



World Consumer Protection Map

Contribution by
SOUTH AFRICA

Page 2: Contact of respondent

Q1 Name of responding member State

South Africa

Q2 Name of responding authority/agency:

National Consumer Commission

Page 3: Consumer protection legislation

Q7 Does your country's Constitution contain a provision on consumer protection?

Yes

Q8 If you do, please provide de following details:

Text of constitutional norm with reference to consumer protection

S44. (1) The national legislative authority as vested in Parliament— (a) confers on the National Assembly the power— (ii) to pass legislation with regard to any matter, including a matter within a functional area listed in Schedule 4 (Part A- Consumer Protection)

URL link

<http://www.justice.gov.za/legislation/constitution/SAConstitution-web-eng.pdf>

Consumer Protection Survey

Q9 Does your country have have specific law(s) on consumer protection ?	Yes
Q10 If you do, when was the main specific law first enacted?	Date 24/04/2009
Q11 If your main specific law on consumer protection has been revised, when was the date of its latest revision?	Respondent skipped this question
Q12 Please provide the following details of the current specific law(s):	
1- Name of law	Consumer Protection Act 68 of 2008
1- URL link	https://www.gov.za/documents/consumer-protection-act
2- Name of law	Electronic Communications and Transactions Act, 2002
2- URL link	https://www.gov.za/documents/electronic-communications-and-transactions-act
Q13 Please check all the fields that your consumer protections law(s) cover.	Consumer rights/legitimate needs, Access by consumers to essential goods and services , Protection of vulnerable and disadvantaged consumers , Physical safety, Product quality, Terms and conditions , Promotional marketing and sales practices (including misleading advertisement) , Voluntary codes for businesses , Electronic commerce, Promotion of sustainable consumption , Data protection and privacy , Dispute resolution, Redress, Consumer education, Consumer information

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Q14 From your previous answer, your specific consumer protection law(s) do(es) not cover the following field(s). Please name the relevant law(s) covering this/these field(s):

Restrictive business practices (competition/antitrust)	Competition Act No. 89, 1998
Food distribution	Foodstuffs, Cosmetics and Disinfectants Act, No 54 of 1972; • General Hygiene Requirements for Food Premises and the Transport of Food R 962 of 2012 • Regulations Governing Microbiological Standards for Foodstuffs and Related Matters (R 692 of 1997) & Regulations Relating to Milk and Dairy Products (R 1555 of 1997)
Water	Water Services Act of 1997, National Water Act (NWA) of 1998
Pharmaceuticals	Medicines and Related Substances Act, 1965 (Act 101 of 1965); Pharmacy Act No. 53 of 1974, as amended
Energy	National Energy Act 34 of 2008 and Electricity Regulation Act 4 of 2006
Public utilities	Water Services Act of 1997 and Electricity Regulation Act 4 of 2006
Tourism	Tourism Act No. 3 of 2014
Financial services	Financial Sector Regulation Act 9 of 2017 and National Credit Act 34 of 2005

Consumer Protection Survey

Q15 Please indicate the URL Link of the relevant law(s) to each field:

Restrictive business practices (competition/antitrust)	http://www.saflii.org/za/legis/num_act/ca1998149.pdf
Food distribution	https://www.gov.za/documents/foodstuffs-cosmetics-and-disinfectants-act-2-jun-1972-0000 https://www.foodfocus.co.za/home/Legislation/Food-Safety/Regulations-Governing-General-Hygiene-Requirements-For-Food-Premises-And-The-Transport-Of-Food-R962 http://www.nicd.ac.za/wp-content/uploads/2018/05/Regulations_Governing_Microbiological_Standards_for_Foodstuffs_and_Related_Matters.pdf
Water	http://www.dwaf.gov.za/Documents/Legislature/a108-97.pdf
Pharmaceuticals	https://www.hpcs.co.za/Uploads/editor/UserFiles/downloads/legislations/acts/medicines_and_related_sub_act_101_of_1965.pdf http://www.health.gov.za/index.php/2014-03-17-09-09-38/legislation/yj-mega-smooth-dropdown/category/54-act4?download=54:medical-university-of-southern-africa-private-amendment-act-act-25-of-1997
Energy	http://www.energy.gov.za/files/policies/NationalEnergyAct_34of2008.pdf http://www.energy.gov.za/files/policies/ELECTRICITY%20REGULATION%20ACT%204%20OF%202006.pdf
Public utilities	http://www.dwaf.gov.za/Documents/Legislature/a108-97.pdf http://www.energy.gov.za/files/policies/ELECTRICITY%20REGULATION%20ACT%204%20OF%202006.pdf
Tourism	https://www.tourism.gov.za/AboutNDT/Publications/tourism%20act%20no%203%20of%202014.pdf
Financial services	http://www.treasury.gov.za/legislation/acts/2017/Act%2009%20of%202017%20FinanSectorRegulation.pdf http://www.justice.gov.za/mc/vnbp/act2005-034.pdf

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Q16 Name of Ministry responsible for consumer protection:

Department of Trade and Industry

Q17 URL link of responsible Ministry for consumer protection:

<http://www.thedti.gov.za/>

Q18 Year when consumer protection was assumed by the current responsible ministry:

1964 (Sale and Service Matters Act No. 25 of 1964)

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Q19 Do you have a main consumer protection authority/agency? **Yes**

Q20 Name of main consumer protection authority/agency:

National Consumer Commission

Q21 URL of main consumer protection authority/agency:

<http://www.thencc.gov.za/>

Q22 Year of creation:

2011

Q23 Annual budget: (in USD)

4080000

Q24 Total number of staff:

85

Q25 Total number of staff directly affected to consumer protection:

64

Q26 Do you have a law/decree that governs the main consumer protection authority/agency? **Yes**

Q27 If you do, please provide the following details:

Reference of the law/decree

Consumer Protection Act 68 of 2008

URL to law/decree

<https://www.gov.za/documents/consumer-protection-act>

Consumer Protection Survey

Q28 Does your main consumer protection authority/agency have POLICY MAKING powers over any of the following fields?

Consumer rights/legitimate needs,
Access by consumers to essential goods and services ,
Protection of vulnerable and disadvantaged consumers
,
Physical safety,
Product quality,
Terms and conditions ,
Promotional marketing and sales practices (including misleading advertisement)
,
Voluntary codes for businesses ,
Electronic commerce,
Data protection and privacy ,
Dispute resolution,
Redress,
Consumer education,
Consumer information

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Q29 From your previous answer, your main authority/agency does not have POLICY MAKING powers over the following fields. Please name the relevant authorities/agencies with powers over these fields:

Restrictive business practices(competition/antitrust)	The Competition Commission
Financial services	Financial Services Conduct Authority; National Credit Regulator
Promotion of sustainable consumption	The Department of Environment, Forestry and Fisheries
Food distribution	Department of Health
Water	Department of Water and Sanitation; Water Research Commission
Pharmaceuticals	Department of Health; South African Health Products Regulatory Authority
Energy	Department of Energy; National Energy Regulator of South Africa
Public utilities	Department of Water and Sanitation; Department of Energy
Tourism	Department of Tourism

Consumer Protection Survey

Q30 URL Link of the relevant authority/agency to each field:

Restrictive business practices(competition/antitrust)	www.compcom.co.za/
Financial services	https://www.fsca.co.za/ http://www.ncr.org.za/
Promotion of sustainable consumption	https://www.environment.gov.za/
Food distribution	http://www.health.gov.za/
Water	http://www.dwa.gov.za/ http://www.wrc.org.za/
Pharmaceuticals	http://www.health.gov.za/ https://www.sahpra.org.za/
Energy	http://www.energy.gov.za/ http://www.nersa.org.za/
Public utilities	http://www.dwa.gov.za/ http://www.energy.gov.za/
Tourism	https://www.tourism.gov.za/

Q31 Does your main consumer protection authority/agency have ENFORCEMENT powers over any of the following fields?

- Consumer rights/legitimate needs,**
- Access by consumers to essential goods and services ,**
- Protection of vulnerable and disadvantaged consumers**
- ,**
- Physical safety,**
- Product quality,**
- Terms and conditions ,**
- Promotional marketing and sales practices (including misleading advertisement)**
- ,**
- Voluntary codes for businesses ,**
- Electronic commerce,**
- Data protection and privacy ,**
- Dispute resolution,**
- Redress,**
- Consumer education,**
- Consumer information**

Consumer Protection Survey

Q32 From your previous answer, your main consumer protection authority/agency does not have ENFORCEMENT powers over the following fields. Please name the relevant authorities/agencies with powers over these fields:

Restrictive business practices (competition/antitrust)	The Competition Commission
Financial services	Financial Services Conduct Authority; National Credit Regulator
Promotion of sustainable consumption	The Department of Environment, Forestry and Fisheries
Food distribution	Department of Health
Water	Department of Water and Sanitation
Pharmaceuticals	South African Health Products Regulatory Authority
Energy	National Energy Regulator of South Africa
Public utilities	Department of Water and Sanitation; Department of Energy
Tourism	Department of Tourism

Q33 URL Link of the relevant authority/agency to each field:

Restrictive business practices (competition/antitrust)	www.compcom.co.za/
Financial services	https://www.fsca.co.za/ http://www.ncr.org.za/
Promotion of sustainable consumption	https://www.environment.gov.za/
Food distribution	http://www.health.gov.za/
Water	http://www.dwa.gov.za/ http://www.wrc.org.za/
Pharmaceuticals	https://www.sahpra.org.za/
Energy	http://www.nersa.org.za/
Public utilities	http://www.dwa.gov.za/ http://www.energy.gov.za/
Tourism	https://www.tourism.gov.za/

Q34 Regarding enforcement, how many infringement cases does your authority/agency handle on average per year?

6000

Q35 Has your authority/agency imposed sanctions and/or other measures for breaches of consumer protection law(s)? **Yes**

Q36 Maximum amount for sanction/measure allowed by consumer protection law(s): (in USD)

3520

Consumer Protection Survey

Q37 Record highest amount for any sanction/measure imposed: (in USD)

3520

Q38 Please detail if necessary, what kind of sanctions and/or other measures are available in your jurisdiction

- 10% of the offending entity's annual turnover during the preceding financial
- Refunds to affected consumers;
- Repairs effected by offending;
- Replacements of defective goods with defect-free goods; and
- Interdicts against the offending service providers
- Criminal sanctions of imprisonment

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Q39 Are there any non-governmental consumer organizations/associations in your country? **Yes**

Q40 Do you have a law/decree that governs consumer organizations/associations? **Yes**

Q41 In case you have a law/decree that governs consumer organizations, please provide the following details:

Reference of the law/decree

Consumer Protection Act

URL to law/decree

<https://www.gov.za/documents/consumer-protection-act>

Q42 Do consumer organizations/associations fulfil any of the following functions?

Consultation in policy making,

Legal advice to consumers

Consumer education,

Consumer information,

Consumer publications,

Legal representation of consumers' individual interests before courts

,

Legal representation for consumer collective actions

Q43 Do consumer groups/associations receive public funding? **No**

Consumer Protection Survey

Q44 Name the three largest non-governmental consumer organizations/associations in your jurisdiction:

1- Name	South African National Consumer Union
1- Website	https://www.saconsumerunion.co.za
2- Name	Consumer International south Africa
2- Website	https://www.consumersinternational.org

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Q45 Can consumers obtain redress through judicial channels? **Yes**

Q46 Is there a specialized judicial mechanism for consumer complaints? **Yes**

Q47 If there is, please provide the following details

Name	National Consumer Tribunal
URL Link	http://www.thenct.org.za/

Q48 Do you have collective redress/class actions for consumer complaints? **Yes**

Q49 Who can represent consumer interests in court? **Consumers individually,
Lawyers,
Consumer protection enforcement authority/agency,
Consumer associations**

Q50 What is the highest damages award following a collective redress/class action? **Respondent skipped this question**

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Consumer Protection Survey

Q51 Regarding out-of-court/alternative consumer dispute resolution, are there any of the following?

Mediation/ Conciliation,

Comments:

The National Consumer Commission, has recommended to its Executive Authority, which recommendations were accepted, to accredit ombud schemes in the private sector to resolve consumer complaints through alternate dispute resolution process at no cost to consumers. Moreover, South Africa has, some time ago, concluded that the existing civil court process is too tedious and costly for consumers to deal with consumer protection related disputes. To this end, South Africa has established, the Competition Tribunal, the National Consumer Tribunal, the Community Schemes Ombud Service, Housing Rental Tribunals in various provinces.

Q52 If there are any of the above, please provide the following details:

1- Name	Consumer Goods And Services Ombud
1- URL Link	http://www.cgso.org.za/
2- Name	Motor Industry Ombudsman of South Africa
2- URL Link	https://www.miosa.co.za/
3- Name	Community Schemes Ombud Service
3- URL Link	https://csos.org.za/

Q53 Are there any CROSS-BORDER out-of-court/alternative consumer dispute resolution initiatives?

No

Q54 If there are, please provide the following details:

1- Name	N/A
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Q55 Are there any self-regulation initiatives from businesses?

Yes

Consumer Protection Survey

Q56 Please provide (up to) 4 examples of the self-regulation initiatives from businesses:

1- Name of initiative	Ombudsman for Banking Services
1- Scope of application	Resolving disputes between consumers and member banks
1- URL link	https://www.obssa.co.za/
2- Name of initiative	Direct Marketing Association of Southern Africa
2- Scope of application	Resolving disputes between consumers and direct marketing members
2- URL link	https://www.nationaloptout.org/
3- Name of initiative	Vacation Ownership Association of Southern Africa
3- Scope of application	Resolving disputes between consumers and vacation-ownership members
3- URL link	https://voasa.co.za/
4- Name of initiative	Wireless Application Service Providers' Association (WASPA)
4- Scope of application	Resolving disputes between consumers and WASPs
4- URL link	https://waspa.org.za/

Q57 Are there any co-regulation initiatives between businesses and public entities? **Yes**

Q58 Please provide (up to) 4 examples of the co-regulation initiatives between businesses and public entities:

1- Name of initiative	Consumer Goods And Services Ombud
1- Scope of application	Resolution of disputes between consumers and business in the fast-moving goods and services sector
1- URL link	http://www.cgso.org.za/
2- Name of initiative	Motor Industry Ombudsman of South Africa.
2- Scope of application	Resolution of disputes between consumers and business in the automotive and Related Industries sector
2- URL link	https://www.miosa.co.za/

Consumer Protection Survey

Q59 Do self-regulation and/or co-regulation initiatives cover any of the following issues? (Please relate to UNGCP Guideline 11)

Fair and equitable treatment ,
Responsible commercial behaviour ,
Disclosure of information and transparency ,
Education and awareness-raising ,
Protection of privacy ,
Consumer complaints and disputes

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Q60 What kind and how many international cooperation agreement(s) on consumer protection does your authority/agency participate in?

	Bilateral	Multilateral/Regional
Formal (treaties)		1
Informal (memoranda of understanding)	1	4

Q61 Please provide name and URL link of formal bilateral agreements (treaties):

MOU with Zambian Competition and Consumer Protection Commission

Q62 Please provide name and URL link of informal bilateral agreements (memoranda of understanding):

MOU with Zambian Competition & Consumer Protection Commission

Q63 Please provide name and URL link of formal multilateral/regionals agreements (treaties) that address consumer protection:

SADC Declaration on Competition and Consumer Policies (2009)
https://sadc.int/documentspublications/show/SADC_Declaration_on_Competition_and_Consumer_Policies.pdf

Q64 Please provide name and URL link of informal multilateral/regionals agreements (memoranda of understanding) that address consumer protection:

- Africa Dialogue
- Unsolicited Communications Enforcement Network(UCENET)- <https://www.ucenet.org/>
- Organization for Economic Cooperation and Development- <http://www.oecd.org/>
- International Consumer Protection an

Consumer Protection Survey

Q65 Do cooperation agreements on consumer protection (be those formal/informal/bilateral/regional) cover any of the following fields?

- Enforcement,
- Access by consumers to essential goods and services ,
- Protection of vulnerable and disadvantaged consumers ,
- Physical safety,
- Product quality,
- Terms and conditions ,
- Promotional marketing and sales practices (including misleading advertisement) ,
- Voluntary codes for businesses ,
- Data protection and privacy ,
- Dispute resolution,
- Redress,
- Consumer education,
- Consumer information

Q66 Does your consumer protection enforcement authority/agency have any of the following powers regarding cross-border fraudulent and deceptive commercial practices affecting consumers?

- Investigate,
- Pursue,
- Obtain redress

Q67 Do you have any experience in cross-border cooperation on enforcement?

No

Q68 If you do, please provide a short description

Respondent skipped this question

Q69 Do you engage in technical cooperation or capacity building activities on consumer protection?

Bilaterally

Through an international organization/network

As a recipient

Yes

As a donor

Consumer Protection Survey

Q70 If you have engaged in technical cooperation or capacity building activities on consumer protection as a recipient/as donor and/or through an international organization/network, please provide the following details for each initiative

1- Name of programme/project	Best practices on consumer protection
1- Name of cooperating partner(s)	International Consumer Protection Network
1- Starting date of programme/project	2018
1- Finish date of programme/project	On going
1- Scope of programme/project (list areas of work)	Sharing of best practices and cases in different consumer protection
2- Name of programme/project	African Dialogue on Consumer Protection
2- Name of cooperating partner(s)	African agencies in consumer protection and FTC USA
2- Starting date of programme/project	2009
2- Finish date of programme/project	On going
2- Scope of programme/project (list areas of work)	Best practices on consumer protection
3- Name of programme/project	Unsolicited Communications Enforcement Network
3- Name of cooperating partner(s)	Members of UCENet
3- Starting date of programme/project	2016
3- Finish date of programme/project	On going
3- Scope of programme/project (list areas of work)	Cooperation of regulatory bodies to work toward nuisance-free environment and protecting privacy of consumers.

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Q71 Does your authority/agency carry out information and education initiatives? **Yes**

Q72 Do information and education initiatives carried out by your authority/agency cover any of the following fields?
Product hazard,
Product labelling,
Legislation, dispute resolution,
Electronic commerce

Q73 Does your authority/agency provide specific education and information initiatives for vulnerable and disadvantaged consumers? **Yes**

Consumer Protection Survey

Q74 If your authority/agency does, please provide the following details:

1- Name of initiative	Consumer Protection School Clubs
1- Scope of initiative	Educating and empowering learners on their rights and advocacy within consumer education
1- URL link	http://www.thencc.gov.za/newsletters
1- Impact (short description)	Learners become champions of consumer protection within their communities and provide opportunity for application of consumer law.
2- Name of initiative	Taking the Department of Trade and Industry to the people
2- Scope of initiative	Targeted at communities living in rural and peri-urban areas
2- URL link	http://www.thencc.gov.za/newsletters
2- Impact (short description)	Awareness creation on consumer rights and disputes resolution mechanism
3- Name of initiative	Safer Paraffin stoves campaign
3- Scope of initiative	Awareness creation on use of safe and compliant paraffin stoves and the combating the sale and use of illegal and hazardous stoves
3- URL link	http://www.thencc.gov.za/newsletters
3- Impact (short description)	The number of fires caused by non-compliant stoves in the affected informal settlements was reduced and non-compliant stoves identified were destroyed

Q75 Do consumer organizations/associations provide education and information initiatives? **No**

Q76 If consumer organizations/associations do, please provide the following details:

1- Name of consumer organization/association	N/A
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Q77 Does your authority/agency conduct research and analysis on consumer protection issues? **Yes**

Consumer Protection Survey

Q78 If your authority/agency does, please provide the following details:

1- Main area of work

The NCC conducts monthly and quarterly trends analysis research on consumer complaints in order to assess patterns of complaints by demographic and sectoral groups. The information is useful to the Commission's management and the Department of Trade and Industry. NCC also conducts adhoc research upon request of the Minister of Trade and Industry on topical issues that arise within the area of consumer protection.

1- URL link to online library or publication(s)

<http://www.thencc.gov.za/newsletters>

Q79 Do other organizations/associations conduct research and analysis on consumer protection?

Respondent skipped this question

Q80 If other organizations/associations do, please provide the following details:

Respondent skipped this question
