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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

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

No. R. 741

29 July 2005

**DEBT COLLECTORS ACT, 1998 (ACT NO. 114 OF 1998)
REGULATIONS RELATING TO DEBT COLLECTORS, 2003: AMENDMENT**

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

Definition

1. In these regulations "the Regulations" means the regulations published by Government Notice No. R. 185 of 7 February 2003, as amended by Government Notice No. R. 1623 of 7 November 2003.

Amendment of regulation 2 of the Regulations

2. Regulation 2 of the Regulations is hereby amended by the substitution for subregulations (1) and (2)(a)(i) of the following subregulations:

"(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 an officer in the employ of a

juristic person, a director of a company or a member of a close corporation;

- (b) Form 1B of Annexure A in the case of a juristic person, company or close corporation; and
- (c) Form 1C of Annexure A in the case of a person other than an officer in the employ of a juristic person, a director of a company or a member of a close corporation.

(2)(a) An application lodged in terms of subregulation (1) shall be accompanied by an application fee, or proof of payment thereof –

- (i) in the case of a juristic person, company or close corporation carrying on business as a debt collector, in the amount of -
 - (aa) R1 500 in respect of a juristic person, company or close corporation;
 - (bb) R600 in respect of each director or member of the juristic person, company or close corporation; and
 - (cc) R400 in respect of every officer of the juristic person, company or close corporation who is involved in debt collecting; or".

Amendment of regulation 6 of the Regulations

3. Regulation 6 of the Regulations is hereby amended by the substitution for paragraph (a) of subregulation (1) for the following paragraph:

- "(a) in the case of a juristic person, company or close corporation carrying on business as a debt collector, in the amount of -
- (i) **R1 500** in respect of a juristic person, company or close corporation;
 - (ii) **R600** in respect of each director or member of the juristic person, company or close corporation; and
 - (iii) R400 in respect of every officer of the juristic person, company or close corporation who is involved in debt collecting; or".

Amendment of Annexure A to the Regulations

4. Annexure A to the Regulations is hereby amended by—

(a) the substitution for Forms 1A and 1B of the following forms respectively:

**“FORM 1A
REGULATIONS RELATING TO DEBT COLLECTORS’ 2003
APPLICATION FOR REGISTRATION AS DEBT COLLECTOR BY 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:

1. 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).
2. This form must be completed in block letters.

Please indicate: New Registration Transfer from other juristic person/company/close corporation

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:
(Attach a copy of identity document)
4. Residential address: Postal code:
5. Telephone number:
6. Postal address: Postal code:
7. Occupation:
8. Business 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.....					

Wriie.....					
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C. EDUCATIONAL QUALIFICATIONS

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

D. EXPERIENCE

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

.....

.....

.....

.....

E. PARTICULARS OF *JURISTIC PERSON/COMPANY/CLOSE CORPORATION

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

.....

.....

.....

5. Business address:
- Postal code:

6. Postal address:
- Postal code:

7. Registered address:
- Postal code:

- 8. Telephone number:
- 9. Nature of business:
- 10. In what capacity are you applying (e.g officer, director, member)?
.....
.....
.....
.....

F. OTHER PARTICULARS

Financial year.. to

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

Signed at this.....day of 20.....

.....
Signature of Applicant

Remarks:

- 1. In terms of the Regulations relating to Debt Collectors, 2002, it is an offence to furnish false or misleading particulars or information or make a false or misleading statement.
- 2. A *curriculum vitae* and a copy of identity document 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/COMPANY/CLOSE CORPORATION
[Regulation 2(1)]

Please note:

- 1. In the case of an officer/director/member of a juristic person/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).
- 2. This form must be completed in block letters.

Please indicate: New Registration Transfer from other juristic person/company/close corporation

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

following particulars:

A. PARTICULARS OF *JURISTIC PERSON/COMPANY/CLOSE CORPORATION

1. Date of registration:.....
2. Registration number:
(Attach a copy of the registration certificate)
3. Full names and identity numbers of *officers/directors/members:
.....
.....
.....
4. Business address:
..... 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 *officers/directors/members on trial for an offence of which violence, dishonesty, extortion or intimidation is an element, or has any of the officers/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 *officers/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 *officers/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 *officers/directors/members an unrehabilitated insolvent? *Yes/No.
 If so, give details:

.....

16. Was the *juristic person/company/close corporation or any of its
 *officers/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 public accountant/auditor:

Full names:

Business Address:

..... Postal code:

3. Telephone number:

4. Financial year: to

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

Signed at this day of 20.....

.....
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.
2. A copy of the registration certificate must be attached.

*Delete whichever is not applicable”;

(b) by the insertion of the following form after Form 1B:

**“FORM 1C
REGULATIONS RELATING TO DEBT COLLECTORS, 2003
APPLICATION FOR REGISTRATIONS AS DEBT COLLECTOR BY A PERSON
OTHER THAN 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:

1. 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).
2. This form must be completed in block letters.

Please indicate: New registration Transfer from other juristic person/company/close corporation

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:
(Attach copy of identity document)
4. Residential address: Postal code:
5. Telephone number:
6. Postal address: Postal code:
7. Occupation:
8. Business 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, diplomas, or degrees obtained	Name of educational institution or centre	Year obtained
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.....

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.....

.....

D. EXPERIENCE

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

.....

.....

.....

.....

E. PARTICULARS OF BUSINESS

1. Name under which business will be conducted:
2. Business address: **Postal code:**
3. Business telephone number:
4. Postal address: **Postal code:**.....
5. Particulars of trust account:
 Bank: Branch code:
 Account number:

- 6. Particulars of public accountant/auditor:
 Full names:
 Business address:
Postal code:
- 7. Telephone number:
- 8. Capacity of applicant (eg owner, partner, employee):..

F. OTHER PARTICULARS

Financial year: to..

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

Signed at this.....day of 20.....

.....
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 short *curriculum vitae* and a copy of identity document must accompany the application.

*Delete whichever is not applicable".

Substitution of Annexure B to the Regulations

5. The following Annexure is hereby substituted for Annexure B to the Regulations:

**"ANNEXURE B
 Expenses and fees
 [Regulation 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 R600, whichever is the lesser.

Item	Description	Amount

1.(a)	Necessary ordinary letter, registered letter, facsimile or e-mail:	R12 (and in the case of a registered letter, the costs of the registration fee to be added)
1.(b)	Registered letter (Sec 57 of the Magistrates' Courts Act, 1944 (Act 32 of 1944))	The amount as from time to time prescribed in item 8 of Annexure 2 Table A, Part II of the Rules of Court of the Magistrates Courts Act 32 of 1944
2.	Necessary phone calls, which is not a consultation (per call):	R12
3.	Other necessary expenses not specifically provided for: a total amount of:	R12
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):	The amount as prescribed from time to time in items 9 and 10 of Annexure 2, Table A, Part II of Rules of Court of the Magistrates Courts Act 32 of 1944
5.	On request of the debtor, the drawing up and furnishing of a settlement account, other than the six monthly settlement account:	R24
6.	Correspondence received and attended to:	R6
7.	Necessary consultation with debtor:	R30
8.	Attending taxation:	R48

9.	On receipt of an installment in redemption of the debt:	A fee of 10% of the installment received subject to a maximum amount of R300. No additional fee shall be charged for any attendance in connection with the receipt or payment of any installment.”.
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