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GOVERNMENT NOTICE GOEWERMENTSKENNISGEWING

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

No. R. 1623

7 November 2003

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.

Amendment of regulation 2 of the Regulations

2. Regulation 2 of the Regulations is hereby amended by the substitution for subregulation (2) of the following subregulation:

"(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 company or close corporation carrying on business as a debt collector, in the amount of-
 - (aa) R1 500 in respect of a company or close corporation;
 - (bb) R600 in respect of each director or member of the company or close corporation; and
 - (cc) R400 in respect of every officer of the company or close

corporation who is involved in debt collecting; or

(ii) in the case of a natural person, in the amount of R400.

(b) The fees referred to in paragraph (a) may be paid to the Council by means of a bank cheque, or may directly be paid into the bank account of the Council.

(c) An application fee shall not be refundable even if the application concerned is not granted."

Insertion of regulation 2A in the Regulations

3. The following regulation is hereby inserted after regulation 2 of the Regulations:

"Notice of change of particulars

2A.(1) The holder of a certificate of registration shall -

- (a) within 14 days of any change in the information furnished in his or her application for registration contemplated in regulation 2, inform the Council thereof; and
- (b) if the information on the certificate of registration is no longer correct, follow the procedure prescribed in regulation 4(3) and forward the certificate of registration to the Council for amendment.

(2) A debt collector, contemplated in paragraph (a) or (b) of section 1 of the Act, shall, if a certificate of registration was issued to an agent or employee of the debt collector and the agent or employee ceases to be associated with, or in the employ of the debt collector, inform the Council accordingly within 14 days thereof and furnish the Council with all available information concerning the agent or employee.

(3) If the holder of a certificate of registration, or a debt collector contemplated in subregulation (2), fails to comply with the provisions of subregulation (1) or (2), the holder of a certificate of registration, or a debt collector may be found guilty of improper conduct."

Amendment of regulation 4 of the Regulations

4. Regulation 4 of the Regulations is hereby amended by-

- (a) the substitution for subregulation (3) of the following subregulation:

"(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 or amended certificate of registration to the debt collector.";
- (b) the insertion of subregulation (4) after subregulation (3):

"(4) A certificate of registration issued in terms of this regulation remains the property of the Council."

Amendment of regulation 6 of the Regulations

5. Regulation 6 of the Regulations is hereby amended by the substitution for regulation 6 of the following regulation:

"Payment of subscription fees

6.(1) 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 500 in respect of a company or close corporation;
 - (ii) R600 in respect of each director or member of the company or close corporation; and
 - (iii) R400 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 R400.
- (2) The fees referred to in subregulation (1) may be paid to the Council by means of a bank cheque or may directly be paid into the bank account of the Council.
- (3) Proof of payment made shall be submitted to the Council."

Amendment of regulation 14 of the Regulations

6. Regulation 14 of the Regulations is hereby amended by the substitution for regulation 14 of the following regulation:

"Value Added Tax

14.(1) No value added tax is included in any expenses and fees prescribed in these Regulations.

(2) Value added tax may be added to all expenses and fees in respect of which value added tax is chargeable."

No. R. 1623

7 November 2003

WET OP SKULDINVORDERAARS, 1998 (WET NO. 114 VAN 1998)
WYSIGING VAN 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 beteken "die Regulasies" die regulasies afgekondig by Goewermentskennisgewing No. R. 185 van 7 Februarie 2003.

Wysiging van regulasie 2 van die Regulasies

2. Regulasie 2 van die Regulasies word hierby gewysig deur subregulasie (2) deur die volgende subregulasie te vervang:

"(2) (a) 'n Aansoek ingevolge subregulasie (1) ingedien, gaan vergesel van aansoekgelde, of bewys van betaling daarvan -

(i) in die geval van 'n maatskappy of beslote korporasie wat

- besigheid doen as 'n skuldinvorderaar, ten bedrae van -
- (aa) R1 500 ten opsigte van 'n maatskappy of beslote korporasie;
 - (bb) R600 ten opsigte van elke direkteur of lid van die maatskappy of beslote korporasie; en
 - (cc) R400 ten opsigte van enige beampte van die maatskappy of beslote korporasie wat met skuldinvordering gemoeid is; of
- (ii) in die geval van 'n natuurlike persoon, ten bedrae van R400.
- (b) Die gelde verwys na in paragraaf (a) kan aan die Raad by wyse van 'n bank tjek betaal word, of kan direk in die Raad se bankrekening inbetaal word.
- (c) Aansoekgelde is nie terugbetaalbaar nie selfs al word die aansoek nie toegestaan nie."

Invoeging van regulasie 2A in die Regulasies

3. Die volgende regulasie word hierby na regulasie 2 van die Regulasies ingevoeg:

"Kennis van verandering van besonderhede

2A.(1) Die houer van 'n registrasiesertifikaat moet -

- (d) binne 14 dae na enige verandering van die inligting in sy of haar aansoek vir registrasie soos bedoel in regulasie 2 verskaf, die Raad daarvan in kennis stel; en
 - (e) indien die inligting op die registrasiesertifikaat nie meer korrek is nie, die prosedure volg soos in regulasie 4(3) voorgeskryf en die registrasiesertifikaat aan die Raad vir wysiging stuur.
- (2) 'n Skuldinvorderaar soos bedoel in paragraaf (a) of (b) van artikel 1 van die Wet moet, indien 'n registrasiesertifikaat uitgereik is aan 'n agent of werknemer van die skuldinvorderaar en die agent of werknemer hou op om

geassosieer te wees met, of in diens te wees van die skuldinvorderaar, binne 14 dae daarna die Raad dienooreenkomstig inlig en die Raad met alle beskikbare inligting rakende die agent of werknemer voorsien .

(3) Indien die houer van 'n registrasiesertifikaat, of 'n skuldinvorderaar soos bedoel in subregulasie (2), versuim om aan die bepalings van subregulasie (1) of (2) te voldoen, kan die houer van 'n registrasiesertifikaat, of 'n skuldinvorderaar aan onbehoorlike gedrag skuldig bevind word."

Wysiging van regulasie 4 van die Regulasies

4. Regulasie 4 van die Regulasies word hiermee gewysig deur -

(a) subregulasie (3) deur die volgende regulasie te vervang:

"(3) Die Raad kan, onder die omstandighede wat hy goedvind en by ontvangs van -

(a) 'n skriftelike versoek van 'n geregistreerde skuldinvorderaar; en

(b) betaling van gelde van R100,

'n duplikaat of gewysigde registrasiesertifikaat aan die skuldinvorderaar uitreik.";

(b) die invoeging van subregulasie (4) na subregulasie (3):

"(4) 'n Registrasiesertifikaat ingevolge hierdie regulasie uitgereik, bly die eiendom van die Raad."

Wysiging van regulasie 6 van die Regulasies

5. Regulasie 6 van die regulasies word hiermee gewysig deur regulasie 6 deur die volgende regulasie te vervang:

"Betaling van ledegelde

6. (1) 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) R1500 ten opsigte van 'n maatskappy of beslote korporasie;
 - (ii) R600 ten opsigte van elke direkteur of lid van die maatskappy of beslote korporasie; en
 - (iii) R400 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 R400.

(2) Die gelde in subregulasie (1) na verwys, kan aan die raad by wyse van 'n bank tjek betaal word, of kan direk in die Raad se bankrekening inbetaal word.

(3) Bewys van betaling moet aan die Raad verskaf word."

Wysiging van regulasie 14 van die Regulasies

6. Regulasie 14 van die Regulasie word hiermee gewysig deur regulasie 14 deur die volgende regulasie te vervang:

"Belasting op Toegevoegde Waarde

14. (1) Geen belasting op toegevoegde waarde is in enige uitgawes en gelde by hierdie Regulasies voorgeskryf ingesluit nie.

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

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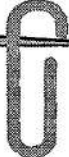
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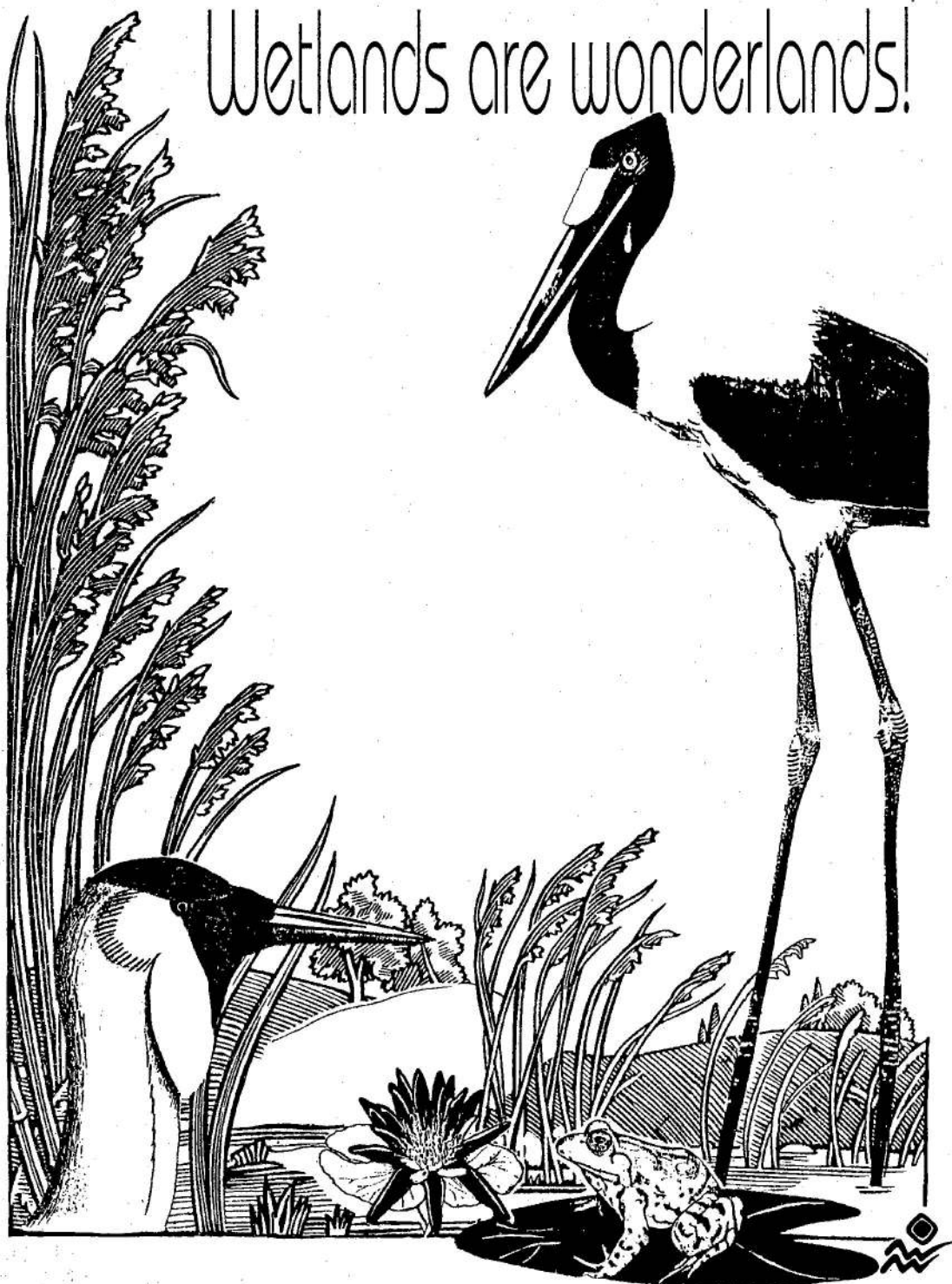
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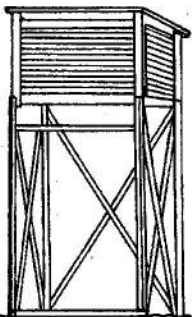
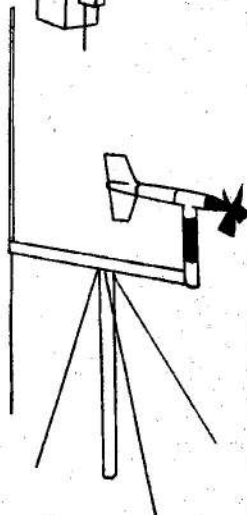
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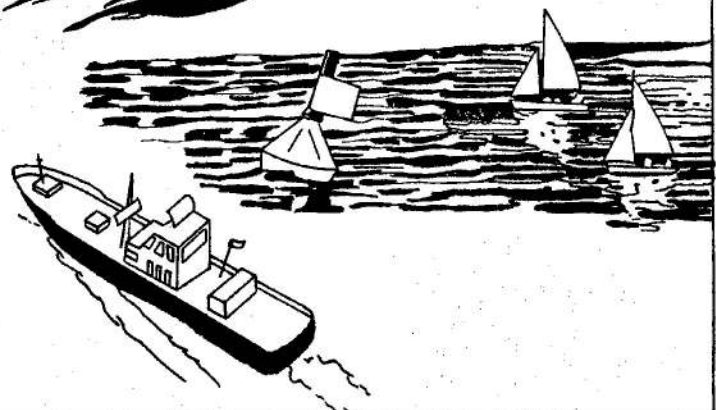
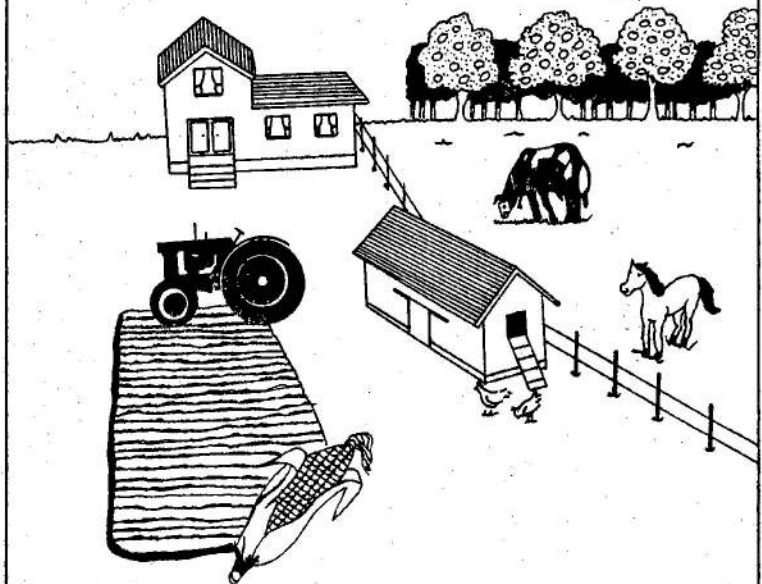
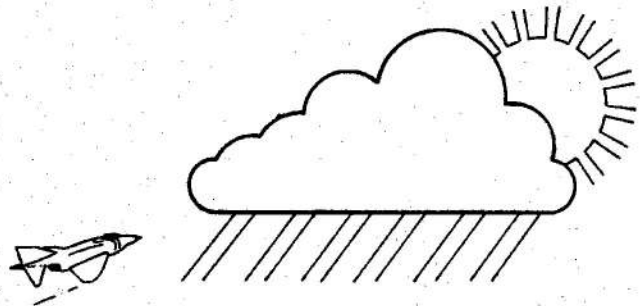


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