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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 363.

2 Maart 1984

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 7 van 1984: Wysigingswet op Handelspraktyke, 1984.

No. 363.

2 March 1984

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

No. 7 of 1984: Trade Practices Amendment Act, 1984.

Wet No. 7, 1984

WYSIGINGSWET OP HANDELSPRAKTYKE, 1984

ALGEMENE VERDUIDELIKENDE NOTA:

[] Woorde in vet druk tussen vierkantige hake dui skrapings uit bestaande verordeninge aan.

_____ Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan.

WET

Tot wysiging van die Wet op Handelspraktyke, 1976, ten einde die gebruik van handelskoepons in verband met die verkoop of verhuring van goedere of die verskaffing of lewering van dienste, opnuut te reël; en die lang titel van genoemde Wet te vervang; en om vir bykomstige aangeleenthede voorsiening te maak.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 22 Februarie 1984.)*

DAAR WORD BEPAAL deur die Staatspresident en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Vervanging van
artikel 10 van
Wet 76 van 1976.

1. Artikel 10 van die Wet op Handelspraktyke, 1976 (hieronder die Hoofwet genoem), word hierby deur die volgende artikel vervang:

- “Gebruik van handelskoepons in verband met verkoop of verhuring van goedere of lewering of verskaffing van dienste.
- 10. (1)** Niemand mag deur middel van 'n advertensie of op enige ander wyse, in verband met die verkoop of verhuring van goedere of die lewering of verskaffing van dienste, 'n handelskoepon lewer of gee of aanbied of belowe om dit te lewer of te gee nie, tensy—
- (a) die handelskoepon of die advertensie volledige en duidelike besonderhede bevat met betrekking tot—
- (i) die bate of die kompetisie om 'n bate waarop die handelskoepon betrekking het; 15
 - (ii) die persoon van wie en die plek waar die houer van die handelskoepon die bate kan ontvang, of die plek waar en die wyse waarop hy aan die kompetisie om 'n bate kan deelneem; en 20
 - (iii) die voorwaardes (as daar is), behoudens subartikel (2), waaraan die houer van die handelskoepon moet voldoen alvorens hy 'n reg verkry om die bate te ontvang of aan die kompetisie om 'n bate deel te neem; en 25
- (b) die handelskoepon aan 'n houer daarvan die reg verleen om, na voldoening aan die voorwaardes daarvan (as daar is), binne 14 dae die betrokke bate te verkry of aan die betrokke kompetisie om 'n bate te neem. 30
- (2) Niemand mag regstreeks of onregstreeks aan 'n persoon aan wie 'n handelskoepon gelewer, gegee, aangebied of belowe word soos in subartikel (1) beoog, 'n voorwaarde stel nie waarvolgens— 35
- (a) daardie persoon, indien hy verdere handelskoepons bekom, 'n reg verkry om 'n bate te ontvang of aan 'n kompetisie deel te neem om 'n bate

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GENERAL EXPLANATORY NOTE:

I Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Trade Practices Act, 1976, so as to regulate anew the use of trade coupons in connection with the sale or leasing of goods or the rendering or provision of services; and to substitute the long title of the said Act; and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 22 February 1984.)

BE IT ENACTED by the State President and the House of Assembly of the Republic of South Africa, as follows:—

1. The following section is hereby substituted for section 10 of the Trade Practices Act, 1976 (hereinafter referred to as the principal Act):

Substitution of
section 10 of
Act 76 of 1976.

- 10 "Use of trade coupons in connection with sale or leasing of goods or rendering or provision of services.
- 15 10. (1) No person shall by means of an advertisement or in any other manner, in connection with the sale or leasing of goods or the rendering or provision of services, supply or give or offer or promise to supply or give any trade coupon, unless—
- 20 (a) the trade coupon or advertisement contains full and clear particulars regarding—
- (i) the benefit or the competition for a benefit to which the trade coupon refers;
- (ii) the person from whom and the place where the holder of the trade coupon may receive the benefit, or the place where and the manner in which he may participate in the competition for a benefit; and
- (iii) the conditions (if any), subject to subsection (2), with which the holder of the trade coupon must comply before he acquires a right to receive the benefit or to participate in the competition for a benefit; and
- 25 (b) the trade coupon confers on a holder thereof the right, after compliance with the conditions thereof (if any), within 14 days to receive the relevant benefit or to participate in the relevant competition for a benefit.
- 30 (2) No person shall directly or indirectly set a person to whom a trade coupon is supplied, given, offered or promised as contemplated in subsection (1), any condition in terms of which—
- 35 (a) that person, if he obtains additional trade coupons, acquires a right to receive a benefit or to participate in a competition for a benefit which

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wat van groter waarde is as die totaal van die waardes van die afsonderlike bates wat uit hoofde van die afsonderlike handelskoepons verkry kan word; of

- (b) daardie persoon, alvorens hy die reg verkry om die betrokke bate te ontvang of aan die betrokke kompetisie om 'n bate deel te neem—
- (i) verdere handelskoepons moet bekom; of
 - (ii) aan verdere kompetisies moet deelneem; of
 - (iii) indien die handelskoepon aan hom gelewer, gegee, aangebied of belowe word—
- (aa) in verband met die koop of huur deur hom van goedere of die gebruikmaking deur hom van 'n diens waarvoor hy 'n teenprestasie gelewer het, verplig is om verdere aankope te doen of huurtransaksies aan te gaan of aldus van verdere dienste gebruik te maak; of
- (bb) sonder dat hy aldus gekoop, gehuur of van 'n diens gebruik gemaak het, verplig is om meer as een maal aldus te koop of te huur of van dienste gebruik te maak; of
- (c) daardie persoon, nadat hy 'n reg om die betrokke bate te ontvang of aan die betrokke kompetisie om 'n bate deel te neem, verkry het, verplig is om aan enige verdere voorwaarde te voldoen alvorens hy die betrokke bate kan ontvang.”.

Herroeping van artikel 11 van Wet 76 van 1976, soos vervang deur artikel 4 van Wet 55 van 1980.

2. Artikel 11 van die Hoofwet word hierby herroep.

Wysiging van artikel 16 van Wet 76 van 1976, soos vervang deur artikel 6 van Wet 55 van 1980.

3. Artikel 16 van die Hoofwet word hierby gewysig deur in subartikels (1), (2) en (4) die uitdrukking “11 (2),” te skrap.

Wysiging van artikel 17 van Wet 76 van 1976, soos vervang deur artikel 6 van Wet 78 van 1978.

4. Artikel 17 van die Hoofwet word hierby gewysig—

- (a) deur paragraaf (a) van subartikel (1) deur die volgende paragraaf te vervang:
- “(a) enige handeling, optrede of praktyk **[wat deur artikel 11 (1) veroorloof word,]** in verband met die gebruik van handelskoepons wat nie deur 'n bepaling van artikel 10 verbied word nie, verbied of ten opsigte daarvan voorwaardes oplê indien die komitee oortuig is dat sodanige handeling, optrede of praktyk nie in belang is nie van die betrokke kopers, huurders of persone wat van 'n diens gebruik maak of by die verkoop of verhuring van goedere betrokke is; of”;
- (b) deur in paragraaf (c) van subartikel (1) die uitdrukking “11 (2),” te skrap; en
- (c) deur in subartikel (2) die uitdrukking “11 (2),” te skrap.

Vervanging van lang titel van Wet 76 van 1976.

5. Die lang titel van die Hoofwet word hierby deur die volgende lang titel vervang:

“Om voorsiening te maak vir beheer oor sekere advertensies; om in verband met die verkoop of verhuring van goedere of die lewering of verskaffing van sekere dienste die gee of lewering van bates **[en die gebruik van handelskoepons in verband met die verkoop van goedere of die lewering**

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- is of greater value than the total of the values of the separate benefits which may be received by virtue of the separate trade coupons; or
- 5 (b) that person, before he acquires the right to receive the relevant benefit or to participate in the relevant competition for a benefit—
- (i) must obtain additional trade coupons; or
- (ii) must participate in additional competitions; or
- 10 (iii) if the trade coupon is supplied, given, offered or promised to him—
- (aa) in connection with the purchase or lease by him of goods or the making use by him of any service for which he gave any consideration, is obliged to make further purchases or conclude further leases or so make use of additional services; or
- 15 (bb) without his having so purchased, leased or made use of any service, is obliged so to purchase, lease or make use of any service more than once; or
- 20 (c) that person, after having acquired a right to receive the relevant benefit or to participate in the relevant competition for a benefit, is obliged to comply with any further condition before he may receive the relevant benefit.”
- 25

2. Section 11 of the principal Act is hereby repealed.

Repeal of
section 11 of
Act 76 of 1976,
as substituted by
section 4 of
Act 55 of 1980.

3. Section 16 of the principal Act is hereby amended by the deletion, in subsections (1), (2) and (4), of the expression “11 (2),”.

Amendment of
section 16 of
Act 76 of 1976,
as substituted by
section 6 of
Act 55 of 1980.

4. Section 17 of the principal Act is hereby amended—

- (a) by the substitution for paragraph (a) of subsection (1) of the following paragraph:
- 35 “(a) prohibit or impose conditions in respect of any act, conduct or practice [permitted by section 11 (1),] in connection with the use of trade coupons which is not prohibited by any provision of section 10, if the committee is satisfied that such act, conduct or practice is not in the interest of the relevant purchasers, lessees or persons making use of a service or engaged in the sale or leasing of any goods; or”;
- 40 (b) by the deletion in paragraph (c) of subsection (1) of the expression “11 (2),”;
- 45 (c) by the deletion in subsection (2) of the expression “11 (2),”.

Amendment of
section 17 of
Act 76 of 1976,
as substituted by
section 6 of
Act 78 of 1978.

5. The following long title is hereby substituted for the long title of the principal Act:

- 50 “To provide for the control of certain advertisements; to restrict the giving or supply of benefits and to regulate the use of trade coupons in connection with the sale or leasing of goods or the rendering or provision of certain services; to

Substitution of
long title of
Act of 1976.

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of verskaffing van sekere dienste] te beperk en die gebruik van handelskoepons te reël; om sekere handelspraktyke te verbied of te beheer; om die Handelskoeponwet, 1935, te herroep; en om voorsiening te maak vir bykomstige aangeleenthede.”.

5

Kort titel.

6. Hierdie Wet heet die Wysigingswet op Handelspraktyke, 1984.

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prohibit or control certain trade practices; to repeal the Trade Coupons Act, 1935; and to provide for incidental matters.”.

5 6. This Act shall be called the Trade Practices Amendment Short title.
Act, 1984.—

