

SCHEDULES

SCHEDULE 13

CONTROL OF A PERSON BY A FOREIGN POWER

PART 1

CONDITIONS FOR CONTROL

- 1 (1) A person is controlled by a foreign power if one or more of the following conditions are met.
 - (2) Condition 1 is that the foreign power has the right to direct or control, or actually directs or controls, the person's activities (in whole or in part).
 - (3) Condition 2 is that the foreign power holds, directly or indirectly, more than 25% of the shares in the person.
 - (4) Condition 3 is that the foreign power holds, directly or indirectly, more than 25% of the voting rights in the person.
 - (5) Condition 4 is that the foreign power holds the right, directly or indirectly, to appoint or remove an officer of the person.
 - (6) Condition 5 is that—
 - (a) the trustees of a trust, or the members of a partnership, unincorporated association or other entity, that is not a legal person under the law by which it is governed meet one or more of conditions 1 to 4 (in their capacity as such) in relation to the person, and
 - (b) the foreign power has the right to direct or control, or actually directs or controls, the activities of that trust or entity (in whole or in part).
- 2 In this Schedule “officer”—
 - (a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity;
 - (b) in relation to a partnership, means a partner or person purporting to act as a partner;
 - (c) in relation to an unincorporated association other than a partnership, means a person who is concerned in the management or control of the association or purports to act in the capacity of a person so concerned.