

DEBT COLLECTION

Training Manual and Presentation

SECTION 58 DEBT COLLECTION PROCEDURES

VERSION 15-05-2016

The Magistrate's Court Act 32 of 1944; The National Credit act 34 of 2005
The Debt Collectors Act 114 of 1998

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INDEX TO MODULES

VERSION 15-05-2016

SECTION 58 PROCEDURAL DEBT COLLECTION MANUAL

- Comprehensive Overview of day to day Section 58 Procedural Debt Collection with reference to the Magistrate's Court Act 32 of 1944; The National Credit Act 34 of 2005; and The Debt Collectors Act 114 of 1998 relating to undefended matters. *(Complete version on CD)*

MODULE 1

1. Debt Collection Manual – Sec 58 - Version 15-05-2016
Section 58 Procedures - Undefended Actions
Obtaining Judgment and Emoluments Attachment Order
(Also complete version on CD)

MODULE 2

2. Section 58 – Sample Legal Documentation
(Also complete version on CD)

MODULE 3

3. Graphic Illustration of Sec 58 Debt Collection Procedure
 - 3.1. Summary of Section 58 Procedure:
Application to Court - Obtaining Judgment and Emoluments Attachment Order
** Sec 65 Procedure – Financial Enquiry & E.A.O. is an additional and separate training manual
 - 3.2. Section 58 Court Application Doc. Sample
 - 3.3. Warrant of Execution Sec. 66 Application – Sample
** Where employer refuses to deduct i.t.o. E.A.O.
(Also complete version on CD)

MODULE 4

4. Debt Collection Fees as amended 23-12-2015
 - 4.1. Summary-Debt Collection Fees – as amended 25-01-2016
 - 4.2. Collection Fees - Non Debt Collector *(only noted on cd)*
 - 4.3. Summary - Collection Fees - Non Debt Collector *(only noted on cd)*
 - 4.4. Debt Collection Act 114-1998 - Fees as amended 23-12-2015 *(only noted on cd)*
 - 4.5. E.A.O. Sec 65j - 5% Commission charge
 - 4.6. Summary Magistrate's Court Act 32 of 1944 -Rules Amended Fees & Costs 23-01-2015 *(only noted on cd)*
 - 4.7. NCA 34-2005 Sec101 & Reg. 46 – 48 *(only noted on cd)*
 - 4.8. Mora Interest – as amended 2015-11-06 *(only noted on cd)*
(Also complete version on CD)

MODULE 5

5. Magistrate's Court Act 32 of 1944, as amended (Sections)
 - 5.1. Magistrate's Court Act 32 of 1944, as amended (Rules)
 - 5.2. Magistrate's Court Act 32 of 1944 -Rules Amended 25-01-2016
 - 5.3. Magistrate's Court Act 32 of 1944 -Rules Amended Fees & Costs 25-01-2015
 - 5.4. EAO proposed changes to Magistrate's Court Act 32 of 1944 & Various Articles
Complete version Module 5 – 12 only on CD - relevant Sections & Regulations noted in Module 1 Debt Collection Manual – Sec 58

MODULE 6

6. The National Credit Act 34 of 2005, as amended (Sections)
- 6.1. The National Credit Act 34 of 2005, as amended (Regulations)
- 6.2. CDH National Credit Act-Overview
- 6.3. NCR Consumer Booklet
- 6.4. Credit Amnesty & Removal of Adverse Information from 1-4-2014
- 6.5. Credit Amnesty-GG SEPT 2013
- 6.6. Retention of Adverse info NCA Reg. amendment
- 6.7. New Retention of Adverse info NCA 34/2005 as amended
- 6.8. New Criteria-Affordability Assessment NCA 34/2005 as amended

MODULE 7

7. Debt Collectors Act 114 of 1998, as amended (Sections)
- 7.1. Debt Collectors Act 114 of 1998, as amended (Regulations)
- 7.2. Debt Collectors Act 114 of 1998 - Code of Conduct

MODULE 8

8. Emolument Attachment Order – Issue on Banning
- 8.1. Emolument Attachment Orders – Western Cape High Court judgment 09-07-2015
- 8.2. NCR – African Bank Judgment Sec. 58 - 29-07-2010 (Summary)
- 8.3. NCA – African Bank Judgment Sec. 58 - 07-07-2010 (Complete)
- 8.4. Sec 129 Delivery - Appeal Court Judgment 07-06-2012 – Sebola vs Std Bank

MODULE 9

9. Legal Terms
- 9.1. Legal Latin Terms

MODULE 10

10. MFSA - In Duplum Rule

MODULE 11

11. MFSA – News
- 11.1. NCR Media Releases

MODULE 12

12. Prescription of Debt with reference to the NCA 34/2005 as amended
- 12.1. Purchase of Bad Debt
- 12.2. Report on prescription periods
- 12.3. Prescription Act 68 -1969

- *Modules 5 – 12 is only available on the Sec. 58 Training Manual in digital format & Cd which is made available with this Sec 58 Training Manual. ** Modules 5 – 12 contents and relevance is noted and concluded in detail in the contents of the Sec 58 Debt Collection Manual under Module 1.*
- *Manuals supplied in digital format & Cd where no training courses is requested or attended.*
- *Training Courses attended would require the purchase of the Manual in book form for the presentation & training.*

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