

- (c) "constrained-class refers to the class or description of persons whose significant or controlling interest in the shares or class of shares of the company would preclude the company or any other company in which the company has a direct or indirect interest through the holding of shares in other corporations, as the case may be, from qualifying for any licence or permit pursuant to any Act described in subsection (2) of section 38A but if the "constrained-class" pursuant to that Act are non-residents or non-Canadians and the expression is not defined in that Act or any regulation thereunder, the expression "non-resident" or "non-Canadian", as the case may be, has the meaning ascribed thereto by these provisions;
- (d) "corporation" includes an association, partnership or other organization;
- (e) "gross prescribed percentage" means, with reference to the total number of voting shares or class of voting shares of a company at any relevant time, that percentage of the total number of its voting shares, or class of voting shares, set out in its letters patent or supplementary letters patent, that is the maximum percentage of such shares that may be held in the aggregate by or for members of the constrained-class at that time;
- (f) "net prescribed percentage" means, with reference to the total number of voting shares or class of voting shares of a company at any relevant time, that percentage of the total number of its voting shares, or class of voting shares, set out in its letters patent or supplementary letters patent, that is the maximum percentage of such shares that may be held by or for any one member of the constrained-class at that time;
- (g) "non-Canadian" means a corporation, individual or trust that is not a Canadian;
- (h) "non-resident" means
 - (i) an individual who is not ordinarily resident in Canada or a Canadian citizen,
 - (ii) a corporation incorporated, formed or otherwise organized, elsewhere than in Canada,
 - (iii) a corporation, of which the majority of the directors, or persons occupying the position of directors by whatever name called, are non-residents as defined in subparagraph (i),
 - (iv) a trust established by a non-resident as defined in this paragraph or a trust in which non-residents as so defined have more than fifty per cent of the beneficial interest,
 - (v) a corporation that is controlled, directly or indirectly, by one or more non-residents as defined in this paragraph, or
 - (vi) the government of a foreign state or political subdivision thereof or any agency thereof and Her Majesty, or agent of Her Majesty, in any right other than in right of Canada or a province;