

**REVIEW OF THE TRIBUNAL FOR CONSUMER CLAIMS UNDER THE  
CONSUMER PROTECTION ACT 1999**



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## ABSTRACT

The TCC though is aimed at securing the rights of the consumers, there are many provisions in the CPA which are not comprehensive and thus, cause hiccups in the legal justice system. Among others, although section 108(4) of the CPA provides that the TCC may impose conditions as it considers necessary to ensure that the party who is not represented is not substantially disadvantaged, this section is very vague in its application and it is doubtful how the tribunal in practice can ensure fairness when the president of the tribunal may not be well exposed to the law and practice of a particular trade by parties who are not legally trained. Inequality of bargaining power between disputants also happens when one party may have happened to be legally trained. Literatures have proven that comprehensive study on the provisions of tribunal has not been made. Hence, this research seeks to fill the gap in the literatures as regards to the weakness of the existing provisions affecting the TCC and aims at recommending provisions which would improve the current procedures and work process of the TCC. The research adopted the qualitative method where comparative study with the other countries (which have different types of consumer related tribunals) and observations in tribunal hearings were conducted. The research suggests that the membership of the Tribunal For Consumer Claims (TCC) should be opened to wider scope of legal profession and that the scope and limitations of the TCC should be seriously looked into to clarify the vague terms used in the Consumer Protection Act 1999 (CPA). Persuasiveness of the decisions in TCC should also be included in the CPA. Non-participation of legal representatives is also viewed as a reason for re-hearing of decided cases under certain circumstances in view of the non-application of appeal in TCC's decisions. Inclusion of conditional orders provision can also be an alternative to reduce the problem of default payment by judgment debtors, apart from increasing the jurisdiction of TCC to enable TCC to order writ of seizure and sale.