



# National Security and Investment Act 2021

## 2021 CHAPTER 25

### PART 3 U.K.

#### ENFORCEMENT AND APPEALS

##### *Judicial review and appeals*

#### **49 Procedure for judicial review of certain decisions U.K.**

- (1) This section applies to a claim for judicial review of a relevant decision.
- (2) A “relevant decision” means—
  - (a) a decision or action under or by virtue of any of the following provisions, but not including any such decision or action that is directly related to a Part 3 function of the Secretary of State—
    - (i) section 19,
    - (ii) section 20,
    - (iii) section 21,
    - (iv) section 54(1) and (2)(a),
    - (v) section 54(6) to (8), insofar as the decision or action is related to the disclosure of information under section 54(2)(a),
    - (vi) section 55(1) and (3), insofar as the decision or action is related to the disclosure of information under section 54(2)(a),
    - (vii) section 56,
    - (viii) section 57, other than a decision or action related to the disclosure of information under section 54(2)(b) to (f) or (3),
  - (b) a decision or action under or by virtue of section 54(9), insofar as the decision or action is related to a decision or action falling within paragraph (a)(iv) or (v),
  - (c) a decision or action under or by virtue of—

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*Changes to legislation: There are currently no known outstanding effects for the National Security and Investment Act 2021, Section 49. (See end of Document for details)*

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- (i) any provision of Part 1 of this Act not mentioned in paragraph (a),
  - (ii) Part 2 of this Act,
  - (iii) section 53, or
  - (iv) section 62,and “action” includes a failure to act.
- (3) A “Part 3 function” means a function under or by virtue of this Part of this Act.
- (4) The court may entertain proceedings for a claim to which this section applies only if the claim form is filed before the end of the period of 28 days beginning with the day after the day on which the grounds to make the claim first arose, unless the court considers that exceptional circumstances apply.
- (5) In the application of this section to Scotland—
  - (a) subsection (1) has effect with the substitution of “ an application to the supervisory jurisdiction of the court in respect ” for “a claim for judicial review”,
  - (b) subsection (4) has effect with the substitution of—
    - (i) “an application” for “a claim”,
    - (ii) “application is made” for “claim form is filed”,
    - (iii) “the application” for “the claim”.
- (6) In the application of this section to Northern Ireland—
  - (a) subsection (1) has effect with the substitution of “ an application ” for “a claim”,
  - (b) subsection (4) has effect with the substitution of—
    - (i) “an application” for “a claim”,
    - (ii) “application for leave to apply for judicial review” for “claim form is filed”,
    - (iii) “the application” for “the claim”.
- (7) In this section “the court” means—
  - (a) the High Court in England and Wales,
  - (b) the Court of Session in Scotland, and
  - (c) the High Court in Northern Ireland.

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**Commencement Information**

**II** S. 49 in force at 4.1.2022 by S.I. 2021/1465, regs. 2, 3 (with regs. 4, 5)

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