

FORM NO. 8- MERGERS:

To the Fiji Commerce Commission:

Application is made under Section 129A (8) & (9) of the Decree for an authorization under that Subsection to acquire shares in the capital of the body corporate, or to acquire assets of the person (including a body corporate), named in item 2.

(PLEASE READ DIRECTIONS AND NOTICE ON BANK OF FORM)

1. (a) Name of applicant

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(b) Short description of business carried on by applicant.....

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© Address in Fiji for service of documents on the applicant.....

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(d) Name and address of any person for whose benefit the shares or assets will be held.

2. (a) In the case of a body corporate whose shares or assets are to be acquired:

- (i) Name of the body corporate;
- (ii) Place of incorporation of the body corporate;
- (iii) Registered office of the body corporate;
- (iv) Short description of the business carried on by the body corporate:

(b) In the case of a person (other than a body corporate) whose assets are to be acquired?

(i) Name and address of the person.....

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(ii) Short description of the business carried on by the person.....

(iii) Description of assets to be acquired.....

1. Where a contract, arrangement, understanding or proposal for the acquisition has been made, brief description of the contract, arrangement, understanding or proposal and its date-

(See Direction 3 on the back of this Form)

4. (a) Grounds for grant of authorization.....

(b) Facts and contentions relied upon in support of those grounds.....

(See Notice on the back of this Form)

5. (a) Does this application deal with a matter relating to a joint venture?.....

(b) If so, are any other applications being made simultaneously with this application in relation to that joint venture?.....

© If so, by whom or on whose behalf are those other applications being made?.....

6. Name and address of person authorized by the applicant to provide additional information in relation to this application.....

Dated, 20..... applicant

Signed by / on behalf of the

.....

(Signature)

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(Full Name)

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(Description)

DIRECTIONS

1. Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.
2. If the application is made by or on behalf of a corporation, the name of the corporation is to be inserted in item 1(a), not the name of the person signing the application, and the application is to be signed by a person authorized by the corporation to do so.
3. Furnish with the application particulars of the contract, arrangement, understanding or proposal (if any) in respect of which the authorization is sought. Those particulars shall be furnished:
 - (a) in so far as the particulars of any of them have been reduced to writing – by lodging a true copy of the writing; and
 - (b) in so far as the particulars of any of them have not been reduced to writing – by lodging a memorandum containing a full and correct statement of the particulars that have been reduced to writing.

NOTICE

In relation to item 4, your attention is drawn to subsections 129C(8) & (9) of the Decree , which provides as follows:

- (9) The Commission shall not make a determination granting an authorization under subsection 88(9) in respect of a proposed acquisition of shares in the capital of a body corporate or of assets of a person or in respect of the acquisition of a controlling interest in a body corporate within the meaning of section 50 unless it is satisfied in all the circumstances that the proposed acquisition would result, or be likely to result, in such a benefit to the public that the acquisition should be allowed to take place.
 - (9) In determining what amounts to a benefit to the public for the purposes of subsection (8):
 - (a) the Commission must regard the following as benefits to the public (in addition to any other benefits to the public that may exist apart from this paragraph)-
 - (i) A significant increase in the real value of exports;
 - (ii) A significant substitution of domestic products for imported goods and
 - (b) without limiting the matters that may be taken into account, the Commission must take into account all other relevant matters that relate to the international competitiveness of any Fiji Islands industry”.
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