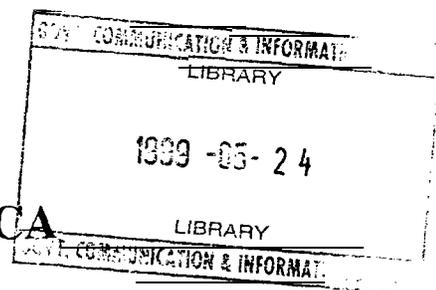




REPUBLIC OF SOUTH AFRICA



# GOVERNMENT GAZETTE

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# STAATSKOERANT

VAN DIE REPUBLIEK VAN SUID-AFRIKA

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**No. 19981**

KAAPSTAD, 30 APRIL 1999

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OFFICE OF THE PRESIDENT

KANTOOR VAN DIE PRESIDENT

No. 513.

30 April 1999

It is hereby notified that the President has assented to the following Act which is hereby published for general information:—

No. 35 of 1999: Competition Amendment Act, 1999.

No. 513.

30 April 1999

Hierby word bekend gemaak dat die President sy goedkeuring geheg het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 35 van 1999: Wysigingswet op Mededinging, 1999.



“(e) The chairperson of the Competition Board contemplated in section 3 of the Maintenance and Promotion of Competition Act, 1979 (Act No. 96 of 1979), must be regarded as a reference to either the Competition Commissioner contemplated in section 22 of *this Act*, or the chairperson of the Competition Tribunal contemplated in section 26 of *this Act*, as determined by the *Minister*.”; 5

(d) by the insertion after item 4 of the following items:

“4A. Any transaction that takes place between the date on which *this Act* is published and the date on which *this Act* comes into operation, and which would constitute an intermediate or large merger if it had taken place after *this Act* came into operation, is regarded for a period of 12 months after the date on which *this Act* comes into operation as a merger in contravention of Chapter 3 and is subject to the provisions of section 62(1), unless— 10

(a) the transaction has been approved by the Competition Board in terms of the Maintenance and Promotion of Competition Act, 1979 (Act No. 96 of 1979); or 15

(b) the transaction has been notified in terms of item 4B.

4B. Any party to a transaction contemplated in item 4A may, within three months after the date on which *this Act* comes into operation, notify the Competition Commission of the transaction in terms of section 13 as if it were an intermediate or large merger. 20

4C. The provisions of Chapter 3, with the changes required by the context, apply to a transaction that is notified under item 4B.

4D. After *this Act* comes into operation, any appeal pending before a special court contemplated in section 15 of the Maintenance and Promotion of Competition Act, 1979 (Act No. 96 of 1979), must be regarded as an appeal to the Competition Appeal Court contemplated in section 36 of *this Act* in the manner *prescribed*. 25

4E. Subject to items 1 to 3A, the Competition Appeal Court may, after hearing any appeal contemplated in item 4D, make any decision that the special court could have made in terms of section 15(10) of the Maintenance and Promotion of Competition Act, 1979 (Act No. 96 of 1979), and the provisions of *this Act* otherwise apply to that decision, as if it were a decision of the Competition Appeal Court in terms of *this Act*. 30 35

4F.(1) Notwithstanding sections 6 and 11, the first determinations of thresholds made by the *Minister* in terms of those sections must be made before the date on which *this Act* comes into operation.

(2) Notwithstanding sections 6(2) and 11(2), the first determinations contemplated in subsection (1) take effect on the date on which *this Act* comes into operation.”; and 40

(e) by the substitution for the expression “(Act No. 86 of 1979)”, wherever it appears, of the expression “(Act No. 96 of 1979)”.

### Short title and commencement

2. This Act is called the Competition Amendment Act, 1999, and comes into operation 45 on a date determined by the President by proclamation in the *Gazette*.