
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations specify the procedure for serving (or giving) documents which are required or allowed to be given under the National Security and Investment Act 2021 (“the Act”).

Part 1 contains introductory provisions. Regulation 2 makes provision about the meaning of terms used in the Regulations.

Part 2 contains rules on the service of documents by the Secretary of State on a person required or allowed to be given documents under the Act (or on their representative). Regulation 3 allows for documents to be given by email or by post. It also contains provisions on when a document is to be treated as having been given (including on the appropriate types of postal service to use for this purpose), and what must be done if the intended recipient is not an individual. Regulation 4 makes provision as to the address for service by email, and regulation 5 makes provision as to the address for service by post.

Part 3 contains rules about the service of documents on the Secretary of State by a person required or allowed by the Act to give documents to the Secretary of State (or by their representative). Regulation 6 requires documents which are required or allowed to be given to the Secretary of State under the Act to be given to the Secretary of State by electronic means. In the case of the three types of documents specified, documents must be given using a customised electronic portal (“the NSI electronic portal”); and in the case of all other documents, documents must be given by email. Regulation 7 allows a person who considers that they are unable to comply with the requirements in regulation 6, or that there is a good reason for not doing so, to seek to agree an alternative means of giving documents to the Secretary of State. It also requires the Secretary of State to agree to be given documents by alternative means where the Secretary of State is satisfied that the person is unable or has good reason not to comply with the requirements in regulation 6, and makes provision as to when a document is to be treated as being given in such circumstances.

A full impact assessment has not been produced for this instrument, as no significant impact on the private, voluntary or public sectors is foreseen. An Explanatory Memorandum has been published alongside these Regulations on www.legislation.gov.uk.