

# Appendix A

**Section 97(3) of the VATCA 2010 (as amended), which outlines the circumstances under which a person shall be determined to be connected with another person, is reproduced below:**

1. For the purposes of this section any question of whether a person is connected with another person shall be determined in accordance with the following:
  1. a person is connected with an individual if that person is the individual's spouse or civil partner, or is a relative, or the spouse or civil partner of a relative, of the individual or of the individual's spouse or civil partner,
  2. a person is connected with any person with whom he or she is in partnership, and with the spouse or civil partner or a relative of any individual with whom he or she is in partnership,
  3. subject to clauses (IV) and (V) of subparagraph (v), a person is connected with another person if he or she has control over that other person, or if the other person has control over the first-mentioned person, or if both persons are controlled by another person or persons,
  4. a body of persons is connected with another person if that person, or persons connected with him or her, have control of that body of persons, or the person and persons connected with him or her together have control of it,
  5. a body of persons is connected with another body of persons -
    1. if the same person has control of both or a person has control of one and persons connected with that person or that person and persons connected with that person have control of the other,
    2. if a group of 2 or more persons has control of each body of persons and the groups either consist of the same persons or could be regarded as consisting of the same persons by treating (in one or more cases) a member of either group as replaced by a person with whom he or she is connected,
    3. if both bodies of persons act in pursuit of a common purpose,
    4. if any person or any group of persons or groups of persons having a reasonable commonality of identity have or had the means or power, either directly or indirectly, to determine the activities carried on or to be carried on by both bodies of persons, or
    5. if both bodies of persons are under the control of any person or group of persons or groups of persons having a reasonable commonality of identity,
  6. a person in the capacity as trustee of a settlement is connected with -
    1. any person who in relation to the settlement is a settlor, or
    2. any person who is a beneficiary under the settlement.
2. In this subsection -

'control', in the case of a body corporate or in the case of a partnership, has the meaning assigned to it by section 4(2);

'relative' means a brother, sister, ancestor or lineal descendant.'

**Updated: September 2011**