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TRANSNET

Kantoor van die Besturende Direkteur
Office of the Managing Director

Verwysing
Reference

Telefoon
Telephone

Faks
Fax

Datum
Date

SUBMISSION BY TRANSNET LIMITED REGARDING THE SEVENTEENTH (17TH) REPORT OF THE TECHNICAL COMMITTEE ON CONSTITUTIONAL ISSUES TO THE NEGOTIATING COUNCIL

This submission relates to the manner in which the transfer of assets and liabilities from existing administrations, which will cease to exist under the new Constitution, to new administrations, will be attended to.

Essentially, in view of the need to ensure that a position analogous to that which existed prior to the independence of the TBVC states is arrived at, cognisance must be taken of the following :

- (a) In terms of the Legal Succession to the South African Transport Services Act No. 9 of 1989 (as amended) the whole of the commercial enterprise of the State (i.e. Republic of South Africa) as contemplated in the South African Transport Services Act of 1981, inclusive of all assets, liabilities, rights and obligations, was transferred to Transnet Limited.
- (b) Upon the independence of the TBVC states, immovable property of the State which was previously under the control/jurisdiction of the South African Transport Services became the property of the respective TBVC states.

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Direkteure Dr. M.T. de Waal (Voorsitter/Chairman) Dr. A.T. Moolman (Besturend/Managing) D.E. Cooper T.L. de Beer Dr. C.B. Strauss
Directors Prof. L.A. Tager G.S. van Niekerk B. Wunsh Dr. G.S. Sibiyi Dr. S.M. Motsuenyane J.L. van Zyl

Consequently, upon the reincorporation of the TBVC states, the property referred to in (b) above should be transferred to Transnet Limited, for the following reasons :

- (a) Transnet Limited and/or its predecessor-in-title has retained *de facto* control of such property;
- (b) Transnet Limited and/or its predecessor-in-title has continued to operate its business activities on such property in terms of agreements with the TBVC states.

Should any more information be required, we shall gladly assist.



DR A T MOOLMAN
MANAGING DIRECTOR

MD 1.06-93(2)/LVV
(LC2)