
STATUTORY INSTRUMENTS

2021 No. 1272

**The National Security and Investment Act 2021
(Prescribed Form and Content of Notices and
Validation Applications) Regulations 2021**

Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Security and Investment Act 2021 (Prescribed Form and Content of Notices and Validation Applications) Regulations 2021 and come into force on 4th January 2022.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Interpretation

2. In these Regulations—

“the Act” means the National Security and Investment Act 2021;

“body” means a body corporate, a partnership or an unincorporated association other than a partnership;

“dual-use items” means goods and technology, including software or information (other than information in the public domain), the export or transfer of which is controlled by virtue of their being specified in the relevant export control legislation;

“national infrastructure sector” means one of the following sectors listed by the Centre for the Protection of National Infrastructure as being sectors capable of containing critical national infrastructure⁽¹⁾—

- (a) chemicals,
- (b) civil nuclear,
- (c) communications,
- (d) defence,
- (e) emergency services,
- (f) energy,
- (g) finance,
- (h) food,
- (i) government,
- (j) health,
- (k) space,
- (l) transport, and
- (m) water;

⁽¹⁾ <https://www.cpni.gov.uk/critical-national-infrastructure-0> as updated on 20th April 2021.

“notifying party” means the person who submits a mandatory notice, a validation application or a voluntary notice(2);

“relevant export control legislation” means—

- (n) Annex 1 to Council Regulation (EC) No. 428/2009 of 5 May 2009 setting up a Community regime for the control of exports, transfer, brokering and transit of dual-use items(3),
- (o) the Schedule to the Export of Radioactive Sources (Control) Order 2006(4), and
- (p) Schedules 2 and 3 to the Export Control Order 2008(5),

“representative” means a person who has been appointed to act on behalf of another person in connection with the giving of documents under the Act.

Prescribed form and content of a mandatory notice

3. A mandatory notice must be in writing and contain—

- (a) the information specified in Part 1 of Schedule 1,
- (b) a declaration that the information provided in the notification is true and complete to the notifying party’s knowledge, in the form set out in paragraph 39 of Part 2 of Schedule 1 and referred to as Declaration A, and
- (c) where the notifying party has appointed a representative, a declaration that the notifying party confirms that the representative is authorised to submit the notice and to accept service, in the form set out in paragraph 40 of Part 2 of Schedule 1 and referred to as Declaration B.

Prescribed form and content of a voluntary notice

4. A voluntary notice must be in writing and contain—

- (a) the information specified in Part 1 of Schedule 2,
- (b) a declaration that the information provided in the notification is true and complete to the notifying party’s knowledge, in the form set out in paragraph 58 of Part 2 of Schedule 2 and referred to as Declaration A, and
- (c) where the notifying party has appointed a representative, a declaration that the notifying party confirms that the representative is authorised to submit the notice and to accept service, in the form set out in paragraph 59 of Part 2 of Schedule 2 and referred to as Declaration B.

Prescribed form and content of a validation application

5. A validation application must be in writing and—

- (a) contain the information specified in Part 1 of Schedule 3,
- (b) a declaration that the information provided in the application is true and complete to the notifying party’s knowledge, in the form set out in paragraph 48 of Part 2 of Schedule 3 and referred to as Declaration A, and

(2) See section 65 of the Act for the meanings of mandatory notice, validation application and voluntary notice.

(3) EUR 2009/428 as amended by S.I. 2019/771.

(4) S.I. 2006/1846, to which there are amendments not relevant to these Regulations.

(5) S.I. 2008/3231; Schedule 2 was substituted by S.I. 2017/85 and subsequently amended by S.I. 2017/697, 2018/165, 2018/939 and 2019/989 and Schedule 3 was substituted by S.I. 2010/2007 and subsequently amended by S.I. 2012/1910, 2014/1069, 2015/940, 2017/85, 2018/939, 2019/137, 2019/1159 and 2020/1502.

- (c) where the notifying party has appointed a representative, a declaration that the notifying party confirms that the representative is authorised to submit the application and to accept service, in the format set out in paragraph 49 of Part 2 of Schedule 3 and referred to as Declaration B.

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