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## GENERAL NOTICE ALGEMENE KENNISGEWING

### NOTICE 1211 OF 1997

#### DEPARTMENT OF TRADE AND INDUSTRY

#### NOTICE IN TERMS OF SECTION 8 (5) OF THE HARMFUL BUSINESS PRACTICES ACT, 1988 (ACT No. 71 OF 1988)

I, Alexander Erwin, Minister of Trade and Industry herewith withdraw General Notice 762 of 1997 that was published in *Government Gazette* No. 17979 on 2 May 1997 and issue the following new notice:

I, Alexander Erwin, Minister of Trade and Industry herewith declare that I have reason to believe that **Newport LLC, Newport Business Club (Pty) Ltd, Newport Business Club, Martin Bradley, Wayne Bradley, Clancy Connor, Els Dijkstra, Elaine Douglas, Rob Edward, Paul Farrally, Ben Glas, Richard King, Bob Mitchell, Robert Prichard, Peter Sealey and Steven Sweeney** and/or any member, partner, agent, representative, employee or any other person on their behalf (hereafter referred to as "the aforesaid person"), are applying a harmful business practice, which practice is the subject of an investigation by the Business Practices Committee. I hereby order the parties mentioned herein from the date of publication of this notice until 13 September 1997 to *stay or prevent the business practice* whereby any person, in the course of the business of any of the aforesaid persons, directly and/or indirectly—

- (a) invites, procures the attendance or attempts to invite or to procure the attendance of any person to a meeting held by or on behalf of any of the aforesaid persons at which meeting such person (hereinafter referred to as the "participating person") is invited, encouraged or in any way enticed to enter into any arrangement with any of the aforesaid persons the terms whereof include any provision which has the following effect:
  - (i) The parties to the agreement enter into *en commandite* partnership;
  - (ii) the participating person is obligated to make a payment of a financial consideration with the prospect of such participating person receiving payment or other money-related benefits, directly or indirectly, from his/her participation in the recruitment of other persons to enter into similar arrangements with any of the aforesaid persons;

- (b) enters into any arrangement with any person the terms whereof includes any provision which has the following effect:
  - (i) The parties to the agreement enter into an *en commandite* partnership;
  - (ii) the participating person is obligated to make a payment of a financial consideration with the prospect of such participating person receiving payment or other money-related benefits, directly or indirectly, from his/her participation in the recruitment of other persons to enter into similar arrangements with any of the aforesaid persons;
- (c) accepts any financial consideration from any person in terms of any arrangement which financial consideration is used in part or in full to fulfil the obligations of either party to make payment to a third party who has entered into a similar arrangement with any of the aforesaid persons; and
- (d) makes any payment of any financial consideration or gives any money-related benefit, directly or indirectly, to any person in terms of any arrangement as prohibited in terms of paragraph (b) or (c) above.

**A. ERWIN**

**Minister of Trade and Industry**

### KENNISGEWING 1211 VAN 1997

#### DEPARTEMENT VAN HANDEL EN NYWERHEID

#### KENNISGEWING KRAGTENS ARTIKEL 8 (5) VAN DIE WET OP SKADELIKE SAKEPRAKTYKE, 1988 (WET No. 71 VAN 1988)

Ek, Alexander Erwin, Minister van Handel en Nywerheid, trek hiermee Algemene Kennisgewing 762 van 1997 wat in *Staatskoerant* No. 17979 van 2 Mei 1997 gepubliseer was, terug en reik die volgende kennisgewing uit:

Ek, Alexander Erwin, Minister van Handel en Nywerheid, verklaar hiermee dat ek rede het om te vermoed dat **Newport LLC, Newport Business Club (Edms.) Bpk., Newport Business Club, Martin Bradley, Wayne, Bradley, Clancy Connor, Els Dijkstra, Elaine Douglas, Rob Edward, Paul Farrally, Ben Glas, Richard King, Bob Mitchell, Robert Prichard, Peter Sealey en Steven Sweeney** en/of enige lid, vennoot, agent, verteenwoordiger, werknemer of enige ander persoon namens hulle (hierna verwys as "die voorgenoemde persoon"), 'n skadelike sakepraktyk toepas, welke praktyk die onderwerp is van 'n ondersoek deur die Sakepraktykekomitee. Ek beveel hiermee die genoemde partye om die *sakepraktyk op te skort of te voorkom* vanaf datum van publikasie van hierdie kennisgewing tot 13 September 1997, waarvolgens enige persoon, in die loop van die besigheid van enige van die voorgenoemde persone, direk en/of indirek—

- (a) bywoning van enige persoon uitnooi, bewerk of poog om uit te nooi of te bewerk na 'n vergadering wat gehou word deur of namens enige van die voorgenoemde persone waartydens sodanige persoon (hierna verwys as die "deelnemende persoon") uitgenooi, aangemoedig of op enige wyse in versoeking bring om in enige ooreenkoms met die voorgenoemde persone te tree waarvan die terme enige voorsiening insluit wat die volgende effek het:
  - (i) Die partye tot die ooreenkoms tree in 'n *en commandite*-vennootskap;
  - (ii) die deelnemende persoon verplig is om 'n betaling van 'n finansiële teenprestasie te maak met die voorneme dat sodanige deelnemende persoon betaling of enige ander finansiële verwante voordele, direk of indirek, van sy/haar deelname in die werwing van ander persone om in soortgelyke reëlings te tree met enige van die voorgenoemde persone, ontvang;
- (b) in enige reëling met enige persoon te tree waarvan die terme enige voorsiening insluit wat die volgende effek het:
  - (i) Die partye tot die ooreenkoms tree in 'n *en commandite*-vennootskap;

- (ii) die deelnemende persoon verplig is om 'n betaling van 'n finansiële teenprestasie te maak met die voorneme dat sodanige deelnemende persoon betaling of enige ander finansiële verwante voordele, direk of indirek, van sy/haar deelname in die werwing van ander persone om in soortgelyke reëlings te tree met enige van die voorgenoemde persone, ontvang;
- (c) enige finansiële teenprestasie aanvaar van enige persoon in terme van enige reëling welke finansiële teenprestasie gedeeltelik of in totaal gebruik word om die verpligtinge van enige party om betaling aan 'n derde party wat in 'n soortgelyke reëling met die voorgenoemde persone ingetree het, na te kom; en
- (d) enige betaling maak van enige finansiële teenprestasie of enige finansiële verwante voordele, direk of indirek, aan enige persoon in terme van enige reëling soos verbied in terme van paragraaf (b) of (c) hierbo.

**A. ERWIN**

**Minister van Handel en Nywerheid**

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