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## STATUTORY INSTRUMENTS

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# 1996 No. 725

## The Business Tenancies (Northern Ireland) Order 1996

### *Supplemental*

#### **Groups of companies**

**31.**—(1) For the purposes of this Article two bodies corporate shall be taken to be members of a group if and only if one is a subsidiary of the other or both are subsidiaries of a third body corporate.

(2) In paragraph (1) “subsidiary” has the meaning given by<sup>[F1]</sup> section 1159 of the Companies Act 2006].

(3) Where a tenancy is held by a member of a group, occupation by another member of the group, and the carrying on of a business by another member of the group, shall be treated for the purposes of Article 3 as equivalent to occupation or the carrying on of a business by the member of the group holding the tenancy; and in relation to a tenancy to which this Order applies by virtue of the foregoing provisions of this paragraph—

- (a) references (however expressed) in this Order to the business of, or to use or occupation by, the tenant shall be construed as including references to the business of, or to use or occupation by, the said other member;
- (b) the reference in Article 18(2)(d) to the tenant shall be construed as including the said other member; and
- (c) an assignment of the tenancy from one member of the group to another shall not be treated as a change in the person of the tenant.

(4) Where the landlord's estate is held by a member of a group—

- (a) the reference in Article 12(1)(g) to intended occupation for the purposes of a business to be carried on by the landlord shall be construed as including intended occupation for the purposes of a business to be carried on by any member of the group; and
- (b) the reference in Article 12(1)(h) to intended occupation for the purposes of a business to be carried on by a person with a controlling interest or by the company shall be similarly construed; and
- (c) the reference in Article 13(4) to the purchase or creation of any estate shall be construed as a reference to a purchase from or creation by a person other than a member of the group.

**F1** Art. 31(2): words in the definition of "subsidiary" substituted (1.10.2009) by [Companies Act 2006 \(Consequential Amendments, Transitional Provisions and Savings\) Order 2009 \(S.I. 2009/1941\)](#), art. 2(1), [Sch. 1 para. 164](#) (with art. 10)

**Changes to legislation:**

The Business Tenancies (Northern Ireland) Order 1996, Section 31 is up to date with all changes known to be in force on or before 24 December 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to the whole Order associated Parts and Chapters:**

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 18(6) inserted by [2022 c. 46 s. 62\(2\)](#)
- art. 18A inserted by [2022 c. 46 s. 62\(3\)](#)
- art. 18B18C inserted by [2022 c. 46 s. 64\(2\)](#)