



REPUBLIC OF SOUTH AFRICA

GOVERNMENT GAZETTE

STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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OFFICE OF THE PRESIDENT

No. 1546.

27 November 1998

It is hereby notified that the President has assented to the following Act which is hereby published for general information:

No. 114 of 1998: Debt Collectors Act, 1998.

KANTOOR VAN DIE PRESIDENT

No. 1546.

27 November 1998

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 114 van 1998: Wet op Skuldinvorderaars, 1998.

GENERAL EXPLANATORY NOTE:

Words underlined with a solid line indicate insertions in existing enactments.

*(English text signed by the President.)
(Assented to 19 November 1998.)*

ACT

To provide for the establishment of a council, known as the Council for Debt Collectors; to provide for the exercise of control over the occupation of debt collector; to amend the Magistrates' Courts Act, 1944, so as to legalise the recovery of fees or remuneration by registered debt collectors; and to provide for matters connected therewith.

BE IT ENACTED by the Parliament of the Republic of South Africa as follows:—

Definitions

1. In this Act, unless the context otherwise indicates—
“Council” means the Council for Debt Collectors established by section 2; 5
“debt collector” means—
 - (a) a person, other than an attorney or his or her employee or a party to a factoring arrangement, who for reward collects debts owed to another on the latter’s behalf;
 - (b) a person who, other than a party to a factoring arrangement, in the course of his or her regular business, for reward takes over debts referred to in paragraph (a) in order to collect them for his or her own benefit; 10
 - (c) a person who, as an agent or employee of a person referred to in paragraph (a) or (b) collects the debts on behalf of such person, excluding an employee whose duties are purely administrative, clerical or otherwise subservient to 15 the actual occupation of debt collector;
- “Director-General” means the Director-General of the Department of Justice;
- “factoring arrangement” means an arrangement between a creditor and a financier in terms of which the creditor, in exchange for funding, either sells or offers as security, claims against his or her debtors: Provided that such claims are not bad or 20 doubtful at the time they are so sold or offered as security: Provided further that no overdue debt or a claim for which a demand has been made, is part of such a factorig arrangement;
- “Minister” means the Minister of Justice;
- “person” includes a juristic person; 25
- “prescribe” means to prescribe by regulation;
- “this Act” includes any regulation or notice made or issued under this Act.

ALGEMENE VERDUIDELIKENDE NOTA:

Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordenings aan.

*(Engelse teks deur die President geteken.)
(Goedgekeur op 19 November 1998.)*

WET

Om voorsiening te maak vir die instelling van 'n raad, bekend as die Raad vir Skuldinvaderaars; om voorsiening te maak vir die uitvoering van beheer oor die beroep van skuldinvaderaar; om die Wet op Landdroshewe, 1944, te wysig ten einde die verhaling van gelde of vergoeding deur geregistreerde skuldinvaderaars te wettig; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

DAAR WORD BEPAAL deur die Parlement van die Republiek van Suid-Afrika, soos volg:—

Woordomskrywing

1. In hierdie Wet, tensy uit die samehang anders blyk, beteken—
“Direkteur-generaal” die Directeur-generaal van die Departement van Justisie; “faktoreringooreenkoms” 'n ooreenkoms tussen 'n skuldeiser en 'n finansier, ingevolge waarvan die skuldeiser, in ruil vir befondsing, eise teen sy of haar skuldenaars as sekuriteit verkoop of aanbied: Met dien verstande dat sodanige eise nie oninbaar of twyfelagtig is op die tydstip wat dit aldus verkoop of aangebied word nie: Met dien verstande voorts dat geen agterstallige skuld of 'n eis ten opsigte waarvan 'n aanmaning reeds gerig is, deel van so 'n faktoreringooreenkoms uitmaak nie;
“hierdie Wet” ook 'n regulasie of kennisgewing kragtens hierdie Wet gemaak of uitgereik;
- 5 “Minister” die Minister van Justisie;
“persoon” ook 'n regspersoon;
“Raad” die Raad vir Skuldinvaderaars by artikel 2 ingestel;
“skuldinvaderaar”—
- 10 (a) 'n persoon, anders as 'n prokureur of sy of haar werknemer of 'n party tot 'n faktoreringooreenkoms, wat teen vergoeding skulde wat aan 'n ander verskuldig is, ten behoeve van laasgenoemde invorder;
(b) 'n persoon, anders as 'n party tot 'n faktoreringooreenkoms, wat in die loop van sy of haar gereelde besigheid teen vergoeding die skulde bedoel in paragraaf (a) oorneem ten einde dit vir eie gewin in te vorder;
- 15 (c) 'n persoon wat as 'n verteenwoordiger of werknemer van 'n persoon in paragraaf (a) of (b) bedoel, skulde ten behoeve van sodanige persoon invorder, uitgesonderd 'n werknemer wie se pligte suiwer administratief, klerklik of andersins ondergeskik is aan die werklike beroep van skuldinvaderaar;
- 20 “voorskryf” by regulasie voorgeskryf.
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Establishment and objects of Council for Debt Collectors

2. (1) There is hereby established a juristic person to be known as the Council for Debt Collectors.

(2) The objects of the Council are to exercise control over the occupation of debt collector.

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Composition of Council

3. (1) The Council shall consist of not more than 10 members appointed by the Minister.

(2) The Minister shall appoint as members of the Council—

- (a) as chairperson, any fit and proper person with a suitable degree of skill and experience in the administration of civil law matters; 10
- (b) as members—
 - (i) a magistrate;
 - (ii) an attorney nominated by a representative body or bodies;
 - (iii) at least two but not more than four debt collectors, two of whom shall be 15 appointed after consultation with organisations representing debt collectors, who are natural persons and who have exercised the occupation of debt collector for at least three years;
 - (iv) two persons who, in the Minister's opinion, are fit and proper persons to serve on the Council; and
 - (v) one person from nominations submitted by institutions representing consumer interests and who, in the opinion of the Minister, is a fit and proper person to serve on the Council.

(3) The Council shall from time to time elect from among its members a vice-chairperson, who shall in the absence of the chairperson have all the powers and duties of the chairperson, and if neither the chairperson nor the vice-chairperson is present at a meeting of the Council, the members present shall elect a person from their own ranks to preside at that meeting.

(4) A member of the Council shall hold office for a term, not exceeding three years, determined by the Minister at the time of the member's appointment: Provided that the Minister may withdraw an appointment of a member at any time and, provided further, that a member may be reappointed at the expiration of his or her term of office.

(5) No person shall be appointed as a member of the Council if he or she—

- (a) is an unrehabilitated insolvent;
- (b) fails to comply or is not capable of fully complying with a judgment or order, 35 including an order for costs, given against him or her by a court of law in a civil case;
- (c) in the preceding 10 years has been convicted of an offence of which violence, dishonesty, extortion or intimidation is an element; or
- (d) does not permanently reside in the Republic.

(6) A member of the Council shall vacate his or her office if he or she—

- (a) becomes subject to a disqualification contemplated in subsection (5);
- (b) becomes of unsound mind;
- (c) in the case of a member appointed in terms of subsection (2)(b)(iii), ceases to be a debt collector;
- (d) is absent without the leave of the chairperson for more than two consecutive meetings of the Council; or
- (e) in the case of a member who is a debt collector, has been found guilty in terms of section 15 of improper conduct.

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Meetings of Council

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4. (1) The Council shall meet for the first time at the time and place determined by the chairperson and thereafter at least three times in every financial year at the times and places determined by the chairperson or, in his or her absence, the vice-chairperson.

(2) The quorum for a meeting of the Council shall be a majority of its members.

(3) The decision of a majority of the members of the Council present at a meeting of the Council shall, subject to subsection (2) and section 16(3), be a decision of the

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Instelling en oogmerke van Raad vir Skuldinvorderaars

2. (1) Daar word hierby 'n regspersoon met die naam Raad vir Skuldinvorderaars ingestel.

(2) Die oogmerke van die Raad is om beheer uit te oefen oor die beroep van skuldinvorderaar.

Samestelling van Raad

3. (1) Die Raad bestaan uit hoogstens 10 lede wat deur die Minister aangestel word.

(2) Die Minister stel as lede van die Raad aan—

10 (a) as voorsitter, 'n gesikte en gepaste persoon wat oor 'n gepaste graad van kundigheid en ervaring met betrekking tot die toepassing van sivielregtelike aangeleenthede beskik;

(b) as lede—

(i) 'n landdros;

15 (ii) 'n prokureur genomineer deur 'n verteenwoordigende liggaam of liggame;

(iii) minstens twee maar hoogstens vier skuldinvorderaars, waarvan twee na oorleg met organisasies wat skuldinvorderaars verteenwoordig, aangestel word, wat natuurlike persone is en wat die beroep van skuldinvorderaar vir 'n tydperk van minstens drie jaar beoefen het;

20 (iv) twee persone wat na die oordeel van die Minister gesikte persone is om op die Raad te dien; en

(v) een persoon vanuit nominasies wat deur instansies wat verbruikersbelange verteenwoordig, voorgelê word en wat, na die oordeel van die Minister, 'n gesikte en gepaste persoon is om op die Raad te dien.

25 (3) Die Raad kies van tyd tot tyd uit sy lede 'n ondervoorsitter wat in die afwesigheid van die voorsitter oor al die bevoegdhede en pligte van die voorsitter beskik, en indien nog die voorsitter nog die ondervoorsitter op 'n vergadering van die Raad teenwoordig is, kies die aanwesige lede 'n persoon uit hul geledere om by daardie vergadering voor te sit.

30 (4) 'n Lid van die Raad beklee sy of haar amp vir die tydperk, maar hoogstens drie jaar, wat die Minister ten tyde van die lid se aanstelling bepaal: Met dien verstande dat die Minister te eniger tyd die aanstelling van 'n lid kan terugtrek en, met dien verstande verder, dat 'n lid by die verstryking van sy of haar ampstermyn weer aangestel kan word.

35 (5) Niemand word as lid van die Raad aangestel nie indien hy of sy—

(a) 'n ongerehabiliteerde insolvent is;

(b) versuum of nie in staat is nie om ten volle te voldoen aan 'n vonnis of bevel, met inbegrip van 'n kostebevel, wat teen hom of haar deur 'n gereghof in 'n siviele geding gegee is;

40 (c) in die voorafgaande 10 jaar skuldig bevind is aan 'n misdryf waarvan geweld, oneerlikheid, afpersing of intimidasie 'n element is; of

(d) nie permanent in die Republiek woonagtig is nie.

(6) 'n Lid van die Raad ontruim sy of haar amp indien hy of sy—

(a) onderworpe raak aan 'n onbevoegdheid beoog in subartikel (5);

45 (b) in sy of haar geestesvermoë gekrenk raak;

(c) in die geval van 'n lid wat ingevolge subartikel (2)(b)(iii) aangestel is, ophou om 'n skuldinvorderaar te wees;

(d) sonder verlof van die voorsitter van meer as twee agtereenvolgende vergaderings van die Raad afwesig is; of

50 (e) in die geval van 'n lid wat 'n skuldinvorderaar is, ingevolge artikel 15 aan onbehoorlike gedrag skuldig bevind is.

Vergaderings van Raad

4. (1) Die Raad vergader vir die eerste keer op die tyd en plek deur die voorsitter bepaal en daarna minstens drie keer in elke boekjaar op die tye en plekke wat die voorsitter of, indien hy of sy afwesig is, die ondervoorsitter bepaal.

(2) Die meerderheid van die lede van die Raad maak 'n kworum vir 'n vergadering uit.

(3) Die beslissing van 'n meerderheid van die lede van die Raad wat op 'n vergadering van die Raad aanwesig is, maak, behoudens subartikel (2) en artikel 16(3),

Council and, in the event of an equality of votes on any matter, the person presiding at the meeting concerned shall have a casting vote in addition to his or her deliberative vote.

Executive committee

- 5** 5. (1) The Council may appoint three of its members as an executive committee of the Council which shall, subject to the provisions of subsection (2) and the directions of the Council, be competent during the periods between meetings of the Council to perform or exercise all the powers and functions of the Council: Provided that the majority of the members of the executive committee shall be members of the Council other than those appointed in terms of section 3(2)(b)(iii).
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 (2) The executive committee shall not be competent—
 (a) except in so far as the Council may otherwise direct, to set aside or vary a decision of the Council; or
 (b) to exercise the power referred to in section 15(3)(a).
15 (3) Any act performed or decision taken by the executive committee shall be valid in so far as it is not varied or set aside by the Council.

Remuneration and allowances of members of Council

- 6.** Out of the funds of the Council—
20 (a) such remuneration shall be paid to a member of the Council who is not in the full-time employ of the State; and
 (b) such allowances for travelling and subsistence expenses incurred by a member of the Council, shall be paid to him or her in the performance of his or her functions as such a member,
 as may be determined by the Minister from time to time generally or in any particular case.
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Appointment of personnel

- 7.** The Council may appoint such personnel as it may deem necessary for the efficient performance of its functions and management of its administration and may determine the remuneration and conditions of service of such personnel.

Persons prohibited from performance of certain acts

- 8.** (1) As from a date fixed by the Minister in the *Gazette*, no person, excluding an attorney or an employee of an attorney, shall act as a debt collector unless he or she is registered as a debt collector in terms of this Act and, in the case of a company or close corporation carrying on business as a debt collector, unless, in addition to the company or close corporation itself, every director of the company and member of the close corporation and every officer of such company or close corporation, not being himself or herself a director or member but who is concerned with debt collecting, as the case may be, is registered as a debt collector.
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 (2) A notice under subsection (1) shall be published at least 180 days before the date referred to therein.
 (3) Any agreement concluded between a debt collector and his or her client or between a debt collector and his or her employee either before or after the date referred to in subsection (1) which is incompatible with the prohibition contained in that subsection shall be invalid to the extent of such incompatibility.

Application for registration as debt collector

- 9.** (1) An application for registration as a debt collector shall be lodged with the Council on the prescribed form and shall be accompanied by the prescribed application fee.
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 (2) A person who applies for registration as a debt collector in terms of subsection (1), shall furnish such additional particulars in respect of his or her application as may be determined by the Council.
 (3) If the Council is of the opinion that the provisions of this Act have been complied with in respect of an application referred to in subsection (1), it shall, subject to the provisions of section 10, grant the application and register the applicant as a debt collector.
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'n besluit van die Raad uit, en by 'n staking van stemme oor enige aangeleentheid, het die persoon wat op die betrokke vergadering voorsit, benewens sy of haar beraadslagende stem, 'n beslissende stem.

Uitvoerende komitee

- 5 5. (1) Die Raad kan drie van sy lede as 'n uitvoerende komitee van die Raad aanstel wat, behoudens die bepalings van subartikel (2) en die voorskrifte van die Raad, bevoeg is om gedurende die tydperke tussen vergaderings van die Raad al die bevoegdhede en werksaamhede van die Raad uit te oefen of te verrig: Met dien verstaande dat die meerderheid van die lede van die uitvoerende komitee nie lede van 10 die Raad is wat ingevolge artikel 3(2)(b)(iii) aangestel is nie.
 (2) Die uitvoerende komitee is nie bevoeg om—
 (a) behalwe vir sover die Raad anders gelas, 'n besluit van die Raad tersyde te stel of te wysig nie; en
 (b) die bevoegdheid in artikel 15(3)(a) bedoel, uit te oefen nie.
 15 (3) Enige handeling verrig of besluit geneem deur die uitvoerende komitee is van krag behalwe vir sover dit deur die Raad gewysig of tersyde gestel word.

Vergoeding en toelaes van lede van Raad

6. Daar word uit die fondse van die Raad—
 20 (a) aan 'n lid van die Raad wat nie heeltyds in diens van die Staat is nie, die vergoeding; en
 (b) aan 'n lid van die Raad die toelaes vir reis en verblyf uitgawes, wat deur hom of haar in die verrigting van sy of haar werksaamhede as so 'n lid aangegaan is,
 betaal wat die Minister in die algemeen of in 'n besondere geval van tyd tot tyd bepaal.

Aanstelling van personeel

7. Die Raad kan die personeel aanstel wat hy nodig ag vir die doeltreffende verrigting van sy werksaamhede en die hantering van sy administrasie en kan die vergoeding en diensvoorwaardes van sodanige personeel bepaal.

Persone verbied om sekere handelinge te verrig

8. (1) Vanaf 'n datum deur die Minister in die *Staatskoerant* bepaal, mag geen persoon, behalwe 'n prokureur of 'n werknemer van 'n prokureur, as skuldinvorderaar optree nie tensy hy of sy ingevolge hierdie Wet as 'n skuldinvorderaar geregistreer is, en in die geval van 'n maatskappy of beslote korporasie wat as skuldinvorderaar sake doen, tensy, benewens die maatskappy of beslote korporasie elke direkteur van die 35 maatskappy en lid van die beslote korporasie en elke beampete van sodanige maatskappy of beslote korporasie wat nie self 'n direkteur of lid is nie maar met skuldinvordering gemoeid is, na gelang van die geval, as 'n skuldinvorderaar geregistreer is.
 (2) 'n Kennisgewing kragtens subartikel (1) word minstens 180 dae voor die datum 40 daarin vermeld, gepubliseer.
 (3) 'n Ooreenkoms tussen 'n skuldinvorderaar en sy of haar kliënt of tussen 'n skuldinvorderaar en sy of haar werknemer gesluit, hetso voor of na die datum in subartikel (1) bedoel, wat onbestaanbaar is met die verbod in daardie subartikel vervat, is nietig in die mate waartoe dit aldus onbestaanbaar is.

Aansoek om registrasie as skuldinvorderaar

9. (1) Aansoek om registrasie as 'n skuldinvorderaar word by die Raad gedoen op die voorgeskrewe vorm en gaan vergesel van die voorgeskrewe aansoekgeld.
 (2) 'n Persoon wat ingevolge subartikel (1) om registrasie as 'n skuldinvorderaar aansoek doen, moet die bykomende besonderhede in verband met sy of haar aansoek 50 verstrek wat die Raad bepaal.
 (3) Indien die Raad van oordeel is dat daar ten opsigte van 'n aansoek in subartikel (1) bedoel aan die bepalings van hierdie Wet voldoen is, moet hy, behoudens artikel 10, die aansoek toestaan en die aansoeker as skuldinvorderaar registreer.

Disqualifications

- 10.** (1) No person shall be competent to be registered as a debt collector—
 (a) in the case of a natural person, if—
 (i) subject to subsection (2), in the preceding 10 years he or she has been convicted of an offence of which violence, dishonesty, extortion or intimidation is an element;
 (ii) he or she has been found guilty in terms of section 18 of improper conduct;
 (iii) he or she is of unsound mind and has been so declared or certified by a competent authority;
 (iv) he or she is under the age of 18 years; or
 (v) he or she is an un-rehabilitated insolvent; or
 (b) in the case of a company or close corporation, if a director of the company or a member of the close corporation is in terms of paragraph (a) not competent to be registered as a debt collector.
- (2) (a) Any person who is not competent to be registered as a debt collector on account of having been convicted of an offence referred to in subsection (1)(a)(i), may in the prescribed manner apply to the Minister to be exempted from the disqualification contemplated in that subsection on the grounds that the circumstances relating to the commission of that offence were of such a nature that the relevant conviction should not disqualify the applicant from exercising the occupation of debt collector.
- (b) Upon receipt of an application referred to in paragraph (a), the Minister shall cause—
 (i) such application to be published in the *Gazette*; and
 (ii) such investigation to be conducted into the matter as he or she deems appropriate.
- (c) If the Minister is satisfied that the circumstances relating to the relevant offence is of such a nature that it is not likely to affect the suitability of the applicant to exercise the occupation of debt collector, the Minister may, after consultation with the Council, direct that the applicant shall not on account of the relevant conviction be disqualified from registering as a debt collector.

Certificate of registration

- 11.** The Council shall issue to every person registered as a debt collector, a certificate of registration on the prescribed form.

Register

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- 12.** (1) The Council shall keep a register of the names and prescribed particulars of every debt collector whose application for registration under section 9(3) has been approved, or whose registration has been withdrawn or disapproved.

- (2) The register contemplated in subsection (1) shall—
 (a) be published in the *Gazette* annually;
 (b) be updated every second month by the Council;
 (c) be available for inspection by the public at the prescribed places and times; and
 (d) be submitted to Parliament within 14 days after the publication thereof in the *Gazette*.

Payment of subscription fees

- 13.** (1) Every person registered as a debt collector shall pay to the Council the prescribed fees.

(2) If a debt collector fails to comply with the provisions of subsection (1), the Council may suspend his or her registration as a debt collector until the amount owed by him or her is received by the Council: Provided that if the relevant amount is not paid within three months of the date of suspension of the registration of the debt collector concerned, the Council may withdraw the registration.

(3) Section 16(2) and (3) shall, with the necessary changes, apply to the withdrawal of the registration of a debt collector under subsection (2).

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Onbevoegdhede

- 10.** (1) 'n Persoon is nie bevoeg om as skuldinvorderaar geregistreer te word nie—
 (a) in die geval van 'n natuurlike persoon, indien—
 (i) behoudens subartikel (2), hy of sy in die voorafgaande 10 jaar skuldig
 5 bevind is aan 'n misdryf waarvan geweld, oneerlikheid, afpersing of
 intimidasie 'n element is;
 (ii) hy of sy ingevolge artikel 18 aan onbehoorlike gedrag skuldig bevind is;
 (iii) hy of sy in sy of haar geestesvermoë gekrenk is en deur 'n bevoegde
 gesag aldus verklaar of gesertifiseer is;
 10 (iv) hy of sy onder die ouderdom van 18 jaar is; of
 (v) hy of sy 'n ongerehabiliteerde insolvent is; of
 (b) in die geval van 'n maatskappy of beslote korporasie, indien 'n direkteur van
 die maatskappy of 'n lid van die beslote korporasie ingevolge paragraaf (a)
 nie bevoeg is om as skuldinvorderaar geregistreer te word nie.
 15 (2) (a) 'n Persoon wat nie bevoeg is om as skuldinvorderaar geregistreer te word nie
 omrede hy of sy aan 'n oortreding in subartikel (1)(a)(i) bedoel skuldig bevind is, kan
 op die voorgeskrewe wyse by die Minister aansoek doen om vrystelling van die
 diskwalifikasie in daardie subartikel beoog op die gronde dat die omstandighede
 betreffende die pleging van daardie misdryf van so 'n aard was dat die betrokke
 20 skuldigbevinding nie die aansoeker behoort te diskwalifiseer om die beroep van
 skuldinvorderaar te beoefen nie.
 (b) By ontvangs van 'n aansoek in paragraaf (a) bedoel, moet die Minister—
 (i) die aansoek in die *Staatskoerant* laat publiseer; en
 (ii) die ondersoek na die aangeleentheid laat instel wat hy of sy goedvind.
 25 (c) Indien die Minister oortuig is dat die omstandighede betreffende die pleging van
 die betrokke misdryf van so 'n aard is dat dit waarskynlik nie die gesiktheid van die
 aansoeker om die beroep van skuldinvorderaar te beoefen, sal beïnvloed nie, kan die
 Minister, na oorleg met die Raad, gelas dat die aansoeker nie op grond van die betrokke
 skuldigbevinding gediskwalifiseer is om as skuldinvorderaar te registreer nie.

30 Registrasiesertifikate

- 11.** Die Raad moet aan elke persoon wat as 'n skuldinvorderaar geregistreer is 'n
 registrasiesertifikaat op die voorgeskrewe vorm uitrek.

Register

- 12.** (1) Die Raad moet 'n register hou van die name en voorgeskrewe besonderhede
 35 van elke skuldinvorderaar wie se aansoek om registrasie kragtens artikel 9(3)
 goedgekeur is, of wie se registrasie ingetrek of afgekeur is.
 (2) Die register beoog in subartikel (1) moet—
 (a) jaarliks in die *Staatskoerant* gepubliseer word;
 (b) elke tweede maand deur die Raad op datum gebring word;
 40 (c) op die voorgeskrewe plekke en tye vir insae deur die publiek beskikbaar
 wees; en
 (d) aan die Parlement voorgelê word binne 14 dae na die publikasie daarvan in
 die *Staatskoerant*.

Betaling van ledegelde

- 45** **13.** (1) Elke persoon wat as 'n skuldinvorderaar geregistreer is, moet aan die Raad
 die voorgeskrewe gelde betaal.
 (2) Indien 'n skuldinvorderaar versuim om aan die bepalings van subartikel (1) te
 voldoen, kan die Raad sy of haar registrasie as skuldinvorderaar opskort totdat die
 bedrag deur hom of haar verskuldig deur die Raad ontvang word: Met dien verstande
 50 dat indien die betrokke bedrag nie binne drie maande na die datum van opskorting van
 die betrokke skuldinvorderaar se registrasie betaal word nie, die Raad die registrasie
 kan intrek.
 (3) Artikel 16(2) en (3) is met die nodige veranderinge van toepassing op die
 intrekking van die registrasie van 'n skuldinvorderaar kragtens subartikel (2).

Code of conduct

14. (1) (a) The Council shall, subject to the approval of the Minister, adopt a code of conduct for debt collectors and shall publish such code in the *Gazette*.

(b) The code of conduct, and any amendment thereof, shall be submitted to Parliament within 14 days after publication thereof in the *Gazette*. 5

(2) The Council may, subject to the approval of the Minister, amend or repeal the code of conduct adopted by it: Provided that such code shall not be wholly repealed by it, unless it is simultaneously replaced by a new code of conduct for debt collectors so adopted and approved by the Minister and, provided further, that the Council shall publish any such amendment, repeal or replacement in the *Gazette*. 10

(3) The code of conduct drawn up or adopted by the Council and published in the *Gazette* shall be binding on all debt collectors.

Improper conduct by debt collectors

15. (1) A debt collector may be found guilty by the Council of improper conduct if he or she, or a person for whom he or she is vicariously liable— 15

(a) uses force or threatens to use force against a debtor or any other person with whom the debtor has family ties or a familial or personal relationship;

(b) acts towards a debtor or any other person with whom the debtor has family ties or a familial or personal relationship, in an excessive or intimidating manner;

(c) makes use of fraudulent or misleading representations, including— 20

(i) the simulation of legal procedures;

(ii) the use of simulated official or legal documents;

(iii) representation as a police officer, sheriff, officer of court or any similar person; or

(iv) the making of unjustified threats to enforce rights; 25

(d) is convicted of an offence of which violence, dishonesty, extortion or intimidation is an element;

(e) spreads or threatens to spread false information concerning the creditworthiness of a debtor;

(f) contravenes or fails to comply with a provision of the code of conduct contemplated in section 14; 30

(g) contravenes or fails to comply with any provision of this Act; or

(h) behaves or acts in any manner amounting to conduct, other than that mentioned in paragraphs (a), (b), (c), (d), (e), (f) or (g), which is improper in terms of a regulation. 35

(2) The Council may in the prescribed manner investigate an allegation of improper conduct by a debt collector submitted to it in the prescribed manner or have it investigated in the prescribed manner by a committee of members of the Council or by a person or persons nominated by it: Provided that a debt collector whose conduct is being investigated shall be afforded the opportunity, either in person or through a legal representative, of refuting any allegations made against him or her. 40

(3) If the Council finds a debt collector guilty of improper conduct, the Council may—

(a) withdraw his or her registration as a debt collector; 45

(b) suspend his or her registration for a specified period or pending the fulfilment of a condition or conditions;

(c) impose on him or her a fine not exceeding the prescribed amount, which fine shall be payable to the Council;

(d) reprimand him or her;

(e) recover from him or her the costs incurred by the Council in connection with the investigation; 50

(f) order him or her to reimburse any person who the Council is satisfied has been prejudiced by the conduct of such debt collector and to furnish the Council within a specified period with proof of such reimbursement; or

Gedragskode

14. (1) (a) Die Raad moet, onderhewig aan die goedkeuring van die Minister, 'n gedragskode vir skuldinvorderaars aanvaar en sodanige kode in die *Staatskoerant* publiseer.

5 (b) Die gedragskode, en enige wysiging daarvan, moet aan die Parlement voorgelê word binne 14 dae na publikasie daarvan in die *Staatskoerant*.

(2) Die Raad kan, onderhewig aan die goedkeuring van die Minister, die gedragskode wat deur hom aanvaar is, wysig of herroep: Met dien verstande dat sodanige kode nie in die geheel deur hom herroep word nie, tensy dit gelyktydig vervang word deur 10 'n nuwe gedragskode vir skuldinvorderaars wat aldus aanvaar en deur die Minister goedgekeur is en, met dien verstande verder, dat die Raad enige sodanige wysiging, herroeping of vervanging in die *Staatskoerant* moet publiseer.

(3) Die gedragskode wat deur die Raad opgestel of aanvaar is en wat in die *Staatskoerant* gepubliseer is, is bindend vir alle skuldinvorderaars.

15 Onbehoorlike gedrag deur skuldinvorderaars

15. (1) 'n Skuldinvorderaar kan deur die Raad aan onbehoorlike gedrag skuldig bevind word indien hy of sy, of iemand vir wie hy of sy middellik aanspreeklik is—

(a) teenoor 'n skuldenaar of enige ander persoon met wie die skuldenaar 'n familieverband of 'n familière of persoonlike verwantskap het, geweld gebruik of dreig om geweld te gebruik;

20 (b) op 'n buitensporige of intimiderende wyse teenoor 'n skuldenaar of enige ander persoon met wie die skuldenaar 'n familieverband of 'n familière of persoonlike verwantskap het, optree;

(c) bedrieglike of misleidende voorstellings gebruik, met inbegrip van—

25 (i) die naboots van regssprosesse;

(ii) die gebruikmaking van nagebootste amptelike of regsdokumente;

(iii) voordoening as 'n polisiebeampte, balju, hofbeampte of soortgelyke persoon; of

(iv) die maak van ongeregverdigde dreigemente om regte af te dwing;

30 (d) skuldig bevind word aan 'n misdryf waarvan geweld, oneerlikheid, afpersing of intimidasie 'n element is;

(e) vals inligting rakende 'n skuldenaar se kredietwaardigheid versprei of dreig om te versprei;

35 (f) 'n bepaling van die gedragskode in artikel 14 beoog, oortree of versuim om daaraan te voldoen;

(g) enige bepaling van hierdie Wet oortree of versuim om daaraan te voldoen; of

(h) hom of haar gedra of optree op 'n wyse wat op gedrag, anders as dié in paragrawe (a), (b), (c), (d), (e), (f) of (g) genoem, neerkom wat ingevolge 'n regulasie onbehoorlik is.

40 (2) Die Raad kan 'n bewering van onbehoorlike gedrag deur 'n skuldinvorderaar wat op die voorgeskrewe wyse aan hom voorgelê is, op die voorgeskrewe wyse ondersoek of deur 'n komitee van lede van die Raad of deur 'n persoon of persone deur hom aangewys op die voorgeskrewe wyse laat ondersoek: Met dien verstande dat 'n skuldinvorderaar wie se gedrag ondersoek word, die geleentheid gebied moet word om, 45 hetsy in persoon of deur 'n regsverteenvoordiger, enige aantygings wat teen hom of haar gemaak is, te weerlê.

(3) Indien die Raad 'n skuldinvorderaar aan onbehoorlike gedrag skuldig bevind, kan die Raad—

50 (a) sy of haar registrasie as 'n skuldinvorderaar intrek;

(b) sy of haar registrasie vir 'n bepaalde termyn of hangende die vervulling van 'n voorwaarde of voorwaardes opskort;

(c) aan hom of haar 'n boete wat nie die voorgeskrewe bedrag oorskry nie oplê, watter boete aan die Raad betaalbaar is;

(d) hom of haar teregwys;

55 (e) die koste deur die Raad in verband met die ondersoek opgeloop, van hom of haar verhaal;

(f) hom of haar beveel om enige persoon ten aansien van wie die Raad oortuig is dat hy of sy deur die gedrag van sodanige skuldinvorderaar benadeel is, skadeloos te stel en om die Raad van bewys van sodanige skadeloosstelling binne 'n bepaalde tydperk te voorsien; of

(g) combine any of the penalties under this subsection.

(4) Any penalty imposed on a debt collector in terms of subsection (3)(a), (b), (c) or (g) may be suspended, either wholly or partially, by the Council on such conditions as the Council deems appropriate.

(5) The Council may in its discretion assign any of the powers conferred on it under this section, except a power referred to in subsection (3)(a), to a committee nominated by it in terms of subsection (2), and may rescind or vary a decision of such a committee. 5

Withdrawal of registration by Council

16. (1) The Council may withdraw the registration of a debt collector—

(a) if it appears that in his or her application for registration the applicant has given information that is false in a material respect; 10

(b) if at any time after his or her registration—

(i) he or she is convicted of an offence of which violence, dishonesty, extortion or intimidation is an element;

(ii) he or she is found guilty in terms of section 15 of improper conduct; 15

(iii) he or she becomes of unsound mind and is so declared or certified by a competent authority; or

(iv) he or she becomes insolvent; or

(c) in the case of a debt collector who is a company or close corporation, if the registration of a director of the company or a member of the close corporation or an officer of the company or close corporation, not being himself or herself a director or member, as the case may be, is withdrawn in terms of paragraph 20
(b).

(2) The Council shall not withdraw the registration of a debt collector unless he or she, either in person or through a legal representative, has been given the opportunity to be heard. 25

(3) The Council shall give written notice to a debt collector of the withdrawal of his or her registration.

Withdrawal of registration by court

17. (1) If there are grounds other than those mentioned in section 13(2) or 16 justifying the withdrawal of the registration concerned, the Council or any person with a material interest in the matter may by way of application on notice of motion apply to a court for an order withdrawing the registration of a debt collector. 30

(2) Any High Court within whose area of jurisdiction the debt collector concerned is resident, employed or carrying on business, shall have jurisdiction in respect of an application in terms of subsection (1). 35

Return of certificates of registration on withdrawal of registration

18. Whenever the registration of a debt collector is withdrawn under section 13(2), 16 or 17, the debt collector shall forthwith return to the Council the certificate of registration issued to him or her under section 11. 40

Recovery of money

19. (1) A debt collector shall not recover from a debtor any amount other than—

(a) the capital amount of a debt due and interest legally due and payable thereon for the period during which the capital amount remains unpaid; and

(b) necessary expenses and fees prescribed by the Minister in the *Gazette* after 45 consultation with the Council.

(2) Upon request by a debtor and against payment of any prescribed fee, the clerk of a magistrate's court or a costs committee of a provincial law society may tax or assess 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. 50

(3) The provisions of subsection (2) shall not be construed as preventing the taxation

(g) enige van die strawwe kragtens hierdie subartikel combineer.

(4) Enige straf ingevolge subartikel (3)(a), (b), (c) of (g) aan 'n skuldinvorderaar opgelê, kan, hetsy in die geheel of gedeeltelik, deur die Raad opgeskort word op die voorwaardes wat die Raad goedvind.

5 (5) Die Raad kan na goeddunke enige van die bevoegdhede kragtens hierdie artikel aan hom verleen, met uitsondering van die bevoegdheid in subartikel (3)(a) genoem, aan 'n komitee wat deur hom ingevolge subartikel (2) aangewys is, opdra, en kan 'n beslissing van so 'n komitee tersyde stel of wysig.

Intrekking van registrasie deur Raad

- 10 16. (1) Die Raad kan die registrasie van 'n skuldinvorderaar intrek—
 (a) indien dit blyk dat die applikant in sy of haar aansoek om registrasie inligting verstrek het wat in 'n wesenlike oopsig vals is;
 (b) indien te eniger tyd na sy of haar registrasie—
 (i) hy of sy skuldig bevind word aan 'n misdryf waarvan geweld, oneerlikheid, afpersing of intimidasie 'n element is;
 15 (ii) hy of sy ingevolge artikel 15 aan onbehoorlike gedrag skuldig bevind word;
 (iii) hy of sy in sy of haar geestesvermoë gekrenk raak en deur 'n bevoegde gesag aldus verklaar of gesertifiseer word; of
 20 (iv) hy of sy insolvent raak; of
 (c) in die geval van 'n skuldinvorderaar wat 'n maatskappy of beslote korporasie is, indien die registrasie as skuldinvorderaar van 'n direkteur van die maatskappy of 'n lid van die beslote korporasie of 'n beampie van die maatskappy of beslote korporasie wat nie self 'n direkteur of lid is nie, na gelang van die geval, ingevolge paragraaf (b) ingetrek word.
 25 (2) Die Raad trek nie die registrasie van 'n skuldinvorderaar in nie tensy hy of sy, hetsy persoonlik of deur middel van 'nregsverteenvwoerdiger, die geleentheid gebied is om aangehoor te word.
 (3) Die Raad gee aan 'n skuldinvorderaar skriftelik kennis van die intrekking van sy
 30 of haar registrasie.

Intrekking van registrasie deur hof

- 35 17. (1) Die Raad of enige persoon met 'n wesenlike belang in die aangeleentheid kan by wyse van aansoek na kennisgewing van mosie by 'n hof 'n bevel tot intrekking van die registrasie van 'n skuldinvorderaar aanvraa indien daar ander gronde bestaan as dié in artikel 13(2) of 16 genoem wat die intrekking van die registrasie regverdig.
 (2) Enige Hoë Hof binne wie se regsgebied die betrokke skuldinvorderaar woon, in diens is of besigheid dryf, het regsvvoegdheid ten opsigte van 'n aansoek ingevolge subartikel (1).

Terugbesorging van registrasiesertifikate by intrekking van registrasie

- 40 18. Wanneer die registrasie van 'n skuldinvorderaar kragtens artikel 13(2), 16 of 17 ingetrek word, moet die skuldinvorderaar onverwyld sy of haar registrasiesertifikaat wat kragtens artikel 11 aan hom of haar uitgereik is, aan die Raad terugbesorg.

Verhaal van geld

- 45 19. (1) 'n Skuldinvorderaar verhaal geen ander bedrag van 'n skuldenaar nie as—
 (a) die kapitale bedrag van 'n skuld wat verskuldig is en rente wat regtens daarop verskuldig en betaalbaar is vir die tydperk wat die kapitale bedrag onbetaald bly; en
 (b) noodsaklike uitgawes en gelde wat deur die Minister, na oorleg met die Raad, in die *Staatskoerant* voorgeskryf is.
 50 (2) Op versoek van 'n skuldenaar en teen betaling van enige voorgeskrewe gelde, kan die klerk van 'n landdroshof of 'n kostekomitee van 'n provinsiale prokureursorde 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 verskuldig is, takseer of vasstel.
 55 (3) Die bepalings van subartikel (2) word nie vertolk as sou dit die taksasie of

or assessment of any further account or statement of costs reflecting further amounts which become payable by the debtor to the debt collector or his or her client and which arise from the same cause of debt as that from which amounts reflected in an already taxed or assessed account or statement of costs arose.

(4) A debt collector shall deliver to a debtor, upon request and against payment of a prescribed fee, a settlement account containing a complete exposition of all debits and credits in connection with a specific collection: Provided that a debtor shall be entitled to request a settlement account free of charge once in every six months. 5

Trust accounts

20. (1) Every debt collector who practises for his or her or its own account, shall open 10 and maintain a separate trust account at a bank as defined in the Banks Act, 1990 (Act No. 94 of 1990), and shall deposit therein as soon as is possible after receipt thereof the money received or held by him or her on behalf of any person.

(2) The money deposited in terms of subsection (1) shall, together with the interest as determined under subsection (3), be paid within a reasonable or agreed time to the 15 person on whose behalf the money is received or held: Provided that a settlement account, containing a complete exposition of all credits and debits reflected in the said account shall be delivered to that person at least once a month.

(3) All interest, if any, on money deposited in terms of subsection (1) shall be paid, as prescribed, to the person on whose behalf the money was deposited. 20

(4) A debt collector shall keep proper accounting records in respect of all money received, held or paid by him or her on behalf of or to any other person.

(5) The Council may itself or through its nominee at its own cost examine the accounting records of a debt collector in order to satisfy itself that subsections (1), (2), (3) and (4) are complied with and, if during such an examination it is found that the debt collector has not complied with those provisions, the Council may update the accounting records of such debt collector and may recover the costs of the examination and, where applicable, such updating from that debt collector. 25

Auditing

21. (1) The accounting records and annual financial statements of the Council shall be 30 audited annually by a person appointed by the Council for such purpose.

(2) No person shall be appointed under subsection (1) unless he or she is registered as an accountant and auditor in terms of the Public Accountants' and Auditors' Act, 1951 (Act No. 51 of 1951), and is engaged in public practice.

Financial year

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22. The financial year of the Council shall be a year terminating on the last day of February.

Regulations

23. (1) The Minister may, after consultation with the Council, make regulations—

(a) regarding any matter required or permitted to be prescribed in terms of this 40 Act;

(b) regarding generally, all matters which are reasonably necessary or expedient to be prescribed in order to achieve the objects of this Act.

(2) Without prejudice to the generality of the provisions of subsection (1), the Minister may, after consultation with the Council, make regulations—

(a) prescribing the fees payable by a debt collector to the Council in terms of section 13(1), and the periods within which such fees are payable;

(b) prescribing the circumstances under which a debt collector shall not be bound to pay an amount referred to in section 13(1); and

(c) regarding the training of debt collectors. 50

(3) Any regulation made under subsection (1) may provide that any person who

vasstelling verhoed van enige verdere rekening of staat van koste waarin verdere bedrae wat deur die skuldenaar aan die skuldinvorderaar of sy of haar kliënt betaalbaar word, uiteengesit word nie en wat uit dieselfde skuldoorsaak ontstaan as dit waaruit die bedrae in 'n reeds getakseerde of vasgestelde rekening of staat van koste ontstaan het.

5 5 (4) 'n Skuldinvorderaar lewer aan 'n skuldenaar, op versoek en teen betaling van die voorgeskrewe gelde, 'n afrekeningstaat waarin 'n volledige uiteensetting van alle debiete en krediete in verband met 'n bepaalde invordering vervat word: Met dien verstande dat 'n skuldenaar geregtig is om een keer in elke ses maande gratis 'n afrekeningstaat te versoek.

10 Trustrekenings

20. (1) Elke skuldinvorderaar wat vir eie rekening praktiseer, open en hou 'n afsonderlike trustrekening by 'n bank soos omskryf in die Bankwet, 1990 (Wet No. 94 van 1990), en deponeer daarin so spoedig moontlik na ontvangs daarvan die geld wat deur hom of haar ten behoeve van enige persoon ontvang of gehou word.

15 15 (2) Die geld wat ingevolge subartikel (1) gedeponeer is, word, tesame met die rente ingevolge subartikel (3) bepaal, binne 'n redelike of ooreengeskome tyd aan die persoon ten behoeve van wie die geld ontvang of gehou word, betaal: Met dien verstande dat 'n afrekeningstaat minstens een maal per maand aan laasgenoemde persoon gelewer moet word wat 'n volledige opgawe van alle krediete en debiete op die bedoelde 20 rekening bevat.

(3) Alle rente, indien enige, op geld wat ingevolge subartikel (1) gedeponeer is, word aan die persoon ten behoeve van wie die geld gedeponeer is, betaal soos voorgeskryf.

(4) 'n Skuldinvorderaar hou behoorlike rekenkundige aantekeninge betreffende alle geld deur hom of haar ontvang, gehou of betaal ten behoeve van of aan enige persoon.

25 25 (5) Die Raad kan self of deur sy benoemde op eie koste die rekenkundige aantekeninge van 'n skuldinvorderaar ondersoek ten einde homself te oortuig dat aan subartikels (1), (2), (3) en (4) voldoen is, en, indien daar by so 'n ondersoek bevind word dat so 'n skuldinvorderaar nie aan daardie bepalings voldoen het nie, kan die Raad die rekenkundige aantekeninge van so 'n skuldinvorderaar bywerk en die koste 30 van die ondersoek en, waar toepaslik, van sodanige bywerking, op daardie skuldinvorderaar verhaal.

Ouditering

21. (1) Die Raad se rekenkundige aantekeninge en finansiële jaarstate word jaarliks geouditeer deur iemand deur die Raad vir daardie doel aangestel.

35 35 (2) Niemand word kragtens subartikel (1) aangestel nie tensy hy of sy ingevolge die Wet op Openbare Rekenmeesters en Ouditeurs, 1951 (Wet No. 51 van 1951), as 'n rekenmeester en ouditeur geregistreer is en 'n openbare praktyk beoefen.

Boekjaar

22. Die boekjaar van die Raad is 'n jaar wat op die laaste dag van Februarie eindig.

40 Regulasies

23. (1) Die Minister kan na oorleg met die Raad regulasies maak—

(a) betreffende enige aangeleentheid wat ingevolge hierdie Wet voorgeskryf moet of kan word; en
45 (b) betreffende, in die algemeen, enige aangeleentheid wat redelikerwys nodig of wenslik is om voorgeskryf te word ten einde die doelstellings van hierdie Wet te bereik.

(2) Sonder om afbreuk te doen aan die algemeenheid van die bepalings van subartikel (1), kan die Minister na oorleg met die Raad regulasies maak—

50 (a) wat die gelde voorskryf wat deur 'n skuldinvorderaar ingevolge artikel 13(1) aan die Raad betaal moet word, asook die tydperke waarbinne sodanige geld betaalbaar is;
(b) wat die omstandighede voorskryf waaronder 'n skuldinvorderaar nie gebind is om 'n bedrag bedoel in artikel 13(1) te betaal nie; en
(c) betreffende die opleiding van skuldinvorderaars.
55 (3) 'n Regulasie kragtens subartikel (1) uitgevaardig, kan voorsiening maak dat

contravenes a provision thereof or fails to comply therewith shall be guilty of an offence and on conviction be liable to a fine, or to imprisonment for a period not exceeding three months.

Delegation of Minister's powers

24. (1) The Minister may on the conditions that he or she deems fit, delegate any or all of the powers conferred upon him or her by this Act, save a power to make regulations, to the Director-General or an officer of the Department of Justice designated by the Director-General. 5

(2) No delegation of any power shall prevent the exercise of such power by the Minister. 10

Offences and penalties

25. Any person who—
(a) contravenes a provision of section 8(1); or
(b) fails to return a certificate of registration in terms of section 18, shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding three years. 15

Exemption from provisions of Act

26. The Minister may, on the conditions that he or she deems fit, after consultation with the Minister of Trade and Industry and the Council, exempt any person or category of persons from the provisions of this Act. 20

Amendment of section 60 of Act 32 of 1944, as substituted by section 1 of Act 63 of 1976 and amended by section 2 of Act 4 of 1991

27. Section 60 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) Unless expressly otherwise provided in this Act or the rules and subject to the provisions of section 19 of the Debt Collectors Act, 1998, no person other than an attorney or an agent referred to in section 22 shall be entitled to recover from the debtor any fees or remuneration in connection with the collection of any debt.”. 25

Short title and commencement

28. This Act shall be called the Debt Collectors Act, 1998, and shall come into operation on a date fixed by the President by proclamation in the *Gazette*. 30

iemand wat 'n bepaling daarvan oortree of versuim om daaraan te voldoen, aan 'n misdryf skuldig is en by skuldigbevinding strafbaar is met 'n boete, of met gevangenisstraf vir 'n tydperk van hoogstens drie maande.

Delegering van Minister se bevoegdhede

5 **24.** (1) Die Minister kan op die voorwaardes wat hy of sy goedvind enige van of al die bevoegdhede ingevolge hierdie Wet aan hom of haar verleen, behalwe 'n bevoegdheid om regulasies uit te vaardig, aan die Direkteur-generaal of 'n beampie van die Departement van Justisie deur die Direkteur-generaal aangewys, deleger.

(2) Geen delegering van 'n bevoegdheid belet die uitoefening van sodanige 10 bevoegdheid deur die Minister nie.

Misdrywe en strawwe

25. Enige persoon wat—

(a) 'n bepaling van artikel 8(1) oortree; of

(b) versuim om 'n registrasiesertifikaat terug te besorg ingevolge artikel 18, 15 is aan 'n misdryf skuldig en by skuldigbevinding strafbaar met 'n boete of met gevengenisstraf van hoogstens drie jaar.

Vrystelling van bepalings van Wet

26. Die Minister kan, op die voorwaardes wat hy of sy goedvind, na oorleg met die Minister van Handel en Nywerheid en die Raad, enige persoon of kategorie van 20 persone van die bepalings van hierdie Wet vrystel.

Wysiging van artikel 60 van Wet 32 van 1944, soos vervang deur artikel 1 van Wet 63 van 1976 en gewysig deur artikel 2 van Wet 4 van 1981

27. Artikel 60 van die Wet op Landdroshowe, 1944 (Wet No. 32 van 1944), word hierby gewysig deur subartikel (1) deur die volgende subartikel te vervang:

25 “(1) Behoudens die bepalings van artikel 19 van die Wet op Skuldinvorderaars, 1998, en behalwe waar in hierdie Wet of die reëls uitdruklik anders bepaal word, is niemand, behalwe 'n prokureur of 'n in artikel 22 bedoelde agent, geregtig om enige gelde of vergoeding in verband met die invordering van 'n skuld op die skuldenaar te verhaal nie.”.

30 Kort titel en inwerkingtreding

28. Hierdie Wet heet die Wet op Skuldinvorderaars, 1998, en tree in werking op 'n datum wat die President by proklamasie in die Staatskoerant bepaal.

