
GENERAL NOTICE

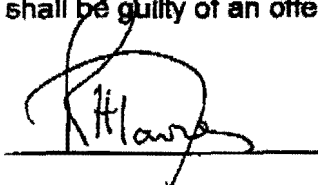
NOTICE 183 OF 2011

DEPARTMENT OF TRADE INDUSTRY CONSUMER AFFAIRS (UNFAIR BUSINESS PRACTICES) ACT

I, Dr Rob Davies, Minister of Trade and Industry, do hereby, in terms of section 11(2) of the Consumer Affairs (Unfair Business Practices) Act, 1988 (Act No 71 of 1988), publish the arrangement dated 15 March 2011 entered into between the Consumer Affairs Committee and ABG Investment Portfolios (Pty) Ltd.

After due consideration of a report by the committee on an arrangement contemplated in section 9(2) of the Consumer Affairs (Unfair Business Practices) Act, 1988 (Act No 71 of 1988), I have considered it to be in the public interest.

Any person who contravenes or fails to comply with a notice after it is published shall be guilty of an offence.



Dr ROB DAVIES, MP
MINISTER OF TRADE AND INDUSTRY
...31.. / .3.... /2011

SCHEDULE

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CONSUMER AND CORPORATE
REGULATIONS DIVISION
SOUTH AFRICA

**UNDERTAKING BETWEEN THE CONSUMER AFFAIRS COMMITTEE AND
ABG INVESTMENT PORTFOLIOS (PTY) LTD IN TERMS OF SECTION 9(1)
OF THE CONSUMER AFFAIRS (UNFAIR BUSINESS PRACTICES) ACT NO
71 OF 1988**

I Murphy Asam Ayuk do hereby confirm that I am the duly authorised representative of ABG Investment Portfolios (Pty) Ltd (herein after called ABG) and am duly authorised to enter into this undertaking for and behalf of ABG. ABG has its principal place of business at 62-3 Road, Kew Business Park, Kew, Johannesburg,

The business practice of ABG is to secure motor vehicle finance for and on behalf of consumers, including those consumers who cannot secure finance through mainstream financial institutions. ABG primarily sources motor vehicle finance on behalf of consumers through ABG.

I am aware that the Consumer Affairs Committee (the Committee) authorized a formal investigation in terms of section 8(1)(a) of the Consumer Affairs (Unfair Business Practices) Act no 71 of 1988 (the Act) into the business practice of ABG. The investigation notice was published under Notice No 74 in Government Gazette No 34012 Volume 548 dated 10 February 2011

Further that, the Committee, has received and also become aware of complaints by consumers who failed to secure vehicle finance through ABG and who did not receive a refund of the monies paid by them as a deposit or otherwise, in anticipation of the finance being granted. Moreover, there were other consumers who were requested to allow a period of 120 days to lapse prior to a refund of such monies being considered.

I am aware that the definition of an *unfair business practice* as contained in the Consumer Affairs (Unfair Business Practices) Act no. 71 of 1988 (the Act), includes inter alia:

"....Any agreement, accord, arrangement, understanding or undertaking whether legally enforceable or not, between two or more persons which, directly or indirectly, has or is likely to have the effect of harming the relations between business and consumers, unreasonably prejudicing any consumer and unfairly affecting any consumer".

I accept that the aforesaid conduct is unfair and it has the effect of harming the relations between business and consumers, unreasonably prejudicing and unfairly affecting consumers.

I acknowledge that the business practices set out herein have the effect of harming the relations between the business and the consumers. I have been informed that in terms of section 9(1) of the Act, the Committee may, at any time, negotiate with any person with the view to making an arrangement, which, in the opinion of the Committee, will ensure discontinuance of an unfair business practice which exists or may come into existence and which is the subject of an investigation.

I am therefore make the following undertaking with the representative of the Committee:

Undertaking:

In view of the above, I Mr Murphy Asam Ayuk, on behalf of ABG, do hereby undertake to:

1. Discontinue with immediate effect the business practice of ABG Investment Portfolios (Pty) Ltd, registration number: 2009/024832/07 in so far as it relates to the offer to arrange, provide or facilitate motor vehicle finance for or on behalf of consumers whether such consumers are deemed credit worthy or not.
2. Immediately cease with all advertising, marketing and promoting of the said business, in so far as it relates to the provision of motor vehicle finance in any medium or form.
3. Cease any interest in a business or type of business which applies to such a practice or to derive any income there from and to refrain from any time obtaining any interest in or deriving any income from a similar business or type of business practice.
4. Refund all existing consumers of ABG all monies paid by them to ABG within five (5) working days from date of this undertaking.
5. Refrain from engaging in a similar business practice at any time in the future.
6. The undertakings recorded in para 1, 2 and 3, will prevail until such time ABG is fully compliant with all relevant laws of South Africa, in particular those laws that relate to finance, including financial intermediaries and banks.

I fully understand that any contravention of this undertaking shall immediately and without further notification be referred to the relevant authorities.

Mr Murphy Asam Ayuk
(ABG Investment Portfolios (Pty) Ltd)

(1) Witness: [Signature]
Signature

(2) Witness: [Signature]
Signature

15/03/2011

Date _____

Edwina. Van Zoeren
Name & Surname in block letters

N. NUNTALO
Name & Surname in block letters