

# National Consumer Commission Opt-Out Registry

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04 June 2026

## INTRODUCTION

The Consumer Protection Act Amendment Regulations, 2026 introduce a material shift in South Africa's regulation of direct marketing by establishing a National Consumer Commission administered Opt-Out Registry. This article briefly considers the new framework, its interaction with existing compliance obligations, and the practical implications for direct marketers.

## NATIONAL CONSUMER COMMISSION OPT-OUT REGISTRY

Section 11(3) enables the Commission to establish, or recognise as authoritative, a registry in which any person may register a pre-emptive block against any communication that is primarily for the purpose of direct marketing.

On 15 April 2026, the Consumer Protection Act Amendment Regulations, 2026 were published and provided numerous legislative amendments, the most notable being for the provision of an opt-out registry in terms of section 11(3) and 11(6) of the CPA.

The amendments provide for the operation of a pre-emptive block through the Opt-Out Registry for unwanted electronic communications. A consumer may now register via the National Consumer Commission Opt-Out Registry by creating a profile on the website.

Once said profile is active, the consumer provides information of the entity they wish to "pre-emptively block" and such information is processed by the National Consumer Commission (the NCC). The NCC provides that it will take a period of 30 days before the block may take effect. A link to the site can be found at <https://eservice.thencc.org.za/>

Further, a direct marketer must register as such on the Opt-Out Registry by paying the prescribed registration fee of R2 574 for 2026 and an annual renewal fee set at R 1 930.50 for 2026 and will be updated on a three-year cycle. New tariffs relating to the filing fees structure for registration with the NCC will also be published on a three-year cycle.

## PRACTICAL IMPLICATIONS FOR IMPLEMENTATION AND KEY CONSIDERATIONS

Before these amendments, the Direct Marketing Association of South Africa ("DMASA") operated a voluntary opt-out registry on the Commission's behalf, but only DMASA members were required to comply. The 2026 Amendments replace that model with a compulsory, Commission administered registry that applies to all direct marketers, regardless of whether they are DMASA members. Businesses that previously relied on DMASA membership for compliance must now register independently on the Commission's opt-out registry and comply with the new cleansing and pre-emptive block requirements. The compulsory registration requirement took effect immediately upon publication of the Regulations, and the NCC encouraged direct marketers to register as soon as possible.

Once registered, direct marketers must cleanse their databases against the Commission's records every month and may not market to consumers who have registered a pre-emptive block. Businesses should account for the recurring cleansing fee (ZAR0.12 per data entry) and implement automated processes to integrate the Commission's cleansing data into their marketing databases.

Non-compliance with the CPA may result in costly fines and NCC enforcement. In terms of section 100, the NCC may issue a compliance notice requiring the direct marketer to remedy the breach. Failure to comply with said notice is a criminal offence punishable by a fine, imprisonment for up to 12 months, or both. In addition to the fine or potential imprisonment, the National Consumer Tribunal may impose an administrative fine of up to 10% of annual turnover or R1 000 000, whichever is greater.

## CONCLUSION

The introduction of the National Consumer Commission Opt-Out Registry marks a significant development in the regulation of direct marketing in South Africa. Direct marketers should review their existing marketing practices, registration status, database cleansing processes

and consent mechanisms to ensure alignment with both the Consumer Protection Act and POPIA. In the absence of further regulatory guidance on the interaction between these instruments, a cautious and integrated compliance approach remains advisable.



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