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 201 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.".