

ADVISORY NOTE 1-2018
Date: 20th February 2018

ADVISORY NOTE TO ALL SUPPLIERS OF GOODS

The information contained in this Advisory Note is a summary of some of the key aspects and obligations of suppliers under the Consumer Protection Act, 2010 (CPA, 2010) and is issued as a general overview thereof. Due to limitations in length of this note, many parts of the Act have not been covered. Suppliers are advised to consult the Act itself and this Note should not be treated as a substitute for legal advice.

Subject: Compliance with the Consumer Protection Act 2010 (CPA, 2010)

1. Labelling and instructions for use of goods.

All goods for sale in Seychelles shall have all information represented to consumers in at least one of our national languages. Representing information to consumers in a language that is not plain and the content significance and import of which the consumers cannot understand is a contravention of Section 19 of the CPA, 2010.

2. Disclosure of prices of goods

All goods displayed for sale shall adequately display to the consumer a price in relation to those goods. The displayed price is the unit price. Note that the price is adequately displayed if a written indication of the price is affixed, annexed, written, printed, stamped on the goods, listed in a catalogue readily available to consumers or in any other way represented as long as it is clear that it is the price applicable to the goods. A supplier is exempt from this obligation if the goods are kept in an area that the public does not have access to or the display of goods is an advertisement. Selling goods without displayed price is a contravention of Section 20 of the CPA, 2010.

3. Display of price in local currency

A price is properly displayed if it is expressed in Seychelles Rupees. Showing prices in currencies other than the local currency is an infringement of Section 20(3) of the CPA, 2010.

4. Not to require a consumer to pay higher than the displayed price

Suppliers are bound to honour any displayed price and shall not require a consumer to pay a price higher than the displayed price. Requiring the consumer to pay a higher price than the displayed price or in respect of goods with more than one price displayed, the highest price is a contravention of Section 21(1) (a) & (b) of the CPA, 2010.

5. Trade description

A supplier shall not knowingly apply to any goods a trade description (e.g. description of number, quantity, measure, weight, ingredients, expiry date, place of origin of goods) that is likely to mislead consumer as to any matter implied or expressed in that trade description. Further, trade description shall not be altered, defaced, covered, removed or obscured in a manner calculated



to mislead consumers. It is a contravention of Section 22 (4) to use a misleading trade description or to alter or remove a trade description applied to goods.

6. Offering expired goods

A supplier shall not offer to supply, display or supply goods at a date later than the expiry date of the goods. To do so is a contravention of Section 24 (1) of the CPA, 2010.

7. Sales Record

In accordance with Section 25(1) of the Consumer Protection Act 2010, a supplier of goods shall provide a sales record (receipt) of each transaction to the consumer to whom any goods are supplied. Note that an invoice is not a receipt.

The sales record shall include the following details:

- (a) Supplier's full name (or registered business name)
- (b) The address of your premises at which the goods were supplied
- (c) The date on which the transaction occurred
- (d) The name or description of any goods supplied
- (e) The unit price as per the displayed price (inclusive of Vat – applicable to VAT – applicable to Vat registered businesses)
- (f) The quantity of any particular goods supplied
- (g) The total price of the transaction exclusive of Vat (applicable to VAT registered businesses)
- (h) The amount of any applicable VAT (applicable to VAT registered businesses)
- (i) The total price of the transaction (inclusive of Vat – applicable of VAT – applicable to Vat registered businesses)

Suppliers are encouraged to carefully review activities and procedures to ensure compliance with the provisions of the CPA, 2010.

Where the Commission determines after a formal hearing that a person has contravened the requirements of the CPA, 2010, the Commission may order the person -

- a) in the case of an individual to pay a penalty of a sum not exceeding SCR100,000 or
- b) in the case of a person other than an individual to pay a penalty of a sum not exceeding SCR400,000.



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