

Short notes on:

HEY! MY ITEM IS BROKE!

Introduction

Consumers have all experienced the satisfaction of making a really great purchase, whether it be something that they have held out on purchasing till the time was right or whether the item was something they had to save up for a long time.

In the same breath, most consumers have also experienced the frustration of returning home and opening up the purchase only to find that the item is broken or defective.

What are some of the legal mechanisms available to assist these consumers?

Overview

Most stores will have a return policy that consumers may refer to regarding the possible return of defective or damaged goods.

However, on a more general level, the Consumer Protection Act 68 of 2008 (hereafter referred to as the "CPA") provides certain remedies.

Section 55 of the CPA sets out certain standards that goods are required to meet and also indicates the rights that consumers hold in respect of these standards. In saying that, however, it is important to note that this section does not apply to goods purchased under auction as provided for under Section 45 of the CPA.

Should goods not meet the requirements of Section 55 of the CPA, consumers may make use of Section 56 of the CPA, which allows consumers to return defective goods free of penalties within six months of delivery of such goods. In terms of Section 56, the consumer may request that the goods be repaired or request that the price of the defective good be refunded.

In addition to the above, Section 61 of the CPA provides for instances in which a supplier may be held liable for damage caused by defective goods, and Section 69 read with Section 4 (1) of the

CPA provides dispute resolution mechanisms for the enforcement of rights available to consumers under the CPA.

Conclusion

It is important for consumers to understand not only the rights available to them under the CPA but also the mechanisms available to them to enforce these rights. It further is important to seek legal advice, especially in instances of significantly high financial implications.

Contact an attorney at SchoemanLaw for your consumer needs.

