

(22 May 2020 – to date)

DEBT COLLECTORS ACT 114 OF 1998

(Government Notice 1546 in Government Gazette 19525 dated 27 November 1998. See Act for commencement dates)

REGULATIONS

Government Notice R185 in Government Gazette 24351 dated 7 February 2003. Commencement date:
7 February 2003.

As amended by:

Government Notice R1623 in Government Gazette 25666 dated 7 November 2003. Commencement date:
7 November 2003.

Government Notice R741 in Government Gazette 27813 dated 29 July 2005. Commencement date:
29 July 2005.

Government Notice R1044 in Government Gazette 30435 dated 2 November 2007 and corrected by
Government Notice R1093 in Government Gazette 30486 dated 23 November 2007. Commencement date:
2 November 2007.

Government Notice R1120 in Government Gazette 32750 dated 27 November 2009. Commencement date:
1 December 2009.

Government Notice R162 in Government Gazette 34060 dated 1 March 2011. Commencement date:
1 March 2011.

Government Notice R623 in Government Gazette 35573 dated 10 August 2012. Commencement date:
10 August 2012.

Government Notice R381 in Government Gazette 36515 dated 7 June 2013. Commencement date:
7 June 2013.

Government Notice R1272 in Government Gazette 39552 dated 23 December 2015. Commencement date:
23 December 2015.

Government Notice R1141 in Government Gazette 41205 dated 27 October 2017. Commencement date:
27 October 2017.

*Government Notice R580 in Government Gazette 43343 dated 22 May 2020. Commencement date:
22 May 2020.*

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

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1. Definitions

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 -

“**auditor**”, means a registered auditor as contemplated in the Auditing Profession Act, 2005 (Act No. 26 of 2005);

(Definition of “auditor” inserted by regulation 2 of Government Notice R623 in Government Gazette 35573 dated 10 August 2012)

“**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.

2. Application for registration as debt collector

(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.

(Regulation 2(1) substituted by regulation 2 of Government Notice R741 in Government Gazette 27813 dated 29 July 2005)

(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

(Regulation 2(2)(a)(i) substituted by regulation 2 of Government Notice R741 in Government Gazette 27813 dated 29 July 2005)

(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.

(Regulation 2(2) substituted by regulation 2 of Government Notice R1623 in Government Gazette 25666 dated 7 November 2003)

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

2A. Notice of change of particulars

(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.

(Regulation 2A inserted by regulation 3 of Government Notice R1623 in Government Gazette 25666 dated 7 November 2003)

3. Exemption from disqualifications

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.

4. Certificate of registration

(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.
- (Regulation 4(3) substituted by regulation 4(a) of Government Notice R1623 in Government Gazette 25666 dated 7 November 2003)*
- (4) A certificate of registration issued in terms of this regulation remains the property of the Council.
- (Regulation 4(4) inserted by regulation 4(b) of Government Notice R1623 in Government Gazette 25666 dated 7 November 2003)*

4A. Cancellation of registration as debt collector

When a debt collector applies in writing for the cancellation of his or her registration in terms of section 16A of the Act, he or she shall submit to the Council-

- (a) proof that the trust account contemplated in section 20(1) of the Act has been closed;
- (b) a report contemplated in regulation 10(2), covering the financial year in question up to and including the date of the closing of the trust account; and
- (c) the original certificate of registration issued to him or her under section 11 of the Act.

(Regulation 4A inserted by regulation 2 of Government Notice R1120 in Government Gazette 32750 dated 27 November 2009)

5. Register of applications and keeping of records

- (1) The register contemplated in section 12(1)(a) of the Act shall contain the following particulars:

Prepared by:

- (a) The date on which the application was received.
 - (b) An indication as to whether the applicant applied in terms of section 10(2) of the Act for exemption and the date on which the exemption was granted.
 - (c) In the case of a juristic person, company or close corporation-
 - (i) the full registered and trading name, registration number and business and registered address;
 - (ii) the full names and identity numbers of the directors or members; and
 - (iii) the full names and identity numbers of the officers who are involved in debt collecting.
 - (d) In all cases other than those referred to in paragraph (c), the full names, identity number and business address of the applicant.
 - (e) The financial year end of the applicant.
 - (f) The date on which the application was approved.
- (2) The register contemplated in section 12(1)(b) of the Act shall contain the following particulars:
- (a) The date on which the application was received.
 - (b) An indication as to whether the applicant applied for exemption in terms of section 10(2) of the Act and the date on which the application was disapproved.
 - (c) In the case of a juristic person, company or close corporation, the full registered and trading name, registration number and business and registered address.
 - (d) In all cases other than those referred to in paragraph (c), the full names, identity number and business address of the debt collector.
 - (e) The date on which the registration was cancelled or withdrawn, or the application disapproved, as the case may be.
 - (f) The reasons for the cancellation or withdrawal of the registration or the disapproval of the application, as the case may be.
- (3) The registers contemplated in section 12(1) of the Act shall be available for inspection-

- (a) from Monday to Friday, excluding public holidays, from 7h30 to 16h00 at the registered office of the Council: West Wing, Ground Floor, Rentmeesterpark 74, Watermeyer Street, Val de Grace, Pretoria; and
- (b) electronically at the following address: www.debtcol-council.co.za.

Publisher's note:

The address should be: <https://www.cfdc.org.za>

(Regulation 5 substituted by regulation 2 of Government Notice R1044 in Government Gazette 30435 dated 2 November 2007)

6. Payment of subscription fees

- (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

(Regulation 6(1)(a) substituted by regulation 3 of Government Notice R741 in Government Gazette 27813 dated 29 July 2005)

- (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.

(Regulation 6 substituted by regulation 5 of Government Notice R1623 in Government Gazette 25666 dated 7 November 2003)

7. Improper conduct

Prepared by:

- (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 subpoena for the appearance of any person before the Council shall correspond substantially with Form 4 of Annexure A.

(Regulation 7(15)(b) amended by regulation 3 of Government Notice R1120 in Government Gazette 32750 dated 27 November 2009)

- (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 subpoena 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 subpoena 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 subpoena is to be served, keeps his or her residence or place of business closed and so prevents the service of the subpoena on him or her or otherwise makes service impossible, the subpoena shall be served by affixing a copy of the subpoena to the outer or principal door of such residence or place of business.

- (d) The person or sheriff serving a subpoena shall, if the person on whom it is being served so demands, exhibit the original subpoena to him or her.
- (e) The person or sheriff serving a subpoena shall make a return of service by entering the mode of service on the original subpoena or on a document attached thereto.
- (f) The person or sheriff serving a subpoena shall immediately after the subpoena was served, forward to the Council the return of service.

(Regulation 7(16) amended by regulation 3 of Government Notice R1120 in Government Gazette 32750 dated 27 November 2009)

- (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.

7A. Recusal of member of committee

- (1) A member of a committee, referred to in section 15(2) of the Act, may recuse himself or herself during the course of the investigation contemplated in regulation 7-
 - (a) of his or her own accord; or
 - (b) at the request of a party to the investigation.
- (2) In the event of a recusal contemplated in subregulation (1), the investigation may be proceeded with only if-
 - (a) one of the remaining members is suitably qualified in law; and
 - (b) the committee then comprises not less than two members.

(Regulation 7A inserted by regulation 4 of Government Notice R1120 in Government Gazette 32750 dated 27 November 2009)

8. Maximum amount of fine

The Council may, for the purposes of section 15(3)(c) of the Act, impose a fine not exceeding an amount of R100 000.

9. Payment of interest

The debt collector shall, whenever a payment is made in terms of section 20(3) of the Act-

- (a) make such payment within 30 days after a public accountant's or auditor's report is issued; and
- (b) give an exposition of the money deposited and interest accrued on such money to the Council.

(Regulation 9 substituted by regulation 3 of Government Notice R1044 in Government Gazette 30435 dated 2 November 2007)

10. Trust accounts

- (1) The trust account contemplated in section 20(1) of the Act, shall be audited annually by an auditor within four months following the last day of the financial year of the debt collector.

(Regulation 10(1) substituted by regulation 3 of Government Notice R623 in Government Gazette 35573 dated 10 August 2012)

- (2) Upon completion of the audit contemplated in subregulation (1), the auditor shall forthwith issue and submit a report, which corresponds substantially with Form 5 of Annexure A, to the debt collector who shall submit a copy thereof to the Council.

(Regulation 10(2) substituted by regulation 3 of Government Notice R623 in Government Gazette 35573 dated 10 August 2012)

- (3) Any contravention of this regulation by a debt collector shall constitute improper conduct.

(Regulation 10 substituted by regulation 4 of Government Notice R1044 in Government Gazette 30435 dated 2 November 2007)

11. Expenses and fees

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 R1023,00 whichever is the lesser.

(Regulation 11 amended by regulation 5 of Government Notice R1044 in Government Gazette 30435 dated 2 November 2007 and corrected by regulation 1 of Government Notice R1093 in Government Gazette 30486 dated 23 November 2007)

(Regulation 11 amended by regulation 5 of Government Notice R1120 in Government Gazette 32750 dated 27 November 2009)

(Regulation 11 amended by regulation 2 of Government Notice R162 in Government Gazette 34060 dated 1 March 2011)

(Regulation 11 amended by regulation 2 of Government Notice R381 in Government Gazette 36515 dated 7 June 2013)

(Regulation 11 amended by regulation 2 of Government Notice R1272 in Government Gazette 39552 dated 23 December 2015)

(Regulation 11 amended by regulation 2 of Government Notice R1141 in Government Gazette 41205 dated 27 October 2017)

(Regulation 11 amended by regulation 2 of Government Notice R580 in Government Gazette 43343 dated 22 May 2020)

12. Fees for taxation and documents of Council

- (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 page or part thereof.

13. Offences

Any -

- (a) person who willfully 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.

14. Value Added Tax

- (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.

(Regulation 14 substituted by regulation 6 of Government Notice R1623 in Government Gazette 25666 dated 7 November 2003)

15. Short title

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:
.....
.....

Prepared by:

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

- Highest standard passed at school.....
- Year in which passed.....

Prepared by:

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.....

Prepared by:

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, 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 1A substituted by regulation 4(a) of Government Notice R741 in Government Gazette 27813 dated 29 July 2005)

Prepared by:

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

Prepared by:

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

(Form 1B substituted by regulation 4(a) of Government Notice R741 in Government Gazette 27813 dated 29 July 2005)

FORM 1C
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:

Prepared by:

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

- Highest standard passed at school
- 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 BUSINESS

- Name under which business will be conducted:
- Business address: Postal code:
- Business telephone number:
- Postal address: Postal code:
- Particulars of trust account:
Bank: Branch code:
Account number:
- Particulars of public accountant/auditor:
Full names:
Business address: Postal code:
- Telephone number:
- 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.....

Prepared by:

.....
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 1C inserted by regulation 4(b) of Government Notice R741 in Government Gazette 27813 dated 29 July 2005)

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.....

Prepared by:

.....
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.

Prepared by:

FORM 3
REGULATIONS RELATING TO DEBT COLLECTORS, 2003
DEBT COLLECTOR'S CERTIFICATE
[Regulation 4]

NO. OF CERTIFICATE:.....

Full names

Identity number/Registration number

Address
.....
.....

This is to certify that the debt collector whose name appears on this certificate is registered to hold a debt collector's certificate.

.....

Date of issue

.....

Chairperson: Council for Debt Collectors

This certificate shall only be valid if it bears the seal of the Council for Debt Collectors

FORM 4
REGULATIONS RELATING TO DEBT COLLECTORS, 2003
SUBPOENA
 [Regulation 7(15)(b)]

INQUIRY INTO A CHARGE OF IMPROPER CONDUCT INSTITUTED BY THE COUNCIL FOR DEBT
 COLLECTORS AGAINST:

.....
(Full names and surname)

TO:

Surname:						
Full names:						
Address where subpoena must be served:						
Contact numbers:	Residence		Business		Cellular	

You are hereby instructed to appear in person before the Council at:

.....
 on the day of 20..... at..... h.....
 for above-mentioned inquiry and to-

(mark with "X")

give evidence	<input type="checkbox"/>	produce books	<input type="checkbox"/>	produce documents	<input type="checkbox"/>	produce items	<input type="checkbox"/>
---------------	--------------------------	---------------	--------------------------	-------------------	--------------------------	---------------	--------------------------

BOOKS/DOCUMENTS/ITEMS TO BE PRODUCED	
1.	
2.	
3.	
4.	
5.	
6.	
7.	
8.	
9.	
10.	

Prepared by:

Signed atthisday of.....20.....

.....
Official of the Council for Debt Collectors

RETURN OF SERVICE

I,, certify that I have -

* delivered a copy of the subpoena to
personally;

or

* offered a copy of the subpoena for delivery to
.....personally;

or

* delivered a copy of the subpoena 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 subpoena *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 at.....this.....day of.....20.....

.....
*Sheriff /.....

* Delete whichever is not applicable

*(Form 4 substituted by regulation 6 of Government Notice R1120 in Government Gazette 32750 dated 27
November 2009)*

Prepared by:

FORM 5
REGULATIONS RELATING TO DEBT COLLECTORS, 2003
REGISTERED AUDITORS' INDEPENDENT REPORT
[Regulation 10]

We have audited the trust accounts of..... *(insert the name of the *company/close corporation/juristic person/person)* to determine whether those accounts were maintained in compliance with section 20 of the Debt Collectors Act, 1998 (Act 114 of 1998), and regulation 10 of the Regulations relating to Debt Collectors, 2003 for the period from *(insert date)*..... to *(insert date)*.

The *directors/members/partners/proprietor of *(insert the name of the *company/close corporation/juristic person/person)* *is/are responsible for ensuring that the trust accounts are maintained in compliance with the provisions of the Debt Collectors Act, 1998. The *directors/members/partners/proprietor *is/are also responsible for the implementation of accounting and internal control systems. Our responsibility is to express an opinion on whether the trust accounts were maintained in compliance with section 20 of the Debt Collectors Act, 1998, and regulation 10 of the Regulations relating to Debt Collectors, 2003, for the period..... *(insert date)* to..... *(insert date)* based on our audit.

This report covers the accounting records relating to the debt collector's trust accounts and does not extend to the financial statements of the business of *(insert the name of the *company/close corporation/juristic person/person)* taken as a whole.

Our audit was conducted in accordance with International Standards on Auditing applicable to special purpose audit engagements. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the trust accounts are free of any material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the trust accounts, and assessing the accounting principles used by management.

We believe our audit provides a reasonable basis for our opinion.

Qualification

The report is subject to the following qualifications *(if none, state NIL)*:

(Any contravention of section 20 of the Debt Collectors Act, 1998, and regulation 10 of the Regulations relating to Debt Collectors, 2003, relating to trust accounts is regarded as material and should be reported. If the report is qualified then the next heading is to be changed to "Qualified opinion" and the wording is to change to "In our opinion, except as noted above, the ...").

Opinion

In our opinion, the debt collector's trust accounts of (insert the name of the *company/close corporation/juristic person/person) for the period from (insert date) to (insert date) were maintained in compliance with section 20 of the Debt Collectors Act, 1998, and regulation 10 of the Regulations relating to Debt Collectors, 2003.

Supplementary information

Our audit procedures indicated the following:

1. The debt collector's trust account for the period reported on has been updated (indicate how regular).
2. The debt collector's trust account for the period subsequent to the period being audited, was last inspected by us on (insert date of last inspection), has been written up to (insert date) and the trial balance was last balanced at (insert date).
3. The debt collector provided us with the following changes in the composition of the business which occurred during the period from (insert date) to (insert date) - (insert changes)
4. The debt collector's principal place of business is at (insert full physical address).

The following information was extracted from the audited trust account:

1. Reconciliation of interest earned on the debt collector's trust account from the beginning of the period (insert date) to the end of the period (insert date):

Amount brought forward from the previous financial year in respect of interest earned on monies deposited in terms of section 20 of the Debt Collectors Act, 1998, is	
Amount earned during the current period on monies deposited in trust banking accounts in terms of section 20 of the Debt Collectors Act, 1998 is	
Amount incurred during the current period in respect of bank charges (excluding VAT) is	

Amount already paid over to the Council for Debt Collectors during the period under review in terms of section 20 of the Debt Collectors Act, 1998, is	
Amount carried over to the next financial year in respect of interest earned on monies deposited in terms of section 20 of the Debt Collectors Act, 1998, is	

2. The ratio as a percentage of total bank charges (excluding VAT) incurred during the current period to the total of interest earned during the year was.....
3. *Trust liabilities/creditors and trust funds available at the year end (*insert date*) and on one other date (*insert date*), were as follows:

	At year end	Other date selected
Trust liabilities/creditors		
Trust funds available in terms of:		
Section 20 trust money		
Trust surplus/ (deficit)		

Use of the report

This report is intended solely for the use of the debt collector and the Council for Debt Collectors.

Name:

Registered Auditors

Address:

Date:

Notes:

1. The auditor must be registered in terms of the Auditing Profession Act, 2005 (Act No. 26 of 2005).
2. If the registered auditor is unable to furnish an unqualified report the fact thereof and the reasons therefore shall be set out fully in the report transmitted by *him/her which shall otherwise be as far as possible in the above form.
3. All alterations must be signed by the registered auditor.

*Delete whichever is not applicable.

(Form 5 added by regulation 6 of Government Notice R1044 in Government Gazette 30435 dated 2 November 2007)

(Form 5 substituted by regulation 4 of Government Notice R623 in Government Gazette 35573 dated 10 August 2012)

Prepared by:

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 R1023,00, whichever is the lesser.

Item	Description	Amount
1.(a)	Necessary ordinary letter, registered letter, facsimile or e-mail:	R21,00 (and in the case of a registered letter, the costs of the registration fee to be added).
1.(b)	Registered letter (section 57 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944)):	The amount as prescribed from time to time in item 8 of Annexure 2, Table A, Part II of the Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa.
1.(c)	Necessary electronic communication, other than facsimile or e-mail, (per electronic communication):	R3,00 (maximum of ten electronic communications per month).
2.	Necessary phone call, which is not a consultation (per call):	R21,00.
3.	Other necessary expenses not specifically provided for, a total amount of:	R21,00.
4.(a)	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 the Rules Regulating the Conduct of the Proceedings of the Magistrates' Courts of South Africa.
4.(b)	Original documents signed by the debtor under item 4(a) at the debtor's residence or place of work:	R210,00.
4.(c)	Necessary registered credit bureau search:	R14,00 (maximum of four searches per month).
5.	At the request of the debtor, the drawing up and furnishing of a settlement account, other than the six monthly settlement account:	R41,00.
6.	Correspondence received and attended to:	R11,00.
7.	Necessary consultation with debtor:	R52,00.

Prepared by:

Item	Description	Amount
8.	Attending taxation:	R82,00.
9.	On receipt of an instalment (one or more) in redemption of the debt inclusive of instalments made directly to the client:	A fee of 10% of the instalment received, subject to a maximum amount of R509,00. No additional fee shall be charged for any attendance in connection with the receipt or payment of any instalment.

(Annexure B substituted by regulation 5 of Government Notice R741 in Government Gazette 27813 dated 29 July 2005)

(Annexure B substituted by regulation 7 of Government Notice R1044 in Government Gazette 30435 dated 2 November 2007)

(Annexure B substituted by regulation 7 of Government Notice R1120 in Government Gazette 32750 dated 27 November 2009)

(Annexure B substituted by regulation 3 of Government Notice R162 in Government Gazette 34060 dated 1 March 2011)

(Annexure B substituted by regulation 5 of Government Notice R623 in Government Gazette 35573 dated 10 August 2012)

(Annexure B substituted by regulation 3 of Government Notice R381 in Government Gazette 36515 dated 7 June 2013)

(Annexure B substituted by regulation 3 of Government Notice R1272 in Government Gazette 39552 dated 23 December 2015)

(Annexure B substituted by regulation 3 of Government Notice R1141 in Government Gazette 41205 dated 27 October 2017)

(Annexure B substituted by regulation 3 of Government Notice R580 in Government Gazette 43343 dated 22 May 2020)