



**the dti**

Department:  
Trade and Industry  
**REPUBLIC OF SOUTH AFRICA**

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**THE NEW CONSUMER PROTECTION ACT AND COMPANIES ACT TO COME INTO FORCE ON 1 APRIL 2011**

The Minister of Trade and Industry (**the dti**) Dr Rob Davies, has, after consideration of the level of readiness of the administrative processes required for smooth implementation and having assessed requests made by affected stakeholders to prepare properly for compliance with the laws, deferred the general implementation date of both the Consumer Protection Act of 2008 and the Companies Act of 2008 to 1 April 2011. This will enable the department to finalise all processes required to effectively administer these two pieces of legislation. **the dti** believes that this postponement will also give business and the public sufficient time to prepare themselves for compliance with the new laws.

The department is in the process of finalising regulations which will give effect to both pieces of legislation, and the postponement will allow time for more consultation with stakeholders before finalisation. This is also in recognition of the fact that these two pieces of legislation have significant impact on business operations and thus further justify a need for the postponement to allow affected stakeholders to adjust business practices and behaviour.

The postponement only relates to the general implementation of the various provisions of the two Acts and does not extend to the establishment of the two institutions required to implement or administer both legislation. These institutions are: the Companies and Intellectual Property Commission established in terms of the Companies Act, and the National Consumer Commission established in terms of the Consumer Protection Act. These institutions will come into existence and commence with administrative operations as stipulated in the Acts in the third quarter of this financial year. The public and stakeholders will thus be able to approach them for assistance and guidance as soon as their establishment is announced in due course.

Further, certain provisions of the Consumer Protection Act which became effective on 24 April 2010 will now be implemented by the National Consumer Commission which will

entail the current staff of the Office of Consumer Protection. The provisions include those contained in Chapter 1 and Chapter 5 as well as section 120 of the Consumer Protection Act. As provided for in Schedule 2, item 9(1) of the Consumer Protection Act, the employees of the **dti** tasked with the administration and enforcement of repealed laws are employees of the National Consumer Commission as of the early effective date, 24 April 2010. Any applications or clarification required by members of the public or stakeholders relating to enforcement of provisions of Chapters 1 and 5 can be directed to these employees of the Office of Consumer Protection.

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