

**NOTICE TO COMPLY IN TERMS OF SECTION 55(1) OF THE NATIONAL CREDIT ACT, 34 OF 2005 ("the Act")**

NCR Form 13

**Name of Registrant**

D & AG Fourie CC t/a Lethabo Financial Services

**Address**

Shoprite Centre  
Boom Street  
Midtown Mall  
Rustenburg

**Registration**

Registration Number: NCRCP2454

- A. In terms of Section 55(1) and 55(3) of the National Credit Act 34 of 2005 (the "Act") your attention is drawn to the fact that you have failed to comply with the provisions of the Act, in that you are:**
1. requesting and retaining consumers' identity documents; savings books; bank cards and requesting consumers to provide personal identification codes/numbers ("PIN") in contravention of section 91(b) read with section 90(2)(l) of the Act.
  2. not giving consumers pre-agreement statements and quotations in the format set out in Form 20 as required in section 92 (1) read with regulation 28(1)(b) of the Act.
  3. making use of credit agreements that are not in the prescribed form and do not contain all the required information as reflected in Form 20.2 in contravention of section 93(2) and regulation 30(1) of the Act.
  4. enforcing credit agreements without the prescribed debt procedures and the time limits being followed in terms of sections 129 and 130 of the Act. In terms of section 129 of the Act a credit provider may not commence any legal proceedings to enforce the agreement before first giving notice to the consumer. Section 130 of the Act

provides that a credit provider may approach the court for an order to enforce the agreement only if, at that time, the consumer is in default and has been in default under the credit agreement for at least 20 business days and at least 10 days have elapsed since the credit provider delivered the notice.

5. not conducting proper affordability assessments before entering into loan agreements with consumers as required in sections 80 and 81 of the Act.

**B. In terms of Section 55(3) of the Act, you are required to take the following steps to address the non compliance with the Act:**

With immediate effect,


1. Cease requiring and retaining consumers' identity documents; savings books; bank cards and personal identification codes/numbers in contravention of the Act;
2. Amend your pre-agreement statements, quotations and credit agreements to ensure that they are in the prescribed form and contain the prescribed information as required by the Act.
3. Comply with the debt enforcement procedures as prescribed in the Act.
4. Conduct affordability checks in accordance with Section 80 and 81 of the Act.

Within 30 business days after receiving this notice:

1. Return to every consumer his/her bank card, identity document and savings book in your possession and delete/destroy all records, pin numbers or other auto teller access information;
2. Furnish the NCR with a written affidavit by the owner/ member of the CC, Mr. De Ridder Fourie, to the effect that the required steps as set out in Part B of this notice have been implemented

- C. As required in terms of Section 55(3)(e), we would like to bring to your attention that the following orders may be made and penalties may be imposed if the required steps are not taken to rectify the areas of non compliance:
- i. The NCR may refer this matter to the Tribunal, which may impose the penalties as defined in section 150 of the Act for each act of non compliance, including:
    - (a) declaring any conduct prohibited;
    - (b) interdicting such prohibited conduct;
    - (c) an administrative fine not exceeding the greater of 10% of your annual turnover during the preceding financial year, or R1 000 000.00 (One Million Rand);
    - (d) suspending or cancelling your registration;
    - (e) requiring repayment to consumers of any excess amounts charged; or
    - (f) any other appropriate order.
  - ii. The NCR may further refer certain matters to the National Prosecuting Authority, which may institute legal action resulting in criminal prosecution.
- D. We wish to bring to your attention that you may object to this Notice in terms of Section 56 of the Act and may request the Tribunal to review this Notice, within 15 business days after receiving this Notice.

Signed at Midrand on this 1<sup>st</sup> day of December 2009.

  
Gabriel Davel  
Chief Executive Officer  
National Credit Regulator