

FAIR TRADING COMMISSION SEYCHELLES

2021



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INTRODUCTION

- On November 01, 2008 the Government decided to embark on an IMF adjusted reform program for macro stabilization of the economy.
- The Government taking the role of facilitator.

INTRODUCTION

- Towards this end, the current reforms include establishment of a Fair Trading Commission as part of a medium-term agenda to help the private sector realize its potential as the engine of growth. Need for a regulator in the economy
- Liberalisation of the economy
- The Price control regime was abolished.

INTRODUCTION

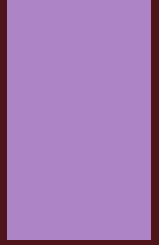
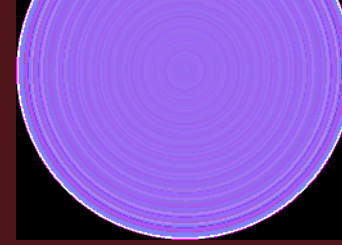
- The Fair Trading Commission a statutory body was established in November 2009 under the Fair Trading Commission Act.
- The Commission is a 2 pronged fork:
 - ✓ investigative and enforcement body
 - ✓ adjudicative body.

INTRODUCTION

Vision:

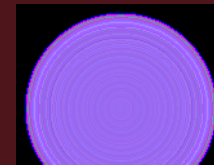
“Be the leading institution in the protection of Consumers and the Competition process for the promotion of Socio-economic welfare”.

INTRODUCTION



➤ The Commission is custodian of 3 Acts:

- Fair Trading Commission Act
- Fair Competition Act
- Consumer Protection Act



Consumer Protection Act 2010

An Act to protect consumers' rights, to impose duties on producers and suppliers of goods and services, to repeal the Consumer Protection Act, 1997 and to provide for matters connected therewith.

Consumer Protection Act 2010

Through this Act a complaint may be:

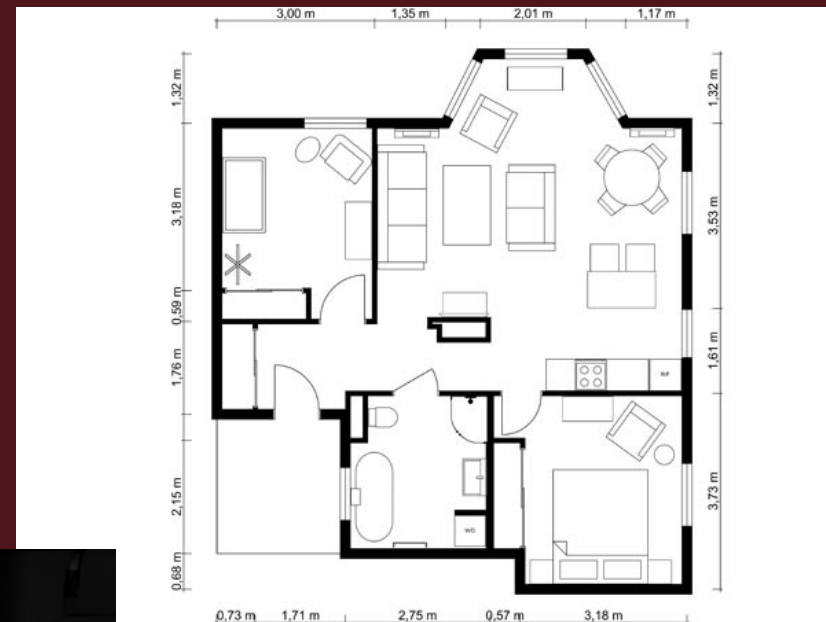
- Lodged

- Initiated

After approval is granted in respect of the complaint lodged, complaints are investigated.

Section 40 of the CPA 2010

SERVICES



- Ensure that you have a written contract : including commencement date and completion date;
- Negotiate terms of contract;
- Details and breakdown of payment;
- Details of works to be performed must be specified;
- Signatures of all parties involved



- Ensure that you have a receipt for every payment made.
- Receipts must align with Section 25 of the CPA, 2010.

RECEIPT No. **123456**

DATE _____

FROM _____ \$ _____

_____ DOLLARS

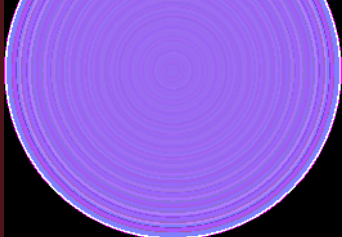
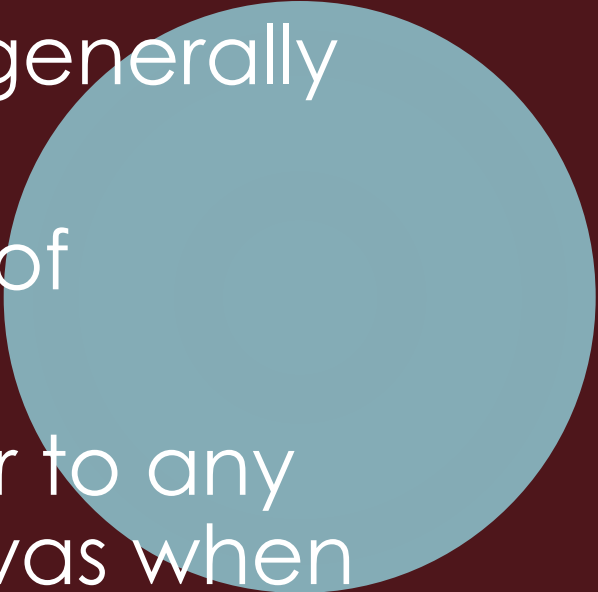
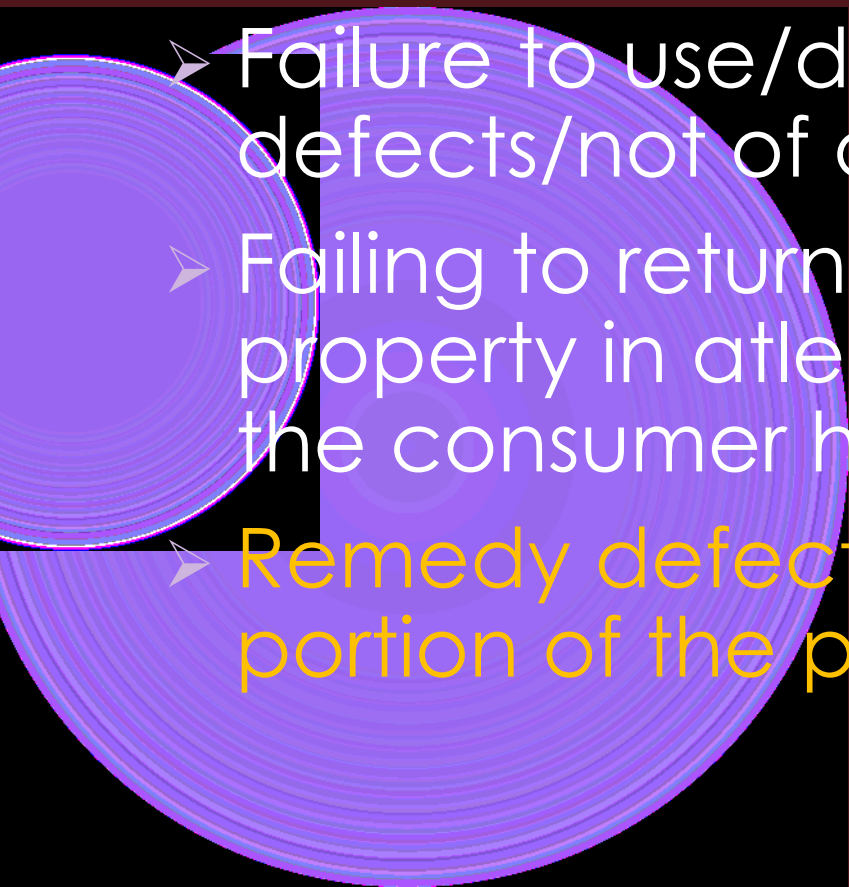
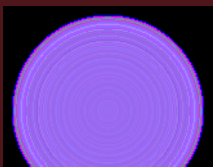
☐ FOR RENT
☐ FOR _____

ACCT.			☐ CASH
PAID			☐ CHECK
DUE			☐ MONEY ORDER
			☐ CREDIT CARD

FROM _____ TO _____

BY _____

A-2501
T-48820

- 
- 
- 
- 
- Failure to perform service in a timely manner
 - Failure to perform service in a manner generally expected
 - Failure to use/deliver/install goods free of defects/not of quality expected
 - Failing to return property or control over to any property in at least as good a condition as it was when the consumer handed over for supply of service
 - Remedy defect/refund to consumer a reasonable portion of the price paid in regard to the failure
- 

- Ensure that you are informed of any delay in performing service.



➤ Ensure that there are no defects as the work progresses.



**DOUSMAN DOUSMAN,
AKONPLI OU DEZIR.**

FINANSMAN
APROS OU LABANK
/LENSTITISYON
FINANSYEL POU
DETERMINEN KI KANTITE
LARZAN OU KALIFYE POU
RESEVWAR

OU PLAN
ROD SERVIS EN
ARSITEK/DRAUGHTSMAN AVEK EN
LAYSENNNS VALID. DISKITE E FER
LAGREMAN KONSERNAN PRI E OKENN
VIZIT KI POU GANNY FER LO OU
PROPRIVETE,
E AGREE LO EN PLAN LAVALER OU BIDZE
POU KONSTRI OU LAKAZ.

KONSTRIKSYON
ROD SERVIS EN KONTRAKTER
AVEK EN LAYSENNNS VALID POU
KONSTRI OU LAKAZ. DISKITE E
FER LAGREMAN KONSERNAN
PROVIZYON MATERYO E MANNEV
POU DETERMINN PRI TOTAL.

**MET TOU NEGOSYASYON AVEK BANN FOURNISER
AN EKRIR, POU OU PROP BENEFIS! SINNYEN,
DATE, E GARD EN KOPI SAK LAGREMAN.**

FTC
A DECADE OF PROTECTION,
PROMOTION AND PROGRESSION

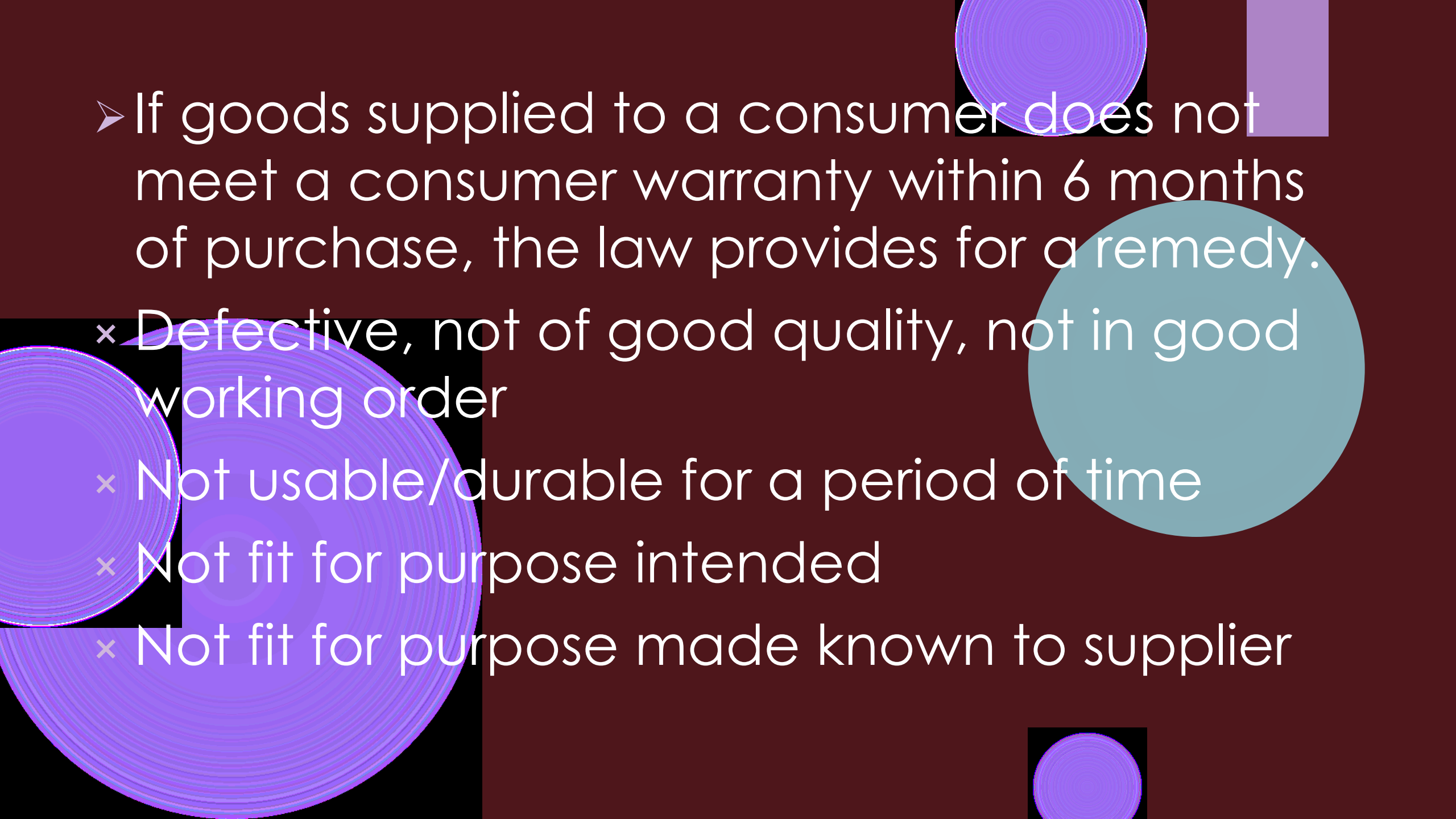
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Praslin: Grand Anse, Pension Fund Complex Tel: 4233109

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SECTION 42 OF THE CPA 2010

GOODS



- 
- If goods supplied to a consumer does not meet a consumer warranty within 6 months of purchase, the law provides for a remedy.
 - × Defective, not of good quality, not in good working order
 - × Not usable/durable for a period of time
 - × Not fit for purpose intended
 - × Not fit for purpose made known to supplier

- Ensure that you are given a receipt for purchase
- Ensure that you are given a warranty for your product.



DO NOT MAKE PURCHASE DECISIONS
BASED ON PRICE ONLY!

THINK QUALITY!
THINK DURABILITY!
THINK PURPOSE OF USE!



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PRASLIN: PENSION FUND COMPLEX, GRAND ANSE TEL: 4233109

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- 
- Ensure that your product bought is free of defect and is of good quality.
 - Ensure that you do not buy a fake product.
 - Check appearance, features, applications and accessories.
 - Check warranty terms and conditions.
 - Check IMEI number/ serial number of product.
 - Check price of product.
 - Ensure that your product is fit for its purpose.

Consumer Protection Act 2010

The Act also provides for
Inspection of Goods/Services in
retail outlets and other suppliers'
premises.

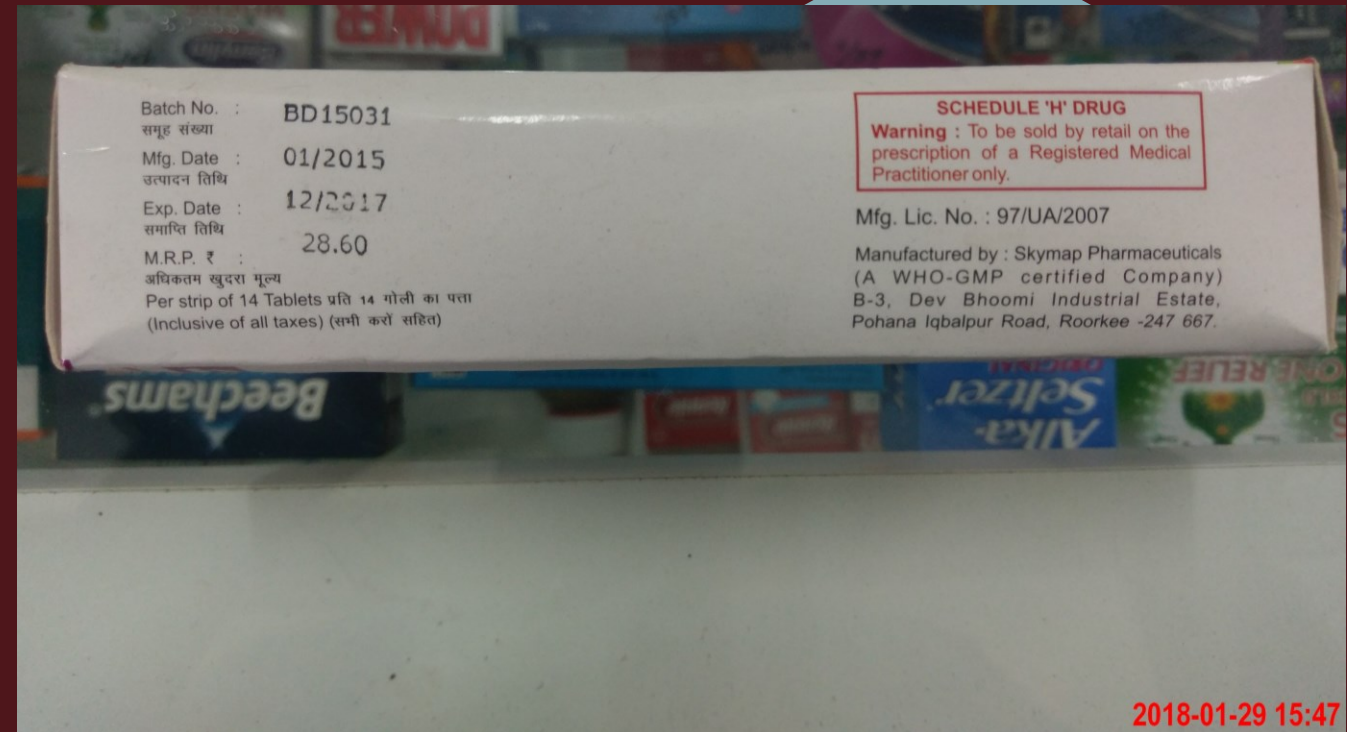
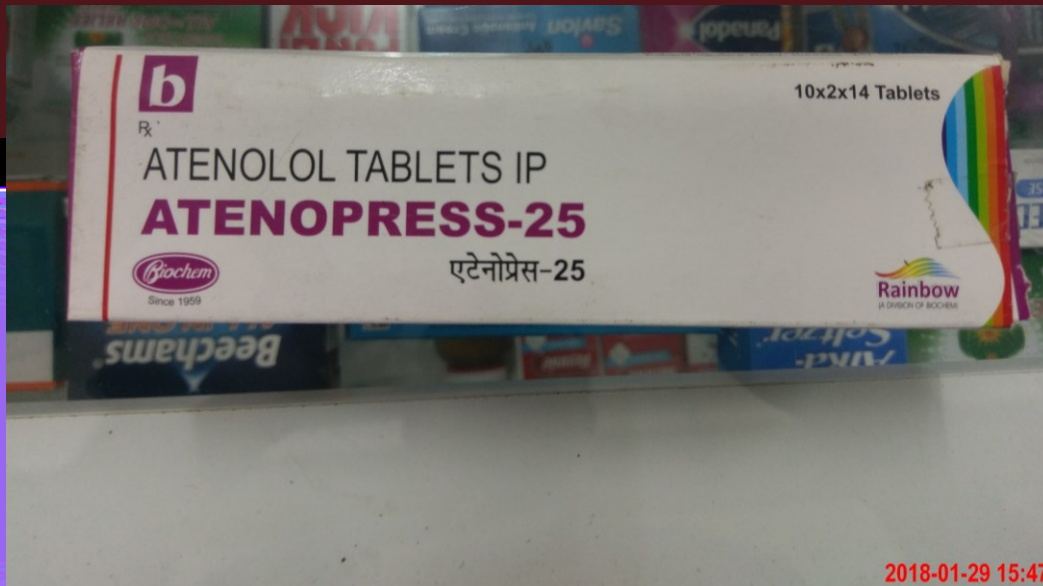
Section 19 CPA 2010

Goods not in plain language



Section 24 CPA 2010

Offering expired goods:



Section 20 CPA 2010

Disclosure of prices



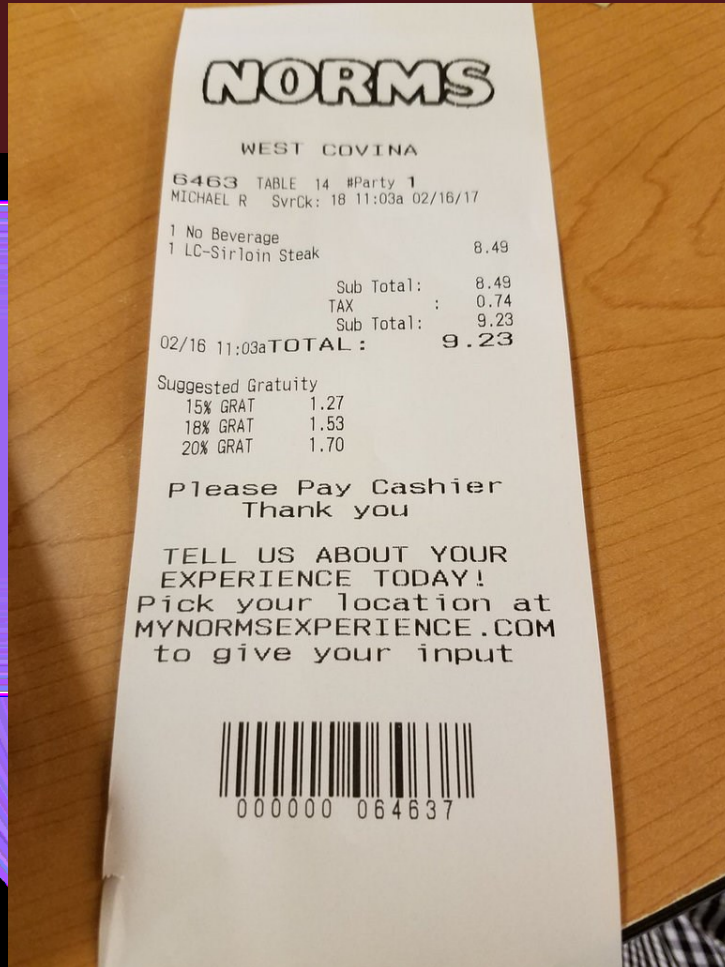
Section 21 – Selling above displayed price & dual pricing

- Consumers have the right to pay the lower amount for goods displayed or advertised if there is dual pricing at checkout.



Section 25

sales record



Customers have the right to be given and/or to ask for a receipt of goods purchased. Receipts must have information like:

- Suppliers name
- Address
- Date
- Description of goods
- Unit price
- Quantity of goods
- Tax details
- Total price

Financial Rights and Obligations

Number of Financially related complaints:

- 29 complaints from 2010 – to date out of 2909 complaints received from Consumers.

Section 19: Unfair Contract Terms

- A supplier needs to ensure that terms are expressed in plain, intelligible language.

Section 25: Service Receipt

- Important to always keep receipts for your transactions



SMALL PRINT. BIG DIFFERENCE.

If your business deals directly with consumers, your terms must be fair if you want to rely on them.

The right terms can protect your business and reassure your customers they'll be treated fairly.



Financial Rights and Obligations

Section 30 and 31: Misleading or deceptive conduct –

- e.g. in advertising, fine prints, omitting relevant information, unsubstantiated claims.
- Fees and charges that are in small print.

Section 32: False representations –

- portraying false information to consumers e.g. price of services



READ THROUGH,
IT'S ALL IN THE
FINE PRINTS!



**What the big
print giveth,
The small print
taketh away.**

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ADMS 1.2020

Financial Rights and Obligations

Section 37: A person shall not promote or operate a pyramid selling scheme.



CONSUMER ALERT ON PYRAMID SELLING SCHEMES

INVESTIGATION INTO AN ALLEGED PYRAMID SELLING SCHEME

As the COVID-19 situation takes a toll on our economy and we are doing our utmost to lessen its impact, fraudsters globally have identified it as an opportunity to make money and we have not been spared. One of many fraudulent activities in operation are Pyramid Selling Schemes, which often pose as Multi-level Marketing Companies.

A pyramid scheme is a fraudulent system of making money based on recruiting an ever-increasing number of participants. The initial promoters recruit participants, who in turn recruit more participants for reward. The real profit is earned, not by the sale of products or services but through the 'investment' of new recruits. Those at the top of the pyramid benefit off the new entrants and are usually the most aggressive promoters.

The Fair Trading Commission has in recent weeks been alerting consumers to be on the lookout for Pyramid Selling Schemes and commends consumers who have also joined these advocacy efforts.

Promoting and operating a Pyramid Selling Schemes is a prohibited conduct under the Consumer Protection Act, 2010.

Therefore, further to conducting a preliminary analysis, the Commission in line with its mandate is conducting an investigation into the promoters of the activities of International Currency Entrepreneur (ICE) and IM Mastery Academy.

The Commission will communicate the findings of its investigation upon completion.

The Financial Services Authority has confirmed that ICE and IM Mastery Academy do not hold a license and are not registered with them. The Commission therefore is advising consumers to take extra caution in dealings with unlicensed and unregulated businesses.

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Redress Mechanisms

If found in breach of this Act:

- Repair, replacement or refund
- Compliance Notice/Undertaking
- Non-compliance results in **finest AND/OR imprisonment**
- Fine up to SCR100,00 for an individual and SCR400,000 for a company

Redress Mechanisms

- Formal hearing before Board of Commissioners
- Appeal before Appeal Board
- Rulings in terms of **finances or penalties**
- Fine up to SCR100,00 for an individual and SCR400,000 for a company

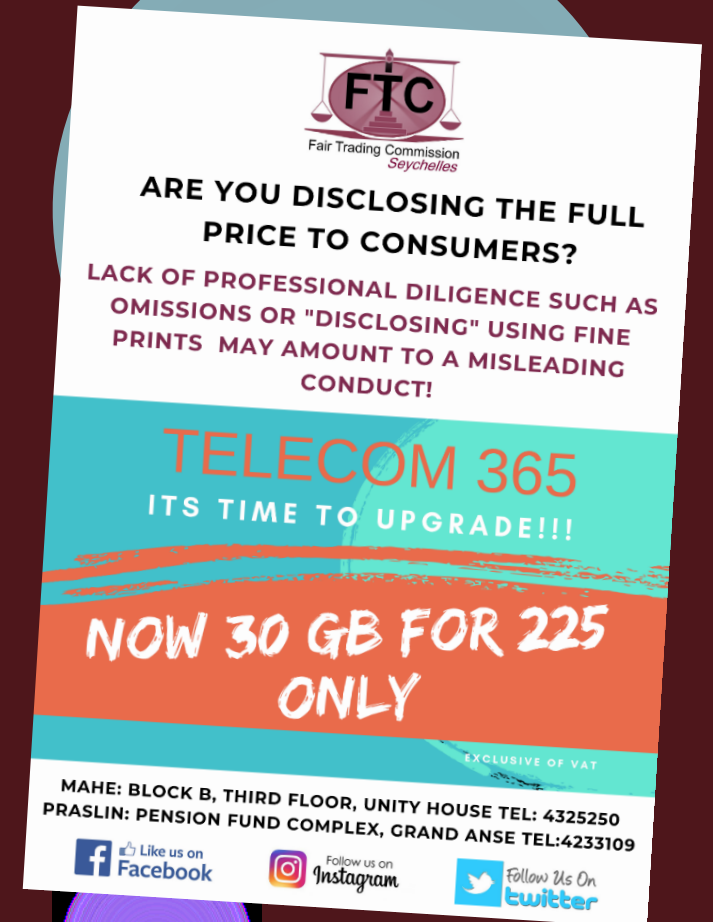
Tips and Advice

Promotion of awareness in consumer matters

Section 79. The Commission is responsible for promoting awareness of consumer protection matters by —

- (a) implementing education and information measures to develop public awareness of the provisions of this Act; and

- Know what you want
- Always do your research
- Ask for advice
- Research the seller
- Verify that suppliers have the appropriate license
- Ensure you understand any agreement or contract before signing.
- Be careful of fine prints
- Avoid impulsive decisions based on attractive adverts



- Do not buy blindly or compromise on quality
- Shop around
- If you are to do transactions online ensure that it is safe.
- Ensure goods are tested where feasible
- Keep your contracts, sales receipts, manuals and warranty documents safely.
- Follow products or services instructions as provided as this will affect your warranty claim.
- If you observe breaches of the Consumer Protection Act, bring it to the attention of the FTC



Additional Information

- FTC collaborates with FSA and CBS on financial matters but also works with other regulators.
- New Legislation: Fair Trading Bill which is a Consolidated bill

How to contact us

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VICTORIA

4325250

Praslin Office

ROOM 19

PENSION COMPLEX

GRAND ANSE

4233109

La Digue

EVERY SECOND TUESDAY OF
THE MONTH
DA'S OFFICE
LA PASSE

9.30AM-12PM

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Fair Trading Commission
Seychelles



Thank You!!



Any Questions???