

Consumer Protection Act *News*

What if the Consumer Protection Act applies?

If the CPA applies to your organisation you need to consider a number of factors, including:

- Standard business terms and conditions, to ensure that they do not contain unfair contract or prohibited terms. Disclaimers and limitation of liability clauses must be correctly positioned in agreements to ensure that the consumer's attention is drawn to them at initiation of the transaction. Where an agreement is in writing, ensure that it complies with the requirements of understandable language and that it contains an itemised break down of the consumer's financial obligations.
- Appropriate insurance cover to minimise the risk of being held liable under the product liability provisions.
- A review of product instructions and labelling to minimise the risks associated with liability for damage caused by products.
- review of marketing practices to ensure that your advertising is not misleading and deceptive or even fraudulent.
- Appropriate training of client facing staff to ensure that their interaction with consumers complies with the CPA and that they are aware of its requirements.
- Drafting of a risk management plan to document controls.
- If your industry is regulated, the regulatory authority may apply to the Minister for an industry-wide exemption from one or more provisions of the CPA.

If you have any questions and/or queries, please don't hesitate to contact Simone Monty at 011 775 6335 or simonemonty@eversheds.co.za.



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