

SUBORDINATE LEGISLATION IN RESPECT OF THE DEBT COLLECTORS ACT, 1998 (ACT NO. 114 OF 1998)

A. Regulations in terms of section 23 of the Debt Collectors Act, 1998 (Act No. 114 of 1998) published in Government Notice No. R. 185 of 7 February 2003 (Government Gazette 24351), amended by Government Notices No. R. 1623 of 7 November 2003 (Government Gazette 25666) and R.741 of 29 July 2005 (Government Gazette No. 27813)

“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 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
- (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.

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

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.

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 or amended certificate of registration to the debt collector.
- (4) A certificate of registration issued in terms of this regulation remains the property of the Council.

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.(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 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
- (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.

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 paper or part thereof.

Offences

13. Any –

- (a) person who wilfully 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. (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.

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 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.....					
Write.....					

C. EDUCATIONAL QUALIFICATIONS

1. Highest standard passed at school.....

2. Year in which passed.....

3. Certificates, diplomas, or degrees obtained

.....	Name of educational	Year obtained
.....	institution or centre	
.....
.....
.....

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 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 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

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

*Delete whichever is not applicable

REGULATIONS RELATING TO DEBT COLLECTORS, 2003
APPLICATION FOR REGISTRATION 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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.....
.....
.....
.....

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

*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

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 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.

B. Determination of Date for the Purposes of Section 8(1) of the Debt Collectors Act, 1998: Published in Government Notice No. R. 186 of 7 February 2003 (Government Gazette No. 24351)

“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”