CONSUMER CREDIT LAW

CCL

CCL 101

The Brand Ambassador Study Guide

Understand what we do, the law that protects ordinary South Africans, and how to get a person who needs help in touch with us. This is your course. Study it before your knowledge test.

For CCL brand ambassadors. Internal training material. | creditlaws.co.za

How to use this guide

You are the face of Consumer Credit Law in your community. When you hand someone a cap, a t-shirt or a golf set, you are also handing them a door to help. This guide teaches you enough to open that door with confidence.

You do not need to become a credit law expert. You need to understand two things well: **what CCL does**, and **how to get a person in touch with us**. Everything in this guide builds toward those two things.

What you will learn

- Who CCL is, and what makes us different from a bank, a debt collector or a law firm.
- The plain meaning of the words people will say to you: Section 129, repossession, sale in execution, debt review, reckless lending.
- The seven steps a repossession follows, and why the step someone is on decides how much time they have.
- The six places where South African law still protects a borrower, explained with real scenarios.
- The golden rules you must never break, and the exact words that are safe to say.
- Exactly how to send a person to help.

How to study it

Read it once, all the way through, to get the whole picture. Then go back over the modules on the six problem areas until they feel familiar. At the end of every module there is a **What you say** box, learn those lines. Try the practice questions near the back. Then take the knowledge test. You need **80 percent** to pass.

THE TWO RULES ABOVE ALL OTHERS

1. CCL is a consultancy, never a law firm, and we never promise a result. **2.** Your job is to point people to help, not to give legal advice or handle their case.

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1 Who we are

Consumer Credit Law (CCL) is a nationwide specialist consumer credit consultancy that helps ordinary South Africans who are under pressure from debt. We are not a bank, not a debt collector, and not a law firm.

Who we act for

Consumers and borrowers only. The everyday person who owes money. We have never taken a bank as a client, and we do not take referral fees from credit providers. So when you tell someone **"we act for you, never for the banks,"** that is literally true, and it is one of the most powerful things you can say.

What we do, in plain words

We stop or delay repossessions of cars and homes, we defend sales in execution, we challenge Section 129 notices, we help people exit harmful debt review, and we pursue reckless lending claims. All of it sits under one law: the National Credit Act. You will learn each of these in Part 2.

The idea that explains CCL: the legal escalation layer

Most people in trouble get passed between debt counsellors, call centres and credit bureaus until something legal lands: a letter, a summons, an auction notice. By then the window has narrowed. CCL is the layer that switches on the moment a legal step appears. We work alongside the rest of the system, not against it. Think of CCL as the part that activates when a matter becomes legal.

Where we are, and how court works

We are based in Sandton, Johannesburg, with national coverage. This part matters and you will see it repeated: **CCL is a consultancy.** We advise, prepare, negotiate and challenge. Where a matter has to be argued in court, it is taken forward by **independent affiliate attorneys** who are instructed for that purpose.

Our track record (numbers you can quote)

- **20+ years** of consumer credit experience.
- **8,700+ clients** served.
- **5,655 vehicles** saved from repossession.
- **3,035 homes** saved from sale in execution.
- **10 consultants**, with every file reviewed before advice leaves the office.

Why us (what makes CCL different)

- We tell people what is **possible**, not what they want to hear. No guaranteed outcomes.
- We act for consumers only, and take no fees from banks.
- We rely on verified South African law and real judgments. You will meet a few in this guide.
- We will turn work away. If a matter is better handled by a debt counsellor or an ombud, we say so and point the person there.

REMEMBER

CCL is a specialist consumer credit **consultancy** that acts for borrowers, never banks. It is not a law firm. Court work is done by independent affiliate attorneys. We never guarantee an outcome.

2 The world you are stepping into

The people you meet will use words that sound frightening and official. Once you understand the basics, none of it is a mystery, and you can stay calm and helpful.

Credit, in one line

Credit is when someone lets you have money, a car or goods now, and you pay it back over time, usually with interest. A car on instalments, a home loan, a store account, a personal loan and a credit card are all **credit agreements**.

The two sides

The **consumer** (also called the **borrower**) is the person who owes. The **credit provider** is the bank, retailer or finance company that gave the credit. CCL is always on the side of the consumer.

The law that protects consumers

The **National Credit Act (NCA)** has been law in South Africa since 2007. It sets rules a credit provider must follow before it lends, and before it can take anything back. Almost everything CCL does comes back to this one law. When a credit provider skips a rule, that is leverage for the consumer.

A quick who is who

You will hear	What it means
Debt counsellor	A registered person who helps over-indebted consumers restructure payments through debt review.
National Credit Regulator (NCR)	The body that oversees credit providers and debt counsellors.
Ombud	An independent office that resolves certain complaints, for example a banking ombud.
Credit bureau	Companies that keep your credit record. There are four main bureaus in South Africa. CCL reads a person's position across all of them.
The sheriff	An official of the court who serves documents and carries out court orders, such as attaching property. A sheriff acts on a court order, not on the bank's say-so.
The court	Usually the Magistrate's Court or the High Court, which grants or refuses these orders.

THE ONE BIG IDEA

Nothing serious can happen to a person just because the bank says so. There is a process, the process has rules, and the rules are where a person's rights live. That is the whole reason CCL exists.

3 The repossession ladder: seven steps

This is the single most useful thing you can learn. Almost every repossession, of a car or a home, climbs the same ladder. The bank cannot skip a rung.

The rung a person is standing on tells you two things: **how much time they have**, and **what can still be done**. When someone shows you paperwork, you are really just working out which rung they are on.

1. **Arrears.** Missed payments are building up. No legal step yet. This is the strongest, calmest place to act.
2. **Section 129 notice.** The letter the law requires before legal action can start. A warning and a window, not a summons.
3. **Summons.** Served by the sheriff. Court proceedings have begun. There is a limited window to defend.
4. **Judgment.** If no defence is entered, the court can grant a default judgment in the person's absence.
5. **Warrant of execution.** The court authorises the sheriff to attach (take) property, or the matter moves toward a sale.
6. **Rule 46A or attachment.** For a home, a court must apply special protections (Rule 46A) before it can be sold. For goods, the sheriff attaches them.
7. **Auction (sale in execution).** The property is advertised and sold at the sheriff's auction.

How to read a person's paperwork

Look for the words. **"Section 129"** is step 2. **"Summons"** is step 3. **"Judgment"** is step 4. **"Warrant"** or **"attachment"** is step 5. **"Sale in execution", "auction date"** or **"Rule 46A"** is step 6 or 7. If they are only getting calls and letters, they are at step 1.

THE GOLDEN SENTENCE

"The earlier you get help, the more options you have. Even at the last step there may still be something that can be done, but the window is narrow." (Never promise a result.)

WHAT YOU NEVER DO

You never tell a person which step they are on as if it were legal advice, and you never tell them what will happen. Use the ladder only to sense the urgency, so you can say: "This looks time-sensitive, let me get you to CCL quickly."

4 Section 129 notice defence

A Section 129 notice is the law giving a person a chance to respond, before a summons, before judgment, before enforcement.

What it is

A formal written notice a credit provider must send under Section 129 of the NCA before it can take legal steps on an account that is behind. It tells the person the agreement is in default, sets out the arrears, and informs them of their right to refer the matter to a debt counsellor, ombud or other dispute resolution. It is a legal precondition: the credit provider must do this before going to court.

What it is not

It is not a court order, not a summons, not a judgment. On its own it does not allow anyone to repossess a car, sell a home, or take money. Those steps all need a court first, and the Section 129 notice must be valid before they can happen.

Why it matters so much

The days after a Section 129 notice arrives are when a person's position is strongest and the costs are lowest. Ignored, it becomes a summons, then a judgment, then a warrant. Acted on, it is often the best moment to steer the whole matter onto safer ground.

Where these notices go wrong (this is CCL's angle)

The law is strict about how a Section 129 notice must be written and delivered. Common defects include:

- **Defective delivery.** Sent to the wrong address, or never properly delivered.
- **Missing or wrong content.** Leaves out required information, or states the arrears incorrectly.
- **Premature enforcement.** The credit provider rushed to court before the process ran its course.
- **Account already in dispute.** There was an existing dispute, a debt review application, or a reckless lending question.
- **Prescription and timing.** The debt is too old to enforce, or a step was taken out of time.
- **Wrong party or agreement.** The notice names the wrong person or cites the wrong agreement.

Where the notice is defective, the court case built on top of it can be challenged, in some cases even after judgment.

> **SCENARIO**
>
> **Nomsa's summons that should not have arrived**
>
> Nomsa fell behind on her car after losing overtime. She never received any Section 129 letter, the bank had an old address, and the first thing she saw was a summons. Because the notice was never properly delivered, the enforcement built on it could be questioned.
>
> **What happens:** CCL reads the notice and the summons the way the bank's own attorney would, checks whether every legal step was properly taken, and where there is a defect, guides her response while the window is open.
>
> *Illustrative only. Every matter turns on its own facts, and CCL never guarantees an outcome.*

What CCL does

Examines the notice for defects (delivery, content, timing, parties, the agreement); establishes the person's real position; drafts the response for the person to submit in their own name, in time; and drives the legal response, working with independent affiliate attorneys where a court step is needed.

WHAT YOU SAY

" A Section 129 is a warning and a window, not a judgment. It is the best time to act, but there is a deadline."

" Do not ignore it and do not panic. Get it checked fast. Go to creditlaws.co.za and tap Get Help Now."

" Keep every page, and keep the envelope."

5 Stop vehicle repossession

The bank cannot simply take a person's car. Banks and their agents often act as if repossession is automatic, a phone call, a tow truck, gone. That is not the law in South Africa.

A car on an instalment agreement is protected by the NCA. Before a credit provider can lawfully take the car, it must deliver a valid Section 129 notice, give a chance to respond, and, unless the person signs a voluntary surrender, get a court order first. Just taking it, called self-help repossession, is not lawful.

The stages of a vehicle matter

1. **Arrears and collection calls.** Missed instalments, the bank is calling. No legal step yet. Strongest position.
2. **Section 129 notice.** The legal trigger before court. Must be valid and properly delivered.
3. **Summons.** The bank asks a court for an order. A short window to defend.
4. **Judgment and warrant.** The court grants judgment and an attachment warrant.
5. **Vehicle attached.** The sheriff takes the car, but it has not been sold yet. There may still be a route back.
6. **Sold and shortfall claim.** The car is sold, usually below value, and the bank chases the shortfall.

Three rights the NCA gives

- **The Section 129 notice.** Must be delivered properly. Defects can be challenged.
- **The right to reinstate.** South African law lets a person revive the agreement by paying the overdue amounts, default charges and reasonable enforcement costs.
- **Surrender is a choice, not a trap.** "Voluntary surrender" is often sold as the easy option. The car is sold at auction value, usually well below its worth, and the person still owes the shortfall. Nobody should sign one under pressure.

VERIFIED SOUTH AFRICAN LAW

Following the principle in **Nkata v FirstRand Bank**, reinstatement can take effect on payment of the arrears, in some circumstances even after judgment, and right up until the vehicle is sold. It is powerful and widely under-used.

SCENARIO

Sipho and the tow truck at 6am

Sipho missed two instalments. An agent arrived early to tow the car, with no court order and no surrender signed. That is not lawful self-help.

What happens: CCL assesses his stage urgently, checks whether the Section 129 notice and any court steps were proper, and where reinstatement applies, guides him through paying the arrears so the agreement is restored and the car stays with him.

Illustrative only. Outcomes depend on the facts, and CCL never guarantees a result.

What CCL does

Assesses the stage urgently; examines the paperwork (notice, summons, warrant) for defects; protects reinstatement rights where they apply; and drives the legal response, with independent affiliate attorneys for court steps.

WHAT YOU SAY

" The bank cannot just take your car. In most cases they need a court order first."

" Do not sign a voluntary surrender under pressure. Speak to CCL first."

" Even if the car has been taken, if it has not been sold yet there may still be a route. Contact CCL urgently."

6 Stop sale in execution (the home)

A sale in execution is the final stage of a court-ordered process in which a sheriff auctions a property to recover a debt. For a home, this process carries the strongest protections in South African law.

The four legal foundations

- **Rule 46A.** A court must consider alternatives, and set a reserve price, before a primary residence can be declared "specially executable" (able to be sold).
- **Section 129 of the NCA.** A compliant notice must come first.
- **Nkata v FirstRand Bank.** Paying the arrears can reinstate the agreement, in some cases even after judgment.
- **The sheriff's rules.** Attachment, publication and auction each have strict requirements. Defects at any of them matter.

Seven stages, and the bank cannot skip one

1. **Calls and letters.** Tracers and demands.
2. **Section 129.** The notice before legal action.
3. **Summons.** Served by the sheriff.
4. **Judgment.** Default or contested.
5. **Attachment.** Notice of attachment served on the property.
6. **Publication.** The sale is advertised in the Government Gazette.
7. **Auction.** The sheriff's sale in execution.

From a first Section 129 notice to a sheriff's auction commonly takes somewhere between six and eighteen months, sometimes longer. That whole window is a window of opportunity, because each step has rules and deadlines that can be tested.

The tools CCL uses, in plain language

- **Urgent court application** to halt or postpone an imminent auction where there are defects.
- **Rule 46A challenge** where the court did not properly consider alternatives or set a reserve.
- **Section 129 defence** where the notice was defective.
- **Nkata reinstatement** where paying the true arrears can revive the agreement.

Court applications are brought by independent affiliate attorneys on the person's instruction.

SCENARIO

The Dlaminis, three weeks from auction

The Dlaminis received a notice of sale, with the auction three weeks away. They assumed it was over. It was not necessarily over.

What happens: CCL works out exactly which stage they are on, checks whether Rule 46A was properly followed and whether reinstatement is open, and where there are defects and time allows, prepares an urgent application through independent affiliate attorneys to halt or postpone the sale while the matter is challenged.

Illustrative only. The closer to the auction, the narrower the options, and CCL never guarantees a result.

A word on fees (so you can answer honestly)

Fees are structured in clear, capped stages with defined stop-or-go points, and a written cost breakdown is given before any work begins. If the spend is unlikely to improve the person's position, CCL says so instead of taking the work.

WHAT YOU SAY

" A sheriff's auction is the last step of a long process, and every step before it had rules the bank had to follow."

" Even with an auction date set, it is worth having checked, but it is urgent. Contact CCL the day you get anything with a date on it."

" Send a photo of the paperwork on WhatsApp. Keep every page and the envelope."

7 Reckless lending claims

Reckless lending is when a credit provider gave a loan or credit agreement without properly checking whether the person could afford it. Most South Africans have never heard the term, but if it applies, the law gives them powerful options.

Under the NCA, every credit provider must do a reasonable affordability assessment before approving credit, checking income, existing debts, living expenses and dependants (Section 81). If they did not, or did it carelessly, the agreement may be reckless under the law (Section 80). This is not a technicality. A court can set the debt aside, suspend it, or restructure it (Section 83), often dramatically reducing what is owed.

Five signs a loan may have been reckless

1. **They never asked about your other debts.** A salary-only check is not a real affordability assessment.
2. **Your income could not cover the new debt** once it was added to what you already owed.
3. **The application was rushed.** Approved in minutes, no real income or expense check.
4. **The terms were never explained.** Section 92 requires the cost of credit, interest and risks to be explained in language you understand.
5. **You already had defaults, or were under debt review, when they approved you anyway.** This is the most common and clearest sign.

THE LEGAL AUTHORITY

Under **Section 80 of the National Credit Act**, a credit agreement is reckless if, at the time it was concluded, the credit provider failed to conduct a reasonable affordability assessment, or the assessment showed the consumer would become over-indebted. The NCA has been law since 2007. Every bank and retailer is bound by it.

What a court can order if reckless lending is proven

- **Agreement set aside.** The debt falls away.
- **Obligations suspended.** A pause, often without interest during the pause.
- **Debt restructured.** A new plan based on what the person can actually afford.
- **Reckless portion removed.** Reckless interest, fees or capital stripped out, so the balance drops.

SCENARIO

A fifth loan on top of four

Refilwe already had four active credit agreements when a lender approved a fifth, without asking about the others and without a proper bureau check. In a matter like this, the loan can be challenged as reckless.

What happens: CCL helps gather the evidence, the application, bank statements from around the time, the credit report from that date, the agreement itself, and where the facts support it, a reckless lending claim is brought through independent affiliate attorneys.

Illustrative only. Outcomes depend entirely on the facts, and CCL never guarantees a result.

Cautions to teach people

- There is no strict time limit, but evidence gets harder to find after about three years, so recent agreements are strongest.
- It covers vehicle finance, personal loans, store accounts, credit cards, and even home loans (with a higher bar).
- A person should **never simply stop paying** without the right legal step in place. That risks default action that complicates everything.

WHAT YOU SAY

" If a bank gave you a loan you clearly could not afford, without checking properly, the law may be on your side. It is called reckless lending."

" Especially if you already had defaults or were under debt review when they approved you, it is worth getting checked."

" Do not just stop paying. Get advice first. Go to creditlaws.co.za and tap Get Help Now."

8 Debt review, and how to get out

Debt review is a formal process under the NCA that restructures what a person owes into one affordable monthly payment and shields them from creditors while it runs. Used correctly it is a genuine lifeline, and for many people staying in it is the right call.

Be careful here. CCL does not tell people to leave debt review. Sometimes it is exactly where they should be. The job is to find the honest answer for that person.

When it stops working

Years in with the balance barely moving; a counsellor who has gone quiet; or a payment plan that no longer fits the person's life.

The one question that decides everything

Has a court already granted a debt re-arrangement order in the matter? Before an order, the door out is wider. After an order, the routes are narrower but still real. This single fact decides the route, which is why CCL always establishes it first.

Four legal routes out

- **No order yet:** fresh facts can be put to the Magistrate's Court to have the person declared no longer over-indebted. The review ends and the listing is removed.
- **Order in place, debts settled:** a Section 71 clearance certificate (Form 19), issued by a registered debt counsellor, and the bureaus must remove the flag. A home loan, being long-term, does not have to be fully settled to qualify.
- **An order that can never be paid off:** where the instalment was set so low it does not even cover the interest, the courts have held such an order can be void and set aside.
- **A review never properly started:** if the correct process was not followed (for example, no valid Form 16 application), the NCR can find the person never applied, which ends the review.

VERIFIED SOUTH AFRICAN LAW

In **FirstRand Bank v McLachlan**, the Supreme Court of Appeal held that a re-arrangement order whose instalment can never repay the debt is contrary to the National Credit Act and void, and can be set aside. Many orders were granted on exactly these terms.

Myths to correct

People believe	The reality
Once you are in, you are stuck for life.	There are legal routes out. The right one depends on your stage.
Just stop paying and you are out.	Stopping payments does not end review. It removes your protection and exposes you to creditors.
Your counsellor can pull you out on request.	Once you have applied, exit runs through the law, not a phone call.
It clears the day you finish paying.	You need a Section 71 clearance certificate, issued and filed correctly.

SCENARIO

The payment that never touched the balance

Thandi had paid into debt review for years, but the balance kept growing, because the re-arranged instalment did not even cover the monthly interest. On the McLachlan principle, an order like this can be void.

What happens: CCL checks the numbers and the order, and where it fits the pattern, an application to set it aside is run through the admitted attorneys CCL works with.

Illustrative only. It turns entirely on the person's figures, and CCL never guarantees a result.

WHAT YOU SAY

" Debt review helps a lot of people, so the first question is whether leaving is even right for you."

" Whether you can leave, and how, depends on whether a court order is already in place. CCL checks that first."

" Never just stop paying to get out. It removes your protection. Go to creditlaws.co.za and tap Get Help Now."

9 Sequestration and liquidation defence

Two words that sound final, but are not the end of the matter.

Plain meaning

Sequestration is a court process that declares a person insolvent (unable to pay their debts), after which a trustee takes control of their estate and sells assets to pay creditors. **Liquidation** is the equivalent for a company. Sometimes a creditor applies to sequestrate a person to force payment.

The key message

An application to sequestrate you is not automatic and not the end of the matter. It can be opposed. And the consequences of not opposing it, losing control of your assets and a status that follows you, can last for years. So it should never be ignored.

What CCL does

Assesses the application urgently, works out whether it can be opposed and on what grounds, and drives the response with independent affiliate attorneys where court steps are needed.

WHAT YOU SAY

" A sequestration application can be opposed. It is not automatic."

" The consequences last for years, so do not ignore it. Get it to CCL quickly."

10 Business rescue

This one is about companies, not individuals.

Plain meaning

Business rescue is a formal process under the **Companies Act (Act 71 of 2008)** for a company in financial distress. It aims to reorganise the company's affairs so it can keep trading, or to get a better result for creditors than immediate liquidation would.

When it comes up for you

If someone tells you their **business**, not their personal debt, is under pressure from creditors or facing liquidation, that is a business rescue conversation.

What CCL does

Advises on whether business rescue or another route fits, and works with independent affiliate attorneys on the formal steps.

WHAT YOU SAY

" If it is a company in trouble, not personal debt, there is a process called business rescue. CCL can look at it."

" Point them to creditlaws.co.za and tap Get Help Now."

11 The sheriff: do not panic

A visit from the sheriff frightens people. Knowing a few basic rules turns panic into a clear next step.

Who the sheriff is

An official of the court who serves documents (like a summons) and carries out court orders (like attaching property). A sheriff acts on a court order or a warrant, not on the bank's instruction alone.

What a sheriff can and cannot do

Generally, a sheriff cannot take a person's belongings without a warrant, and a warrant follows a judgment. A sheriff who arrives without one is not entitled to remove goods. The person is allowed to **ask to see the warrant and read what it authorises**.

The three things to tell anyone who has been served

1. **Do not ignore it.** There is usually a deadline (a return date) that matters.
2. **Keep every page, and keep the envelope.**
3. **Get advice before that date passes.**

WHAT YOU SAY

" If a sheriff comes, you can ask to see the warrant and read what it allows."

" Do not ignore anything you are served, there is a deadline. Keep every page and the envelope, and get it to CCL."

12 How to get someone help

Your role in one line: make people aware of CCL, and show them how to reach us. You do not advise, you do not promise, you do not handle the case. You open the door.

The main door: the Get Help Now chat

On the website, the easiest step is to tap **Get Help Now**. It opens a chat with CCL's AI agents that starts the conversation and connects the person to the team, at any time of day or night. This is perfect for someone who is shy to phone, it takes the first step for them.

The website

creditlaws.co.za. Everything, the chat, the free checks, the contact details, lives there.

The free overview check (the Reality Check)

CCL has a short overview check a person can do online or over WhatsApp. It costs nothing, takes about three minutes, and works out which stage they are on and whether a defence exists. It is a great, low-pressure first step to offer.

Other ways to reach CCL

- **WhatsApp:** 063 651 0302. A photo of the paperwork is genuinely useful, it is often all CCL needs to work out the stage.
- **Phone:** 087 551 3009.
- **Email:** ccl1@creditlaws.co.za.
- **Take their details:** you can also take the person's name and WhatsApp number and pass it to your manager, so a consultant can reach out.

What happens after you refer someone (so you can set honest expectations)

1. **Overview check.** A short set of questions, free, tells CCL the stage.
2. **The full picture.** CCL pulls the person's credit position across all four South African bureaus and reads the paperwork.
3. **The honest answer.** A consultant tells them what is available and what is not. Sometimes the answer is that they do not need CCL.
4. **We act.** Letters, disputes, applications and negotiation. Where court is required, independent affiliate attorneys take it forward.

ONE MORE THING TO REMEMBER

A person's details stay with CCL. CCL does not sell data. You can say that with confidence.

WHAT YOU SAY

" Go to creditlaws.co.za and tap Get Help Now, it starts a chat that connects you to the team."

" There is a free three-minute check that tells you where you stand. No cost, no obligation."

" You can WhatsApp a photo of the paperwork to 063 651 0302. Your details stay with CCL."

13 The golden rules and compliance

Getting the language right is not just politeness. It is the law, and it protects both the person and CCL. Break these and you can put the whole brand at risk.

Rule 1. Never promise or guarantee a result.

No consultancy can guarantee what a court will do. Do not say "you will keep your car" or "we will win." Say: "We never guarantee an outcome, but the specialists will look at your case and fight for the best result."

Rule 2. Never call CCL a law firm, and never call yourself or CCL a lawyer, attorney or advocate.

CCL is a consultancy. Where a matter goes to court, it is handled by independent affiliate attorneys. If someone asks "are you a lawyer?", say: "No, I help spread the word about CCL. CCL is a consultancy, and court work is handled by independent affiliate attorneys."

Rule 3. Never give legal advice yourself.

You are not trained to, and it is not your job. Your job is to connect the person to CCL. The specialists give the proper guidance.

Rule 4. Be honest and kind.

The people you meet are stressed and often frightened. A calm, respectful word matters. Never scare someone into acting, and never over-promise to reassure them.

Safe words, and words to avoid

Say this	Never say this
consultancy, specialists, consultant	law firm, practice
we help, we assess, we prepare	lawyer, attorney, advocate (for CCL or yourself)
independent affiliate attorneys (for court work)	we guarantee, you will win, 100 percent
we cannot guarantee an outcome	promises of any specific result

YOUR ONE-LINE SCRIPT (LEARN IT BY HEART)

"Hi, I am with Consumer Credit Law. If the bank is chasing you, taking your car, or selling your home over debt, we are a consultancy that helps people fight back. Go to creditlaws.co.za and tap Get Help Now, it starts a chat that connects you to our team."

THE THREE THINGS YOU CANNOT GET WRONG

1. Consultancy, not a law firm. **2.** Never promise a result. **3.** Point people to creditlaws.co.za and the Get Help Now chat.

+ Glossary of terms

Plain-language meanings of the words you will hear. You do not need to memorise every one, but you should recognise them.

National Credit Act (NCA)
The South African law (since 2007) that sets the rules credit providers must follow. Most of CCL's work sits under it.

Consumer / borrower
The person who owes the money. CCL always acts for the consumer.

Credit provider
The bank, retailer or finance company that gave the credit.

Credit agreement
Any deal where you get money or goods now and pay over time: a car, a home loan, a store account, a personal loan, a credit card.

Arrears
The amount you have fallen behind on. Missed instalments that have built up.

Section 129 notice
The warning letter a credit provider must send before it can take legal steps on an account in arrears.

Summons
The court document, served by the sheriff, that begins a court case against you.

Default judgment
A judgment the court can grant against you if you do not defend the case in time.

Warrant of execution
A court authorisation for the sheriff to attach (take) property to satisfy a judgment.

Attachment
When the sheriff formally takes control of property under a warrant.

Sale in execution
A court-ordered auction where the sheriff sells property to recover a debt.

Specially executable
A court declaration that a home may be sold in execution. For a primary residence, Rule 46A protections apply first.

Rule 46A
The court rule that requires a court to consider alternatives and set a reserve price before a primary residence can be sold.

Reserve price
A minimum price set by the court below which the property may not be sold at auction.

Reinstatement
Reviving a credit agreement by paying the overdue amounts and reasonable costs. Confirmed in Nkata v FirstRand Bank.

Voluntary surrender
When a person hands a vehicle back. The car is sold at auction value and the person still owes the shortfall.

Shortfall
The amount still owed after a repossessed or sold asset does not cover the full debt.

Reckless lending
Credit granted without a proper affordability assessment. A court can set aside, suspend or restructure the agreement.

Affordability assessment
The check a credit provider must do (income, debts, expenses, dependants) before approving credit. Required by Section 81 of the NCA.

Over-indebted
When a person cannot reasonably meet all their credit obligations.

Debt review
A formal NCA process that restructures debt into one affordable payment and protects the person from creditors while it runs.

Debt counsellor
A registered person who runs the debt review process for consumers.

Re-arrangement order
A court order in debt review that sets the new, reduced payment terms.

Section 71 clearance certificate
The certificate (Form 19) a debt counsellor issues at the end of debt review. The bureaus must then remove the flag.

Form 16 / Form 19
Form 16 is the debt review application. Form 19 is the clearance certificate at the end.

Prescription
When a debt becomes too old to be legally enforced.

Sequestration
A court process declaring a person insolvent, with a trustee selling assets to pay creditors.

Liquidation
The company equivalent of sequestration.

Business rescue
A Companies Act process to reorganise a distressed company so it can keep trading, or get a better result than liquidation.

Sheriff
A court official who serves documents and carries out court orders. Acts on a warrant, not the bank's say-so.

NCR (National Credit Regulator)
The body that oversees credit providers and debt counsellors.

Credit bureau
A company that keeps your credit record. There are four main bureaus in South Africa.

Independent affiliate attorneys
The admitted attorneys who conduct court work on a person's instruction. CCL itself is a consultancy, not a firm of attorneys.

+ Questions people will ask you

Safe, honest answers to the questions you will hear most. Notice that none of them promises a result.

Is Consumer Credit Law a law firm?

> No. CCL is a specialist consumer credit consultancy, not a law firm and not a firm of attorneys. It advises, negotiates, prepares and challenges under the National Credit Act. Where a matter has to be argued in court, it is taken forward by independent affiliate attorneys.

Can a sheriff take my belongings without a court order?

> Generally no. A sheriff acts on a warrant, and a warrant follows a judgment. Ask to see the warrant and read what it authorises. Keep every page and the envelope, and get advice before the return date passes.

What exactly is a Section 129 notice?

> The notice a credit provider must deliver before it can start legal action on an arrear account. Where delivery was defective, the litigation built on top of it may be challenged. It is one of the most commonly mishandled steps in South African credit matters.

My home has an auction date. Is it too late?

> Not necessarily, but time matters enormously. Under Rule 46A a court must consider alternatives before a primary residence is sold. Contact CCL the day you receive anything with a date on it. CCL cannot promise a result and will say honestly if the window has closed.

Can I get my car back after it has been repossessed?

> Often, if you act before the vehicle is sold. South African law recognises a right to reinstate the agreement by paying the overdue amounts and reasonable costs. The sooner you get advice after attachment, the more options remain open.

Should I voluntarily surrender my car?

> Be very careful. Surrendered vehicles are sold at auction value, and you remain liable for the shortfall. Never sign a surrender under pressure, and not before you understand what fighting the matter would involve instead.

Can I cancel debt review if I am years into it?

> It depends on your stage, not the number of years. If no court order is in place, the court can declare you no longer over-indebted. If an order is in place, the routes are a Section 71 clearance certificate, or, where the order is unworkable, a court application to set it aside.

Should I just stop paying to get out of debt review?

> No, never stop paying without the right legal step in place. Stopping payments does not end debt review. It removes your protection and exposes you to creditor action.

How do I know whether I even have a case?

> Start with the free overview check. It takes a few minutes and establishes which stage you are on and whether a defence exists. If it does not, CCL will tell you that.

What should I send CCL when I first make contact?

> Whatever you have. The Section 129 notice, the summons, the court order, the notice of sale. A photo on WhatsApp is fine. Keep every page and keep the envelope.

+ Practice questions and answers

Cover the answers and test yourself. These build the right reflexes. When you are confident, take the real knowledge test.

1. A man says the sheriff took his TV yesterday with no papers at all. What do you tell him?

> Generally a sheriff cannot take goods without a warrant, and a warrant follows a judgment. He can ask to see the warrant. Tell him not to ignore it, keep everything, and get it to CCL through the Get Help Now chat.

2. A woman asks, "Can you promise CCL will save my house?"

> "We never guarantee an outcome, but the specialists will look at your case and fight for the best result." Never promise.

3. Someone shows you a letter that says Section 129. Which step of the ladder are they on, and is it urgent?

> Step 2. It is early, which is the strongest place to act, but there is a deadline, so it is still time-sensitive. Point them to CCL quickly.

4. A man asks if you are a lawyer. What is the honest, compliant answer?

> "No, I help spread the word about CCL. CCL is a consultancy, and court work is handled by independent affiliate attorneys."

5. A woman was approved for a big loan while already under debt review. Which CCL service is this, and why does it matter?

> Reckless lending. Approving credit for someone already under debt review is one of the clearest signs, because the bureau check would have flagged it.

6. Someone wants to leave debt review and plans to just stop paying. What do you warn them?

> Never just stop paying. It does not end debt review, it removes your protection and exposes you to creditors. The exit is a legal one, so get the right route in place first through CCL.

7. A man's car was repossessed last week but has not been sold. Is there anything to say?

> Yes. If it has not been sold yet, reinstatement may still apply. Tell him to contact CCL urgently, every day counts.

8. What is the single easiest way to get a shy person help right now?

> Tell them to go to creditlaws.co.za and tap Get Help Now. The chat starts the conversation for them and connects them to the team.

9. Someone asks what CCL charges. What do you say?

> "The specialists explain that once they understand your situation. The first step, the chat, is free and gets you the right information." Do not quote fees yourself.

10. A person's business (a company) is being liquidated. Which service fits, and what do you say?

> Business rescue, because it is a company, not personal debt. Point them to creditlaws.co.za and the Get Help Now chat.

★ The one page you must never forget

Who we are

Consumer Credit Law is a specialist consumer credit **consultancy** that acts for borrowers, never banks. Not a law firm. 20+ years, 8,700+ clients, 5,655 cars saved, 3,035 homes saved, 10 consultants. Court work is done by independent affiliate attorneys.

The ladder, in one line

Arrears, then Section 129, then summons, then judgment, then warrant, then Rule 46A or attachment, then auction. The bank cannot skip a rung. The earlier the call, the more options.

The six places the law protects people

- **Section 129 defence**, challenge a defective notice while the window is open.
- **Stop vehicle repossession**, court order needed, reinstatement possible, surrender is a trap.
- **Stop sale in execution**, Rule 46A, Nkata reinstatement, urgent applications.
- **Reckless lending**, no proper affordability check means the debt can be challenged.
- **Exit debt review**, the route depends on whether a court order is in place.
- **Sequestration and business rescue**, applications can be opposed, do not ignore them.

The golden rules

1. Never promise a result. **2.** Never say law firm, lawyer, attorney or advocate for CCL. **3.** Never give legal advice. **4.** Be honest and kind.

YOUR SCRIPT AND WHERE TO SEND THEM

"Hi, I am with Consumer Credit Law. If the bank is chasing you, taking your car, or selling your home over debt, we are a consultancy that helps people fight back. Go to creditlaws.co.za and tap Get Help Now."

Website: creditlaws.co.za **Get Help Now chat** (AI agents, any time) **WhatsApp:** 063 651 0302 **Phone:** 087 551 3009 **Email:** ccl1@creditlaws.co.za

NOW TAKE THE TEST

When these pages feel familiar, take the CCL Brand Ambassador Knowledge Test. You need 80 percent to pass. Good luck.