



National Security and Investment Act 2021

2021 CHAPTER 25

PART 2

REMEDIES

Interim and final orders

26 Final orders and final notifications

- (1) The Secretary of State must, before the end of the assessment period in relation to a call-in notice—
 - (a) make a final order, or
 - (b) give a final notification to each person to whom the call-in notice was given.
- (2) In this section—
 - (a) a “final notification” is a notification that no further action in relation to the call-in notice is to be taken under this Act,
 - (b) a “final order” is an order under subsection (3).
- (3) The Secretary of State may, during the assessment period, make a final order if the Secretary of State—
 - (a) is satisfied, on the balance of probabilities, that—
 - (i) a trigger event has taken place or that arrangements are in progress or contemplation which, if carried into effect, will result in a trigger event, and
 - (ii) a risk to national security has arisen from the trigger event or would arise from the trigger event if carried into effect, and
 - (b) reasonably considers that the provisions of the order are necessary and proportionate for the purpose of preventing, remedying or mitigating the risk.

Changes to legislation: There are currently no known outstanding effects for the National Security and Investment Act 2021, Section 26. (See end of Document for details)

- (4) Before making a final order the Secretary of State must consider any representations made to the Secretary of State.
- (5) A final order may include—
 - (a) provision requiring a person, or description of person, to do, or not to do, particular things,
 - (b) provision for the appointment of a person to conduct or supervise the conduct of activities on such terms and with such powers as may be specified or described in the order,
 - (c) provision requiring a person, or description of person, not to disclose the contents of the order except to the extent permitted by the order,
 - (d) consequential, supplementary or incidental provision.
- (6) Provision made by or under a final order may extend to a person's conduct outside the United Kingdom or the territorial sea only if the person is—
 - (a) a United Kingdom national,
 - (b) an individual ordinarily resident in the United Kingdom,
 - (c) a body incorporated or constituted under the law of any part of the United Kingdom, or
 - (d) carrying on business in the United Kingdom.
- (7) A final order comes into force at such time as is determined by or under the order.
- (8) A final order ceases to have effect at such time as is determined by or under the order, unless it is revoked before that time.

Commencement Information

II S. 26 in force at 4.1.2022 by S.I. 2021/1465, regs. 2, 3 (with regs. 4, 5)

Changes to legislation:

There are currently no known outstanding effects for the National Security and Investment Act 2021, Section 26.