

**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.**

Hyper Cash Loans  
Owner: Mr. Mathys Andries Stoltz

**Address**

Shop 1335  
Boom Street  
Rustenburg

**Registration**

Registration Number: NCRCP1902

**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' bank cards in contravention of section 91(b)(i) read with section 90(2)(l)(i) of the Act.
2. charging excessive interest on your agreements in contravention of section 100(1)(c) read with section 100(1)(c) and regulation 42(1) of the Act. Regulation 42(1) stipulates that the maximum interest allowed in terms of a short term credit agreement is 5% per month;
3. making use of advertising practices in contravention of section 76(4) and (5) of the Act, in that you fail to set out the interest rate and other credit costs in your flyers concerning the granting of credit. You fail to disclose the following information as required in regulation 21(7) read with regulation 21(2) and 21(3) in your flyers: initiation fees, service fees, instalment amount, number of instalments, total number of instalments including interest, fees and compulsory insurance, interest rates and residual or final amount payable (if any);
4. not conducting proper affordability assessments before entering into loan agreements with consumers as required in section 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 bank cards;
2. Refrain from charging interest in excess of the maximum prescribed interest in the Regulations;
3. Cease making use of advertising practices in contravention of Section 76 read with Regulation 21(2), 21(3) and 21(7) of the Act;
4. Start conducting affordability checks in accordance with Section 80 and 81 of the Act.
5. Identify all those consumers in respect of whom fees and interest were charged in excess of the limits.

Within 30 business days after receiving this notice:

1. Return to every consumer his/her bank card in your possession and delete/destroy all records, pin numbers or other auto teller access information;
2. Reimburse all such consumers with the excess interest charged.

Within 45 business days after receiving this notice furnish the NCR with a written affidavit, by Mr. Mathys Andries Stoltz, to the effect that such amounts were refunded, attaching a list of the names and amounts of refunds made.

**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:**

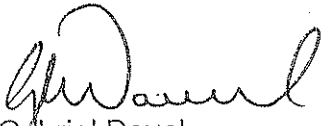
- i. The NCR may refer this matter to the Tribunal, which may impose the penalties as defined in section 150 of the Act for each act of non compliance, including:
  - (a) declaring any conduct prohibited;
  - (b) interdicting such prohibited conduct;

- (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 result in a 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 the 1<sup>st</sup> day of December 2009.



Gabriel Davel  
Chief Executive Officer  
National Credit Regulator