

Section 11 and 12 of the Act states that a debt of this nature (ie arrear rental) shall prescribe after a period of 3 years and that prescription shall commence to run as soon as the debt becomes due and payable. Section 12 further states that prescription shall not commence if:

- The debtor wilfully prevents the creditor from coming to know of the existence of the debt and prescription shall only commence once the creditor becomes aware of the existence of the debt
- A debt shall not be deemed to be due until the creditor has knowledge of the identity of the debtor and of the facts from which the debt arises; provided that a creditor shall be deemed to have such knowledge if he could have acquired it by exercising reasonable care.

Section 13 deals with when prescription is delayed and states that it would be delayed if:

- The creditor is a minor or is a person with a mental or intellectual disability, disorder or incapacity, or is affected by any other factor that the court deems appropriate.
- The debtor is outside the republic
- The creditor and debtor are married to each other
- The creditor or debtor is deceased and an executor of the estate in question has not yet been appointed

Prescription can be interrupted in two ways:

1. Interruption of prescription by acknowledgement of liability (Section 14):
  - a. Prescription is interrupted by an express or tacit acknowledgement of liability by debtor
  - b. If the running of prescription is interrupted as contemplated in a. above, prescription shall commence to run afresh from the day on which the interruption takes place, or, if at the time of the interruption or at any time thereafter the parties postpone the due date of the debt from the date upon which the debt again becomes due.
2. Judicial interruption of prescription (Section 15):
  - a. Running of prescription shall be interrupted by the service on the debtor of any process whereby the creditor claims payment of the debt
  - b. Unless the debtor acknowledges liability, the interruption of prescription in terms of a. above shall lapse, and the running of prescription shall not be deemed to have been interrupted.

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