

Consumer Protection Act

The Consumer Protection Act 1999 (CPA) is an act with the objective to protect the consumers' right which came into force in Malaysia on 15th November 1999. Basically, the provisions of this act cover areas not covered by other existing laws. This act provides simple and inexpensive redressal to the consumer's grievances and relief of a specific nature for example from 'false', 'misleading' or 'deceptive' as to conduct, representation or practice and that they shall not be practiced by both parties (consumer and seller) whether it falls under sales, services or land.

The laws that are designed to protect the consumers' rights can be classified into three categories which are firstly, laws to ensure that the consumers are not deprived of their basic necessities, secondly, laws to ensure physical safety of consumers and lastly, laws to protect the economic interest of the consumers. Besides that, under CPA, an aggrieved consumer may refer to any dispute or claim of less than RM 10,000 to the established Consumer Redressal Tribunal.

Background of Study

The Consumer Protection Act 1999 (CPA) is needed because if no such contract exists then there would be many situations where the sellers would abuse or take advantage of their consumers. Basically, this Act shall apply in respect to all goods and services that are offered or supplied to one or more consumers in trade in order to protect the consumers' rights. However, there are a few situations where this Act would not be applied. It is not applied:

- 1) To securities as defined in the Securities Industry Act 1983;
- 2) To future contracts as defined in the Futures Industry Act 1993;
- 3) To contracts made before the date on which this Act comes into operation;
- 4) In relation to land or interests in land except as may be expressly provided in this Act;
- 5) To services provided by professionals who are regulated by any written law;
- 6) To healthcare services provided or to be provided by healthcare professionals or healthcare properties;
- 7) To any trade transactions effected by electronic means unless otherwise provided by the Minister.

As mentioned above, CPA came into force on 15th November 1999. After the date, four amendments have been made in the year of 2002, 2003, 2007 and lastly 2010. They are:

- Amendment 2002: Amendment of Subsection 17 (1) listing the types of Future Services Contract gazette by Ministry for the purpose of the section.
- Amendment 2003: Increasing the TTPM's membership to include members from judicial and legal services as well as increasing the TTPM's award from RM 10,000 to RM 25,000.
- Amendment 2007: widening the scope to include the electronic commerce transactions.
- Amendment 2010: aims to make expand existing provisions in ensuring the Act remains relevant to the changes in current trade practices as well as providing more protection to th

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