

Debtor Listing Compliance Checklist

How to list a defaulting debtor correctly | Bregmans Attorneys | Updated 26 July 2026

Listing a defaulting debtor with the credit bureaus is one of the cheapest and most effective ways to recover money, because it turns the debtor's own need for credit into your leverage. But the National Credit Act sets strict rules, and a listing that skips a step can be removed, or can expose you to a claim for damages. Work through each item below before you list. Tick the box once the step is done, and keep the completed checklist on file as evidence that you followed the correct procedure.

Section 1 – Confirm the debt can lawfully be listed

- Confirm the amount is genuinely owed, is due and payable now, and is not still in dispute.
- Check the debt has not prescribed. As a general rule, an ordinary unsecured debt with no judgment prescribes (becomes unenforceable) after three years.
- Check whether the debtor has, within the last three years, acknowledged the debt or made a payment, as this interrupts prescription.
- Confirm you are the correct party to list, that is, the creditor or a lawful cessionary of the debt.
- Decide which listing fits: a default classification, an enforcement-action classification, or a listing based on a court judgment.

Section 2 – Get your paperwork in order before you list

- Gather the underlying agreement or contract giving rise to the debt.
- Collect the invoices, statements and account records showing the amount outstanding.
- Collect all correspondence with the debtor, including reminders and any demand already sent.
- Keep these documents on file, as you may have to produce them if the debtor disputes the listing.

Section 3 – Send the 20 business day notice (default listings)

- Prepare written notice of your intention to list the default, stating the amount, the account and the deadline.
- Send the notice to the debtor by registered post or by email.
- Keep proof of dispatch and, where possible, proof of delivery. The onus is on you to prove the debtor received it.
- Diarise the 20 business day period from the date of the notice.
- Note: this 20-day notice is not required before listing a court judgment, which is public record.

Section 4 – Wait out the notice period

- If the debtor pays the arrears within the 20 business days, do not list the default.
- If the debtor genuinely disputes the debt within the 20 business days, do not list it while the dispute stands.
- Only proceed if the period passes with no payment and no genuine dispute.

Section 5 – Submit an accurate listing

- List only information that is true, current and complete.

- Ensure the information is accurate, up to date, relevant and not duplicated across bureaus.
- Record the correct amount and status, as an inaccurate listing is both removable and potentially defamatory.

Section 6 – Keep the listing correct over time

- If the debtor later pays or settles, instruct the bureau to update the record, usually within seven days.
- Do not leave a paid or settled debt reflecting as unpaid, as this is itself a wrong listing.
- Diarise the retention period so you know when the listing will fall away (about one year for a default, up to two years for enforcement action, five years for a judgment).

Section 7 – Consider a court judgment for stronger leverage

- Where a default listing alone does not produce payment, consider suing for judgment.
- Remember a judgment listing lasts five years, needs no 20-day notice, and preserves your right to execute against assets.
- Take advice on whether the cost of judgment is justified by the size and recoverability of the debt.

Why accuracy matters

A false or careless credit listing can be defamatory, because it tells others that the person does not pay their debts. Our courts have accepted that a wrongful listing can found a claim for damages. Listing only accurate, due and undisputed debt, and following the correct notice procedure, is what protects you from a claim.

Struggling to get a debtor to pay?

We can advise you on whether the debt qualifies to be listed, draft the required notice, make sure the listing is defensible, and pursue judgment where leverage alone is not enough. With over 51 years in practice, we know how to apply pressure lawfully and effectively.

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This checklist is provided for general information and does not constitute legal advice. Credit and prescription law change from time to time, and each debt has its own facts. Retention periods and listing requirements may be updated after the date of this document. Obtain tailored advice before listing a debtor. © Bregman Moodley Attorneys Inc t/a Bregmans Attorneys.