



NATIONAL CREDIT RESOLUTION AGENCY

Sentramed Building – 1st Floor - Suite 1
 56 Church Street, Bloemfontein CBD, 9301

DEBT REVIEW FACT SHEET INTERVIEW

IMPORTANT

Please ensure that your responses to the interview are correct as this information is crucial in compiling prerequisite and substantial facts to meet compliance of the NCA prescribed regulations and compel the NCR to Update the DHS and remove the debt review from your credit records.

The purpose of the interview is to verify and sustain the facts before we log the dispute and/or request the NCR to clear the debt review flag. Each question is based on your claim/assertions and the documents you supplied including information sourced from your credit profile.

Debt Review Application & Process

	YES/NO	Amount Paid	Face to Face	Telephone	Email	Talked to Consultant
Did you Sign Form 16						
How did you Consult with the Debt Counsellor?						
Did you pay the (R50) application fee for Application						
Did you receive receipt for the application (fee)						
Did you Receive a Form 17.2						
Did you accept or Sign the 17.2						
Did you receive a draft of the Supporting Affidavit						
Did you commission and return the Supporting Affidavit						
Did you receive copy of the Court Order						
Did You Cancel the Debt Review Process						
Are you in possession of 17.W cancellation confirmation						
Did you pay Debt Counselling Service Fees/How Much?						

Debt Counsellor

	YES/NO	Face to Face	Telephone	Email	Active, Cancelled or De-registered	Debt Counsellor Name; Registration Number
Have you ever spoken to the Debt Counsellor						
Are you currently able to speak to the Debt Counsellor						
Do you know the Debt Counsellor's Name						
What is the Debt Counsellor's NCR Registration Number						
Do you know the Debt Counsellor's NCR Registration Status						

Debt Obligation (Accounts) Status

	YES/NO	PDA	Directly with Credit Providers	Original or Reduced Instalments	Some Accounts Settled	All Accounts Settled
Are you currently paying your accounts						
How do you pay your accounts						
Are you paying original instalments						
Are you receiving PDA Statements						
Are you receiving Credit Provider Statements						
Do you have a home loan						
Was the home loan included in debt review						
Is the home loan account payment up to date						
Have you Settled any Accounts						
Are you in possession of Settlement Letters						
Are you in possession of a Clearance Certificate						
If none is settled, can you pay original instalments						
Do you have balance statements						

**Please use the page below to supply any other information relating to your debt review process and conduct that you would like to be considered
You may add extra pages if necessary.**



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DECLARATION

I solemnly declare that the supplied information herein is true and correct in all aspect.

ID Number: _____

Full Names: _____

Surname: _____

Signed at: _____ on this _____ day of _____ 20 _____

Signature: _____

**FOR INFORMATION ONLY – DOES NOT FORM PART OF THE INTERVIEW
(DO NOT RETURN)**

The Role of the Courts in the Debt Review Process

Section 85 & 87 of the NCA mandates the courts to enforce the payment arrangement as recommended by the Debt Counsellor based on the debt counsellor's assessment of the consumer's financial circumstances.

The courts do not conduct the consumer's financial circumstance assessment, nor do they determine the consumer's state of indebtedness.

The courts do not declare the consumer over-indebted and can neither declare the consumer not over-indebted.

The court's mandate in the debt counselling environment is to peruse the restructured repayments proposal presented by the debt counsellor in order to make such a proposal a binding order of the court between the consumer and the credit provider.

The court cannot reject the proposal if all documents in front of the court are compelling as to the proposal and the order sought, be it granting or dissolving the restructured payment re-arrangement order

The consumer's state of indebtedness is or can only be determined by a debt counsellor, not the court.

Where the matter in the court is not debt counselling but an over-indebted dispute between the consumer and a credit provider, the court will always refer the matter to a debt counsellor to conduct financial circumstances assessment in order to pass judgment.

Therefore, the notion that a court application is necessary for termination of the debt review process is not consistent with any written law.

The court order is an enforcement of the restructured repayment arrangement proposal as agreed between the consumer and the credit providers. If any court intervention is needed, it will be for dissolving the repayment order or resolving any transgression of the repayment arrangement order.

The approval or rejection of the consumer's application for debt review is based on the state of the consumer's financial circumstances. Not the application to court.

A consumer can apply directly with the court for a determination of over-indebted, even so, the court shall refer the matter to a debt counsellor for assessment of the applicant's financial circumstances.

A consumer who is not over-indebted cannot be placed under debt review.

To terminate or withdraw from the debt review process/program the consumer needs to furnish indisputable proof that he/she is not over-indebted.

A consumer who is no longer over-indebted, need not apply to court to terminate the debt review process/program

Termination of the debt review program/service does not affect the court ordered restructuring repayment arrangement and the terms of the court order.

It is only when any party to the court order is in transgression of any part of the order, that the court should intervene to enforce the terms of the order.

In the event that the court **order clearly states that the consumer cannot participate in credit while under debt review**, yet the consumer's current financial circumstances (as determined by a debt counsellor) prove that he/she is not over-indebted, then obviously the rescission of the order shall be

necessary to cause the removal of the debt review flag. The application for rescission will have to be consented to or (go un-opposed) by the credit providers

Where there is no court order in place the consumer only needs to supply substantiating proof to the debt counsellor that he/she is not over-indebted
Where the court order application is in progress, the consumer is entitled to withdraw the court application and get it struck from the roll by supplying (to the debt counsellor proof to substantiate that the circumstance which compelled them to apply for debt review has changed.

There are also instances where the debt counsellor's wording in the application for court order 'prays' for the court to "declare the consumer over-indebted" The court will grant such order based on the proposal and documents supplied by the debt counsellor. Therefore, the prayer for the rescission of the court order should include the words "declare consumer no longer over-indebted"