominate a person or persons, as and when necessary, to investigate any allegation of improper conduct as provided for in this regulation.

- (2) Any allegation of improper conduct against a debt collector shall be in the form of a written affidavit, stating the date, time and particulars of the incident, the name of the debt collector and the names of any witnesses to the incident, and shall be submitted to the Council as soon as practical after the incident, together with any corroborative documents, if any.
- (3) The Council shall keep record of each allegation lodged with it in terms of subregulation (1), and of the outcome thereof.
- (4) The Council shall within 14 days after receipt of the allegation referred to in subregulation (1) bring the allegation to the attention of the debt collector concerned.
- (5) On receipt of the allegations, the debt collector may, within five days, respond in writing to the allegations in the manner the Council requests.
- (6) The Council may require the particulars it deems necessary regarding any aspect of the allegations from any person in the manner determined by the Council.
- (7) The Council shall consider the allegations and deal with it in the manner it deems fit.
- (8) If the Council decides to charge a debt collector with improper conduct, the Council shall -
 - (a) charge the debt collector concerned by notice in writing, stating all the charges against the debt collector; and
 - (b) appoint a person to lead evidence in the investigation.
- (9) The debt collector must furnish the Council with a written admission or denial of the charge within 14 days of the service of the written notice referred to in subregulation (8).

- (10)(a) The written notice referred to in subregulation (8) shall be served personally on a debt collector by a person designated by the Council or a sheriff.
- (b) Such person or sheriff shall, within seven days after receipt by such person or sheriff of the written notice report in writing to the Council regarding the service.
- (c) If the debt collector avoids personal service of the written notice, the Council may forward the notice by registered post to the last known address of the office of the debt collector and such service shall be deemed to be sufficient notice.
- (d) The fees payable to a sheriff to serve any document in terms of these regulations, are the fees prescribed for sheriffs in the Magistrates' Courts Rules.
- (11) If the debt collector charged admits that he or she is guilty of the charge the Council shall deal with the matter as contemplated in section 15(3) of the Act.
- (12) The Council shall investigate the charge of improper conduct at such time and place as the Council may determine and shall give the debt collector concerned at least 14 days' notice in writing of the time and place so determined.
- (13) The provisions of subregulation (10) shall apply, with the necessary changes, in respect of the written notice referred to in subregulation (12).
- (14)(a) The Council may authorize a person who has an interest in the investigation, to -
- (i) attend the investigation instituted in terms of subregulation (12);
 - (ii) adduce evidence and arguments in support of the charge; and

- (iii) cross-examine any person who has given evidence in rebuttal of the charge.
- (b) At the investigation the debt collector concerned shall have the right to be present, to be assisted or represented by a legal practitioner, to give evidence and, either personally or through the legal representative -
- (i) to be heard;
 - (ii) to call witnesses;
 - (iii) to cross-examine any person called as a witness in support of the charge; and
 - (iv) to have access to documents admitted in evidence.
- (c) The failure of the debt collector, on whom the notice referred to in subregulation (12) was served, to attend the investigation shall not invalidate the proceedings.
- (d) The Council shall keep a record of the proceedings and of the evidence given.
- (15)(a) For the purposes of an investigation in terms of subregulation (12), the Council may -
- (i) summon any person who may be able to give material information concerning the conduct in question, or who is believed to have in his or her possession or custody or under his or her control any book, document or object which has any bearing on that conduct, to appear before the Council;
 - (ii) call upon and administer an oath to, or accept an affirmation from any person present at the investigation who was or could have been summoned under subparagraph (i); and

- (iii) interrogate or require any person who was called under subparagraph (ii) to produce a book, document or object referred to in subparagraph (i) for the duration of the investigation.
- (b) A summons for the appearance of any person before the Council shall correspond substantially with Form 4 of Annexure A.
- (c) The law relating to privilege in civil cases is applicable in respect of the interrogation of, or the production of a book, document or object by any person referred to in paragraph (a)(iii).
- (16)(a) The original summons referred to in subregulation (15)(b) and one copy thereof shall be forwarded by the Council to a person designated in writing by the Council for that purpose, or to a sheriff, for service on the person who is summoned.
- (b) The copy of the summons shall be served by such person or sheriff on the person concerned personally or by delivering it to his or her place of residence, business, or employment, to any other person who apparently is not less than 16 years of age and who apparently resides or is employed there.
- (c) If a person on whom a summons is to be served, keeps his or her residence or place of business closed and so prevents the service of the summons on him or her or otherwise makes service impossible, the summons shall be served by affixing a copy of the summons to the outer or principal door of such residence or place of business.
- (d) The person or sheriff serving a summons shall, if the person on whom it is being served so demands, exhibit the original summons to him or her.
- (e) The person or sheriff serving a summons shall make a return of service by

entering the mode of service on the original summons or on a document attached thereto.

(f) The person or sheriff serving a summons shall immediately after the summons was served, forward to the Council the return of service.

(17) The Council may reimburse any person summoned in terms of subregulation (15)(a)(i) for expenses incurred in respect of the attendance of the investigation as the Council may deem fit.

Maximum amount of fine

8. The Council may, for the purposes of section 15(3)(c) of the Act, impose a fine not exceeding an amount of R100 000.

Payment of money and interest

9. The debt collector shall, whenever a payment is made in terms of section 20(3) of the Act, give an exposition of the money deposited on behalf of the person and the interest accrued on such money to the person to whom the payment is made.

Trust accounts

10.(1) The trust account contemplated in section 20(1) of the Act, shall be audited annually by a registered accountant or auditor before the last day of the financial year of the debt collector.

(2) A debt collector shall, within 90 days from the date of completion of the audit, forward a certificate from the accountant or auditor to the Council, stating that payments made in terms of section 20(3) of the Act, were duly made to persons on whose behalf money was deposited in the trust account.

Expenses and fees

11. The expenses and fees which a debt collector may recover from a debtor, as contemplated in section 19(1)(b) of the Act, are contained in Annexure B: Provided that the total amount to be recovered from the debtor in respect of items 1 to 7 of the Annexure shall not exceed the capital amount of the debt or R500, whichever is the lesser.

Fees for taxation and documents of Council

12.(1) The debtor shall give at least 10 days' written notice before the date of taxation or assessment as contemplated in section 19 of the Act, to the debt collector in any manner he or she deems fit, and keep proper record of the manner in which the notice was given.

(2) The fee for taxation or assessment of any account or statement of costs, interest and payments claimed to be owed by a debtor to a debt collector or his or her client, contemplated in section 19(2) of the Act, is R20.

(3) The fee for taxation or assessment referred to in subregulation (2), in the case of taxation or assessment by the clerk of a magistrate's court, is payable by means of revenue stamps.

(4) A person may obtain a copy of a document in the possession or under the control of the Council at the payment to the Council of an amount of R1,10 for every A4-size page or part thereof.

Offences

13. Any -

(a) person who willfully furnishes information which he or she knows to be false or does not know or believe to be true, in an application -

(i) for registration as a debt collector contemplated in section 9(1) of

the Act; or

(ii) for exemption from the disqualifications contemplated in section 10 of the Act; or

(b) debt collector -

(i) who recovers any money from any debtor in addition to the amounts prescribed in regulation 11; and

(ii) who fails to appear at the time and place as notified by the Council in terms of regulation 7(12); or

(c) person who fails to -

(i) appear before the Council as summoned by the Council in terms of regulation 7(15)(a);

(ii) take the oath or affirmation; or

(iii) produce a book or documentation,

shall be guilty of an offence and on conviction be liable to a fine or to imprisonment for a period not exceeding three months.

Value Added Tax

14. Value added tax may be added to all expenses and fees in respect of which value added tax is chargeable.

Short title

15. These regulations shall be called the Regulations relating to Debt Collectors, 2003.

ANNEXURE A

FORM 1A

REGULATIONS RELATING TO DEBT COLLECTORS, 2003

**APPLICATION FOR REGISTRATION AS DEBT COLLECTOR BY NATURAL PERSON
(INCLUDING AN OFFICER IN THE EMPLOY OF A JURISTIC PERSON, A DIRECTOR OF A COMPANY OR
A MEMBER OF A CLOSE CORPORATION)**

[Regulation 2(1)]

(Please note: In the case of a person who has in the preceding 10 years been convicted of an offence of which violence, dishonesty, extortion or intimidation is an element, this application will only be considered upon receipt of proof of exemption by the Minister for Justice and Constitutional Development in terms of section 10(2) of the Debt Collectors Act, 1998 (Act No. 114 of 1998). This form must be completed in block letters.)

I,.....(full names), hereby apply for registration as a debt collector and furnish the following particulars:

A. PERSONAL PARTICULARS

- 1. Date of birth:.....
- 2. Nationality:.....
- 3. Identity number:.....
- 4. Residential address:.....Postal code:.....
- 5. Telephone number:.....
- 6. Postal address:.....Postal code:.....
- 7. Occupation:.....
- 8. Work address:.....Postal code:.....
- 9. Telephone number:.....
- 10. E-mail address:.....
- 11. Cellular number:.....
- 12. Fax number:.....

13. Are you on trial for an offence of which violence, dishonesty, extortion or intimidation is an element or have you in the preceding 10 years been convicted of such offence? *Yes/No. If so, give details and, in the case of a conviction, indicate whether an application for exemption in terms of section 10(2) has been lodged with the Minister for Justice and Constitutional Development:

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

14. Have you ever, in terms of section 15 of the Act, been found guilty of improper conduct? *Yes/No. If so, give details:

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

15. Have you ever been declared or certified by a competent authority to be of unsound mind? *Yes/No. If so, give details:

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

16. Are you an unrehabilitated insolvent? *Yes/No. If so, give details:

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

17. Were you previously the holder of a debt collector's certificate which has been withdrawn? *Yes/No. If so, give details:

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

B. LANGUAGE PROFICIENCY

State language(s) in which you are proficient and indicate level of proficiency as "Good", "Fair" or "Poor" in the appropriate space.

Language					
Speak.....					
Read.....					
Write.....					

C. EDUCATIONAL QUALIFICATIONS

1. Highest standard passed at school.....
2. Year in which passed.....
3. Certificates, Name of educational Year obtained
 diplomas, or institution or centre
 degrees obtained

D. EXPERIENCE

State experience, if any, relating to the functions of a debt collector:

.....

E. PARTICULARS OF BUSINESS/COMPANY/CLOSE CORPORATION

PART I (To be completed by an officer of a juristic person/director of a company/member of a close corporation)

1. Name of *company/close corporation:.....
2. Date of registration:.....
3. Registration number:.....
4. Full names and identity numbers of *directors/members:.....

- 5. Address of main place of business:.....
.....Postal code:.....
- 6. Postal address:.....
.....Postal code:.....
- 7. Registered address:.....
.....Postal code:.....
- 8. Telephone number:.....
- 9. Nature of business:.....

PART II (To be completed by a natural person other than an officer of a *juristic person/director of a *company/member of a close corporation)

- 1. Name under which business will be conducted:.....
- 2. Business address:.....
.....Postal code:.....
- 3. Business telephone number:.....
- 4. Particulars of trust account:
Bank:.....Branch code:.....
Account number:.....
- 5. Particulars of registered accountant or auditor:
Full name:.....
Address:.....
.....Postal code:.....

F. OTHER PARTICULARS

Financial year:.....to.....

I declare that the particulars furnished by me are in all respects complete and correct.

Signed atthis.....day of20.....

.....
Signature of Applicant

Remarks:

- 1. In terms of the Regulations relating to Debt Collectors, 2003, it is an offence to furnish false or misleading particulars or information or make a false or misleading statement.
- 2. A *curriculum vitae* and two recent identical passport size photographs must accompany the application.

*Delete whichever is not applicable

FORM 1B

REGULATIONS RELATING TO DEBT COLLECTORS, 2003

APPLICATION FOR REGISTRATION AS DEBT COLLECTOR BY JURISTIC PERSON

[Regulation 2(1)]

(Please note: In the case of a director/member of a company/close corporation who has in the preceding 10 years been convicted of an offence of which violence, dishonesty, extortion or intimidation is an element, this application will only be considered upon receipt of proof of exemption by the Minister for Justice and Constitutional Development in terms of section 10(2) of the Debt Collectors Act, 1998 (Act No. 114 of 1998). This form must be completed in block letters.)

I,(full names) representative of.....(name of *company/close corporation), hereby apply on behalf of the aforementioned *company/close corporation for registration as a debt collector and furnish the following particulars:

A. PARTICULARS OF *COMPANY/CLOSE CORPORATION

- 1. Date of registration:.....
- 2. Registration number:.....
- 3. Full names and identity numbers of *directors/members:.....
.....
.....
- 4. Address of main place of business:.....
.....Postal code:.....
- 5. Postal address:.....
.....Postal code:.....
- 6. Registered address:.....
.....Postal Code:.....
- 7. Business telephone number:.....
- 8. E-mail address:.....
- 9. Fax number:.....
- 10. Nature of business:.....
- 11. Period in business:.....

12. Are any of the *directors/members on trial for an offence of which violence, dishonesty, extortion or intimidation is an element, or has any of the directors/members in the preceding 10 years been convicted of such offence? *Yes/No. If so, give details and, in the case of a conviction, indicate whether an application for exemption in terms of section 10(2) has been lodged with the Minister for Justice and Constitutional Development:.....

.....

13. Has any of the *directors/members ever in terms of section 15 of the Act been found guilty of improper conduct? *Yes/No. If so, give details:.....

.....

14. Has any of the *directors/members ever been declared or certified by a competent authority to be of unsound mind? *Yes/No. If so give details:.....

.....

15. Is any of the *directors/members an unrehabilitated insolvent? *Yes/No. If so, give details:

.....

16. Was the *company/close corporation or any of its *directors/members the holder of a debt collector's certificate which has been withdrawn? *Yes/No. If so, give details:.....

.....

B. OTHER PARTICULARS

1. Particulars of trust account:

Bank:.....Branch code:.....Account number:.....

2. Particulars of registered accountant or auditor:

Full name:.....

Address:.....
.....Postal code:.....

3. Financial year:.....to.....

I declare that the particulars furnished by me are in all respects complete and correct.

Signed atthis.....day of20.....

Signature of representative

Remarks:

1. In terms of the Regulations relating to Debt Collectors, 2003, it is an offence to furnish false or misleading particulars or information or make a false or misleading statement.

*Delete whichever is not applicable

FORM 2

REGULATIONS RELATING TO DEBT COLLECTORS, 2003

APPLICATION FOR EXEMPTION

[Regulation 3(1)]

I,(full names), *a director/member of
.....(name of *company/close corporation)
hereby apply to be exempted from the disqualification contemplated in section 10(1)(a)(i)
of the Debt Collectors Act, 1998 (Act No. 114 of 1998), and in support of this
application submit the following information:

1. Identity number or date of birth:.....
2. Nationality:.....
3. Residential address:.....
.....
.....Postal code:
4. Telephone number:
5. Postal address:.....
.....Postal code:
6. Work address:.....
.....
.....Postal code:
7. Telephone number:.....
8. E-mail address:.....
9. Cellular number:.....
10. Fax number:.....
11. Full particulars of offence(s) of which violence, dishonesty, extortion, or
intimidation is an element, convicted of in the preceding 10 years.
Particulars of charge(s) convicted of:.....
Date(s) of conviction(s):.....
Particulars of sentence(s):.....

12. The above-mentioned conviction(s) should not be a disqualification for exercising the occupation of debt collector as the circumstances relating to the commission of the offence were as follows:

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

I declare that the particulars furnished by me are in all respects complete and correct.

Signed atthis.....day of20.....

.....

Signature of Applicant

*Delete if not applicable

Remarks:

In terms of the Regulations relating to Debt Collectors, 2003, it is an offence to furnish false or misleading particulars or information or make a false or misleading statement.

**FORM 3
VORM 3**

**REGULATIONS RELATING TO DEBT COLLECTORS, 2003
REGULASIES BETREFFENDE SKULDINVORDERAARS, 2003**

**DEBT COLLECTOR'S CERTIFICATE
SKULDINVORDERAARSERTIFIKAAT**

[Regulation 4]
[Regulasie 4]

NO. OF CERTIFICATE:.....
NO. VAN SERTIFIKAAT:.....

Full names
Volle name

Identity number/Registration number

Identiteitsnommer/Registrasienuommer

Address
Adres

This is to certify that the debt collector whose name appears on this certificate is registered to hold a debt collector's certificate.

Hierby word gesertifiseer dat die skuldinvorderaar wie se naam op hierdie sertifikaat verskyn, geregistreer is om 'n skuldinvorderaarsertifikaat te hou.

.....
Date of issue/Datum van uitreiking

.....
Chairperson: Council for Debt Collectors
Voorsitter: Raad vir Skuldinvorderaars

This certificate shall only be valid if it bears the seal of the Council for Debt Collectors

Hierdie sertifikaat is slegs geldig indien die seël van die Raad vir Skuldinvorderaars daarop aangebring is.

FORM 4
REGULATIONS RELATING TO DEBT COLLECTORS, 2003
SUMMONS
[Regulation 7(15)(b)]

Inquiry into a charge of improper conduct instituted by the Council for Debt Collectors against:

To:

- 1.
.....(full names and surname)
.....
.....(address)
- 2.
.....(full names and surname)
.....
.....(address)
- 3.
.....(full names and surname)
.....
.....(address)
- 4.
.....(full names and surname)
.....
.....(address)

You are hereby instructed to appear in person before the Council at
on theday of20.....at.....
for above-mentioned inquiry and to *give evidence/produce books, documents or things set out in the list hereto.

Signed atthisday of
20.....

.....
Chairman of the Council of Debt Collectors

RETURN OF SERVICE

I,, certify that I have -
* delivered a copy of the notice to
.....personally;
or
* offered a copy of the notice for delivery to

.....personally;

or

* offered a copy of the notice to,
a person apparently not younger than the age of 16 years and apparently
residing or employed at the *residence/place of *employment/place of
business of....., since the latter could not
conveniently be found;

or

* *affixed/placed a copy of the notice to/in the *outer/principal door/security
gate/post box of the *residence/place of employment/place of business
of....., since he/she prevented the service by
keeping his/her *residence/place of employment/place of business closed.

Signed atthis.....day of.....20.....

.....
*Sheriff/.....

* Delete whichever is not applicable

ANNEXURE B
Expenses and fees

[Reg 11]

Note: The total amount to be recovered from the debtor in respect of items 1 to 7 of the Annexure shall not exceed the capital amount of the debt or R500, whichever is the lesser.

1. Necessary correspondence:
 - (a) Ordinary letter: R10
 - (b) Registered letter: R10
(Plus registration fee)
 - (c) Registered letter (Sec 57 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)): R14
2. Necessary phone calls (per call): R10
3. Other necessary expenses not specifically provided for: a total amount of: R10
4. Acknowledgement of debt and undertaking to pay debt in terms of section 57 or section 58 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944) (including the necessary consultation with debtor): R30
5. On request of the debtor, the drawing up and furnishing of a settlement account, other than the six monthly settlement account: R20
6. Correspondence received and attended to: R 5
7. Necessary consultation with debtor: R25
8. Attending to taxation: R40
9. On receipt of an instalment in redemption of the debt: A fee of 10% of the instalment received subject to a maximum amount of R250.

WET OP SKULDINVORDERAARS, 1998 (WET NO. 114 VAN 1998)**REGULASIES**

Die Minister vir Justisie en Staatkundige Ontwikkeling het kragtens artikel 23 van die Wet op Skuldinvorderaars, 1998 (Wet No. 114 van 1998), en na oorleg met die Raad vir Skuldinvorderaars, die regulasies in die Bylae uitgevaardig.

BYLAE**Woordomskrywing**

1. In hierdie regulasies het 'n woord of uitdrukking waaraan in die Wet 'n betekenis geheg word, die betekenis aldus daaraan geheg en, tensy uit die samehang anders blyk, beteken -

"balju" 'n persoon ingevolge artikel 2 van die Wet op Balju's, 1986 (Wet No. 90 van 1986), aangestel, asook 'n persoon ingevolge artikels 5 en 6 van daardie Wet as 'n waarnemende balju en 'n adjunkbalju onderskeidelik aangestel;

"dag" enige dag van die week behalwe 'n Saterdag, Sondag of openbare vakansiedag; en
"die Wet" die Wet op Skuldinvorderaars, 1998 (Wet No. 114 van 1998).

Aansoek om registrasie as skuldinvorderaar

2.(1) 'n Aansoek om registrasie as 'n skuldinvorderaar, soos in artikel 9(1) van die Wet bedoel, moet wesenlik ooreenstem met -

- (a) Vorm 1A van Aanhangsel A in die geval van 'n natuurlike persoon, insluitende 'n beampte in diens van 'n regspersoon, 'n direkteur van 'n maatskappy of 'n lid van 'n beslote korporasie; en

- (b) Vorm 1B van Aanghangsel A in die geval van 'n regspersoon, en in duplikaat by die Raad ingedien word.
- (2) 'n Aansoek ingevolge subregulasie (1) ingedien, gaan vergesel van aansoekgelde -
- (a) in die geval van 'n maatskappy of beslote korporasie wat besigheid doen as 'n skuldinvorderaar, ten bedrae van -
- (i) R1 000 ten opsigte van 'n maatskappy of beslote korporasie;
- (ii) R300 ten opsigte van elke direkteur of lid van die maatskappy of beslote korporasie; en
- (iii) R300 ten opsigte van enige beampte van die maatskappy of beslote korporasie wat met skuldinvordering gemoeid is; of
- (b) in die geval van 'n natuurlike persoon, ten bedrae van R200, welke gelde betaalbaar is by wyse van 'n bankgewaarborgde tjek en wat nie terugbetaalbaar is indien die aansoek nie toegestaan word nie.
- (3) Die Raad stel die applikant in kennis indien sy of haar aansoek nie toegestaan word nie en verskaf redes vir sodanige besluit.

Vrystelling van diskwalifikasies

3. 'n Aansoek om vrystelling deur 'n persoon soos in artikel 10(2)(a) van die Wet bedoel, moet wesenlik met Vorm 2 van Aanghangsel A ooreenstem.

Registrasiesertifikaat

- 4.(1) Die Raad moet aan elke persoon wat as skuldinvorderaar geregistreer is, 'n registrasiesertifikaat uitreik wat wesenlik met Vorm 3 van Aanghangsel A ooreenstem.

- (2) 'n Persoon wat as skuldinvorderaar geregistreer is, moet -
- (a) sy of haar registrasiesertifikaat prominent in sy of haar kantoor vertoon;
 - (b) die nommer van sy of haar registrasiesertifikaat op alle korrespondensie aandui; en
 - (c) op versoek van enige persoon deur hom of haar genader in die uitoefening van sy of haar funksies as skuldinvorderaar, bewys van registrasie lewer.
- (3) Die Raad kan, onder die omstandighede wat hy goedvind en by ontvangs van -
- (a) 'n skriftelike versoek van 'n skuldinvorderaar; en
 - (b) betaling van gelde van R100,
- 'n duplikaatregistrasiesertifikaat aan die skuldinvorderaar uitreik.

Register van Aansoeke

5.(1) Die Raad moet 'n register hou van aansoeke, soos in artikel 12 van die Wet bedoel, waarin die volgende besonderhede ingevul moet word:

- (a)(i) In die geval van 'n maatskappy of beslote korporasie -
 - (aa) die volledige geregisteerde en handelsnaam, registrasienommer en besigheids- en geregisteerde adres;
 - (bb) die volle name en identiteitsnommer(s) van die direkteur(e) of lid(lede); en
 - (cc) die volle name en identiteitsnommer(s) van die beampte(s) wat met skuldinvordering gemoeid is.
- (ii) In alle ander gevalle, die volle name, identiteitsnommer en besigheidsadres van die applikant.
- (b) Die datum waarop die aansoek ontvang is.
- (c) Die datum waarop die aansoek- en ledegelde ontvang is.
- (d) Die finansiële jaareinde van die skuldinvorderaar.
- (e) 'n Aanduiding of die aansoeker aansoek om vrystelling gedoen het en of vrystelling ingevolge artikel 10(2) van die Wet verleen is.

- (f) Die datum waarop die aansoek goedgekeur of afgekeur is.
 - (g) Die redes vir die afkeuring van die aansoek.
 - (h) Die datum van opskorting van registrasie ingevolge artikel 13(2) van die Wet.
 - (i) Die datum van intrekking van registrasie ingevolge artikel 16 of 17 van die Wet en die rede(s) vir sodanige intrekking.
- (2) Die register in subregulasie (1) vermeld, moet gedurende kantoorure by die geregistreerde kantoor van die Raad beskikbaar wees vir inspeksie.

Betaling van ledegelde

6. Elke persoon wat as 'n skuldinvorderaar geregistreer is moet, ingevolge artikel 13(1) van die Wet, jaarlikse ledegelde aan die Raad betaal -

- (a) in die geval van 'n maatskappy of beslote korporasie wat as 'n skuldinvorderaar besigheid doen, ten bedrae van -
 - (i) R1 000 ten opsigte van 'n maatskappy of beslote korporasie;
 - (ii) R300 ten opsigte van elke direkteur of lid van die maatskappy of beslote korporasie; en
 - (iii) R300 ten opsigte van elke beampte van die maatskappy of beslote korporasie wat met skuldinvordering gemoeid is; of
- (b) in die geval van 'n natuurlike persoon, die bedrag van R200.

Onbehoorlike gedrag

7.(1) Die Raad kan -

- (a) 'n komitee of komitees aanstel wat uit ten minste drie lede van die Raad bestaan, van wie een toepaslik in die reg gekwalifiseer moet wees, en een van daardie lede as voorsitter van die komitee aanwys; of
- (b) 'n persoon of persone, soos en wanneer nodig, nomineer, om enige

bewering van onbehoorlike gedrag, soos in hierdie regulasie bepaal, te ondersoek.

- (2) Enige bewering van onbehoorlike gedrag teen 'n skuldinvorderaar moet in die vorm van 'n skriftelike beëdigde verklaring wees wat die datum, tyd en besonderhede van die voorval, die naam van die skuldinvorderaar en die name van enige getuies van die voorval vermeld en moet so gou as wat na die voorval prakties moontlik is, saam met enige stawende dokumentasie, indien enige, aan die Raad voorgelê word.
- (3) Die Raad moet rekord hou van elke bewering ingevolge subregulasie (1) by hom ingedien, asook van die uitslag daarvan.
- (4) Die Raad moet binne 14 dae na ontvangs van die bewering in subregulasie (1) vermeld, die bewering onder die aandag van die betrokke skuldinvorderaar bring.
- (5) By ontvangs van die bewerings kan die skuldinvorderaar binne vyf dae skriftelik op die bewerings antwoord op die wyse wat die Raad versoek.
- (6) Die Raad kan die besonderhede wat hy nodig ag rakende enige aspek van die bewerings, van enige persoon versoek op die wyse wat die Raad bepaal.
- (7) Die Raad moet die bewerings oorweeg en dit hanteer op die wyse wat hy goetvind.
- (8) Indien die Raad besluit om die skuldinvorderaar van onbehoorlike gedrag aan te kla, moet die Raad -
 - (a) die betrokke skuldinvorderaar aankla deur 'n skriftelike kennisgewing wat al die klagtes teen die skuldinvorderaar uiteensit; en
 - (b) 'n persoon aanstel wat die getuies in die ondersoek moet lei.

- (9) Die skuldinvorderaar moet binne 14 dae na die betekening van die skriftelike kennisgewing in subregulasie (8) vermeld, 'n skriftelike erkenning of ontkenning van die aanklag aan die Raad verskaf.
- (10)(a) Die skriftelike kennisgewing in subregulasie (8) vermeld, moet persoonlik aan 'n skuldinvorderaar beteken word deur 'n persoon wat deur die Raad aangewys is of 'n balju.
- (b) Sodanige persoon of balju moet binne sewe dae na ontvangs deur sodanige persoon of balju van die skriftelike kennisgewing, skriftelik aan die Raad verslag doen aangaande die betekening.
- (c) Indien die skuldinvorderaar persoonlike betekening van die skriftelike kennisgewing vermy, kan die Raad die kennisgewing per geregistreerde pos na die laaste bekende adres van die kantoor van die skuldinvorderaar stuur en sodanige betekening sal as genoegsame kennisgewing geag word.
- (d) Die gelde betaalbaar aan 'n balju om enige dokumentasie ingevolge hierdie regulasies te beteken, is die gelde voorgeskryf vir balju's in die Landdroshowerêls.
- (11) Indien die aangeklaagde skuldinvorderaar erken dat hy of sy skuldig is aan die aanklagte, moet die Raad met die aangeleentheid soos bedoel in artikel 15(3) van die Wet handel.
- (12) Die Raad moet 'n klagte van onbehoorlike gedrag ondersoek op sodanige tyd en plek as wat die Raad bepaal en moet aan die betrokke skuldinvorderaar ten minste 14 dae skriftelik kennis gee van die tyd en plek aldus bepaal.
- (13) Die bepalings van subregulasie (10) is van toepassing, met die nodige

veranderinge, ten opsigte van die skriftelike kennisgewing in subregulasie (12) vermeld.

- (14)(a) Die Raad kan 'n persoon wat 'n belang by die ondersoek het, magtig om -
- (i) die ondersoek ingevolge subregulasie (12), ingestel by te woon;
 - (ii) getuienis en argumente ter ondersteuning van die aanklag aan te bied; en
 - (iii) enige persoon wat getuienis ter weerlegging van die aanklag gelewer het, te kruisvra.
- (b) By die ondersoek het die betrokke skuldinvorderaar die reg om teenwoordig te wees, om bygestaan of verteenwoordig te word deur 'n regspraktisyn, om getuienis te lewer en, hetsy persoonlik of deur die regsverteenwoordiger -
- (i) aangehoor te word;
 - (ii) getuies op te roep;
 - (iii) enige persoon wat as getuie ter ondersteuning van die aanklag opgeroep is, te kruisvra; en
 - (iv) om toegang tot dokumente wat as getuienis toegelaat is, te hê.
- (c) Die versuim om die ondersoek by te woon deur die skuldinvorderaar aan wie die kennisgewing in subregulasie (12) vermeld beteken is, maak nie die verrigtinge ongeldig nie.
- (d) Die Raad moet 'n rekord hou van die verrigtinge en van die getuienis gelewer.
- (15)(a) Vir doeleindes van 'n ondersoek ingevolge subregulasie (12) kan die Raad -
- (i) enige persoon wat wesenlike inligting rakende die betrokke optrede kan verstrek, of wat vermoedelik enige boek, dokument of voorwerp wat op daardie optrede betrekking het in sy of haar besit of bewaring of onder sy of haar beheer het dagvaar om voor die Raad te verskyn;

- (ii) enige persoon teenwoordig of wat ingevolge subparagraaf (i) gedagvaar is of kon word, oproep en 'n eed of 'n plegtige verklaring laat aflê; en
 - (iii) enige persoon wat ingevolge subparagraaf (ii) opgeroep is, ondervra of van sodanige persoon vereis om 'n boek, dokument of voorwerp in subparagraaf (i) vermeld, vir die duur van die ondersoek te lewer.
- (b) 'n Dagvaarding vir die verskyning van 'n persoon voor die Raad moet wesenlik ooreenstem met Vorm 4 van Aanhangsel A.
- (c) Die reg rakende privilegie in siviele gedinge is van toepassing ten opsigte van die ondervraging van, of die lewering van 'n boek, dokument of voorwerp deur enige persoon in paragraaf (a)(iii) vermeld.
- (16)(a) Die oorspronklike dagvaarding in subregulasie (15)(b) vermeld en een afskrif daarvan moet deur die Raad gestuur word aan 'n persoon skriftelik deur die Raad vir daardie doel aangewys, of aan 'n balju, vir betekening aan die persoon wat gedagvaar word.
- (b) Die afskrif van die dagvaarding moet deur sodanige persoon of balju aan die betrokke persoon persoonlik beteken word of by sy woning, besigheid of werksplek aan enige ander persoon wat oënskynlik nie jonger as 16 jaar oud is nie en wat oënskynlik daar woon of werk, oorhandig word.
- (c) Indien 'n persoon aan wie 'n dagvaarding beteken staan te word, sy of haar woning of besigheidsplek gesluit hou en sodoende die betekening van die dagvaarding aan hom of haar verhoed, of betekening andersins onmoontlik maak, moet die dagvaarding beteken word deur 'n afskrif daarvan aan die buite- of hoof deur van sodanige woning of besigheidsplek vas te heg.

(d) Die persoon of balju wat die dagvaarding beteken moet, indien die persoon aan wie die dagvaarding beteken word dit versoek, aan hom of haar die oorspronklike dagvaarding toon.

(e) Die persoon of balju wat die dagvaarding beteken, moet 'n relaas van die betekening uitreik deur op die oorspronklike dagvaarding of op 'n dokument daarby aangeheg, die wyse van betekening aan dui.

(f) Die persoon of balju wat die dagvaarding beteken, moet onmiddellik nadat die dagvaarding beteken is, die relaas van betekening aan die Raad stuur.

(17) Die Raad kan, soos die Raad dit goedvind, enige persoon ingevolge subregulasie (15)(a)(i) gedagvaar, vergoed vir uitgawes aangegaan ten opsigte van die bywoning van die ondersoek.

Maksimum bedrag van boete

8. Die Raad kan vir doeleindes van artikel 15(3)(c) van die Wet 'n boete van hoogstens R100 000 oplê.

Betaling van geld en rente

9. Die skuldinvorderaar moet, wanneer 'n betaling ingevolge artikel 20(3) van die Wet gemaak word, aan die persoon aan wie die betaling gemaak word, 'n uiteensetting gee van die geld wat namens die persoon gedeponeer is en van die rente wat op sodanige geld verdien is.

Trustrekeninge

10.(1) Die trustrekening in artikel 20(1) van die Wet bedoel, moet jaarliks voor die laaste dag van die boekjaar van die skuldinvorderaar deur 'n geregistreerde rekenmeester of ouditeur, geoudit word.

(2) 'n Skuldinvorderaar moet binne 90 dae vanaf die datum van voltooiing van die oudit aan die Raad 'n sertifikaat van die rekenmeester of ouditeur stuur, waarin verklaar word dat betalings gemaak ingevolge artikel 20(3) van die Wet behoorlik gemaak is aan persone namens wie geld in die trustrekening gedeponeer is.

Uitgawes en gelde

11. Die uitgawes en gelde wat 'n skuldinvorderaar van 'n skuldenaar kan verhaal, soos in artikel 19(1)(b) van die Wet bedoel, word in Aanhangsel B uiteengesit: Met dien verstande dat die totale bedrag wat ten opsigte van items 1 tot 7 van die Aanhangsel van 'n skuldenaar verhaal kan word, nie die kapitale bedrag van die skuld of R500, na gelang van watter die minste is, mag oorskry nie.

Gelde vir taksasie en dokumente van Raad

12.(1) Die skuldenaar moet ten minste 10 dae voor die datum van taksasie of vasstelling soos in artikel 19 van die Wet bedoel, skriftelike kennis aan die skuldinvorderaar gee op enige wyse wat hy of sy goedvind en moet behoorlik rekord hou van die wyse waarop die kennisgewing gedoen is.

(2) Die gelde vir taksasie of vasstelling van enige rekening of staat van koste, rente en betalings ten aansien waarvan beweer word dat 'n skuldenaar dit aan 'n skuldinvorderaar of sy of haar kliënt soos in artikel 19(2) van die Wet bedoel verskuldig is, is R20,00.

(3) Die gelde vir taksasie of vasstelling in subregulasie (2) vermeld, is, in die geval van 'n taksasie of vasstelling deur die klerk van 'n landdroshof, betaalbaar by wyse van inkomsteseëls.

(4) 'n Persoon kan 'n afskrif van 'n dokument wat in besit of onder beheer van die Raad is, teen betaling aan die Raad van 'n bedrag van R1,10 per A4-grootte bladsy of gedeelte daarvan, bekom.

Misdrywe**13. Enige-**

- (a) persoon wat opsetlik inligting verskaf wat hy of sy weet vals is of nie glo dat of weet of dit waar is nie in 'n aansoek -
- (i) om registrasie as 'n skuldinvorderaar in artikel 9(1) van die Wet bedoel; of
 - (ii) om vrystelling van die diskwalifikasies in artikel 10 van die Wet bedoel; of
- (b) skuldinvorderaar -
- (i) wat van 'n skuldenaar geld invorder bo en behalwe die bedrae in regulasie 11 voorgeskryf; of
 - (ii) wat in gebreke bly om op die tyd en plek soos deur die Raad ingevolge regulasie 7(12) in kennis gestel, te verskyn; of
- (c) persoon wat in gebreke bly om -
- (i) voor die Raad, soos deur die Raad ingevolge regulasie 7(15)(a) gedagvaar, te verskyn;
 - (ii) die eed of die plegtige verklaring af te lê; en
 - (iii) 'n boek of dokumentasie te lewer,

is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of gevangenisstraf vir 'n tydperk van hoogstens drie maande.

Belasting op Toegevoegde Waarde

14. Belasting op toegevoegde waarde kan by alle uitgawes en gelde ten opsigte waarvan belasting op toegevoegde waarde betaalbaar is, gevoeg word.

Kort titel

15. Hierdie Regulasies heet die Regulasies betreffende Skuldinvorderaars, 2003.

AANHANGSEL A**VORM 1A****REGULASIES BETREFFENDE SKULDINVORDERAARS, 2003****AANSOEK OM REGISTRASIE AS SKULDINVORDERAAR DEUR 'N NATUURLIKE****PERSOON**

(INSLUITENDE 'N BEAMPTTE IN DIENS VAN 'N REGSPERSOON, 'N DIREKTEUR VAN 'N MAATSKAPPY OF 'N LID VAN 'N BESLOTE KORPORASIE)

[Regulasie 2(1)]

(Neem asseblief kennis: In die geval van 'n persoon wat in die voorafgaande 10 jaar skuldig bevind is aan 'n misdryf waarvan geweld, oneerlikheid, afpersing of intimidasie 'n element is, sal hierdie aansoek slegs oorweeg word by ontvangs van bewys van vrystelling deur die Minister vir Justisie en Staatkundige Ontwikkeling ingevolge artikel 10(2) van die Wet op Skuldinvorderaars, 1998 (Wet No. 114 van 1998). Hierdie vorm moet in blokletters voltooi word.)

Ek, (volle name), doen hiermee aansoek om registrasie as 'n skuldinvorderaar en verskaf die volgende besonderhede:

A. PERSOONLIKE BESONDERHEDE

1. Geboortedatum:.....
2. Nasionaliteit:.....
3. Identiteitsnommer:.....
4. Woonadres:.....Poskode:.....
5. Telefoonnommer:.....
6. Posadres:.....Poskode:.....
7. Beroep:.....
8. Werksadres:.....Poskode:.....
9. Telefoonnommer:.....
10. E-pos adres:.....
11. Sellulêre nommer:.....
12. Faksnommer:.....
13. Staan u tereg op 'n misdryf waarvan geweld, oneerlikheid, afpersing of intimidasie 'n element is of is u in die voorafgaande 10 jaar aan sodanige misdryf skuldig bevind? *Ja/Nee. Indien wel, verskaf besonderhede en, in die geval van 'n

skuldigbevinding, dui aan of 'n aansoek om vrystelling ingevolge artikel 10(2) by die Minister vir Justisie en Staatkundige Ontwikkeling ingedien is:

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

14. Is u ooit ingevolge artikel 15 van die Wet aan onbehoorlike gedrag skuldig bevind? *Ja/Nee. Indien wel, verskaf besonderhede:

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

15. Het 'n bevoegde gesag u ooit as gekrenk in u geestesvermoë verklaar of gesertifiseer? *Ja/Nee. Indien wel, verskaf besonderhede:

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

16. Is u 'n ongerehabiliteerde insolvent? *Ja/Nee. Indien wel, verskaf besonderhede:

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

17. Was u voorheen in besit van 'n skuldinvorderaarsertifikaat wat ingetrek is? *Ja/Nee. Indien wel, verskaf besonderhede:

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

B. TAALVAARDIGHEID

Meld taal/tale waarin u vaardig is en meld die vlak van vaardigheid as "Goed", "Redelik" of "Swak" in die toepaslike spasio.

Taal					
Praat.....					
Lees.....					
Skryf.....					

C. OPVOEDKUNDIGE KWALIFIKASIES

1. Hoogste standaard op skool geslaag.....
2. Jaar waarin geslaag.....
3. S e r t i f i k a t e , Naam van opvoedkundige Jaar waarin verkry
 diplomas, grade inrigting of sentrum
 verkry

D. ONDERVINDING

Meld ondervinding, indien enige, wat betrekking het op die werksaamhede van 'n skuldinvorderaar:

.....

E. BESONDERHEDE VAN *BESIGHEID/MAATSKAPPY/BESLOTE KORPORASIE

DEEL I (Moet voltooi word deur 'n *beampte van 'n regs persoon/direkteur van 'n maatskappy/lid van 'n beslote korporasie)

1. Naam van *maatskappy/beslote korporasie:
2. Datum van registrasie:
3. Registrasienuommer:
4. Volle name en identiteitsnommers van *direkteure/lede:

-

 5. Adres van besigheidsplek:
Poskode:.....
 6. Posadres:.....
Poskode.....
 7. Geregistreerde adres:.....
Poskode:.....
 8. Telefoonnommer:.....
 9. Aard van besigheid:.....

DEEL II (Moet voltooi word deur 'n ander natuurlike persoon as 'n *beampte van 'n regs persoon/'n direkteur van 'n maatskappy/lid van 'n beslote korporasie)

1. Naam waaronder besigheid bedryf gaan word:.....
 2. Besigheidsadres:.....
Poskode:.....
 3. Besigheidstelefoonnommer:.....
 4. Besonderhede van trustrekening:

Bank:.....Takkode:.....
 Rekeningnommer:.....
 5. Besonderhede van geregistreerde rekenmeester of ouditeur:
 Volle name:.....

Adres:.....
Poskode:.....

F. ANDER BESONDERHEDE

Finansiële jaar:.....tot.....

Ek verklaar dat die besonderhede deur my verskaf in alle opsigte volledig en korrek is.

Geteken te.....op hierdie.....dag
 van.....20.....

.....
*Handtekening van
 applikant*

Opmerkings:

1. Ingevolge die Regulasies betreffende Skuldinvorderaars, 2003, is dit 'n misdryf om vals of misleidende besonderhede of inligting te verskaf of om 'n vals of misleidende verklaring te maak.
2. 'n *Curriculum vitae*, tesame met twee onlangse identiese paspoortfoto's, moet die aansoek vergesel.
- * Skrap wat nie van toepassing is nie.

VORM 1B**REGULASIES BETREFFENDE SKULDINVORDERAARS, 2003****AANSOEK OM REGISTRASIE AS SKULDINVORDERAAR DEUR REGSPERSOON**

[Regulasie 2(1)]

(Neem asseblief kennis: In die geval van 'n direkteur/lid van 'n maatskappy/beslote korporasie wat in die voorafgaande 10 jaar skuldig bevind is aan 'n misdryf waarvan geweld, oneerlikheid, afpersing of intimidasie 'n element is, sal hierdie aansoek slegs oorweeg word by ontvangs van bewys van vrystelling deur die Minister van Justisie en Staatkundige Ontwikkeling ingevolge artikel 10(2) van die Wet op Skuldinvorderaars, 1998 (Wet No. 114 van 1998). Hierdie vorm moet in blokletters voltooi word)

Ek,.....(volle name), verteenwoordiger
van.....(naam van *maatskappy/beslote
korporasie), doen hiermee namens voormelde *maatskappy/beslote korporasie
aansoek om registrasie as 'n skuldinvorderaar en verskaf die volgende besonderhede:

A. BESONDERHEDE VAN *MAATSKAPPY/BESLOTE KORPORASIE

1. Datum van registrasie:.....
2. Registrasienuommer:.....
3. Volle name en identiteitsnommers van *direkteure/lede:.....
.....
.....
.....
4. Adres van hoofbesigheidplek:.....
.....Poskode:.....
5. Posadres:.....
.....Poskode:.....
6. Geregistreeerde adres:.....
.....Poskode:.....
7. Besigheidstelefoonnommer:.....
8. E-pos-adres:.....
9. Faksnommer:.....
10. Aard van besigheid:.....
11. Tydperk in besigheid:.....
12. Staan enige van die *direkteure/lede tereg op 'n misdryf waarvan geweld, oneerlikheid, afpersing of intimidasie 'n element is of is enige van die

direkteure/lede in die voorafgaande 10 jaar aan sodanige misdryf skuldig bevind? *Ja/Nee. Indien wel, verskaf besonderhede en, in die geval van 'n skuldigbevinding, dui aan of 'n aansoek om vrystelling ingevolge artikel 10(2) by die Minister vir Justisie en Staatkundige Ontwikkeling ingedien is:

.....

13. Is enige van die *direkteure/lede ooit ingevolge artikel 15 van die Wet aan onbehoorlike gedrag skuldig bevind? *Ja/Nee. Indien wel, verskaf besonderhede:

.....

14. Het 'n bevoegde gesag ooit die *direkteure/lede as gekrenk in hul geestesvermoë verklaar of gesertifiseer? *Ja/Nee. Indien wel, verskaf besonderhede:

.....

15. Is enige van die *direkteure/lede 'n ongerehabiliteerde insolvent? *Ja/Nee. Indien wel, verskaf besonderhede:

.....

16. Was die *maatskappy/beslote korporasie of enige van sy *direkteure/lede voorheen in besit van 'n skuldinvorderaarsertifikaat wat ingetrek is? *Ja/Nee. Indien wel, verskaf besonderhede:

.....

B. ANDER BESONDERHEDE

1. Besonderhede van trustrekening:

Bank:.....Takkode:.....

Rekeningnommer:.....

2. Besonderhede van geregistreeerde boekhouer of ouditeur:

Volle name:.....

Adres:.....

.....Poskode:.....

3. Finansiële jaar:.....tot.....

Ek verklaar dat die besonderhede deur my verskaf in alle opsigte volledig en korrek is.

Geteken te.....op hierdie.....dag van.....20.....

.....
Handtekening van
Verteenwoordiger

Opmerkings:

- 1. Ingevolge die Regulasies betreffende Skuldinvorderaars, 2003, is dit 'n misdryf om vals of misleidende besonderhede of inligting te verskaf of om 'n vals of misleidende verklaring te maak.

* Skrap wat nie van toepassing is nie.

VORM 2
REGULASIES BETREFFENDE SKULDINVORDERAARS, 2003
AANSOEK OM VRYSTELLING

[Regulasie 3(1)]

Ek,(volle name), *'n direkteur/lid van
(naam van maatskappy/beslote korporasie)
 doen hiermee aansoek om vrygestel te word van die diskwalifikasie in artikel 10(1)(a)(i)
 van die Wet op Skuldinvorderaars, 1998 (Wet No. 114 van 1998), bedoel, en ter
 ondersteuning van hierdie aansoek verskaf ek die volgende inligting:

1. Identiteitsnommer of geboortedatum:.....
2. Nasionaliteit:.....
3. Woonadres:.....

Poskode:.....
4. Telefoonnommer:.....
5. Posadres:.....
Poskode:.....
6. Besigheidsadres:.....

Poskode.....
7. Telefoonnommer:.....
8. E-pos-adres:.....
9. Sellulêre nommer:.....
10. Faksnommer:.....
11. Volle besonderhede van misdryf/we waarvan geweld, oneerlikheid, afpersing of
 intimidasie 'n element is, waaraan in die voorafgaande 10 jaar skuldig bevind is:
 Besonderhede van aanklag(tes) waaraan skuldig bevind:.....

 Datum(s) van skuldigbevinding(s):.....
 Besonderhede van vonnis(se):.....
12. Die bogenoemde skuldigbevinding(s) behoort nie 'n diskwalifikasie vir die
 uitoefening van die beroep van skuldinvorderaar te wees nie, omdat die
 omstandighede rakende die pleeg van die misdryf die volgende was:

Ek verklaar dat die besonderhede deur my verskaf, in alle opsigte volledig en korrek is.

Geteken te.....op hierdiedag
van.....20.....

.....
Handtekening van Applikant

*Skrap wat nie van toepassing is nie

Opmerkings:

Ingevolge die Regulasies betreffende Skuldinvorderaars, 2003, is dit 'n misdryf om vals of misleidende besonderhede of inligting te verskaf of om 'n vals of misleidende verklaring te maak.

**VORM 3
FORM 3
REGULASIES BETREFFENDE SKULDINVORDERAARS, 2003
SKULDINVORDERAARSERTIFIKAAT**

**REGULATIONS RELATING TO DEBT COLLECTORS, 2003
DEBT COLLECTOR'S CERTIFICATE**

[Regulasie 4]

[Regulation 4]

NO. VAN SERTIFIKAAT:.....

NO. OF CERTIFICATE:.....

Volle name
Full names

Identiteitsnommer/Registrasienuommer
Identity number/Registration Number

Adres
Address

Hierby word gesertifiseer dat die skuldinvorderaar wie se naam op hierdie sertifikaat verskyn, geregistreer is om 'n skuldinvorderaarsertifikaat te hou.

This is to certify that the debt collector whose name appears on this certificate is registered to hold a debt collector's certificate.

.....
Datum van uitreiking /date of issue

.....
*Voorsitter: Raad vir Skuldinvorderaars
Chairperson: Council for Debt Collectors*

Hierdie sertifikaat is slegs geldig indien die seël van die Raad vir Skuldinvorderaars daarop aangebring is.

This certificate shall only be valid if it bears the seal of the Council for Debt Collectors

VORM 4
REGULASIES BETREFFENDE SKULDINVORDERAARS, 2003
DAGVAARDING
[Regulasie 7(15)(b)]

Ondersoek na 'n aanklag van onbehoorlike gedrag ingestel deur die Raad vir Skuldinvorderaars teen:

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

Aan:

1.
.....(volle name en van)
.....
.....(adres)

2.
.....(volle name en van)
.....
.....(adres)

3.
.....(volle name en van)
.....
.....(adres)

4.
.....(volle name en van)
.....
.....(adres)

U word hiermee beveel om persoonlik voor die Raad te verskyn.....
.....op die
dag van20.....om.....
met betrekking tot bogenoemde ondersoek en om *getuienis te lewer/boeke, dokumente
of items in die lys hierby te verskaf.

Geteken teop hierdiedag van
.....20.....

.....
Voorsitter van die Raad vir Skuldinvorderaars

RELAAS VAN BETEKENING

Ek,, sertifiseer dat ek -

* 'n afskrif van die kennisgewing aan
.....persoonlik oorhandig het;

- of
- * 'n afskrif van die kennisgewing vir oorhandiging aan persoonlik aangebied het;

of

 - * 'n afskrif van die kennisgewing oorhandig het aan 'n persoon wat oënskynlik nie jonger as 16 jaar is nie en wat oënskynlik by die *woning/werkplek/besigheidsplek van woonagtig of werksaam is, aangesien laasgenoemde nie maklik gevind kon word nie;

of

 - * 'n afskrif van die kennisgewing *aan/in die buite-hoof deur/veiligheidshek/posbus van se *woning/besigheidsplek *aangebring/geplaas het aangesien laasgenoemde die *woning/besigheidsplek gesluit gehou het en sodoende betekening verhinder het.

Geteken te hierdie dag van 20

.....
*Balju /

* Skrap wat nie van toepassing is nie

AANHANGSEL B**Uitgawes en Gelde**

[Reg 11]

Let wel: Die totale bedrag wat van 'n skuldenaar ingevolge items 1 tot 7 van die Aanhangsel gevorder staan te word, mag nie die kapitale bedrag van die skuld of R500, na gelang van watter die minste is, oorskry nie.

1. Noodsaaklike korrespondensie:
 - (a) Gewone brief: R10
 - (b) Geregistreerde brief: R10
(Plus registrasiegeld)
 - (c) Geregistreerde brief (art 57 van die Wet op Landdroshowe, 1944 (Wet 32 van 1944)): R14
2. Noodsaaklike telefoonoproep (per oproep): R10
3. Ander noodsaaklike uitgawes waarvoor daar nie spesifiek voorsien is nie: 'n totale bedrag van: R10
4. Erkenning van skuld en onderneming om skuld ingevolge artikel 57 of artikel 58 van die Wet op Landdroshowe, 1944 (Wet 32 van 1944), (insluitende nodige konsultasie met skuldenaar) te betaal: R30
5. Op versoek van die skuldenaar, die opstel en verskaffing van 'n ander afrekeningstaat, as die sesmaandelikse afrekeningstaat: R20
6. Korrespondensie ontvang en hanteer: R 5
7. Noodsaaklike konsultasie met skuldenaar: R25
8. Bywoning van taksasie: R40
9. By ontvangs van 'n paaient ter delging van die skuld: Gelde van 10% van die paaient ontvang, onderhewig aan 'n maksimum bedrag van R250.

DEBT COLLECTORS ACT, 1998
DETERMINATION OF DATE FOR THE PURPOSES OF SECTION 8(1) OF THE
DEBT COLLECTORS ACT, 1998

I, Penuell Mpapa Maduna, Minister for Justice and Constitutional Development, acting under section 8(1) of the Debt Collectors Act, 1998 (Act No. 114 of 1998), hereby determine 11 August 2003 as the date from which no person as contemplated in section 8(1) of the said Act shall act as a debt collector unless such person is registered as a debt collector.

P. M. MADUNA

Minister for Justice and Constitutional Development

No. R. 186

7 Februarie 2003

WET OP SKULDINVORDERAARS, 1998
BEPALING VAN DATUM VIR DOELEINDES VAN ARTIKEL 8(1) VAN DIE WET
OP SKULDINVORDERAARS, 1998

Ek, Penuell Mpapa Maduna, Minister vir Justisie en Staatkundige Ontwikkeling, handelende kragtens artikel 8(1) van die Wet op Skuldinvorderaars, 1998 (Wet No. 114 van 1998), bepaal hierby 11 Augustus 2003 as die datum van wanneer af geen persoon soos bedoel in artikel 8(1) van genoemde Wet as 'n skuldinvorderaar mag optree nie, tensy sodanige persoon as 'n skuldinvorderaar geregistreer is.

P. M. MADUNA

Minister vir Justisie en Staatkundige Ontwikkeling

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