

CONSUMER PROTECTION ACT NO 68 OF 2008

- The Consumer Protection Act is effective from the 31st March 2010.
- The purpose of the act is:
 1. To protect the widest spectrum of customers from exploitation of any kind.
 2. Its further purpose is to provide redress to customers
 3. To promote fair consumer/business practices

CONSUMER PROTECTION ACT

- The Consumer Protection Act has effectively repealed other related legislation, namely the Merchandise Marks Act; Business Names Act; Price Control Act; Sales and Service Matters Act; Trade Practices Act, and the Consumer Affairs Act.

CONSUMER PROTECTION ACT

- The Act governs the relationship between the supplier and the consumer in the way of the ordinary conduct of business between and among parties, the promotion of goods (including purchase & sale of goods), and general aspects of goods and services.
- It does **not govern the state** in its capacity as a consumer; or employment contracts, collective agreements and collective bargaining agreements under the LRA

Consumer Protection Act

- Some Services that the Act includes are:
 1. Any banking or similar business; long term and short term insurance; education services; information services; consultancy services; transportation of goods and people; accommodation; entertainment; electronic communication, infrastructure; use and rental of property

***The above is not an exhaustive list*

CONSUMER PROTECTION ACT

- The consumer is defined as any person to whom goods and services are marketed; or, any person that is party to a transaction with a supplier in the ordinary course of business; or, the user of goods or beneficiary of services; or, franchisees

CONSUMER PROTECTION ACT

- YOUR RIGHTS AS A CONSUMER ARE:

To equality; disclosure; information; to choose freely; fairness and honesty (honest dealing); privacy; fair value; good quality; safety; accountability of the supplier you engage with

CONSUMER PROTECTION ACT

- Your right to equality properly defined in the context of the Act means that suppliers should not market their goods and services unfairly so as to discriminate or differentiate between classes and categories of consumers.
- This right excludes services that are designed to cater for minors, the aged, in special circumstances a service may be designed for specific genders.

CONSUMER PROTECTION ACT

- Your right to privacy properly defined in the Act means that you may refuse direct marketing by blocking unwanted calls to your private phone from the open direct market. You may also request certain suppliers to desist from sending you brochures and other marketing tools at your private address if you find that it is a nuisance to you

CONSUMER PROTECTION ACT

- You right to choose properly defined in the context of the Act means that you are entitled to notice periods and cooling off periods iro direct marketing. It also means that you should be entitled to full refunds upon return of goods within a specified time period.
- ** You must be informed of the above when you purchase your goods & services!*

CONSUMER PROTECTION ACT

- Your right to disclosure & information properly defined in the context of the Act means that all documents or visual aids used in the course of marketing must be within prescribed limitations in a language you can understand & appreciate even if you are not accustomed to a vibrant consumer market.
- ** You must understand the content of the advert/document as effortlessly as possible!!*

CONSUMER PROTECTION ACT

- Your right to fair and reasonable terms as defined in the context of the Act means that you are entitled to a level of fairness, lawfulness, and reduced liability as relates to the terms of the agreements you enter into.
- ** This does not mean that you should not read agreements fully before you sign them; nor does it mean that you would be excused if you failed to ask relevant questions before you sign!!*

CONSUMER PROTECTION ACT

- Your right to fair marketing defined in the Act means that you should not be deceived through the method and style of marketing, either by a supplier making misleading or incorrect or ambiguous comments about products; OR BY being baited or negative marketing (an agreement will exist if you do not reply with a NO to an sms for example).
- ** If you are misled in this way it may amount to fraudulent conduct on the part of a supplier!!*

CONSUMER PROTECTION ACT

- The **University has the same obligations** as other suppliers to the Act. What this means is that the University cannot advertise using incorrect or inaccurate and exaggerated representations including offers of employment as part of its advertising campaign to increase its recruitment of students!!

CONSUMER PROTECTION ACT

- Your right to fair and honest dealing as defined in the Act means that you should not be subject to coercion, pressure tactics, harassment, false, deceptive, and other forms of negative conduct by suppliers

CONSUMER PROTECTION ACT

- YOU HAVE THE RIGHT TO DEMAND SAFE, QUALITY, FREE OF RISK OR HARM -GOODS AND SERVICES WITH UNDERTAKINGS OF GUARANTEES AND WARRANTIES AS ASSURANCE OF QUALITY, SAFETY, AND MINIMAL RISK IN ASSOCIATION WITH YOUR GOODS/SERVICES.
- * *You have the right to refunds, remedy of defects or replacement of goods!!*

CONSUMER PROTECTION ACT

- PRODUCT LIABILITY:

Product liability is a legal mechanism whereby we trace the liability arising from the product to the true accountable source. It could be the manufacturer; the importer, the distributor, or the retailer, or all of the above.

*** You may base your claim for financial loss on terms of product liability and hold the manufacturer, distributor, retailer or all accountable for your loss!!*

CONSUMER PROTECTION ACT

- RECOURSE: Where you have a claim arising from the Consumer Protection Act, you may:
 - Refer the matter to the consumer tribunal
 - Refer the matter to the relevant ombudsman having jurisdiction over the consumer
 - Refer the matter to the industry ombudsman
 - Refer the matter to the Consumer Court
- ** You can ONLY approach the Consumer Court if ALL other options have been exhausted!!*