

**NOTICE 1321 OF 2003**  
**DEPARTMENT OF TRADE AND INDUSTRY**  
**CONSUMER AFFAIRS (UNFAIR BUSINESS PRACTICES) ACT, 1988**

I, Alexander Erwin, Minister of Trade and Industry, after having considered a report by the Consumer Affairs Committee in relation to investigations of which notice was given in Notice 2232 of 2001 as published in Government Gazette No. 22826 dated 9 November 2001 and in Notice 2233 of 2001 as published in Government Gazette No. 22827 dated 9 November 2001 which report was published in Notice No. 1320 in Government Gazette No. 24821 of 9 May 2003, and being of the opinion that an unfair business practice exists which is not justified in the public interest, do hereby exercise my powers in terms of section 12(1)(b) of the Consumer Affairs (Unfair Business Practices) Act, 1988 (Act No. 71 of 1988), as set out in the Schedule.

**A ERWIN**

**MINISTER OF TRADE AND INDUSTRY**

**SCHEDULE**

In this notice, unless the context indicates otherwise -

"the parties" means Jan van Jaarsveldt Management Consultants CC, Mr JWF van Jaarsveldt, Foster Financial Services CC and Mr P S Welgemoed;

"unfair business practice" means the business practice whereby the parties, directly or indirectly,

- (a) receive any money or valuable consideration for the performance of any service they agree to perform for a consumer where the consumer might have a problem with a financial institution/creditor with the view to renegotiate an agreement between the consumer and the financial institution/creditor or obtain a settlement on behalf of the consumer before such service is fully performed where

“service fully performed” means that the parties have fulfilled all the services offered to the consumer, and the financial institution/creditor has agreed to or rejected any claim or request for a renegotiated agreement or settlement in writing. The financial institution/creditor must agree to or reject the claim/request within 90 days after receiving the claim/request, failing which service is presumed to have been fully performed and/or

- (b) advise consumers to stop payment to financial institutions/creditors in an effort to force the financial institutions/creditors to provide information.
1. The unfair business practice is hereby declared unlawful in respect of the parties.
  2. This notice shall come into operation upon the date of publication hereof.
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