



## **MERGER NOTICE NO 40: 2016**

### **THE PROPOSED ACQUISITION OF THE LEGIT BOTSWANA BUSINESS BY NEWCO**

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 the Legit Botswana Business by Newco.

Newco, the acquiring enterprise, was established solely for the purposes of this transaction and as such has never conducted any business activity in Botswana. Newco is owned by Oclin (Pty) Ltd and Brian Thuto Tsimma. As an individual, Tsimma is not controlled by any undertaking, nor does he control (whether directly or indirectly) any undertaking in Botswana. Oclin is a company incorporated in accordance with the Laws of Botswana. It is wholly owned by Retailability (Pty) Ltd. Retailability in turn is owned by the Metier Retailability en Commandite Partnership; Clifford Raymond Lines; Business Venture Investments 1851 (Pty) Ltd; and MCGF II Investments. Oclin is a retailer of clothing apparel, and owns two retail store chains trading as Beaver Canoe and Style.

Beaver Canoe has ten stores in Botswana which sell clothing apparel and accessories for men and boys. Style has seventeen stores across Botswana which sell clothing apparel, footwear and accessories for men, women and children, as well as colour cosmetics. The Directors of Newco are: Brian Thuto Tsimma (Motswana); Mark Friday (South African); and Norman Drieselmann (South African).

The Legit Botswana Business, the target enterprise, is under the control of Jet Supermarkets (Botswana) (Pty) Ltd. Jet Botswana is a company incorporated in accordance with the Laws of Botswana. Jet Botswana falls under the Speciality Division of Edcon Limited; therefore, the Legit Botswana Business is indirectly controlled by Edcon. The Legit Botswana Business operates three stores retailing in clothing apparel, footwear and accessories for women, as well as colour cosmetics and cellular products. The Directors of Jet Botswana are: Urin Fernandale (South African); Richard Vaughn (South African); and Cornelius Ramatlhakwane (Motswana).

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 the date of this publication to the following address:

Director, Mergers and Monopolies  
Competition Authority  
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