

REPUBLIC OF SOUTH AFRICA

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**PORTFOLIO COMMITTEE AMENDMENTS  
TO**

**NATIONAL CREDIT  
AMENDMENT BILL**

**[B 47—2013]**

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*(As agreed to by the Portfolio Committee on Trade and Industry)*

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**[B 47A—2013]**

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**AMENDMENTS AGREED TO**  


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**NATIONAL CREDIT AMENDMENT BILL**  
**[B 47—2013]**

CLAUSE 1

1. On page 2, after line 5, to insert the following paragraphs:
  - “(a) by the deletion of the definition of **‘Board’**;
  - (b) by the insertion after the definition of “Cabinet” of the following definition:
 

“ ‘code of conduct’ except in respect of the industry code of conduct contemplated in section 76, means a code regulating the interaction between or among persons conducting business within an industry;”.
2. On page 2, in line 6, to omit paragraph (a).
3. On page 2, after line 6, to insert:
  - “(c) by the deletion of the definition of **‘member of the Board’**;
4. On page 2, in line 7, to omit “(b)” and to substitute “(d)”.
5. On page 2, from line 9, to omit the definition of **“mortgage”** and to substitute the following definition:
 

“ ‘mortgage’ means a mortgage bond registered by the registrar of deeds over immovable property that serves as continuing covering security for a mortgage agreement;”.
6. On page 2, in line 12, to omit “(c)” and to substitute “(e)”.
7. On page 2, in line 16, to omit “and”.
8. On page 2, after line 16, to insert the following paragraphs:
  - “(f) by the insertion after the definition of “pawn transaction” of the following definition:
 

“ ‘payment distribution agent’ means a person who on behalf of a consumer, that has applied for debt review in terms of this Act, distributes payments to credit providers in terms of a debt re-arrangement, court order, order of the Tribunal or an agreement;”;
  - “(g) by the substitution for the definition of “prohibited conduct” of the following definition:
 

**‘prohibited conduct’ means an act or omission in contravention of this Act[, other than an act or omission that constitutes an offence under this Act, by—**

    - (a) **an unregistered person who is required to be registered to engage in such an act; or**
    - (b) **a credit provider, credit bureau or debt counselor];”**; and
9. On page 2, in line 17, to omit “(d)” and to substitute “(h)”.
10. On page 2, in line 20, to omit “[movable]” and to substitute “movable”.

11. On page 2, in line 20, to omit the first “.” and to substitute “;”.

NEW CLAUSES

1. That the following be new Clauses:

**“Repeal of sections 19, 20, 21 and 22 of Act 34 of 2005**

3. Sections 19, 20, 21 and 22 of the principal Act are hereby repealed.

**Amendment of section 23 of Act 34 of 2005**

4. Section 23 of the principal Act is hereby amended—

(a) by the substitution for subsection (1) of the following subsection:

“(1) The Minister must appoint a suitably qualified and experienced person as Chief Executive Officer of the National Credit Regulator, who [—

(a) **with the advice, and subject to the oversight, of the Board; and**

(b) **is accountable to the Board]**

must be responsible for all matters pertaining to the functions of the National Credit Regulator.”;

(b) by the deletion of subsection (2); and

(c) by the addition after subsection (2) of the following subsections:

“(3) The Chief Executive Officer is the accounting authority for the National Credit Regulator, and as such is responsible for—

(a) all income and expenditure of the National Credit Regulator;

(b) all revenue collected by the National Credit Regulator;

(c) all assets, and the discharge of all duties and liabilities of the National Credit Regulator; and

(d) proper and diligent implementation of this Act in order to achieve the objects stipulated in this Act.

(4) The Chief Executive Officer may—

(a) assign management and other duties to employees with appropriate skills to assist the National Credit Regulator in the management, or control of the National Credit Regulator; and

(b) delegate, with or without conditions, any of the powers or functions of the Chief Executive Officer to any suitably qualified employee of the National Credit Regulator, but such delegation does not divest the Chief Executive Officer of responsibility for the exercise of any power or performance of any duty.

(5) The Minister may appoint a person who is suitably qualified and experienced, as a Deputy Chief Executive Officer to assist the Chief Executive Officer in carrying out the functions of the National Credit Regulator.”.

CLAUSE 3

1. On page 3, in line 26, to omit “official” and to substitute “employee”.

## NEW CLAUSES

1. That the following be new Clauses:

**Amendment of section 26 of Act 34 of 2005**

**6.** Section 26 of the principal Act is hereby amended—

(a) by the substitution for subsection (4) of the following subsection:

“(4) To be eligible for appointment or designation as a member of the Tribunal, and to continue to hold that office, a person must—

- (a) not be subject to any disqualification set out in subsection (5); and
- (b) have submitted to the Minister a written declaration stating that the person—
  - (i) is not disqualified in terms of subsection (5); and
  - (ii) does not have any interests referred to in subsection (5)(b).”;

(b) by the addition of the following subsections:

“(5) A person may not be a member of the Tribunal if that person—

- (a) is an office-bearer of any party, movement, organisation or body of a partisan political nature;
- (b) personally or through a spouse, partner or associate—
  - (i) has or acquires a direct or indirect financial interest in a registrant; or
  - (ii) has or acquires an interest in a business or enterprise, which may conflict or interfere with the proper performance of the duties of a member of the Tribunal;
- (c) is an unrehabilitated insolvent or becomes insolvent and the insolvency results in the sequestration of that person’s estate;
- (d) has ever been, or is, removed from an office of trust on account of a guilty finding in respect of a complaint of misconduct related to fraud or the misappropriation of money;
- (e) is subject to an order of a competent court holding that person to be mentally unfit or disordered;
- (f) within the previous 10 years has been, or is, convicted in the Republic or elsewhere of theft, fraud, forgery or uttering a forged document, perjury, an offence under the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), an offence under the Financial Intelligence Centre Act, 2001 (Act No. 38 of 2001), or an offence involving dishonesty; or
- (g) has been convicted of any other offence committed after the Constitution of the Republic of South Africa, 1996, took effect, and sentenced to imprisonment without the option of a fine.

(6) For the purpose of subsection (5)(b), a financial interest does not include an indirect interest held in any fund or investment if the person contemplated in that subsection has no control over the investment decisions of that fund or investment.

(7) A member of the Tribunal must promptly inform the Minister in writing after acquiring an interest that is, or is likely to become, an interest contemplated in subsection (5)(b).

- (8) A member of the Tribunal must not—
- (a) engage in any activity that may undermine the integrity of the Tribunal;
  - (b) attend, participate in or influence the proceedings of the Tribunal, if, in relation to the matter before the Tribunal, that member has an interest—
    - (i) contemplated in subsection (5)(b); or
    - (ii) that precludes that member from performing the functions of a member of the Tribunal in a fair, unbiased and proper manner;
  - (c) make private use of, or profit from, any confidential information obtained as a result of performing that person's functions as a member of the Tribunal; or
  - (d) divulge any information referred to in paragraph (c) to any third party, except as required as part of that person's official functions as a member of the Tribunal.
- (9) If, at any time, it appears to a member of the Tribunal that a matter being considered by the Tribunal during proceedings concerns an interest of that member referred to in subsection (8)(b), that member must—
- (a) immediately and fully disclose the nature of that interest to the members present; and
  - (b) withdraw from the proceedings to allow the remaining members to discuss the matter and determine whether the member should be prohibited from participating in any further proceedings concerning that matter.
- (10) The disclosure by a member of the Tribunal in terms of subsection (9)(a), and the decision by the Tribunal in terms of subsection (9)(b), must be expressly recorded in the records of the proceedings in question.
- (11) Proceedings of the Tribunal, and any decisions taken by a majority of the members present and entitled to participate in those decisions, are binding despite—
- (a) a member of the Tribunal failing to disclose an interest as required by subsection (9); or
  - (b) a member of the Tribunal having an interest, attending or participating in those proceedings."

#### **Amendment of section 29 of Act 34 of 2005**

7. Section 29 of the principal Act is hereby amended by the substitution in subsection (5) for paragraph (a) of the following paragraph:

- “(a) must remove the Chairperson or any other member of the Tribunal from office if that person becomes subject to any of the disqualifications referred to in section [20(2)] 26(5); and”.

#### **Amendment of section 32 of Act 34 of 2005**

8. Section 32 of the principal Act is hereby amended by the substitution in subsection (2) for the words preceding paragraph (a) of the following words:

- “(2) If, during a hearing in which a member of the Tribunal is participating, it appears to that member that the matter concerns a financial or other interest of that member contemplated in section [20(2)(b)] 26(5)(b), that member must—”.

## NEW CLAUSES

1. That the following be new Clauses:

**Amendment of section 40 of Act 34 of 2005**

**10.** Section 40 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) A person must apply to be registered as a credit provider if [—

(a) **that person, alone or in conjunction with any associated person, is the credit provider under at least 100 credit agreements, other than incidental credit agreements; or**

(b) the total principal debt owed to that credit provider under all outstanding credit agreements, other than incidental credit agreements, exceeds the threshold prescribed in terms of section 42(1).”.

**Amendment of section 42 of Act 34 of 2005**

**11.** Section 42 of the principal Act is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) **[On the effective date, and at intervals of not more than five years, the]** The Minister, by notice in the *Gazette*, must determine a threshold **[of not less than R500 000,]** for the purpose of determining whether a credit provider is required to be registered in terms of section 40(1).”.

## CLAUSE 5

1. On page 3, in line 39, to omit “natural or juristic”.
2. On page 3, in line 41, after “(2)”, to insert “(a)”.
3. On page 3, after line 44, to insert the following paragraph:

“(b) A consumer is not obliged to make use of the services of a payment distribution agent.”.

4. On page 3, in line 47, to omit “ ”.
5. On page 3, after line 47, to insert the following subsections:

“(4) Payment distribution agents must—

(a) maintain fidelity insurance and trust accounts; and

(b) submit such financial accounts as may reasonably be required by the National Credit Regulator for purposes of a financial audit.

(5) No credit provider shall have any direct or indirect interest which is inconsistent with the objects of this Act, in the management or control of the business operations of a payment distribution agent or debt counselling business.

(6) Any natural or juristic person who operated as a payment distribution agent prior to the commencement of the National Credit Amendment Act, 2014, must comply with subsection (1) within a period of 12 months from the date of commencement.”.

## CLAUSE 6

1. Clause rejected.

## NEW CLAUSE

**Amendment of section 45 of Act 34 of 2005**

**13.** Section 45 of the principal Act is hereby amended—

- (a) by the substitution for subsection (3) of the following subsection:

“(3) If an application complies with the provisions of this Act and the applicant meets the criteria set out in this Act for registration, the National Credit Regulator, after considering the application, must register the applicant [,] subject to section 48 unless the National Credit Regulator, after subjecting the applicant to a fit and proper test or any other prescribed test, is of the view that there are other compelling grounds that disqualify the applicant from being registered in terms of this Act.”; and

- (b) by the addition of the following subsections:

“(4) The Minister may prescribe the criteria to be considered in conducting a fit and proper test contemplated in subsection (3).

(5) The Minister may prescribe—

- (a) the criteria for registration;  
 (b) the duties and obligations of a registrant; and  
 (c) the fees that may be charged by a registrant.”

## CLAUSE 7

1. Clause rejected.

## NEW CLAUSE

**Amendment of section 46 of Act 34 of 2005**

**14.** Section 46 of the principal Act is hereby amended—

- (a) by the substitution for subsection (2) of the following subsection:

“(2) A natural person may not be registered as a credit provider, debt counsellor or payment distribution agent if that person is an unrehabilitated insolvent.”; and

- (b) by the substitution in subsection (3) for the words preceding paragraph (a) of the following words:

“(3) A natural person may not be registered as a credit provider [**or**], debt counsellor, or payment distribution agent, if that person—”.

## CLAUSE 8

1. Clause rejected.

## NEW CLAUSES

**Amendment of section 48 of Act 34 of 2005**

**15.** Section 48 of the principal Act is hereby amended—

(a) by the substitution in subsection (1) for the words preceding paragraph (a) of the following words:

“If a person qualifies to be registered as a credit provider, the National Credit Regulator must further **[consider the application, relating to]** apply the following criteria in respect of the application:”;

(b) by the substitution in subsection (1) for paragraph (b) of the following paragraph:

“(b) the commitments, if any, made by the applicant or any associated person in connection with combating over-indebtedness and compliance with a prescribed code of conduct as well as affordability assessment regulations made by the Minister on the recommendation of the National Credit Regulator **[, including whether the applicant or any associated person has subscribed to any relevant industry code of conduct approved by a regulator or regulatory authority]**; and; and

(c) by the addition of the following subsection:

“(1A) The Minister may prescribe criteria and measures to determine the outcome of affordability assessments provided for in this section.”.

**Insertion of section 48A in Act 34 of 2005**

**16.** The following section is hereby inserted in the principal Act after section 48:

**“Code of Conduct**

**48A.** (1) The Minister may prescribe a code of conduct contemplated in section 48(1)(b), only after the National Credit Regulator has—

- (a) published the proposed code of conduct for public comment;
- (b) considered any submissions made during the public comment period;
- (c) consulted with—
  - (i) persons conducting business within the relevant industry; and
  - (ii) relevant accredited persons; and
- (d) made any revisions to the proposed industry code as published for comment.

(2) A code of conduct must be consistent with the purposes of this Act.

(3) The National Credit Regulator—

- (a) must monitor the effectiveness of any code of conduct issued in terms of this Act; and
- (b) may reasonably require persons conducting business within the relevant industry to provide information necessary for the purposes of—
  - (i) monitoring in terms of paragraph (a); or
  - (ii) reviewing the effectiveness of a prescribed code of conduct relative to the purposes of this Act.

(4) A registrant must not, in the ordinary course of business, contravene an applicable code of conduct as contemplated in section 48(1)(b).”

## CLAUSE 9

1. On page 4, from line 31, to omit paragraph (b) and to substitute “(b) by the substitution in subsection (1) for the full stop at the end of paragraph (d) of the following words “; or”; and”.

## CLAUSE 10

1. On page 4, from line 43, to omit paragraph (d) and to substitute the following paragraph:

“(d) a penalty for late renewal of registration by registrants which must be imposed by the National Credit Regulator on a registrant who fails to pay his or her prescribed registration renewal fees within 30 days from the date on which such fees were payable.”.

## NEW CLAUSE

1. That the following be a new Clause:

**Amendment of section 52 of Act 34 of 2005**

**19.** Section 52 of the principal Act is hereby amended by the substitution in subsection (4) for paragraph (b) of the following paragraph:

“(b) **[subject to timely payment of the prescribed registration renewal fees,]** remains in effect until—

- (i) the registrant is deregistered; **[or]**
- (ii) the registration is cancelled in terms of this Act[.]; or
- (iii) it has lapsed on the last day upon which the prescribed renewal fee should have been paid in terms of section 51(1)(c).”.

## CLAUSE 11

1. Clause rejected.

## NEW CLAUSE

**Insertion of section 58A in Act 34 of 2005**

**20.** The following section is hereby inserted in the principal Act after section 58:

**“Additional requirements for cancellations**

**58A.** (1) A registrant who voluntarily requests that his or her registration be cancelled must—

- (a) submit a notice in the prescribed manner and form, and an affidavit to the National Credit Regulator, stating—
  - (i) the registrant’s intention to voluntarily cancel his or her registration;
  - (ii) reasons for such cancellation; and
  - (iii) the date on which the cancellation shall take effect;
- (b) attach to the said notice proof that all the affected consumers, credit providers and all credit bureaus have been notified about the intended cancellation; and
- (c) attach to the said notice the registration certificate issued to that registrant by the National Credit Regulator.

(2) A registrant whose registration has been cancelled in accordance with subsection (1) must, in the prescribed manner and form, submit an affidavit to the National Credit Regulator stating that the consumers referred to subsections (1)(b) have been transferred to another registrant chosen by the consumer.

(3) A credit provider who voluntarily requests that his or her registration be cancelled shall, in the prescribed manner and form, submit a cancellation notice to the National Credit Regulator accompanied by—

- (a) the registration certificate that was issued to that credit provider; and
- (b) an affidavit from the accounting officer, auditor or authority of such credit provider, confirming that the registered activities have ceased.

(4) The Minister may prescribe the procedure for the hand over and transfer of records of consumers where the registrant ceases to operate for any reason, including cancellation of registration, lapsing of registration, death or incapacity.”.

## CLAUSE 12

1. Clause rejected.

## NEW CLAUSE

### **Amendment of section 71 of Act 34 of 2005**

**21.** Section 71 of the principal Act is hereby amended by the substitution for subsections (1), (2), (3) and (4) of the following subsections respectively:

“(1) A consumer whose debts have been re-arranged in terms of Part D of this Chapter, **[may apply to a debt counsellor at any time for a clearance certificate relating to that debt re-arrangement]** must be issued with a clearance certificate by a debt counsellor within seven days after the consumer has—

- (a) satisfied all the obligations under every credit agreement that was subject to that debt re-arrangement order or agreement, in accordance with that order or agreement; or
- (b) demonstrated—
  - (i) financial ability to satisfy the future obligations in terms of the re-arrangement order or agreement under—
    - (aa) a mortgage agreement which secures a credit agreement for the purchase or improvement of immovable property; or
    - (bb) any other long term agreement as may be prescribed;
  - (ii) that there are no arrears on the re-arranged agreements contemplated in subparagraph (i); and
  - (iii) that all obligations under every credit agreement included in the re-arrangement order or agreement, other than those contemplated in subparagraph (i), have been settled in full.

(2) A debt counsellor must for the purposes of the demonstration envisaged in subsection (1) (b), apply such measures as may be prescribed.

(3) If a debt counsellor [**refuses**] decides not to issue or fails to issue a clearance certificate as contemplated in subsection [(2)(b)(i)] (1) the consumer may apply to the Tribunal to review that decision, and if the Tribunal is satisfied that the consumer is entitled to the certificate in terms of subsection [(2)(b)(i)] (1), the Tribunal may order the debt counsellor to issue a clearance certificate to the consumer.

(4) (a) A [**consumer to whom a clearance certificate is issued in terms of this section may**] debt counsellor must within seven days after the issuance of the clearance certificate, file a certified copy of that certificate with the national register established in terms of section 69 of this Act [**or any credit bureau**] and all registered credit bureaus.

(b) If the debt counsellor fails to file a certified copy of a clearance certificate as contemplated in subsection (1), a consumer may file a certified copy of such certificate with the National Credit Regulator and lodge a complaint against such debt counsellor with the National Credit Regulator.”.

#### CLAUSE 13

1. On page 6, in line 10, after “of” to insert “**adverse**”.
2. On page 6, in line 11, to omit “the credit bureau” and to substitute “all registered credit bureaus”.
3. On page 6, in line 16, to omit “or”.
4. On page 6, in line 17, to omit “a payment profile listed in the consumer credit payment profile” and to substitute “an adverse listing recorded in the payment profile of the consumer; or”.
5. On page 6, after line 17, to insert the following paragraph:
 

“(d) a judgement debt.”.

#### CLAUSE 14

1. On page 6, from line 35, to omit paragraphs (a), (b), (c) and (d) and to substitute “by the substitution for subsection (1) of the following subsection:
 

(1) The Minister [**must, within a period of six months after the effective date,**] may, at any time prescribe—

  - (a) the nature of, time-frame, form and manner in which consumer credit information held by credit bureaux must be reviewed, verified, corrected or removed; [**and**]
  - (aA) the manner in which a registered auditor may confirm that the consumer credit information referred to in paragraph (a) has been reviewed, verified, corrected or removed; and
  - (b) the time frame and schedule for the exercise by consumers of their rights in terms of section 72(1)[**within a period of one year after the regulations being promulgated.**”.

#### CLAUSE 15

1. Clause rejected.

## NEW CLAUSE

**Amendment of section 82 of Act 34 of 2005**

**24.** Section 82 of the principal Act is hereby amended—

(a) by the substitution for subsections (1) and (2) of the following subsections, respectively:

“(1) **[Subject to subsections (2)(a) and (3), a]** A credit provider may determine for itself the evaluative mechanisms or models and procedures to be used in meeting its assessment obligations under section 81, provided that any such mechanism, model or procedure results in a fair and objective assessment and must not be inconsistent with the affordability assessment regulations made by the Minister.

(2) The Minister must, on recommendation of the National Credit Regulator, make affordability assessment regulations.”; and

(b) by the deletion of subsections (3) and (4).

## CLAUSE 17

1. On page 7, in line 54, to omit “(a)” and to substitute “[**(a)**] (i)”.
2. On page 7, in line 55, to omit “(b)” and to substitute “[**(b)**] (ii)”.
3. On page 7, in line 56, to omit “(c)” and to substitute “[**(c)**] (iii)”.
4. On page 7, in line 58, to omit “.” and to substitute “; and”.
5. On page 8, from line 1, to omit paragraph “(b)” and to substitute the following paragraph:

“(b) No credit provider may terminate an application for debt review lodged in terms of this Act, if such application for review has already been filed in a court or in the Tribunal.”.

## CLAUSE 19

1. On page 8, in line 22, to omit “pretence” and to substitute “pretences”.

## NEW CLAUSES

1. That the following be new Clauses:

**Amendment of section 100 of Act 34 of 2005**

**29.** Section 100 of the principal Act is hereby amended by the addition of the following subsection:

“(3) A person who contravenes this section is guilty of an offence.”.

**Amendment of section 106 of Act 34 of 2005**

**30.** Section 106 of the principal Act is hereby amended by the addition of the following subsection:

“(8) The Minister may, in consultation with the Minister of Finance, prescribe the limit in respect of the cost of credit insurance that a credit provider may charge a consumer.”.

**Insertion of section 126B in Act 34 of 2005**

**31.** The following section is hereby inserted in the principal Act after section 126A:

**“Application of prescription on debt**

**126B.** (1) (a) No person may sell a debt under a credit agreement to which this Act applies and that has been extinguished by prescription under the Prescription Act, 1969 (Act No. 68 of 1969).

(b) No person may continue the collection of, or re-activate a debt under a credit agreement to which this Act applies—

(i) which debt has been extinguished by prescription under the Prescription Act, 1969 (Act No. 68 of 1969); and

(ii) where the consumer raises the defence of prescription, or would reasonably have raised the defence of prescription had the consumer been aware of such a defence, in response to a demand, whether as part of legal proceedings or otherwise.”.

CLAUSE 20

1. On page 8, from line 32, to omit paragraph (a).
2. On page 8, in line 45, to omit “(b)” and substitute “(a)”.
3. On page 8, from line 46, to omit subsection (3) and to substitute the following subsection:

“(3) Subject to subsection (4), a consumer may at any time before the credit provider has cancelled the agreement, remedy a default in such credit agreement by paying to the credit provider all amounts that are overdue, together with the credit provider’s prescribed default administration charges and reasonable costs of enforcing the agreement up to the time the default was remedied;”.

4. On page 9, in line 1, to omit “(c)” and to substitute “(b)”.
5. On page 9, in line 3, to omit “[re-instate]” and to substitute “re-instate or”.
6. On page 9, in line 3, to omit “a”.
7. On page 9, in line 4, to omit “.” and to substitute “; and”.
8. On page 9, after line 4, to insert the following paragraph:

“(c) by the addition of the following subsections:

(5) The notice contemplated in subsection (1)(a) must be delivered to the consumer—

(a) by registered mail; or

(b) to an adult person at the location designated by the consumer.

(6) The consumer must in writing indicate the preferred manner of delivery contemplated in subsection (5).

(7) Proof of delivery contemplated in subsection (5) is satisfied by-

(a) written confirmation by the postal service or its authorised agent, of delivery to the relevant post office or postal agency; or

(b) the signature or identifying mark of the recipient contemplated in subsection (5)(b).”.

#### CLAUSE 24

1. On page 10, in line 17, to omit “a reckless credit agreement” and to substitute “reckless credit”.

#### CLAUSE 25

Clause rejected.

#### CLAUSE 26

1. On page 10, from line 29, to omit “[**are trained**] attend prescribed training” and to substitute “are trained”.
2. On page 10, in line 31, to omit “subsection” and to substitute “subsections”.
3. On page 10, from line 32, to omit subsection (1A) and to substitute the following subsections:

“(1A) The Minister must prescribe the requirements and standards for the training contemplated in subsection (1).

(1B) Until the regulations envisaged in subsection (1A) have been made, credit providers, debt counsellors and payment distributing agents must ensure that its employees or agents are trained to such an extent that they can contribute to the purpose of this Act.

(1C) A debt counsellor may only make use of agents for administrative tasks relating to debt review.”; and”.

#### LONG TITLE

1. In the first line, after “**definitions;**” to insert “**to provide for the alteration of the governance structure of the National Credit Regulator;**”.
2. In the third line, to omit “**Creditor**” and to substitute “**Credit**”.
3. In the fifth line, to omit “**debt counsellors**” and to substitute “**registrants**”.
4. In the sixth line, after “**issue**”, to insert “**a**”.
5. In the seventh line, after “**adverse**”, to insert “**consumer credit**”.
6. In the eighth line, after the first “**consumer**”, to insert “**credit**”.
7. In the eighth line, to omit “**Credit**” and to substitute “**Consumer**”.
8. From the eighth line, to omit “**suspend reckless credit agreements**”, and to substitute “**declare a credit agreement reckless**”.
9. In the tenth line, to omit “**Alternative Dispute Resolution Agents**”, and to substitute “**alternative dispute resolution agents**”.

#### SCHEDULE

1. Schedule rejected.

## NEW SCHEDULE

## Schedule

No and year of Act	Short title	Extent of Amendment
Act No. 24 of 1936	Insolvency Act, 1936	<p>1. The Insolvency Act is hereby amended by the insertion after section 8 of the following section:</p> <p><b>“Debt review</b></p> <p><b><u>8A. A debtor who has applied for a debt review must not be regarded as having committed an Act of insolvency.”</u></b></p>
Act No. 68 of 2008	Consumer Protection Act, 2008	<p>1. Section 71 of the Consumer Protection Act is hereby amended by the substitution for subsection (1) of the following subsection:</p> <p>“(1) Any person may file a complaint concerning a matter contemplated in section 69[(1)(c)(iv) <b>[or (2)(b)]</b>] with the Commission in the prescribed manner and form, alleging that a person has acted in a manner inconsistent with this Act.”</p>