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STATUTORY RULES OF NORTHERN IRELAND

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**2015 No. 388**

**The Storage of Carbon Dioxide (Access to Infrastructure) Regulations (Northern Ireland) 2015**

**Meaning of “associate”**

4.—(1) For the purposes of regulations 11(7), 11(9) and 16(3) a person is an associate of another if—

- (a) either or both of them is a body corporate, and
  - (b) one of them controls the other, or both are controlled by the same person or persons,
- and paragraphs (2) to (6) set out the circumstances in which one person (“A”) controls another (“B”).

(2) Where B is a company, A controls B if A possesses or is entitled to acquire—

- (a) one half or more of the issued share capital of B;
- (b) such rights as would entitle A to exercise one half or more of the votes exercisable in general meetings of B;
- (c) such part of the issued share capital of B as would entitle A to one half or more of the amount distributed if the whole of the income of B were in fact distributed among shareholders; or
- (d) such rights as would, in the event of a winding up of B or in any other circumstances, entitle A to receive one half or more of the assets of B which would then be available for distribution among the shareholders.

(3) Where B is a limited liability partnership, A controls B if A—

- (a) holds the majority of the voting rights in B;
- (b) is a member of B and has the right to appoint or remove a majority of other members; or
- (c) is a member of B and controls alone, or pursuant to an agreement with other members, a majority of the voting rights in B.

(4) In paragraph (3)(a) and (c) the references to “voting rights” are to rights conferred on members in respect of their interest in a limited liability partnership to vote on those matters which are to be decided on by a vote of the members of the limited liability partnership.

(5) In any case, A controls B if A has the power, directly or indirectly, to secure that the affairs of B are conducted in accordance with A’s wishes.

(6) In determining whether, by virtue of paragraphs (2) to (5), A controls B, A is taken to possess—

- (a) any rights and powers possessed by a person as nominee for it; and
- (b) any rights and powers possessed by a body corporate which it controls (including rights and powers which such a body corporate would be taken to possess by virtue of this paragraph).

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**Changes to legislation:** There are currently no known outstanding effects for the The Storage of Carbon Dioxide (Access to Infrastructure) Regulations (Northern Ireland) 2015, Section 4. (See end of Document for details)

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**Commencement Information**

**II** [Reg. 4](#) in operation at 4.1.2016, see [reg. 1](#)

**Changes to legislation:**

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