



6 August 2015

TO: VICE-CHANCELLORS

CIRCULAR 19/2015

CONSUMER PROTECTION ACT, 2008 – GUIDELINES FOR HIGHER EDUCATION INSTITUTIONS

In July 2014 HESA commissioned a project to develop guidelines to assist its members in complying with the Consumer Protection Act, 2008 (the CPA). This project was managed by the Legal Advisory Committee. The fact that non-compliance with the CPA can lead to severe penalties being imposed on institutions (of up to 10% of annual turnover or a minimum of R1 million), in addition to significant reputational damage, HESA considered it imperative that all HEIs should comply with the provisions of the CPA. Furthermore, consumer contracts or transactions entered into by the HEIs may also be declared null and void and unenforceable if it does not comply with certain provisions of the CPA.

Following extensive consultations with HEIs, we are pleased to publish for your attention the **attached Consumer Protection Act - Guidelines for HEIs**. Kindly note that this document is intended as a **guide** for universities and not a substitute for legal advice, if required.

From an advocacy perspective, we will initiate discussions with the National Consumer Commission (NCC) and the Ombud for Consumer Goods and Services to inform them of the steps taken now by Universities South Africa in compliance with the CPA. This need not necessarily be aimed at getting the NCC or the Ombud to endorse the guidelines but merely to emphasise the sector's efforts towards being compliant. Furthermore it will mitigate the potential risk on the part of universities if the NCC and the Ombud are aware that a set of guidelines have been developed and are being adhered to by universities.

This guideline document will be made available to all Registrars, and posted on our website as well. It will be appreciated if your office could also assist with disseminating the guideline document to your institutional community.

If you have enquiries on this matter kindly direct them to Ms Jana van Wyk on email: jana@universitysa.ac.za or telephone: 012 481 2895, in the Universities South Africa Office.

Yours sincerely

A handwritten signature in black ink, appearing to be 'OS' or similar initials.

DR OLIVER SEALE
ACTING CHIEF EXECUTIVE OFFICER