



Motor Industry Ombudsman of South Africa **Alternative Dispute Resolution**

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Motor Industry Ombudsman of South Africa ([MIOSA](#))

Mission

The organisation's mission is primarily to defend the independence of the MIOSA's office, while tirelessly striving to educate consumers and motor related service providers alike in achieving higher levels of customer care and maintaining cordial relationships within the automotive and related industries.

Vision

As its vision, the MIOSA strives to contribute to the continuous improvement of customer care, as well as the relationships among participants in the automotive and related industries, to the benefit of all parties.



Introduction

The Retail Motor Industry Organisation ([RMI](#)) is frequently contacted by both RMI members and consumers who would like to make use of the services of the Motor Industry Ombudsman of South Africa ([MIOSA](#)).

One of RMI's core value functions to its members across its six Regional offices is Consumer Affairs. Any interaction with MIOSA will fall into this function. The booklet serves to act as an informative guide for members and consumers who make up the motoring public detailing the processes which need to be followed when lodging a dispute or complaint with MIOSA. It also covers the status of the MIOSA's recommendations and details in which instances a business may or may not lodge a dispute against another business.

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The function of MIOSA

In accordance with the MIOSA's appointment by the Department of Trade, Industry and Competition ([DTIC](#)), the MIOSA is mandated to remain impartial / unbiased in its service delivery to the complainant and to focus on the resolution of disputes where a deadlock has been reached between the automotive industry and the motoring public.

The office of the MIOSA will investigate the evidence of each case presented and consider the balance of probabilities, consequently resolving to recommendations through conciliation.

MIOSA will not entertain a dispute on the following basis:

- which falls within the mandate of any other Ombud whether regulated or recognised by its industry;
- when legal action has been instituted by either party;
- when "prima facie" it appears that a criminal offence has been committed by either party;
- where it appears from any statute of the Republic of South Africa (RSA) that the MIOSA has no jurisdiction; or
- when a dispute is lodged on the grounds of a violation of the law, claiming damages from the other party.

According to its Constitution, the office of the MIOSA is an organisation which regulates the interaction and provides for Alternative Dispute Resolution between persons conducting business within the automotive industry in South Africa, and the motoring public.

The services of the MIOSA are free of charge to the motoring public, except when an on-sight automotive inspection is required.



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The Appointment of MIOSA

Upon the promulgation of the Consumer Protection Act No. 68 of 2008 (CPA), please refer to the [MIOSA's website](#) to gain access to the Act, or [click here](#), the National Consumer Commission ([NCC](#)) was established under the CPA, which gave it certain powers as determined by the CPA.

The MIOSA, who's services were recognised as a Dispute Resolution Forum, was appointed as legal entity to facilitate, and resolve disputes between that of the automotive industry, and motoring public alike, governed by a Code of Practice for the Automotive Industry.

The South African Automotive Industry Code of Conduct (Code) was accredited by the Honourable Minister of Trade and Industry, which came to effect in October 2014, making the Code a regulation of the CPA, and written into law. To gain access to the Automotive Industry Code of Conduct please refer to the [MIOSA's website](#), or [click here](#).



Important considerations before lodging a dispute

- Do your homework thoroughly i.e. from inception to the current state of affairs. Before lodging a dispute, make sure that you understand all the elements of the original purchase agreement, job-card terms and conditions, and estimate of the seller or servicing dealer / repairer.
- This will include, but not limited to, the sales agreement, warranty document and, service plan, if applicable. Make sure that your vehicle's service record is current and that the service schedule has been stamped by the servicing dealer, if applicable.
- Your selling or servicing dealer / repairer cannot abdicate his or her responsibility. The first port of call to take if you have a complaint is to contact your selling or servicing dealer / repairer, find out who the right person is to speak to and make an appointment to discuss the complaint with the designated person.
- Approach the matter in a civilised manner. Keep records of all discussions, intentions and promises.
- If you are not satisfied with the manner in which the complaint is being dealt with, insist on the selling or servicing dealer arranging for a manufacturer's representative, where applicable, to review the complaint . Keep records of everything.
- Stay the course. If at this point you are still not satisfied with the way that your complaint is being dealt with, contact the customer care department of your vehicle's manufacturer, or in case of the vehicle being financed, contact the finance house for further intervention. Again keep a record of everything.
- Do not let up. In the unlikely event that you are still not satisfied with the manner



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in which your complaint is being dealt with, and in cases where an RMI member is the seller or servicing dealer / repairer, contact the relevant RMI regional office for intervention and/or mediation. If you are not satisfied with the outcome, or the matter is not resolved amicably, you may contact the Motor Industry Ombudsman of South Africa ([MIOSA](#)) for further investigation.

- If the seller or servicing dealer / repairer is a non-RMI member, contact the office of the MIOSA for intervention.



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How to lodge a dispute with the MIOSA

- You can simply complete the online [Assistance Request Form \(ARF\)](#), on MIOSA's website; or
- you can download the Assistance Request Form by [clicking here](#), complete it fully and either e-mail it to info@miosa.co.za or fax it to 086 630 6141; or
- you can phone the MIOSA on 086 11 64672 and request that a ARF be e-mailed or faxed to you.

Once received, your dispute will be forwarded under a covering letter to the Dealer / Service Provider (Repairer) / Manufacturer in question for their comment. If required, an Assessor will be dispatched to carry out an inspection. Please note that, in most cases, any inspection will be for the complainant's account – this will be determined on a case-by-case basis by the MIOSA.

Upon receipt of all the relevant documentation, the case will be technically and legally assessed and a recommendation will be provided.

Individuals, and Legal Entities who are eligible to lodge a dispute with the MIOSA by means of the Assistance Request Form (ARF), need to please refer to the [MIOSA's Website](#) to gain access to the ARF.

The MIOSA-ARF is to be filled-out and processed in cases where the complainant is:

- an individual; or
- authorised to act on the complainant's behalf in terms of Section 4 of the Consumer Protection Act No. 68 of 2008 (CPA). A certified copy of the original mandate or Power of Attorney (POA), as well as the reason for obtaining the mandate or POA needs to be attached to the submission; or
- a legal entity i.e. a registered company or a close corporation etc. (business to business disputes). The Assistance Request Form must be accompanied by a letter from the auditor or accounting officer stipulating that the legal entity's annual turnover or asset base does not exceed the amount of R2 million per annum.

In the event where a dispute arises between Service Providers or Operatives within the Motor Industry, a dispute must be dealt with by the MIOSA subject to Section 82 of the CPA, referring to the Automotive Industry Code of Conduct.



Important documents to attach, together with the ARF, upon submission

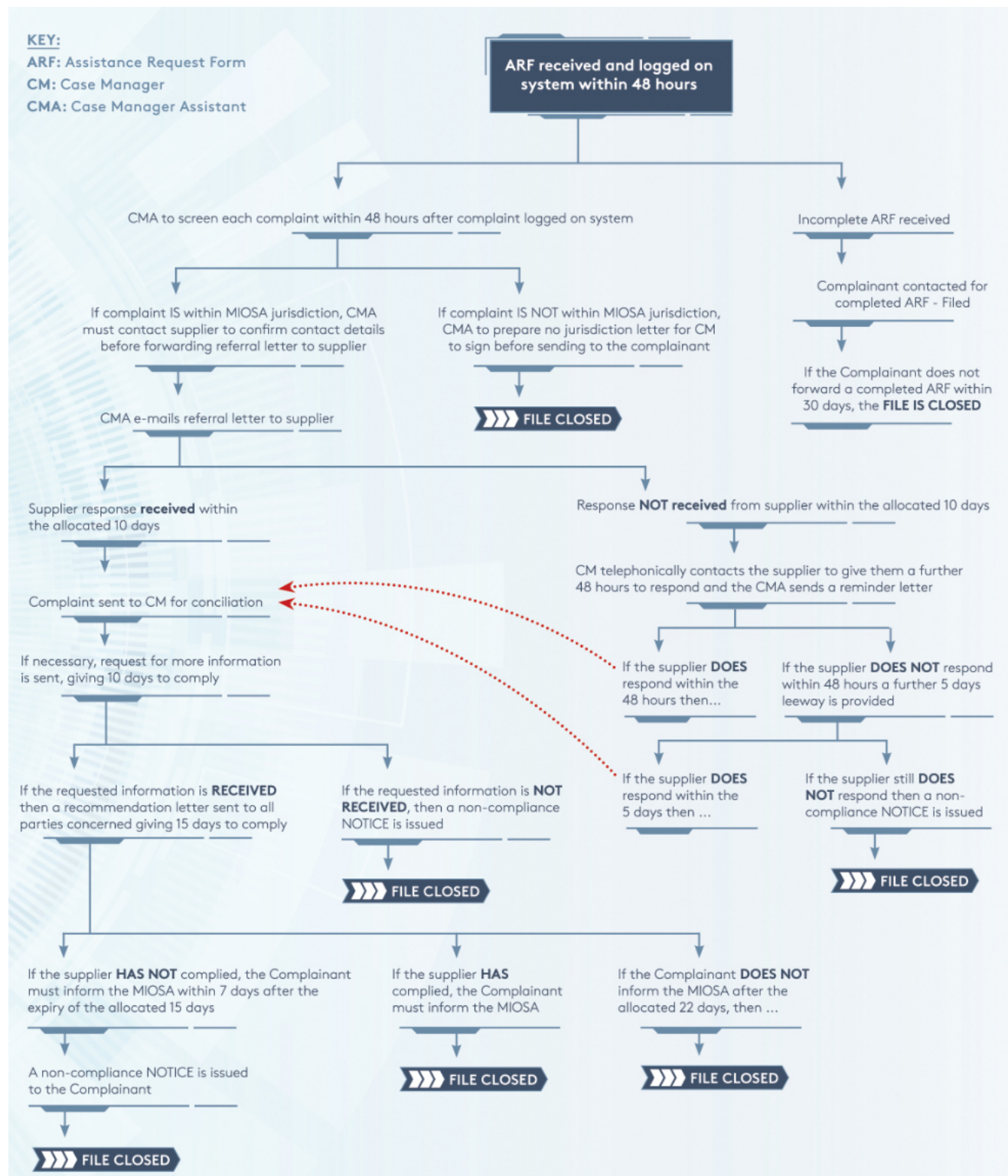
A copy of the OTP / purchase invoice, if a dispute flows from a sale transaction, or a copy of the quotation, job card and, the final costing invoice, if a complaint flows from a service or repair agreement.

Be concise when providing details of the dispute, with all the relevant facts including dates, times, places and names in date order.

The information submitted will be used by the MIOSA in the resolution of the dispute. Please ensure that all relevant documentation is submitted with the Assistance Request Form.

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The MIOSA Complaint Procedure



Source: Step-by-step complaint procedure from the [MIOSA's Annual Report 2019/2020](#).



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References

MIOSA's website, <https://www.miosa.co.za>
[The South African Automotive Industry Code of Conduct](#)
[MIOSA's Annual Report – 2019/2020](#)
[MIOSA's Assistance Request Form \(ARF\)](#)
[The Consumer Protection Act \(CPA\), 68 of 2008](#)

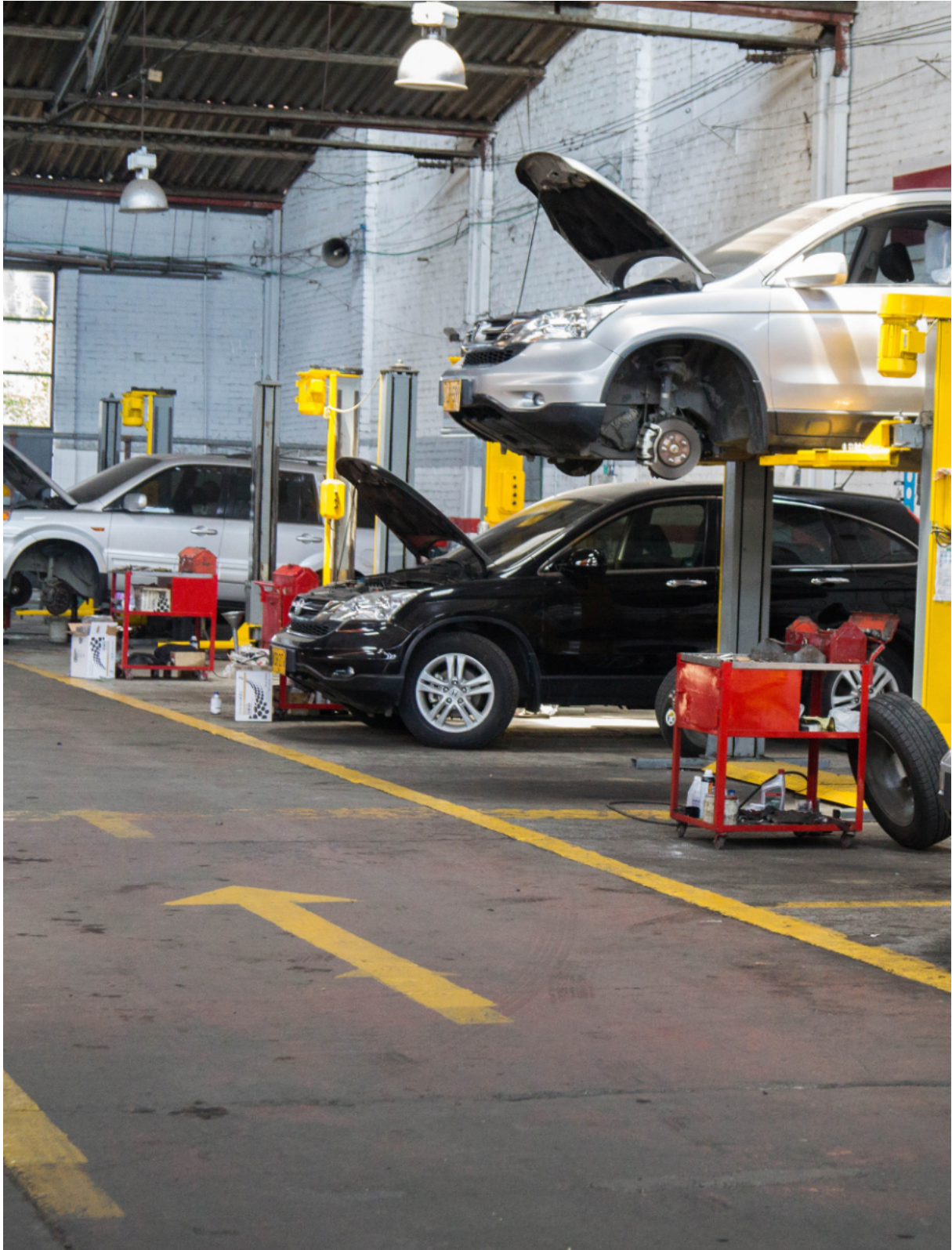


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For more information contact MIOSA
info@miosa.co.za | 086 11 64672 | 086 630 6141 (fax)

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