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DEPARTMENT OF TRADE, INDUSTRY AND COMPETITION

NOTICE 2798 OF 2024

CONSUMER PROTECTION ACT, 2008

CONSUMER PROTECTION ACT REGULATIONS: AMENDMENT

I, Mr Mpho Franklyn Parks Tau, Minister Trade, Industry and Competition, in consultation with the National Consumer Commission and provincial consumer regulatory authorities, intend, in terms of section 120(1)(a), read with section 11(6), of the Consumer Protection Act, 2008 (Act No. 68 of 2008), to make the regulations in the Schedule.

Any person who wishes to submit written comments on the draft Regulations is hereby invited to do so within 45 days from the date of publication hereof by—

(a) posting such comments to the following address:
Private Bag X 84
PRETORIA
0001;

(b) delivering such comments by hand at the following address:
The Department of Trade, Industry and Competition
77 Meintjies Street, 1st Floor, Block B, Sunnyside, Pretoria; or

(c) mailing such comments electronically to the following address:
SSasayi@thedtic.gov.za

Comments must be addressed to the Acting Director-General: Department of Trade, Industry and Competition, and marked for the attention of Mr. Sibusiso Sasayi.

MR MPHO FRANKLYN PARKS TAU (MP)
MINISTER OF TRADE, INDUSTRY AND COMPETITION
Date: 05 / 10 /**2024**

SCHEDULE

Definition

1. In this Schedule, "the Regulations" means the Consumer Protection Act Regulations, as published under Government Notice No. R. 293 of 1 April 2011.

Amendment of regulation 1 of Regulations

2. Regulation 1 of the Regulations is hereby amended—

(a) by the addition after the definition of "Act" of the following definition

"**cleansing'** means the process whereby the direct marketer cleanses data sets of consumers who have registered a pre-emptive block from their database;

(b) by the substitution for the definition of "Department" of the following definition:

'Department' means the Department of Trade, Industry and Competition;

(c) by the insertion after the definition of "Department" of the following definitions:

'direct marketer' means a person who engages in direct marketing;

'electronic communication recipient' means a consumer who receives electronic communication from the direct marketer and has registered a pre-emptive block; and

(d) by the addition after the definition of "public officer" of the following definition:

'pre-emptive block' means registering a block on the opt-out registry established by the Commission as contemplated in section 11(3) of the Act to prevent any unwanted electronic communication from direct marketers.".

Amendment of regulation 4 of Regulations

3. Regulation 4 of the Regulations is hereby amended—

(a) by the substitution in sub-regulation (1) for paragraph *(b)* of the following paragraph:

"*(b)* registered a pre- emptive block, as contemplated in subregulation (8);";

(b) by the substitution in sub-regulation (3) for paragraph *(b)* of the following paragraph:

"*(b)* the registry must at all times, except in the case of unforeseen technical interruptions, be accessible to all persons in the Republic for purposes of registering a pre-emptive block;";

(c) by the deletion in sub-regulation (3) of paragraphs *(i)*, *(j)* and *(k)*; and

(d) by the addition after sub-regulation (6) of the following sub-regulations:

"(7) In order to facilitate the effective operation of the opt-out registry, a direct marketer must—

(a) register, annually, on the op-out registry administered by the Commission by completing an electronic form that correspond substantially to the form contained in Annexure P of these Regulations;

(b) ensure that an electronic communication recipient is able to identify the name, electronic address, physical address and contact number of the direct marketer;

(c) ensure that the information kept on the opt-out registry is up to date;

(d) be identifiable even on public platforms;

(e) not disseminate any electronic communication from a public platform where the originator of the electronic communication is unidentifiable;

(f) ensure that any form of electronic communication transmitted to the recipient's device is identifiable by the recipient;

(g) not directly market any goods or services to any consumer who has registered a relevant pre-emptive block;

(h) remove, from its database, all data of persons who have registered a relevant pre-emptive block by cleansing such data monthly with the Commission; and

(i) not contact any consumer for the purpose of direct marketing and promoting any goods and services unless such direct marketer has been registered as a direct marketer on the opt-out registry.

(8) A consumer may register a pre-emptively block contemplated in section 11(3) of the Act by completing a form that corresponds substantially with the form contained in Annexure O of these Regulations.

(9) A consumer contemplated in sub-regulation (8) must—

(a) provide accurate information that is required to register a pre-emptive block in the opt-out registry; and

(b) ensure that their information kept in the opt-out registry is always up to date.

(10) The Commission must—

(a) use the information received as the custodian of the opt-out registry, solely for the purposes of operating the opt-out registry;

(b) not disclose to a third party any confidential information received through the administration of the opt-out Registry, without the consent of the party from whom such information was received, except where required by the application of law to disclose such information.

(c) verify all information received for registration on the opt-out registry, with other relevant state organs before registering profiles in the opt-out registry;

(d) keep on its website, information for the purposes of assisting the consumers and direct marketers on how to use the opt-out registry; and

(e) if access to the opt-out registry is unavailable for a period of 24 hour or more, take reasonable steps to inform the public thereof as soon as possible.

(11) The filling fee structure —

(a) A schedule of the fee structure for filling of registration and annual renewal fee is attached hereto as Annexure N;

(b) Late renewal filling penalty will be calculated at annual renewal fee plus 75% of the annual renewal fee; and

(c) New tariffs will be published on a 3-year cycle".

Amendment of Annexures of the Consumer Protection Regulations

12. Annexures is hereby amended by the substitution of Annexure "E" and the insertion after "Annexure M" of the following "Annexure N, O, P,:

"Annexure N – Filing Fees"

Fees	2024	2025	2026
Filing Registration Fee	R2,452.00	R2,574.00	R2,702.70
Filing Annual Renewal Fee		R1,930.50	R2,027.03
Filling cleansing registration fee	R0,10	R0,12	R0,14

NATIONAL CONSUMER COMMISSION
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Substitution of Annexure E

National Consumer Commission	
Form – Complaint- Section 71 (1)	
*Full names of the complainant	
*ID/ Passport number of complainant (attach proof)	
Company Registration Number (in the case of a company)	
*Full Physical Address (Including area code)	
	*Province:
*Cell phone number	
Landline number	
Fax number	
*E-mail address	
Has this complaint been filed with the NCC before?	
If yes , please provide the reference number	
*Has the complaint been through an Alternative Dispute Resolution	

process with an ADR agencies?	
If so, please provide the closing letter	
***Nature of complaint**	
Name of supplier against whom a complaint is made	
***Physical Address of the supplier against whom a complaint is made**	
	***Province:**
***Supplier's Telephone number**	
***Supplier's e-mail address**	
*** Description of complaint**	
***Details of steps taken to resolve the complaint**	

*** Attach the following documents:**
Proof of Communication
Proof of purchase/ Copy of contract
Closing letter from an ADR
***What outcome do you propose for this complaint?**

Date:	
Names	

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Annexure O

National Consumer Commission			
Regulation 4			
Consumer Pre-emptive Block Form			
Identity or Passport number of applicant			
Full names of applicant (as appearing on identity document)			
Surname		Maiden Name	
Gender		Citizenship	
Marital Status			
Email address			
Cell phone number			
Landline number or alternative number			
Work or home physical address			
I hereby confirm that the information above is true and correct: _____ _____ Names Date			

NATIONAL CONSUMER COMMISSION
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Annexure P

National Consumer Commission		
Regulation 4		
Direct Marketer Registration Form		
Company registration number		
VAT number		
Company name		
Company Director/s names		
Company telephone number		
Contact person		
Contact person's number		
Company's email address		
Company's physical address		
Attachments included		BBBEE certificate
		Valid Tax Clearance
I hereby confirm the information shown above is true and correct: _____ _____ Authorised Company contact person name Date		

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