

**IN THE NATIONAL CONSUMER TRIBUNAL  
HELD IN CENTURION**

Case number: NCT/68923/2016/70 (3) (b)

In the matter between:

**OFFICE OF THE CONSUMER PROTECTOR:**

**WESTERN CAPE**

**Applicant**

and

**J SEBEELA**

**Consumer**

and

**ROYAL CAPE GLASS AND ALUMINIUM**

**Respondent**

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**CONSENT ORDER**

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1. The Applicant in this matter is the Office of the Consumer Protector ("the Protector").
2. The Respondent is Royal Cape Glass and Aluminium, further details of which are unknown, represented by Mr Ismael Patel.
3. The Consumer is Ms J Sebeela, further details are unknown.
4. The Protector filed an application with the Tribunal in terms of section 138 of the National Credit Act 34 of 2005 ("the NCA") to have a settlement agreement reached between the parties made an order of the Tribunal.
5. Section 138 of the NCA states the following -

*138. Consent orders.—*

(1) *If a matter has been—*

*(a) resolved through the ombud with jurisdiction, consumer court or alternative dispute resolution agent;*

*or*

*(b) investigated by the National Credit Regulator, and the National Credit Regulator and the respondent agree to the proposed terms of an appropriate order, the Tribunal or a court, without hearing any evidence, may confirm that resolution or agreement as a consent order.*

*(2) With the consent of a complainant, a consent order confirmed in terms of subsection (1) (b) may include an award of damages to the complainant.*

6. Section 70 of the Consumer Protection Act 68 of 2008 ("the CPA") states the following –

***Alternative dispute resolution***

*70. (1) A consumer may seek to resolve any dispute in respect of a transaction or agreement with a supplier by referring the matter to an alternative dispute resolution agent who may be—*

*(a) an ombud with jurisdiction, if the supplier is subject to the jurisdiction of any such ombud;*

*(b) an industry ombud accredited in terms of section 82(6), if the supplier is subject to the jurisdiction of any such ombud;*

*(c) a person or entity providing conciliation, mediation or arbitration services to assist in the resolution of consumer disputes, other than an ombud with jurisdiction, or an accredited industry ombud; or*

*(d) applying to the consumer court of the province with jurisdiction over the matter, if there is such a consumer court, subject to the law establishing or governing that consumer court.*

*(2).....*

*(3) If an alternative dispute resolution agent has resolved, or assisted parties in resolving their dispute, the agent may—*


*(a) record the resolution of that dispute in the form of an order, and*

*(b) if the parties to the dispute consent to that order, submit it to the Tribunal or the High Court to be made a consent order, in terms of its rules.*

*(4) With the consent of a complainant, a consent order confirmed in terms of subsection (3)(b) may include an award of damages to that complainant.*

7. The Protector facilitated the settlement of a dispute between the Consumer and the Respondent which was reduced to writing and signed by both parties on 15 August 2016. The Protector can be regarded as a consumer court or even as an entity providing mediation services within the meaning of section 70(1) of the CPA.
8. The Applicant has applied for the settlement order to be made an order of the Tribunal in accordance with its Rules, being Rule 20 of the Rules<sup>1</sup> and Section 138 of the NCA.
9. The Tribunal hereby grants the application and confirms the signed settlement agreement, marked as Annexure A, as an order of the Tribunal.

Dated and signed at Centurion on 13 February 2017



ADV JR SIMPSON

PRESIDING MEMBER

NATIONAL CONSUMER TRIBUNAL

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<sup>1</sup> **20. Consent orders.**—(1) The Tribunal may confirm a resolution or agreement as a consent order—  
(a) on application by the facilitator of that resolution or agreement; and  
(b) without hearing any evidence.