



national consumer tribunal

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IN THE NATIONAL CONSUMER TRIBUNAL HELD IN PRETORIA

CASE No: NCT/654/2010/57(1)(a)(c)(P)

In the matter between

National Credit Regulator

Applicant

And

Piet Cash Loans CC

Respondent

ORDER

Having read the papers filed of record and heard the applicant, the Tribunal hereby makes the following ruling:

The Applicant requested that the Respondent's registration as a credit provider be cancelled and that certain conduct of the Respondent be declared prohibited conduct as well as conduct in contravention of the Act. This conduct includes requesting or demanding a consumer to give possession of prohibited instruments or to reveal PIN (Personal Identification Numbers) to him, not performing the required pre-agreement assessments in terms of the Act alternatively not keeping adequate records thereof and requiring or inducing a consumer to enter into an unlawful supplementary agreements or to sign an unlawful document such as consents to judgements.

The Respondent has voluntarily applied for cancellation of his registration to the Applicant and he has subsequently deposed of an affidavit attached to the Application

for Default Judgement wherein he acknowledged having been served with the papers and that he is fully aware of the Default Order being sought herein.

The Tribunal considers the contraventions by the Respondent to be extremely serious. The Respondent's failure to keep proper records and his failure to comply with the provisions of the Act has severely prejudiced consumers.

The Tribunal therefore grants the following prayers as contained in the default order application:

1. The Respondent's registration as a credit provider is hereby cancelled with immediate effect in terms of section 57(1) of the Act;
2. In terms of Section 150(a) of the Act, the conduct of the Respondent is held to be in contravention of the Act and is hereby declared to be prohibited conduct in that:
 - 2.1 The Respondent requests or demands consumers to give possession of prohibited instruments as referred to in section 90 (2)(l) or to reveal PIN numbers which is in contravention of section 91(b)(i) and (ii) of the Act;
 - 2.2 The Respondent did not conduct pre-agreement assessments in contravention of section 81(2) of the Act;
 - 2.3 The Respondent failed to keep the required records indicating that he conducted pre-agreement assessments which is in contravention of regulation 55(1)(b)(vi);

2.4 The Respondent required and induced consumers to enter into unlawful supplementary agreements or to sign unlawful documents which is in contravention of Section 91(a) of the Act.

3. No order as to costs.

Signed at CENTURION this 15th day of February 2011.


MS. PENELOPE BECK


MS. YASMIN CARRIM


PROF BONKE DUMISA