



# Telecommunications (Security) Act 2021

## 2021 CHAPTER 31

### *Designated vendor directions*

#### **16 Designation notices**

- (1) The Communications Act 2003 is amended as follows.
- (2) After section [105Z7](#) insert—

##### **“105Z8 Designation notices**

- (1) The Secretary of State may issue a notice (“a designation notice”) designating a person for the purposes of a designated vendor direction.
- (2) A designation notice may designate more than one person.
- (3) The Secretary of State may issue a designation notice only if the Secretary of State considers that the notice is necessary in the interests of national security.
- (4) In considering whether to designate a person, the matters to which the Secretary of State may have regard include—
  - (a) the nature of the goods, services or facilities that are or might be supplied, provided or made available by the person;
  - (b) the quality, reliability and security of those goods, services or facilities or any component of them (including the quality, reliability and security of their development or production or of the manner in which they are supplied, provided or made available);
  - (c) the reliability of the supply of those goods, services or facilities;
  - (d) the quality and reliability of the provision of maintenance or support for those goods, services or facilities;
  - (e) the extent to which and the manner in which goods, services or facilities supplied, provided or made available by the person are or might be used in the United Kingdom;

- (f) the extent to which and the manner in which goods, services or facilities supplied, provided or made available by the person are or might be used in other countries or territories;
- (g) the identity of the persons concerned in—
  - (i) the development or production of goods, services or facilities supplied, provided or made available by the person or any component of them;
  - (ii) supplying or providing such goods or services or making such facilities available; or
  - (iii) providing maintenance or support for such goods, services or facilities;
- (h) the identity of the persons who own or control, or are associated with—
  - (i) the person being considered for designation; or
  - (ii) any person described in paragraph (g);
- (i) the country or territory in which the registered office or anything similar, or any place of business, of—
  - (i) the person being considered for designation, or
  - (ii) any of the persons described in paragraph (g) or (h),
 is situated;
- (j) the conduct of any of the persons described in paragraph (i) as it affects or might affect the national security of any country or territory;
- (k) any other connection between a country or territory and any of those persons;
- (l) the degree to which any of those persons might be susceptible to being influenced or required to act contrary to the interests of national security.

(5) A designation notice must specify the reasons for the designation.

(6) The requirement in subsection (5) does not apply if or to the extent that the Secretary of State considers that specifying reasons in the notice would be contrary to the interests of national security.

(7) A reference in this section to a facility includes a reference to a facility, element or service that is an associated facility.

### **105Z9 Further provision about designation notices**

(1) Before issuing a designation notice, the Secretary of State must consult the person or persons proposed to be designated in the notice, so far as it is reasonably practicable to do so.

(2) The requirement in subsection (1) does not apply if or to the extent that the Secretary of State considers that consultation would be contrary to the interests of national security.

(3) Where a designation notice is issued, the Secretary of State must send a copy to the person or persons designated in the notice, if or to the extent that it is reasonably practicable to do so.

### **105Z10 Variation and revocation of designation notices**

- (1) The Secretary of State must review a designation notice from time to time.
  - (2) The Secretary of State may—
    - (a) vary a designation notice;
    - (b) revoke a designation notice (whether wholly or in part).
  - (3) The Secretary of State may vary a designation notice only if the Secretary of State considers that the designation notice as varied is necessary in the interests of national security.
  - (4) Before varying a designation notice, the Secretary of State must consult the person, or each of the persons, proposed to be designated in the notice as varied, so far as it is reasonably practicable to do so.
  - (5) The requirement in subsection (4) does not apply if or to the extent that the Secretary of State considers that consultation would be contrary to the interests of national security.
  - (6) The Secretary of State must give notice of a variation to—
    - (a) any person designated by the designation notice as it had effect before the variation, and
    - (b) any person designated by the designation notice as varied, if or to the extent that it is reasonably practicable to do so.
  - (7) The notice of variation must specify—
    - (a) how the designation notice is varied;
    - (b) the reasons for the variation;
    - (c) the time at which the variation, or each of them, comes into force.
  - (8) The requirement in subsection (7)(b) does not apply if or to the extent that the Secretary of State considers that specifying reasons in the notice would be contrary to the interests of national security.
  - (9) The Secretary of State must give notice of a revocation to any person designated by the designation notice as it had effect before the revocation, if or to the extent that it is reasonably practicable to do so.
  - (10) The notice of revocation must specify—
    - (a) the time at which the revocation comes into force;
    - (b) if the designation notice is partly revoked, what part of the notice is revoked.”
- (3) In section 151 (interpretation of Chapter 1 of Part 2) at the appropriate place in subsection (1) insert—  
““designation notice” has the meaning given by section 105Z8(1);”.