



GOVERNMENT GAZETTE

OF THE REPUBLIC OF SOUTH AFRICA

REPUBLIEK VAN SUID-AFRIKA

STAATSKOERANT

Registered at the Post Office as a Newspaper

As 'n Nuusblad by die Poskantoor Geregistreer

Selling price • Verkoopprys
(GST excluded/AVB uitgesluit)

Local **50c** Plaaslik
Other countries 70c Buitelands
Post free • Posvry

VOL. 268

CAPE TOWN, 23 OCTOBER 1987

KAAPSTAD, 23 OKTOBER 1987

No. 11003

STATE PRESIDENT'S OFFICE

KANTOOR VAN DIE STAATSPRESIDENT

No. 2379. 23 October 1987

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

No. 96 of 1987: Maintenance and Promotion of Competition Amendment Act, 1987.

No. 2379. 23 Oktober 1987

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

No. 96 van 1987: Wysigingswet op die Handhawing en Bevordering van Mededinging, 1987.

Act No. 96, 1987

MAINTENANCE AND PROMOTION OF COMPETITION
AMENDMENT ACT, 1987

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

 Words underlined with solid line indicate insertions in existing enactments.

ACT

To amend the Maintenance and Promotion of Competition Act, 1979, so as to substitute the definition of "Minister"; and to further determine the powers of the Minister of Economic Affairs and Technology to deal with restrictive practices, acquisitions and monopoly situations; and to provide for matters connected therewith.

(Afrikaans text signed by the State President.)
(Assented to 13 October 1987.)

BE IT ENACTED by the State President and the Parliament of the Republic of South Africa, as follows:—

Amendment of section 1 of Act 96 of 1979, as amended by section 1 of Act 62 of 1983, section 1 of Act 12 of 1985 and section 1 of Act 5 of 1986.

1. Section 1 of the Maintenance and Promotion of Competition Act, 1979 (hereinafter referred to as the principal Act), is hereby amended by the substitution for the definition of "Minister" of the following definition:

"Minister" means the Minister of **[Trade and Industry]**
Economic Affairs and Technology;".

Amendment of section 14 of Act 96 of 1979, as amended by section 6 of Act 62 of 1983, section 8 of Act 12 of 1985 and section 6 of Act 5 of 1986.

2. Section 14 of the principal Act is hereby amended by the substitution in subsection (1) for subparagraph (i) of paragraph 10 (c) of the following subparagraph:

"(i) declare the said restrictive practice, acquisition or monopoly situation to be unlawful, and require any person who in the opinion of the Minister is concerned in the said restrictive practice or monopoly situation or who in his opinion is or was a party to the said acquisition, to take such action, including steps for the dissolution of any body corporate or unincorporate, **[or]** the severance of any connection or of any form of association between two or more persons, including any such bodies, the termination of the membership of a member of any body corporate or the application of any prohibition by the Minister on the exercise of any right to vote attached to the holding of any share in any such body, as the Minister may consider necessary to ensure the discontinuance or prevention of that restrictive practice or monopoly situation or the abolition or prevention of that acquisition or to eliminate any undesirable features thereof;"

Short title and commencement.

3. This Act shall be called the Maintenance and Promotion of Competition Amendment Act, 1987, and shall be deemed to have come into operation on 1 January 1987.

WYSIGINGSWET OP DIE HANDHAWING EN BEVORDERING VAN
MEDEDINGING, 1987

Wet No. 96, 1987

ALGEMENE VERDUIDELIKENDE NOTA:

- []** Woorde in vet druk tussen vierkantige hake dui skrappings uit bestaande verordeninge aan.
- _____** Woorde met 'n volstreep daaronder, dui invoegings in bestaande verordeninge aan.

WET

Tot wysiging van die Wet op die Handhawing en Bevordering van Mededinging, 1979, ten einde die omskrywing van "Minister" te vervang; en die bevoegdhede van die Minister van Ekonomiese Sake en Tegnologie om met beperkende praktyke, verkrygings en monopoliesituasies te handel, nader te bepaal; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

(Afrikaanse teks deur die Staatspresident geteken.)
(Goedgekeur op 13 Oktober 1987.)

DAAR WORD BEPAAL deur die Staatspresident en die Parlement van die Republiek van Suid-Afrika, soos volg:—

1. Artikel 1 van die Wet op die Handhawing en Bevordering van Mededinging, 1979 (hieronder die Hoofwet genoem), word 5 hierby gewysig deur die omskrywing van "Minister" deur die volgende omskrywing te vervang:

"Minister" die Minister van **[Handel en Nywerheid]** Ekonomiese Sake en Tegnologie;"

Wysiging van artikel 1 van Wet 96 van 1979, soos gewysig deur artikel 1 van Wet 62 van 1983, artikel 1 van Wet 12 van 1985 en artikel 1 van Wet 5 van 1986.

2. Artikel 14 van die Hoofwet word hierby gewysig deur in 10 subartikel (1) subparagraaf (i) van paragraaf (c) deur die volgende subparagraaf te vervang:

15 "(i) genoemde beperkende praktyk, verkryging of monopoliesituasie onwettig verklaar en enigiemand wat volgens die Minister se oordeel by genoemde beperkende praktyk of monopoliesituasie betrokke is of wat volgens sy oordeel 'n party by genoemde verkryging is of was, gelas om die stappe te doen, met inbegrip van stappe vir 20 die ontbinding van enige liggaam met of sonder regs-persoonlikheid, **[of]** die verbreking van enige verband of vorm van assosiasie tussen twee of meer persone, met inbegrip van enige sodanige liggame, die beëindiging van die lidmaatskap van 'n lid van enige liggaam met regs-persoonlikheid of die toepassing van 'n verbod 25 deur die Minister op die uitoefening van die reg om te stem verbonde aan die hou van 'n aandeel in so 'n liggaam, wat die Minister nodig ag om die beëindiging of voorkoming van daardie beperkende praktyk of monopoliesituasie of die opheffing of voorkoming van daardie verkryging te verseker of enige ongewenste kenmerke daarvan uit te skakel;"

Wysiging van artikel 14 van Wet 96 van 1979, soos gewysig deur artikel 6 van Wet 62 van 1983, artikel 8 van Wet 12 van 1985 en artikel 6 van Wet 5 van 1986.

3. Hierdie Wet heet die Wysigingswet op die Handhawing en Bevordering van Mededinging, 1987, en word geag op 1 Januarie 1987 in werking te getree het.

Kort titel en inwerkingtreding.

