

CONSUMER PROTECTION ACT 68 OF 2008

OLDER PERSONS AS "VULNERABLE CONSUMERS"

SECTION 9 – REASONABLE GROUNDS FOR DIFFERENTIAL TREATMENT

Consumer Protection Act 68 Of

Heila Levina Helena Catharina Kruger

Consumer Protection Act 68 Of:

Consumer Protection Act (68/2008). South Africa, 2017 **Consumer Protection Act 68 of 2009 and Regulations** Consumer Protection Act 68 of 2008 South Africa, 2009 **Does the Consumer Protection Act 68 of** 2008 Provide Adequate Protection to the Consumer with Regard to Unfair Or Unconscionable Commercial **Practices?** Shrivar Chendip, 2019 This dissertation aims at addressing the question of whether the CPA provides adequate protection to the consumer with regards to unfair or 0 unconscionable0 commercial practices In terms of unfair commercial practices this dissertation highlights that protection against such practices is provided through the fundamental right to fair and responsible marketing which is regulated by Part E of the CPA Furthermore these sections enable the consumer to hold the supplier accountable to a general marketing standard This protection is furthermore aided by the interaction between sections 29 and 41 of the CPA in that a producer importer distributer retailer or service provider is prohibited from marketing any goods or services as mentioned in section 41 of the CPA in a manner that is reasonably likely to imply a false or misleading representation In terms of 0 unconscionable0 commercial practices and representations this dissertation highlights that protection against such practices is provided for by sections 40 and 41 of the CPA In terms of these sections the CPA provides a wide ambit of application with regards to 0 unconscionable 0 conduct on behalf of the supplier Due to such numerous problems have arisen such as The effectiveness of the defence of 0 unconscionability 0 In conclusion the aims of this dissertation are to Firstly analyse sections 29 40 and 41 of the CPA in order to determine the scope of their protection towards consumers and how they interact with one another secondly to interpret the CPA in order to highlight any remedies available to the consumer and lastly to highlight what challenges are encountered when applying the CPA to unfair or 0 unconscionable 0 commercial practices Consumer Protection Act 68 of 2008 & Rules and Regulations South Africa, 2019

Consumer Protection Act 68 of 2008 & Rules and Regulations South Africa, 2018 **Consumer Protection Act 68 of 2009 and Regulations** South Africa, Juta Law (Firm), 2011-01-01 Consumer Protection Act 68 of 2008 and **Regulations and Related Material** South Africa, Juta Law (Firm), Juta's Statutes Editors, 2011 **Consumer Protection** Act 68 of 2008 and Rules and Regulations Juta's Statutes Editors, 2016 1999, חחחחח The Influence of the Consumer Protection Act 68 of 2008 on the Common Law Obligations of the Seller Vis-à-vis Risk and Duty to Take Care, Eviction, and Defects Heila Levina Helena Catharina Kruger, 2013 *Unpacking the Right to Plain and Understandable* Language in the Consumer Protection Act 68 of 2008 Philip N. Stoop, 2014 The Consumer Protection Act 68 of 2008 came into effect on 1 April 2011 The purpose of this Act is among other things to promote fairness openness and respectable business practice between the suppliers of goods or services and the consumers of such good and services In consumer protection legislation fairness is usually approached from two directions namely substantive and procedural fairness Measures aimed at procedural fairness address conduct during the bargaining process and generally aim at ensuring

transparency Transparency in relation to the terms of a contract relates to whether the terms of the contract terms accessible in clear language well structured and cross referenced with prominence being given to terms that are detrimental to the consumer or because they grant important rights One measure in the Act aimed at addressing procedural fairness is the right to plain and understandable language The consumer's right to being given information in plain and understandable language as it is expressed in section 22 is embedded under the umbrella right of information and disclosure in the Act Section 22 requires that notices documents or visual representations that are required in terms of the Act or other law are to be provided in plain and understandable language as well as in the prescribed form where such a prescription exists In the analysis of the concept plain and understandable language the following aspects are considered in this article the development of plain language measures in Australia and the United Kingdom the structure and purpose of section 22 the documents that must be in plain language the definition of plain language the use of official languages in consumer contracts and plain language guidelines based on the law of the states of Pennsylvania and Connecticut in the United States of America

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Procedural Fairness in Consumer Contracts Philip N. Stoop,2016 In general the concept contractual fairness can be narrowed down described and analysed with reference to the two interdependent types of fairness substantive and procedural fairness Measures aimed at procedural fairness in contracts address conduct during the bargaining process and generally aim at ensuring transparency One could say that a contract is procedurally fair where its terms are transparent and do not mislead as to aspects of the goods service price and terms Despite the noble aims of legislative measures aimed at procedural fairness there are certain limits to the efficacy of procedural measures and transparency The special procedural measures which must be considered in terms of the Consumer Protection Act 68 of 2008 in order to decide if a contract is fair are analysed in this article as are other measures contained in the Act which may also increase procedural fairness and are discussed so as to allow suppliers to predict whether their contracts will be procedurally fair or not in terms of the Act The special procedural measures can be categorised under measures requiring disclosure and or mandatory terms and measures addressing bargaining position and choice It is concluded that owing to the nature of all these factors and measures related to procedural fairness it is clear that openness and transparency are required by the CPA

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