

MERCANTILE LAW
(LAWS2009)
REVISION QUESTIONS: CONSUMER CREDIT

QUESTION 1

After inheriting a large sum of money, Abo decided to invest his money. Abo's financial advisor introduced him to Bert. Bert is a well-to-do farmer who makes over R1.5 million a year from farming. However, Bert is experiencing a temporary cash flow shortage and needs a short-term loan. Abo and Bert enter into a contract in terms of which Abo lends to Bert the sum of R600 000, repayable in 3 months' time at an interest rate of 20% per annum. Abo makes no other loans. Having regard to the National Credit Act ('the NCA') which of the following statements is correct:

- a) Abo is not obliged to register because the NCA does not apply to loans to consumers with a turnover of more than R1 million a year.
- b) Abo is not obliged to register because this is a one-off transaction and Abo is not in the business of providing credit.
- c) Abo is not obliged to register because this is an incidental credit agreement, and credit providers do not have to register if they only enter into incident credit agreements.
- d) Abo is obliged to register since the transaction falls under the NCA and the amount of the principal debt is above R500 000.
- e) Abo is obliged to register since everyone who provides credit must register in terms of the Act.

QUESTION 2

Assuming, Abo was obliged to register in terms of the NCA, the consequence of Abo's failure to register is:

- a) The loan agreement between Abo and Bert is unlawful and the court must declare it void.
- b) The loan agreement is unlawful, but the court has a discretion to declare it valid if it is just and equitable in the circumstances.
- c) The loan agreement is lawful, but Abo will have to pay the prescribed fine.
- d) The loan agreement is lawful, but the court has a discretion to set aside the loan as 'reckless credit'.
- e) The loan agreement is unlawful, but the court has a discretion to reinstate the loan if Abo pays the prescribed fine.

Mercantile Law Questions

J Elliott



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mission street to high street turn left to reach the mission and mission park website s holycrosssantacruz.com mission santa cruz phone s 831 426 5686 mission galeria shop 831 423 4182 church office

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