

SCHEDULE 1

Article 8(11)(b)

Meaning of Associated Disposal

1. For the purposes of this Order, a disposal of relevant land or a relevant estate in land made or to be regarded for those purposes as being made by a member of a chargeable company's group (referred to in this Schedule as "the first-mentioned disposal") will be treated as associated with another such disposal (referred to in this Schedule as "the second-mentioned disposal") whether or not the disposals are made or are to be regarded as being made at the same time if the first-mentioned disposal—

- (a) is reasonably to be regarded as being connected with the second-mentioned disposal;
- (b) is effected with a view to enabling the second-mentioned disposal to be effected or facilitating its being effected; or
- (c) is otherwise effected with reference to the second-mentioned disposal;

and in a case where either or both of the first-mentioned disposal and the second-mentioned disposal is a section 178 or 179 disposal, this paragraph shall apply as if a reference to the disposal included a reference to the disposal or issue of shares as a result of which the disposal is treated as taking place.

2. Subject to paragraph 3, for the purposes of paragraph 1(a), the first-mentioned disposal is reasonably to be regarded as connected with the second-mentioned disposal if—

- (a) the disposals are made to the same person or to persons who are connected with each other;
- (b) where the first-mentioned disposal, but not the second-mentioned disposal, is a section 178 or 179 disposal, the person to whom the disposal or issue of shares is made as a result of which the first-mentioned disposal is treated as taking place and the person to whom the land or estate in land the subject of the second-mentioned disposal is disposed of are the same person or are connected persons; or
- (c) where both the first-mentioned disposal and the second-mentioned disposal are section 178 or 179 disposals, the persons to whom the disposal or issue of shares is made as a result of which those disposals are treated as taking place are the same person or are connected persons.

3. A disposal is not reasonably to be regarded as connected with another disposal by virtue of this paragraph if they are reasonably to be regarded as separate transactions by reference to the terms, dates and any other relevant aspects of the disposals.

4. For the purposes of paragraphs 2 and 3, any question whether a person is connected with another shall be determined in accordance with the provisions of section 839(2) to (8) of the 1988 Act.