

SOUTH AFRICA / JUDGMENT

Wason and Another v Avon Justine (Pty) Ltd and Others (NCT/32785/2015/165(1)(P))

[2017] ZANCT 63 (15 May 2017)

[2017] ZANCT 63

COURT

National Consumer Tribunal

BEFORE

J Simpson

CASE / FILE NUMBER

NCT/32785/2015/165(1)(P)

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IN THE NATIONAL CONSUMER TRIBUNAL HELD AT CENTURION

Case Number: NCT/32785/2015/165(1)(P)

In the matter between:

IAN ROMER WASON

APPLICANT

NCR REGISTRATION NUMBER: 1817

And

MOSEKI DAVID MAREMA IDENTITY NUMBER: [8...] PROMARS MAREMA IDENTITY NUMBER: [8...] 1ST CONSUMER 2ND CONSUMER

AVON JUSTINE (PTY) LTD 1ST CREDIT PROVIDER DIRECT AXIS (SA) (PTY) LTD, AGENT FOR CALL DIRECT ON BEHALF OF FIRSTRAND BANK LIMITED 2ND CREDIT PROVIDER FOSCHINI TOTALSPORTS 3RD CREDIT PROVIDER JDG TRADING (PTY) LIMITED ON BEHALF OF JOSHUA DOORE 4TH CREDIT PROVIDER SOUTHERN VIEW FINANCE SOUTH AFRICA (PTY) LTD T/A CAPFIN 5TH CREDIT PROVIDER WOOLWORTHS CREDIT CARD 6TH CREDIT PROVIDER

VARIED CONSENT ORDER

The original order on this matter was issued on 23 March 2016. The debt counsellor subsequently informed the Tribunal that the name of the debt counsellor did not appear on the order and applied for it to be varied. The application was granted and the order is now varied to reflect the name of the debt counsellor. No other changes to the order have been made.

The Tribunal, having read the papers filed of record and being satisfied that the Applicant(s) and The Respondent(s) are parties to a debt re-arrangement facilitated by a Debt Counsellor under section 86(7)(b) read with section 138(1) of The National Credit Act, Act 34 of 2005 (the Act), hereby makes the following order:

1. The payment structure between the consumer (s) and the credit provider(s) is confirmed as an order of the Tribunal in terms of section 150 of the Act

Credit Provider Reference Current Outstanding Proposed Annual Interest Proposed Instalment
1 RCS CAPE UNION MART 6.01E+018 R1,310.83 16 0.76% R92.68
2 RCS VERIMARK 6.01E+018 R2,036.11 34 0.76% R65.26
3 CAPITEC BANK LIMITED 1355831723 R79,645.07 62 2.63% R1,310.00
4 CAPITEC BANK LIMITED 1385523415 R14,499.00 55 2.78% R265.56
5 ABSA BANK LIMITED 5.47E+015 R10,246.20 1 0.79% R0.00
1 R138.64 56 R195.18
6 AFRICAN BANK LIMITED 75007352457 R7,461.05
Until settled 2.33% R220.42
7 ABSA BANK LIMITED 85679614 R69,289.32 1 8.19% R0.00
1 R662.02 58 R1,162.52 21 R1,379.13
8 STANDARD BANK OF SOUTH AFRICA LIMITED 402196597 R13,631.07 59 2.33% R 240.21

2. The parties' attention is drawn to sections 71(1), 71(5)(a) and 152 of the Act which states as follows:

Section 71(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

Section 71(5)

Upon receiving a copy of a clearance certificate, a credit bureau, or the national credit register must expunge from its records the fact that the consumer was subject to the relevant debt re-arrangement order or agreement

Section 152

Any decision, judgement or order of the Tribunal may be served, executed and enforced as if it were an order of the High Court.

3. The parties are warned that failure to comply with the order of the Tribunal constitutes an offence in terms of section 160(1) of the Act

Dated at CENTURION on 15 May 2017

Adv J Simpson

Presiding member

National Consumer Tribunal

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