

5. Annexure A – Form: rescission of agreement

Rescission of agreement

(Section 16 of the Consumer Protection Act 68 of 2008)

(To be completed in duplicate, with the one signed copy retained by the consumer and one by the supplier.)

(This does not apply if a consumer is entitled to cancel without reason and without penalty any transaction and any related credit agreement for the supply of goods within seven days after the date of the receipt of the goods, or for the supply of services within seven days after the date of the conclusion of the agreement, in terms of section 44(1) of the Electronic Communications and Transactions Act 25 of 2002.)

I, (name of consumer) hereby rescind the transaction resulting from any direct marketing conducted by or on behalf of (name of supplier), for the provision of

Note to consumer: This notice must be submitted to the supplier within five business days after the date on which the transaction or agreement was concluded or the goods that were the subject of the transaction were delivered to the consumer, whichever is the later date.

Note to supplier: A supplier must without condition or reservation return any payment received from the consumer in terms of the transaction within 15 business days after-

- ❖ receiving notice of the rescission, if no goods had been delivered to the consumer in terms of the transaction; or
- ❖ receiving from the consumer any goods supplied in terms of the transaction.

The supplier may under no circumstances attempt to collect any payment in terms of a rescinded transaction, except as permitted in terms of section 20(6) of the Consumer Protection Act 68 of 2008.

Signed this day of (month) 20.....

Consumer

Note to consumer: This notice may be delivered to the supplier by hand, by fax, by e-mail or by ordinary mail, bearing in mind the period within which it must be delivered. If the supplier refuses to accept or to acknowledge receipt of this notice, record the details of your attempt to submit the notice to the supplier and retain this document. In such an event, contact the National Consumer Commission or other responsible body or person to assist you in this matter. If the supplier confirms receipt of this notice, keep one copy of this notice and let the supplier retain the other.

Acknowledgement of receipt of notice by supplier:

Signed this day of (month) 20.....

(who hereby warrants that he or she is authorised to do so on behalf of the supplier)

Name of person signing:

Contact details: