



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.

Status: This is the original version (as it was originally enacted).

- (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.