

Basic Business Law

Lesson 5: Credit- and insurance agreements

In the previous lesson I indicated that a prospective entrepreneur who wants to take tourist on a boat trip up the St. Lucia estuary might find that buying a boat is too expensive and decide to lease the boat instead. Another option would be to buy the boat on credit. But the St Lucia estuary can be a dangerous place with aggressive hippos and unseen rocks and so regardless of how he chooses to get the boat he will have to ensure it.

In this learning unit we will look at credit agreements and insurance agreements as the fourth and fifth types of agreement that someone in the tourism industry will typically be a party to.

1. Credit agreements

1.1. The nature of a credit agreement

A credit agreement is an agreement between a credit provider and a consumer where the credit provider supplies goods or services or lends money to the consumer and has the following features:

- The consumer pays for the goods or services, or repays the money, in instalments over a period of time or agrees to make a single payment at an agreed future date.
- The consumer is obliged to pay interest, fees or charges on the outstanding balance of the money borrowed or the amount owing on the goods and services.

The consumer is expected to agree to the terms and sign the agreement. The agreement will contain information about the credit product that the consumer has applied for and that has been granted. This information should include the repayment period, insurance, interest and other fees charged and what will happen if the consumer fails to pay his/her instalments.

1.2. The National Credit Act

The South African legislation which protects consumers who buy or hire goods or services on credit, or borrow money, is the National Credit Act (Act 34 of 2005).

The purpose of this Act is to ...

- promote the economic and social welfare of all South Africans,
- promote a fair and transparent credit market,
- protect consumers and consumer rights,
- regulate all credit providers, debt counsellors and credit bureaux,
- limit the cost of credit and
- standardise the way in which credit is granted by credit providers.

The key features of this act are the following:

- The language in credit agreements must be simple and understandable.
- Quotes must be given on all credit agreements, and are binding for 5 days.
- Prescribed information on the cost of credit must be included in all advertising and marketing.
- Credit sales at a person's home or work are strictly limited.
- Reasons must be provided if a credit application is declined.
- Automatic increases in credit limits are regulated.
- Reckless lending is prohibited.
- Interest and fees on all agreements are regulated.

Basic Text On Insurance Law

TD Snyder



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