

Examples in UK legislation

1. Adoption and Children Act 2002

69 Rules of interpretation for instruments concerning property

(1) The rules of interpretation contained in this section apply (subject to any contrary indication and to Schedule 4) to any instrument so far as it contains a disposition of property.

(2) In applying section 67(1) and (2) to a disposition which depends on the date of birth of a child or children of the adoptive parent or parents, the disposition is to be interpreted as if—

(a) the adopted person had been born on the date of adoption,

(b) two or more people adopted on the same date had been born on that date in the order of their actual births;

but this does not affect any reference to a person's age.

(3) Examples of phrases in wills on which subsection (2) can operate are—

- 1. Children of A "living at my death or born afterwards".
- 2. Children of A "living at my death or born afterwards before any one of such children for the time being in existence attains a vested interest and who attain the age of 21 years".
- 3. As in example 1 or 2, but referring to grandchildren of A instead of children of A.
- 4. A for life "until he has a child", and then to his child or children.
- *Note.* Subsection (2) will not affect the reference to the age of 21 years in example 2.

70 Dispositions depending on date of birth

(1) Where a disposition depends on the date of birth of a person who was born illegitimate and who is adopted by one of the natural parents as sole adoptive parent, section 69(2) does not affect entitlement by virtue of Part 3 of the Family Law Reform Act 1987 (c. 42) (dispositions of property).

(2) Subsection (1) applies for example where—

(a) a testator dies in 2001 bequeathing a legacy to his eldest grandchild living at a specified time,

(b) his unmarried daughter has a child in 2002 who is the first grandchild,

(c) his married son has a child in 2003,

(d) subsequently his unmarried daughter adopts her child as sole adoptive parent.

In that example the status of the daughter's child as the eldest grandchild of the testator is not affected by the events described in paragraphs (c) and (d).

2. Flood and Water Management Act 2010

3 "Risk management"

(1) "Risk management" means anything done for the purpose of–

- (a) analysing a risk,
- (b) assessing a risk,
- (c) reducing a risk,
- (d) reducing a component in the assessment of a risk,
- (e) altering the balance of factors combined in assessing a risk, or
- (f) otherwise taking action in respect of a risk or a factor relevant to the assessment of a risk (including action for the purpose of flood defence).

(2) In particular, risk management includes things done–

- (a) that increase the probability of an event but reduce or alter its potential consequences, or
- (b) that increase the probability of an event occurring at one time or in one place but reduce the probability of it occurring at another time or in another place.

(3) The following are examples of things that might be done in the course of flood or coastal erosion risk management–

- (a) planning, erecting, maintaining, altering or removing buildings or other structures (including structures built or used for flood defence purposes),
- (b) maintaining or restoring natural processes,
- (c) reducing or increasing the level of water in a place (whether or not it results in a change to the water level in another place),
- (d) carrying out work in respect of a river or other watercourse (such as taking things out of it or supporting or diverting the banks),
- (e) moving things onto, off or around a beach, or carrying out other works in respect of the shoreline,
- (f) using statutory or other powers to permit, require, restrict or prevent activities,
- (g) making arrangements for financial or other support for action taken by persons in respect of a risk of, or in preparing to manage the consequences of, flooding or coastal erosion,
- (h) making arrangements for forecasting and warning,
- (i) preparing, gathering and disseminating maps, plans, surveys and other information, and
- (j) providing education and giving guidance (including, for example, guidance on changes to land management).

3 Companies Act 2006

968 Effect on contractual restrictions

(1) – (7)

(8) A reference in this section to voting shares in the company does not include–

- (a) debentures, or
- (b) shares that, under the company's articles of association, do not normally carry rights to vote at its general meetings (for example, shares carrying rights to vote that, under those articles, arise only where specified pecuniary advantages are not provided).

969 Power of offeror to require general meeting to be called

(1) Where a takeover bid is made for an opted-in company, the offeror may by making a request to the directors of the company require them to call a general meeting of the company if, at the date at which the request is made, he holds shares amounting to not less than 75% in value of all the voting shares in the company.

(2) The reference in subsection (1) to voting shares in the company does not include—

(a) debentures, or

(b) shares that, under the company's articles of association, do not normally carry rights to vote at its general meetings (for example, shares carrying rights to vote that, under those articles, arise only where specified pecuniary advantages are not provided).

4. Financial Services Act 2010

(inserted a new section in the Financial Services and Markets Act 2000)

139C Rules about resolution plans

(1) The Authority must exercise its power to make general rules so as to make rules requiring each authorised person (or each authorised person of a specified description) to prepare, and keep up-to-date, a resolution plan.

(2) A "resolution plan" is a document containing information within subsection (3) or (4) of a specified description.

(3) Information is within this subsection if it relates to action to be taken in the event of—

(a) circumstances arising in which it is likely that the business (or any part of the business) of the authorised person will fail; or

(b) the failure of the business (or any part of the business) of the authorised person.

(4) Information is within this subsection if it would facilitate anything falling to be done by any person in consequence of that failure.

(5) An example of information within subsection (4) is information that, in the event of that failure, would facilitate —

(a) planning by the Treasury in relation to the possible exercise of any of their powers under Part 1 of the Banking Act 2009; or

(b) planning by the Bank of England in relation to the possible exercise of any of its powers under Part 1, 2 or 3 of that Act.

5. Data Protection Act 1998

7 Right of access to personal data

(1) Subject to the following provisions of this section and to sections 8 and 9, an individual is entitled—

(a) to be informed by any data controller whether personal data of which that individual is the data subject are being processed by or on behalf of that data controller,

(b) if that is the case, to be given by the data controller a description of—

(i) the personal data of which that individual is the data subject,

(ii) the purposes for which they are being or are to be processed, and

(iii) the recipients or classes of recipients to whom they are or may be disclosed,

(c) to have communicated to him in an intelligible form—

- (i) the information constituting any personal data of which that individual is the data subject, and
- (ii) any information available to the data controller as to the source of those data, and

(d) where the processing by automatic means of personal data of which that individual is the data subject for the purpose of evaluating matters relating to him such as, for **example**, his performance at work, his creditworthiness, his reliability or his conduct, has constituted or is likely to constitute the sole basis for any decision significantly affecting him, to be informed by the data controller of the logic involved in that decision-taking

6. Plant Varieties Act 1997

7 Dependent varieties

(1) The holder of plant breeders' rights shall have, in relation to any variety which is dependent on the protected variety, the same rights as he has under section 6 above in relation to the protected variety.

(2) For the purposes of this section, one variety is dependent on another if—

(a) its nature is such that repeated production of the variety is not possible without repeated use of the other variety, or

(b) it is essentially derived from the other variety and the other variety is not itself essentially derived from a third variety.

(3) For the purposes of subsection (2) above, a variety shall be deemed to be essentially derived from another variety ("the initial variety") if—

(a) it is predominantly derived from—

(i) the initial variety, or

(ii) a variety that is itself predominantly derived from the initial variety,

while retaining the expression of the essential characteristics resulting from the genotype or combination of genotypes of the initial variety,

(b) it is clearly distinguishable from the initial variety by one or more characteristics which are capable of a precise description, and

(c) except for the differences which result from the act of derivation, it conforms to the initial variety in the expression of the essential characteristics that result from the genotype or combination of genotypes of the initial variety.

(4) For the purposes of subsection (3) above, derivation may, for **example**, be by—

(a) the selection of—

(i) a natural or induced mutant,

(ii) a somaclonal variant, or

(iii) a variant individual from plants of the initial variety,

(b) backcrossing, or

(c) transformation by genetic engineering.