
STATUTORY INSTRUMENTS

2021 No. 1465

**The National Security and Investment Act
2021 (Commencement No. 2 and Transitional
and Saving Provision) Regulations 2021**

Transitional and saving provision in relation to the 2002 Act - intervention notices

4.—(1) Paragraph (2) applies where—

- (a) before the commencement day, the Secretary of State has given—
 - (i) an intervention notice under section 42(2)(1) of the 2002 Act;
 - (ii) a special intervention notice under section 59(2)(2) of that Act; or
 - (iii) a European intervention notice under section 67(2)(3) of that Act;
- (b) that notice states that the Secretary of State has reasonable grounds for suspecting that it is, or may be, the case that arrangements are in progress or in contemplation which if carried into effect, will result in the creation of a relevant merger situation or a special merger situation (as the case may be); and
- (c) that notice states that the Secretary of State believes that it is or may be the case that the interests of national security, being a public interest consideration specified in section 58(1) of the 2002 Act, are relevant to the consideration of the merger situation referred to in sub-paragraph (b).

(2) Nothing in the 2021 Act has effect in relation to the proposed merger set out in the notice described in paragraph (1), and, accordingly, the 2002 Act continues to have effect in relation to the proposed merger, disregarding the effect of any amendment made to the 2002 Act by the 2021 Act.

(1) Section 42(2) was amended by paragraph 82 of Schedule 5 to the Enterprise and Regulatory Reform Act 2013 (c. 24) (“the 2013 Act”).

(2) Section 59(2) was amended by paragraph 101 of Schedule 5 to the 2013 Act.

(3) Section 67(2) was repealed by S.I. 2019/93 subject to the saving and transitional provisions set out in regulation 64 and Schedule 4.