



citizens & consumers

need **know**
*an informative
guide to making
South African
living easier* **1st Edition**

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Ombud>
Credit Ombud

THE CONSUMER AUTHORITIES



CONSUMER GOODS AND SERVICES OMBUD (CGSO)

The CGSO has been created to align with the Consumer Protection Act (CPA). It can only address those companies that have subscribed to the consumer goods and services industry code of conduct through the act of paying a levy. Businesses regulated by the CGSO are those involved in a **supply chain process** by providing, marketing and offering supply goods and services to consumers. These suppliers include retailers, suppliers, wholesalers, distributors, manufacturers, producers, importers, intermediaries, logistics and supply chain agents.

1. On the homepage of the CGSO website a **downloadable complaint guide is available in all the official languages**. Simply click on the 'Consumers' widget, click on the last heading from the dropdown menu: Consumer Complaints Guide and select your preferred language. You can then download the guide.
2. There is also a **downloadable mobile application** available from the App Store or Google Play store to assist in the complaint process.

Call center number: 0860 000 272

Emergency Hotline: 0800 029 999

Website: <http://www.cgso.org.za/cgso/>

(Information sourced from CGSO)



NATIONAL CONSUMER COMMISSION
a member of the dti group

NATIONAL CONSUMER COMMISSION (NCC)

Only once negotiations have failed at CGSO level, may you refer the dispute to the NCC. The NCC is in line with the CPA as section 20 stipulates that you as consumer have the right to products or services of a high standard and that are fully functional and free of any deficiencies. In addition, you have the right to return the defective goods **within six months of purchase** and the supplier must either repair, replace or refund you accordingly.

Website: <https://www.thencc.gov.za/>

(Information sourced from @TheNCC-RSA Twitter)

The Constitution protects South African citizens, and the Consumer Protection Act (CPA) protects the South African consumer in the marketplace.

CONSTITUTION OF THE REPUBLIC OF SOUTH AFRICA (1996)

The Constitution was passed by Parliament in 1996. It regulates our government, safeguards the rights of South African citizens and addresses their responsibilities. It stipulates South Africa's merits, addresses the way Parliament and lawmakers operate and how domestic and regional officials are selected. It explains the judicial system's function and operation and it created six organisations to assist our elected government.

A comprehensive overview of the Constitution can be accessed using this hyperlink:

https://www.justice.gov.za/legislation/constitution/FoundingProvisions_Constitution.pdf

(Information sourced from the Constitution and Founding Provisions Constitution)

EQUALITY AND DIGNITY

Section 9 of the Constitution affords all its citizens **equal enjoyment of rights, freedoms and legal protection**. It strives to eliminate unfair discrimination towards any of the following issues: race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth. Through the elimination of discrimination, Section 10 becomes a reality whereby South African citizens' dignity is respected and protected.

(Information sourced from the Constitution)

RIGHT TO LIFE

Chapter 2 section 11 of the Constitution mandates that everyone has the right to life. Our law recognises that a person has **the right to accept or decline medical treatment** but granting the patient's 'Do Not Resuscitate' (DNR) order is not considered legal in South Africa. It is argued that a person's life is considered sacred and may not be ended by human choice. The counterargument is that there is also the personal right to choose to die with dignity. Therefore, the South African Medical Association (SAMA) concluded that if a patient is in a vegetative state doctors need to consider the facts and patient's wishes to determine if the DNR will be adhered to or not.

[Refer to section 15 MEDICAL MATTERS for more information.](#)

(Information sourced from the Constitution and Pather & Pather)

RIGHT TO PRIVACY

Chapter 2 section 14 of the Constitution gives us the right to privacy. This right includes the right not to have our person, place of residence or property searched. Nor should our belongings be unlawfully claimed, nor should we experience tampering with our communications.

Examples of unlawful invasion of privacy are as follows:

- Unlawful interference pertaining to the acts of stalking and harassment.
- Unlawful intrusion pertaining to the engagement in acts to intentionally obtain data without permission or not have the authority to do so.

(Information sourced from the Constitution and D. Milo)

CONSUMER PROTECTION ACT NO. 68 OF 2008 (CPA)

South African consumers need this Act as it protects the consumer **from abuse and exploitation** in the marketplace. It champions consumer rights ensuring that there is clear direction as to the responsibilities of goods and services suppliers. Additionally, it is in line with the international standard of consumer rights corresponding with the United Nations and European guidelines.

A comprehensive overview of the CPA can be accessed using this hyperlink:

https://www.gov.za/sites/default/files/32186_467.pdf

(Information sourced from the Commercial Law – Fresh Perspectives and Banking Association SA)

CONSUMER RIGHTS TO EQUALITY

The unfair discrimination issues listed in section 9 of the Constitution also regulate CPA section 8.

Examples of unfair marketing practices in the consumer marketplace:

- Suppliers charging different consumers different prices for the same goods or services however, section 9 offers exclusion to pensioners, children etc. from paying the regular prices.
- Quality difference in goods or services offered to certain consumers and not others.
- A supplier discriminates unfairly by only allowing certain consumers the right to selected goods and services.

(Information sourced from the Commercial Law – Fresh Perspectives and the CPA)

CONSUMER RIGHTS TO PRIVACY

Section 12 of the CPA addresses unlawful intrusion by restricting telemarketers' phone call hours.

No phone calls are allowed on:

- Public holidays or on Sundays.
- Before 9h00 and after 13h00 on Saturdays.
- On all other days between 20h00 in the evening and 8h00 next morning.

(Information sourced from Commercial Law – Fresh Perspectives and the CPA)

CONSUMER RIGHTS TO CHOOSE

Section 13 of the CPA protects the consumer from a practice called **bundling**. This is when the consumer is forced to purchase two products together because one product sells very well, the other not.

However, there are circumstances where bundling can be deemed acceptable:

- If the supplier can prove economic benefit because the convenience of bundling outweighs the limitation of customer choice, or
- the bundled products or services are priced individually and can be obtained separately as well.

(Information sourced from Commercial Law – Fresh Perspectives and the CPA)

FINANCIAL SERVICES PROVIDERS (FAIS)

Industry sector: Forex traders and financial service providers.

Requirements: Only six weeks after the initial complaint was lodged, can you proceed to lodge with FAIS ombud (you have a total of a six-month period to do so).

Website: <https://www.faisombud.co.za/>

GOVERNMENT ANTI-CORRUPTION AND WHISTLE BLOWING

Industry sector: All state departments and institutions.

Requirements: Phone the hotline numbers provided.

Website 1: <https://www.gov.za/anti-corruption/hotlines>

Website 2: <https://www.oua.co.za/whistleblowing>

INSURANCE: SHORT-TERM (OSTI)

Industry Sector: Assets, vehicles, property, and travel.

Requirements: Short-term cover protecting belongings and liability.

Website: www.osti.co.za

INSURANCE: LONG-TERM

Industry Sector: Death, disability, and retirement.

Requirements: Long-term cover to protect life and earnings.

Website: www.ombud.co.za



Independent and within reach.

Legal aid is available for South Africans and non-South Africans if it:

is a criminal case or it involves children.

Legal aid is available for non-South Africans if it involves applying or intending to apply for asylum.

Contact details:

0800110 110 (Monday – Friday 7h00 – 17h00)

079 835 7179 (Please call me)

E-mail details:

communications2@legal-aid.co.za

LEGAL PRACTICE OMBUD (LPC)

Industry sector: Candidate and practising legal practitioners.

Requirements: You must first complain to the LPC before lodging with OSLO.

Website: <https://lpc.org.za/>

LEGAL SERVICES OMBUD (OSLO)

Industry sector: Candidate and practising legal practitioners.

Requirements: You may approach OSLO only if you have a grievance about how the LPC handled your complaint.

Website: <https://www.justice.gov.za/olso/>

MOTOR INDUSTRY OMBUDSMAN (MIOSA)

Industry sector: Automotive and related Industries.

Requirements: If a technical inspection fee is required it will be for your account. Also ensure that the entity you are complaining about is a registered business and fully compliant with the South African Motor Industry Code of Conduct.

Website: <https://www.miosa.co.za/>

NATIONAL CONSUMER COMMISSION (NCC)

Industry sector: Consumer products and services marketplaces.

Requirements: If negotiations fail at the CGSO level, you may refer the dispute to the NCC.

Website: <https://www.thencc.gov.za/>

NATIONAL CONSUMER TRIBUNAL (NCT)

Industry sector: Judgements relating to National Credit Act 34 of 2005. Applications made by consumers, credit providers, credit bureaus, debt counsellors and the National Credit Regulator.

Requirements: A filing fee of R577,81 will be charged per application as the Tribunal has the same status as the High Court of South Africa.

Website: <https://www.thenct.org.za/>

NATIONAL TRAFFIC INFORMATION SYSTEM (NaTIS)

Industry sector: Vehicle drivers.

Requirements: Address concern with registering authority thereafter escalate to provincial representatives.

Website: <https://www.natis.gov.za/index.php>

OFFICE OF THE TAX OMBUD (OTO)

Industry sector: Taxpayers and the South African Revenue Service (SARS).

Requirements: Currently the online complaints form has been disabled. Complaints have to be lodged via email or visit a tax office.

Website: <https://www.taxombud.gov.za/>

PENSION FUND ADJUDICATOR (PFA)

Industry sector: Pension fund organisations.

Requirements: The fund must be registered under the Pension Funds Act 24 of 1956 for the complaint to be viable.

Website: <https://www.pfa.org.za/>

POPI ACT MONITOR & ENFORCER: INFORMATION REGULATOR (SA)

Industry Sector: Public and private bodies.

Requirements: The prescribed POPIA form 5 must be filled in and sent to the regulator.

Website: <https://inforegulator.org.za/>

PROPERTY PRACTITIONER REGULATOR AUTHORITY (PPRA)

Industry sector: Property practitioners/estate agents.

Requirements: The PPRA mandates that the claimant must have exhausted all available legal remedies before lodging with the authority.

Website: <https://theppra.org.za/>

RENTING HOUSING TRIBUNAL (RHT)

Industry sector: Landlords and tenant disputes.

Requirements: Fill in the required complaints form at the RHT office or send an email to the appropriate office (*contact details on last page of the pdf link*).

Website:

<https://www.dhs.gov.za/sites/default/files/u16/RENTAL%20HOUSING%20TRIBUNAL.pdf>

SOUTH AFRICAN COUNCIL FOR EDUCATORS (SACE)

Industry sector: Educators and lecturers.

Requirements: Educators, learners, or any community members may lodge a complaint in writing. A distinction between ethical versus labour or employment matters needs to be made when lodging the complaint.

Website: <https://www.sace.org.za/>