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**OUTCOME OF CASES HEARD BY THE TRIBUNAL ON WEDNESDAY, 12 OCTOBER 2016**

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| Type of matter | Parties involved | Competition Commission’s recommendation to Tribunal |
| Large merger | JMR Holdings (Pty) Ltd And Transaction Capital Limited | Approve without conditions |
| Large merger | Growthpoint Properties Limited And Romeo Properties (Pty) Ltd in Respect To The Hillcrest and Gateway Private Hospital Properties | Approve without conditions |
| Large merger | Main Street 1440 (Pty) Ltd And Smit Holdings SA (Pty) Ltd and Main Street 1440 (Pty) Ltd | Approve without conditions |
| Large merger  | Pepkor (Pty) Ltd And Southern View Finance SA (Pty) Ltd and Van AS and Associates Recoveries (Pty) Ltd | Approve without conditions |
| Application to Substitute Parties | Competition Commission and Hendrik Wilhelm Carl Pistorius N.O. | Unopposed application |

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**JMR Holdings merger with Transaction Capital Ltd approved**

The Competition Tribunal has unconditionally approved a merger between JMR Holdings and Transaction Capital Ltd.

The relevant market in this case offer financial service facilities, except insurance and pension fund activities.

JMRH is not controlled by any other company. Transaction Capital Ltd provides specialised financial and allied services to the South African services sector and conducts business through the asset backed lending division and the transaction capital division.

Transaction Capital owns: SA Taxi Finance; MBD Credit Solutions Holdings; TC Corporate Support and TC Treasury.

**Growthpoint purchase health sector properties in KZN can proceed**

The Competition Tribunal has approved without conditions the merger between Growthpoint Properties Ltd and Romed Properties Pty Ltd in respect of the immovable property on which Hillcrest Private Hospital and Gateway Private Hospital are based. Growthpoint will not acquire any hospital licenses.

Growthpoint has a property portfolio which consists largely of rentable retail, residential, office and industrial space situated in Gauteng, Eastern Cape, KwaZulu-Natal and the Western Cape. Romed owns the target properties located in KwaZulu-Natal.

Hospital property presently owned by Growthpoint is in the Western Cape.

**Merger between RMB-owned firm and company offering maritime services**

The Tribunal has approved the merger between Rand Merchant Bank-owned Main Street 1440 Pty Ltd and new incorporated vehicle Bidco, involved in offshore maritime services, terminal services and in-port bunker supply services in SA.

The acquiring firm, Bidco is made up of Main Street 14444 Pty Ltd and SMIT Holdings Pty Ltd. RMB is the investment arm of FirstRand Group.

The Commission found that Bidco did not have any companies that are active in the market in which the acquiring company is active.

**Pepkor merger with Southern Holdings Fulcrum, personal loan providers, approved**

The merger between Pepkor, previously trading as the JD Group Trading Pty Ltd, and companies are owned by the Fulcrum Group, which provides personal loans to Pepkor customers, has been approved by the Tribunal.

Pepkor will acquire from Southern Holdings Fulcrum SA Pty Ltd two wholly-owned subsidiaries - Southern View Finance SA Pty Ltd and debt recovery firm Van As & Associates Recoveries Pty Ltd. Pepkor, which owns a chain of retail outlets, provides call centre, loan administration and debt collecting services to the Fulcrum Group. Pepkor in this merger is acquiring the call-centre, loan administration and debt collecting services business of the Fulcrum Group.

Pepkor is ultimately owned by Steinhof African Holdings Pty Ltd. Outlets owned Pepkor include: Ackermans; Dunns; Shoe City; Bradlows; Morkels; Joshua Door; Hi-Fi Corp; Incredible Connection and Timber City.

The Fulcrum Group provides, through Pepkor, quick personal loans through the Capfin Brand.

**Unopposed interlocutory application to substitute and amend the citation of a party**

The hearing involving an application by the Competition Commission to change the citation of ‘H Pistorius & Co’ to the Hendrik Pistorius Trust in its referral to the Tribunal has been delayed to allow the parties to submit further documentation.

The Competition Commission seeks to fine the Pistorius Trust whom, at the time of the alleged anti-competitive behavior, conducted business through an entity called ‘Hendrik Pistorius & Co’ for allegedly being part of a price-fixing cartel in the agricultural lime industry over the period 1995-2008.

The Commission has alleged that the Trust was involved in fixing the prices paid to agents who distributed calctic agricultural lime. The Commission is pursuing an administrative penalty of 10% of the company’s turnover over the period of the alleged anti-competitive conduct.

Issued by:

Chantelle Benjamin

Communications: Competition Tribunal

Tel (012)394 1383

Cell: +27 (0) 73 007 5603

Twitter: @comptrib

E-Mail: [chantelleb@comptrib.co.za](file:///C%3A%5CUsers%5Cchantelleb%5CDocuments%5Cchantelleb%40comptrib.co.za)

On Behalf Of:

Lerato Motaung

Registrar: Competition Tribunal

Tel: (012) 394 3355

Cell: +27 (0) 82 556 3221

E-Mail: LeratoM@comptrib.co.za