

Consumer Protection Act made easy

Most South African businesses seem to be unaware that the most draconian of the provisions of the new Consumer Protection Act will soon be coming into effect, said consumer law specialist Neville Melville at the launch of his latest book, *The Consumer Protection Act made easy*.

"Hidden away at the back of the Act* is a provision that states that Section 61 applies to any goods supplied on or after the 'early effective date', which is one year after the Act was signed, namely 24 April 2010," said Melville.

In terms of Section 61, a producer, importer, distributor or retailer of goods is liable to a consumer on a no-fault basis for harm, including death, injury, physical damage or associated economic loss, which was caused by unsafe or defective goods.

This has implications for retailers over the World Cup period, bearing in mind that South African courts have already made an award of over R500 million in favour of a Swiss-based millionaire paralysed in a motorcycle accident.

The Act will have a significant impact on the way business is conducted in South Africa. Melville recommended that all suppliers covered by the Act, which will applying to virtually every business transaction and to manufacturers, retailers, professional service providers, franchises, NGOs, trade unions and municipalities, start preparing for its implementation without delay.

A website, www.consumerprotectionactmadeeasy.co.za, has been set up as a one-stop-shop to assist them in doing so.

The Consumer Protection Act made easy extracts the essence of Act and rearranges the sections into a more user friendly order, making it easier to navigate through the Act, with the bulk of the provisions coming into effect on 25 October 2010. According to Melville, it is no longer a world where the buyer needs to beware, but rather the seller.