

2021 No. 788

NATIONAL SECURITY

**The National Security and Investment Act 2021
(Commencement No. 1 and Transitional Provision) Regulations
2021**

Made - - - -

30th June 2021

The Secretary of State, in exercise of the powers conferred by section 66(3) and (4) of the National Security and Investment Act 2021(a), makes the following Regulations:

Citation

1. These Regulations may be cited as the National Security and Investment Act 2021 (Commencement No. 1 and Transitional Provision) Regulations 2021.

Provisions coming into force on 1st July 2021

2. The following provisions of the National Security and Investment Act 2021 come into force on 1st July 2021—

- (a) sections 3 and 4 (statement about exercise of call-in power);
- (b) section 6(2) to (8) (relating to the power to make notifiable acquisition regulations);
- (c) section 41(9) (relating to the power to make regulations for the purpose of determining the turnover of a business);
- (d) section 53(2) and (3) (relating to the power to make regulations for the procedure for service); and
- (e) section 59 (overseas information disclosure).

Transitional provision in respect of overseas information disclosure under Part 9 of the Enterprise Act 2002

3. The amendment made to section 243(3)(d) of the Enterprise Act 2002(b) by section 59 of the National Security and Investment Act 2021 applies only to information which comes to a public authority on or after 1st July 2021 in connection with an investigation under Part 3 of the Enterprise Act 2002.

30th June 2021

Callanan
Parliamentary Under Secretary of State
Department for Business, Energy & Industrial Strategy

(a) 2021 c. 25.
(b) 2002 c. 40.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations bring into force certain provisions of the National Security and Investment Act 2021 (c.25) (“the Act”) and make transitional provision.

Regulation 2(a) brings into force sections 3 and 4 of the Act. Section 3 gives the Secretary of State the power to publish a statement setting out how the Secretary of State expects to exercise the power to give a call-in notice. Section 4 sets out the requirement on the Secretary of State to consult on the statement and lay it before Parliament before publishing it.

Paragraphs (b) to (d) of regulation 2 bring into force provisions relating to the power to make regulations in section 6(1) (notifiable acquisition), section 41(8) (permitted maximum penalties) and section 53(1) (procedure for service).

Regulation 2(e) brings into force section 59 of the Act. Section 59 amends section 243(3)(d) of the Enterprise Act 2002 (c. 40) (“the 2002 Act”) by removing a restriction on a public authority disclosing information to an overseas public authority which comes to it in connection with a merger investigation under Part 3 of the Enterprise Act 2002.

Regulation 3 makes transitional provision in relation to the amendment made by section 59 and provides that it only applies to information which comes to a public authority on or after 1st July 2021 in connection with a merger investigation under Part 3 of the Enterprise Act 2002.

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