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KANTOOR VAN DIE EERSTE MINISTER

OFFICE OF THE PRIME MINISTER

No. 363.

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No. 363.

2 March 1984

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

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

7 van 1984: Wysigingswet op Handelspraktyke, 1984.

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

GENERAL EXPLANATORY NOTE:

[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 **10. (1) No person shall by means of an advertise-**
 15 **ment or in any other manner, in connection with the**
 20 **sale or leasing of goods or the rendering or provision**
 25 **of services, supply or give or offer or promise to sup-**
 30 **ply or give any trade coupon, unless—**
 35 **(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;
(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.
(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—
(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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- 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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prohibit or control certain trade practices; to repeal the Trade Coupons Act, 1935; and to provide for incidental matters.”.

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