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New Industry Codes, New Rules: The Revised Consumer Goods and Services and Automotive Industry Codes of Conduct

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On 11 November 2026, the Minister of Trade, Industry and Competition ("Minister") published Government Notices 4264 and 4265 of 2026 in *Government Gazette* 55719.

The notices prescribe the Consumer Goods and Services Industry Code of Conduct, 2026 ("CGS Code") and the South African Automotive Industry Code of Conduct, 2026 ("Automotive Code") (collectively referred to as "the Codes") under section 82, read with section 120, of the Consumer Protection [1] ("CPA"). In the same notices, the Minister accredits the alternative dispute resolution schemes run by the Consumer Goods and Services Ombud ("CGSO") and the Motor Industry Ombudsman of South Africa ("MIOSA") as industry ombuds in terms of section 82(6)(b) of the CPA. Both notices take effect on 1 December 2026.

The Codes replace the existing codes prescribed in 2014 and 2015, respectively. While the revised Codes keep the basic architecture of their predecessors, they materially strengthen the compliance, registration and funding obligations of industry participants.

The Codes also define more precisely the circumstances in which the relevant ombud may, and may not, deal with a dispute. In light of the 1 December 2026 effective date, suppliers in both industries must prepare to comply with the Codes, particularly in so far as non-compliance

with an accredited industry code amounts to an offence, [2] subject to the ordinary sanctions set out in the CPA.

The CGS Code applies to every participant in the consumer goods and services supply chain, including retailers, manufacturers, producers, distributors, importers, wholesalers and service providers. [3] The only exceptions are participants regulated elsewhere by public regulation that covers all of the conduct prohibited by the CPA, complaints subject to another code prescribed under section 82 of the CPA, and complaints that fall within the jurisdiction of another industry ombud. [4]

Registration with the CGSO and contribution to its funding are mandatory for industry participants, under the CGS Code. [5] Once the CGS Code becomes effective, industry participants will be required to pay a joining fee, an annual levy and, where the CGSO considers it necessary, a special levy – all of which the CGSO may take legal action to recover. [6]

The Automotive Code applies to the entire automotive industry, irrespective of whether or not such persons belong to an automotive association. [7] The definition of "Automotive Industry" is set out in clause 2 of the Automotive Code and covers importers, dealers, manufacturers, retailers, franchisors, franchisees, suppliers and intermediaries in passenger, recreational, agricultural, industrial and commercial vehicles. Fuel retailers, battery suppliers, towing operators and lawnmower distributors may also find themselves within MIOSA's jurisdiction. [8]

Under the Automotive Code's funding model, original equipment vehicle and component manufacturers and importers contribute 20% of MIOSA's approved budget and retailers contribute 80%. An industry participant that trades without registering with MIOSA is liable to pay a late joining fee of up to 50% of one annual contribution. [9]

Both Codes impose detailed internal complaints-handling obligations. Under the Codes, industry participants must, among other obligations, establish effective internal complaints handling processes, prominently display notices at their trading premises that reflect that a relevant Code exists that binds suppliers, train staff on the Codes and internal complains handling processes, and keep records of complaints for at least three years. [10]

Both Codes also impose tangible regulatory consequences for a failure to cooperate with the relevant industry ombud. Under the CGS Code, a failure to cooperate with the CGSO may be taken into account by the National Consumer Commission ("NCC") and the National Consumer Tribunal ("Tribunal") when they issue a compliance notice or propose or determine an administrative fine, as contemplated under the CPA. [11] The CGSO is also required to give the NCC a record of non-complying industry participants every quarter. [12] Under the Automotive Code, a supplier that does not respond to MIOSA after more than one request is deemed not to comply with the Automotive Code. MIOSA must then close the relevant complaint, refer the non-compliance to the NCC for investigation and include the supplier in a quarterly list of non-compliant industry participants submitted to the NCC. [13]

The Codes prescribe different complaint-resolution timelines, which suppliers operating across both industries should note carefully. Under the CGS Code, a complainant may refer a complaint to the CGSO if the industry participant has not internally resolved the complaint within 15 business days (or an agreed extended period). The CGSO must make every effort to resolve complaints within 60 days from the start of its investigation, failing which it must close the complaint and refer it to the NCC. [14] In terms of the Automotive Code, if a dispute is not resolved between the industry participant and the consumer within 30 days, the consumer may approach MIOSA, and MIOSA must resolve the dispute within 30 days of receiving all necessary documentation and information relevant to the complaint. [15] A settlement reached before either industry ombud may be recorded as an order and, with the parties' consent, submitted to the Tribunal (or, under the CGS Code, the High Court) to be made a consent order under section 70(3) of the CPA. [16]

Legal practitioners advising on product liability and collective consumer claims should pay close attention to the jurisdictional limits stipulated in the Automotive Code. MIOSA has no jurisdiction over disputes that require a determination of merits and quantum of damages, disputes in which a class action must be determined, or disputes in which either party has already instituted legal action (unless MIOSA received the complaint prior to such action being instituted). [17] MIOSA also has no power to make a finding on product liability, only a recommendation on resolving disputes. [18]

The question of prescription is of particular practical importance. MIOSA's prescribed assistance request form, which forms part of the Automotive Code, records the complainant's acknowledgement that lodging a complaint with MIOSA does not interrupt prescription. This form also records that the claim may prescribe after three years under the Prescription Act No. 68 of 1969, and that the complainant bears the onus of interrupting prescription. [19]

Consumers, and those advising them, should therefore not treat the ombud process as a substitute for protecting a claim through the institution of proceedings where prescription is a risk. The CGS Code takes a similar position: where a complaint is older than two years, the

CGSO should warn the complainant of the danger of prescription, [20] which indicates that the processes contemplated under the CGS Code similarly do not interrupt prescription.

The notices also give rise to an important transitional question. Notice 4265 provides that the 2014 automotive code is withdrawn "upon coming into effect" of the notice, that is, on 1 December 2026. By contrast, Notice 4264 provides that the 2015 consumer goods and services code is withdrawn "upon publication" of Notice 4264, while also stating that the notice only comes into effect on 1 December 2026. Read literally, Notice 4264 may leave the consumer goods and services industry without an operative prescribed code between 11 November 2026 and 1 December 2026. However, this appears to be an oversight and pending clarification from the Minister or the NCC, participants would be well advised to continue to comply with the substance of the 2015 consumer goods and services code and to treat complaints lodged during this period as falling within the CGSO's jurisdiction.

Finally, both Codes contain substantially identical "multiple jurisdiction" provisions. An industry ombud may consider a complaint within its jurisdiction even where a party also falls within the mandate of another accredited ombud. Participants operating across ombud jurisdictions must pay contributions to each applicable ombud, reduced to reflect the overlap, and an ombud that receives a complaint better suited to another ombud must refer it, with the complainant's consent. [21] For example, a vehicle dealership that also sells general consumer goods, or a fuel retailer with a convenience store, may therefore be required to register with and fund both the CGSO and MIOSA.

The revised Codes signal a decisive shift towards mandatory participation, enhanced compliance monitoring and closer cooperation between industry ombuds and the NCC. Accordingly, suppliers in both industries would be well advised to confirm whether, and with which ombud/s, they must register, train relevant staff on the Codes, and update their internal complaints-handling procedures, signage and record-keeping to align with new requirements, prior to 1 December 2026.

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[1] Act No. 68 of 2008.

[2] section 82(8) of the CPA

[3] as these terms are defined in clause 3.1 of the CGS Code read with the CPA.

[4] CGS Code, clauses 1.3 and 4.1. Transactions not covered by the CPA and transactions with organs of state are excluded (clause 4.4).

[5] CGS Code, clause 4.2.

[6] CGS Code, clauses 6.2.1 and 6.2.6.

[7] Automotive Code, clause 1.4.

[8] The Automotive Code also covers suppliers of completed components and accessories, persons who render repair or replacement services for vehicles, and anyone who modifies, converts, adapts or tows vehicles. The definition of "completed components" in clause 2 of the Automotive Code expressly includes petrol, diesel, hydrogen, gas and batteries for electric and fuel-powered vehicles.

[9] Automotive Code, Schedule 5, paragraphs 6.1 to 6.3. Members are invoiced monthly (clause 23.2.5), and any competent court in the district in which MIOSA is situated has jurisdiction over the non-payment of funding contributions, regardless of where the member is situated (clause 5.4).

[10] CGS Code, clause 5 and Automotive Code, clause 4.

[11] CGS Code, clauses 4.2.

[12] CGS Code, clause 10.4.

[13] Automotive Code, clause 13.2.

[14] CGS Code, clauses 15.2.1 and 15.2.5.1.

[15] Automotive Code, clauses 10 and 13.5.

[16] CGS Code, clauses 9.1.4 and 9.1.5; Automotive Code, clause 13.3.

[17] Automotive Code, clauses 7.5.3, 7.5.5 and 7.5.6.

[18] Automotive Code, clause 7.6 (the sub-clauses of which are numbered 7.6.1, 7.3.2 and 7.3.3 in the gazetted text). We note that the Automotive Code contains certain other numbering irregularities, including two clauses numbered 26.

[19] Automotive Code, Schedule 4, Section F, paragraph 8.

[20] CGS Code, clause 13.3.2.

[21] CGS Code, clause 14 (headed clause 13 in the table of contents); Automotive Code, clause 9.



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