



MERGER DECISION NO 31: 2019

Notice in Terms of Section 60(4) (a) (ii) of the Competition Act

DECISION ON THE PROPOSED SALE AND PURCHASE OF UNIT [NORTH AND SOUTH WINGS ON THE GROUND AND FIRST FLOORS OF THE WESTERN BUILDING, MEASURING APPROXIMATELY 102M²] AND AN UNDIVIDED SHARE IN THE COMMON PROPERTY, ALL SITUATED ON LOT 74748, NEW CBD, GABORONE, FROM WHEKI (PTY) LTD BY FIRST CAPITAL BANK LTD.

PURSUANT to section 60(4)(a)(ii) of the Competition Act (Cap 46:09), notice is hereby given on the decision made by the Competition Authority ("the Authority") in respect of the proposed sale and purchase of unit [North and South wings on the ground and first floors of the western building, measuring approximately 102m²] and an undivided share in the common property, all situated on Lot 74748, New CBD, Gaborone, from Wheki (Pty) Ltd by First Capital Bank Ltd.

The Authority determined through the analysis of the facts of the merger, that the proposed transaction is not likely to result in the prevention or substantial lessening of competition, or endanger the continuity of the service, in the relevant market. Furthermore, there are no negative public interest concerns that have been identified.

Pursuant to the provisions of section 60 of the Competition Act, the Authority has unconditionally approved the proposed sale and purchase of unit [North and South wings on the ground and first floors of the western building, measuring approximately 102m²] and an undivided share in the common property, all situated on Lot 74748, New CBD, Gaborone, from Wheki (Pty) Ltd by First Capital Bank Ltd.

However, as stated under section 66 of the Act, this approval does not override or negate any other mandatory statutory approvals or processes that any of the parties to this merger must comply with under the Laws of Botswana.

Dated at Gaborone this 19th day of August 2019.

Tebelelo Pule, Chief Executive Officer, Competition Authority, P/Bag 00101, Gaborone, Plot 28, Matsitama Road, Tel: 3934278 Fax: 3121013