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GENERAL NOTICE

NOTICE 1286 OF 1994

MINISTRY OF TRADE AND INDUSTRY

INVESTIGATION BY COMPETITION BOARD:
DIRECTIVE IN TERMS OF SECTION 10 (5) OF THE
MAINTENANCE AND PROMOTION OF COMPETI-
TION ACT, 1979 (ACT No. 96 OF 1979)

I, Trevor Andrew Manuel, Minister of Trade and Industry, acting by virtue of the powers vested in me by section 10 (5) of the Maintenance and Promotion of Competition Act, 1979 (Act No. 96 of 1979) (the Act), and upon a recommendation of the Competition Board, hereby direct in respect of the investigation announced in terms of section 10 (1) (a) of the Act in Notice 1109 in *Government Gazette* No. 14877 of 7 October 1994 that—

Ster-Kinekor Films (Pty) Ltd shall not exhibit any film at the Musgrave Centre cinema complex, Durban, until such time as the Competition Board has completed its investigation and I have had the opportunity to respond to any recommendations which may flow from the investigation.

Before deciding on this course of action, due cognisance was taken of, *inter alia* (a) the views of interested parties, including those of Ster-Kinekor Films (Pty) Ltd, (b) the fact that should the Board find that Ster-Kinekor Films (Pty) Ltd was involved in restrictive practices, Avalon Cinemas SA (Pty) Ltd could, in the absence of this directive, suffer damages which would not be recoverable in terms of existing competition law and policy, and (c) the balance of convenience.

ALGEMENE KENNISGEWING

KENNISGEWING 1286 VAN 1994

MINISTERIE VAN HANDEL EN NYWERHEID

ONDERSOEK DEUR RAAD OP MEDEDINGING:
OPDRAG INGEVOLGE ARTIKEL 10 (5) VAN DIE
WET OP DIE HANDHAWING EN BEVORDERING
VAN MEDEDINGING, 1979 (WET No. 96 VAN 1979)

Ek, Trevor Andrew Manuel, Minister van Handel en Nywerheid, handelende kragtens die bevoegdhede aan my verleen deur artikel 10 (5) van die Wet op die Handhawing en Bevordering van Mededinging, 1979 (Wet No. 96 van 1979) (die Wet), gelas, op aanbeveling van die Raad op Mededinging, ten opsigte van 'n ondersoek wat ingevolge artikel 10 (1) (a) van die Wet afgekondig is in Kennisgewing 1109 in *Staatskoerant* 14877, van 7 Oktober 1994, dat—

Ster-Kinekor Films (Edms.) Bpk. geen rolprent by die Musgrave Centre bioskoopkompleks, Durban, sal vertoon nie totdat die Raad op Mededinging sy ondersoek voltooi het en ek die geleentheid gehad het om op die aanbevelings wat uit die ondersoek sou kon voortvloei, te reageer.

Voordat daar op hierdie wyse van optrede besluit is, is behoorlik kennis geneem van onder andere (a) die standpunte van belanghebbende partye, insluitend Ster-Kinekor Films (Edms.) Bpk., (b) die feit dat indien die Raad sou bevind dat Ster-Kinekor Films (Edms.) Bpk. betrokke was by beperkende praktyke, Avalon Cinemas SA (Edms.) Bpk. skade sou kon lei by verzuim om hierdie opdrag uit te reik wat nie ingevolge bestaande mededingingsreg en -beleid verhaalbaar sou wees nie, en (c) die oorwig van gericf.

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