

MERGER NOTICE NO 33: 2017

THE PROPOSED ACQUISITION OF 100% OF THE ISSUED SHARE CAPITAL IN TRANSPORT HOLDINGS LTD BY LACROSE (PTY) LTD

Pursuant to section 56(1) of the Competition Act [CAP 46:09], the Competition Authority has received a merger notification for the proposed acquisition of 100% of the issued share capital in Transport Holdings Ltd ("Transport Holdings") by Lacrose (Pty) Ltd ("Lacrose").

Lacrose, the primary acquiring enterprise, is incorporated under the Laws of the Republic of Botswana. It was established for the purposes of this transaction. The shareholders of Lacrose are Regnum Investments Holding (Pty) Ltd ("Regnum Investments") and Mr. Anthony J. Lee ("Mr. Lee"), with 80% and 20%, respectively. Regnum Investments is an investment holding company wholly owned by the Lee Family Trust; a trust domiciled and registered in Botswana on behalf of Mr. Lee. Mr. Lee is a Director and minority shareholder in Transport Holdings (the target enterprise). The Director of Lacrose (Pty) Ltd is Mr. Lee (Motswana).

Transport Holdings, the target enterprise, is a company incorporated under the Laws of the Republic of Botswana. It is owned 80% by Imperial Holdings Limited (incorporated in South Africa) and the remaining 20% held by Mr. Lee. Transport Holdings wholly owns Mulbridge Transport (Pty) Ltd ("Mulbridge") and Express Cartage (Pty) Ltd ("Express Cartage"). In addition, Transport Holdings controls Imperilog Botswana ("Imperilog"). Mulbridge and Express Cartage are engaged in general consolidation transportation and provide line haul services to some contract customers. Imperilog is an agent for global freight forwarders and is engaged in customs clearing services. Transport Holdings is active in the line haul transportation services market; and together with its subsidiaries, is operational in Botswana, Mozambique, Namibia, and South Africa. The Directors of Transport Holdings Ltd are Mr. Lee (Motswana); Marthinus J. Erasmus; and Dumisani W. Sibeko (both South Africans).

According to section 57(3) of the Competition Act, "any person, including a third party not a party to the proposed merger, may voluntarily submit to the inspector or the Authority any document, affidavit, statement or other relevant information in respect of a proposed merger".

The Competition Authority therefore seeks any stakeholder views for or against the proposed merger, which may be sent within 10 days from date of this publication to the following address:

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