

CHAPTER 6

DISPUTE RESOLUTION

Failed alternative dispute resolution

49. If an alternative dispute resolution agent fails to resolve a dispute as envisaged in section 134(5) of the Act, a certificate in Form 28 must be completed by the alternative dispute resolution agent.

Initiating a complaint to the National Credit Regulator

- 50.(1) A consumer may lodge a complaint against a credit provider by:
- (a) submitting a completed Form 29 to the National Credit Regulator by fax, mail or e-mail; or
 - (b) contacting the National Credit Regulator telephonically.
- (2) Telephonic and e-mail originated complaints may be lodged only by the complainant, not by another person on behalf of the complainant.
- (3) If a person completes and submits Form 29 on behalf of complainant, the complaint must be accompanied by a written consent signed by the complainant.
- (4) A third party may act on behalf of a complainant only if the complainant has consented in writing.
- (5) A consent contemplated in sub-regulation (4) must contain the following:
- (a) name of the third party;
 - (b) name of the credit provider;
 - (c) full name and signature of the complainant;
 - (d) date of signing of the agreement to which the complaint relates; and
 - (e) details of the complaint.

Initiating applications to Tribunal

51. An application initiated by the National Credit Regulator to the Tribunal in terms of section 137 of the Act must be in Form 30 and accompanied by -
- (a) the documents specified in Form 30; and
 - (b) any additional information that the Tribunal considers appropriate in the circumstances.

Notice of non-referral

52. A notice of non-referral issued in terms of sections 139(1)(a) or 140(1)(a) of the Act must be in Form 31.

Application for referral to a different consumer court or the Tribunal

53. An application to the Tribunal for an order that a matter be referred to a different consumer court or to the Tribunal in terms of section 140(4) of the Act must be in Form 32 and accompanied by -
- (a) the documents specified in Form 32; and
 - (b) any additional information that the Tribunal considers appropriate in the circumstances.

Referral to the Tribunal

- 54.(1) An application to the Tribunal for an order in terms of section 141(2)(a) of the Act must be in Form 33 and accompanied by –
- (a) the documents specified in Form 33; and
 - (b) any additional information that the Tribunal considers appropriate in the circumstances.
- (2) A referral to the Tribunal, whether by the National Credit Regulator in terms of section 140(1) of the Act or by a complainant in terms of subsection 141(1), must be in Form 32.