



# National Security and Investment Act 2021

## 2021 CHAPTER 25

### PART 1

#### CALL-IN FOR NATIONAL SECURITY

#### CHAPTER 4

#### PROCEDURE

#### *Information, etc*

#### **19 Power to require information**

- (1) The Secretary of State may give a notice to a person (subject to section 21) to require the person to provide any information in relation to the exercise of the Secretary of State's functions under this Act which—
  - (a) is specified or described in the notice, or falls within a category of information specified or described in the notice, and
  - (b) is within that person's possession or power.
- (2) The Secretary of State is not to require the provision of information under this section except where the requirement to provide information is proportionate to the use to which the information is to be put in the carrying out of the Secretary of State's functions under this Act.
- (3) A notice under subsection (1) is referred to in this Act as an information notice.
- (4) An information notice may—
  - (a) specify the manner in which the information is to be provided,
  - (b) specify a time limit for—

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- (i) providing the information,
    - (ii) notifying the Secretary of State that the information is not in the person's possession or power, or
  - (c) require the person to provide any information within their possession or power which would enable the Secretary of State to find the information required by the notice.
- (5) An information notice must—
- (a) specify the purpose for which the notice is given, and
  - (b) state the possible consequences of not complying with the notice.
- (6) A person is not required under this section to provide any information which that person could not be compelled to provide in evidence in civil proceedings before the court.
- (7) A reference in this section to the provision of information includes a reference to the provision of a legible and intelligible copy of information recorded otherwise than in legible form.
- (8) A person to whom information is provided under this section may copy the information.
- (9) In this section “the court” means—
- (a) in relation to England and Wales or Northern Ireland, the High Court,
  - (b) in relation to Scotland, the Court of Session, and
  - (c) in relation to a person outside the United Kingdom, the High Court of England and Wales.

## **20 Attendance of witnesses**

- (1) The Secretary of State may give a notice to a person (subject to section 21) to require the person—
- (a) to attend at a time and place specified in the notice, and
  - (b) to give evidence to the Secretary of State in relation to the exercise of the Secretary of State's functions under this Act.
- (2) The Secretary of State is not to require the giving of evidence under this section except where the requirement to give evidence is proportionate to the use to which the evidence is to be put in the carrying out of the Secretary of State's functions under this Act.
- (3) A notice under subsection (1) is referred to in this Act as an attendance notice.
- (4) An attendance notice must—
- (a) specify the purpose for which the notice is given, and
  - (b) state the possible consequences of not complying with the notice.
- (5) A person is not required under this section to give any evidence which that person could not be compelled to give in civil proceedings before the court.
- (6) A person is not required, in compliance with an attendance notice, to go more than 10 miles from their place of residence unless necessary travelling expenses are paid or offered to that person.

- (7) In this section “the court” means—
- (a) in relation to evidence given in England and Wales or Northern Ireland, the High Court,
  - (b) in relation to evidence given in Scotland, the Court of Session, and
  - (c) in relation to evidence given outside the United Kingdom, the High Court of England and Wales.

## **21 Information notices and attendance notices: persons outside the UK**

- (1) The Secretary of State may give an information notice or an attendance notice to a person outside the United Kingdom only if the person falls within subsection (2), (3) or (4) of this section.
- (2) A person falls within this subsection 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.
- (3) A person falls within this subsection if—
- (a) a trigger event has taken place in relation to a qualifying entity which is formed or recognised under the law of any part of the United Kingdom, or
  - (b) arrangements are in progress or contemplation which, if carried into effect, will result in a trigger event taking place in relation to a qualifying entity of that description,
- and the person is the acquirer.
- (4) A person falls within this subsection if—
- (a) a trigger event has taken place in relation to a qualifying asset which —
    - (i) is within section 7(4)(a) or (b) and is situated in the United Kingdom or the territorial sea, or
    - (ii) is within section 7(4)(c) and is used in connection with activities carried on in the United Kingdom, or
  - (b) arrangements are in progress or contemplation which, if carried into effect, will result in a trigger event taking place in relation to a qualifying asset within paragraph (a),
- and the person is the acquirer.

## **22 False or misleading information**

- (1) This section applies where false or misleading information is provided to the Secretary of State—
- (a) in a mandatory notice,
  - (b) in a validation application,
  - (c) in a voluntary notice,
  - (d) in response to an information notice, or
  - (e) in response to an attendance notice.

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- (2) Where a decision made by the Secretary of State under this Act is materially affected by the false or misleading information, the Secretary of State may reconsider the decision and may affirm, vary or revoke it.
- (3) Where a decision is varied or revoked under this section, the Secretary of State must give notice to that effect to such persons as the Secretary of State considers appropriate.
- (4) If a revoked decision was—
  - (a) a decision to give a call-in notice,
  - (b) a decision to make or revoke a final order, or
  - (c) a decision to give a final notification,the Secretary of State may give a further call-in notice and section 2(1) does not apply.
- (5) Where a decision is revoked under this section, the time limits in section 2(2) and (4) do not apply to the case concerned, but a call-in notice (or a further call-in notice) may not be given after the end of the period of 6 months beginning with the day on which the information was discovered to be false or misleading.