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**MINISTRY: JUSTICE AND CORRECTIONAL SERVICES**

**REPUBLIC OF SOUTH AFRICA**

**NATIONAL ASSEMBLY**

**QUESTION FOR WRITTEN REPLY**

**PARLIAMENTARY QUESTION 510**

**DATE OF QUESTION: 25 FEBRAURY 2022**

**DATE OF SUBMISSION: 11 MARCH 2022**

**Mr W Horn (DA) to ask the Minister of Justice and Correctional Services:**

What is the number of referrals that were made to credit bureaus in terms of section 11 of the Maintenance Amendment Act, Act 9 of 2015, since the section became operational on 5 January 2018?

**NW575E**

**REPLY:**

The Department has not implemented the referral of to the credit bureaus of default orders as the Maintenance Amendment Act, 2015 (Act No. 9 of 2015). There is a gap in the current legislation which prevents the implementation of section 11 of Act No. 9 of 2015 as it does not create a correlative responsibility for the credit bureaus to receive the default orders from the Maintenance Clerks and Maintenance Officers. Although the Department developed an internal circular to guide the officials on how to deal with the forwarding of the default orders, this circular has not been implemented pending the legislative amendment of the provision of the Act which will include the correlative responsibility for the credit bureaus to receive and use this information against the defaulters’ credit rating. The Department is currently monitoring defaulters through keeping of a Database of Defaulters pending the amendment of the Act No. 9 of 2015.

The Department acknowledges the need for the speedy amendment of section 26 (2A) of the Act. In view of this gap, the Department has requested the Legislative Development Branch to include the amendment of the Act to create this corresponding obligation to enable the Credit Bureaus to receive the orders and act accordingly. An amendment will be made through the Judicial Matters Amendment Bill to be introduced in Parliament later on during the year.