

National Security and Investment Bill

AMENDMENTS TO BE MOVED ON REPORT

Clause 3

LORD LANSLEY

Page 3, line 9, at end insert—

“() details of the circumstances in which the application to an asset of any export control, transfer control, technical assistance control or trade control imposed under the Export Control Act 2002 and related provisions may affect the Secretary of State’s exercise of the power to give a call-in notice, and”

Clause 6

LORD LANSLEY

Page 4, line 15, leave out “or (6)” and insert insert “, (6) or (8)”

Clause 14

BARONESS NOAKES
LORD HODGSON OF ASTLEY ABBOTTS

Page 9, line 10, leave out “as soon as practicable” and insert “within 5 working days”

Member’s explanatory statement

This amendment imposes a specific time limit on the notification required to be made after the Secretary of State has decided whether to accept or reject a mandatory notification.

Page 9, line 14, leave out “as soon as practicable” and insert “within 5 working days”

Member’s explanatory statement

This amendment imposes a specific time limit on the notification required to be made after the Secretary of State has decided whether to accept or reject a mandatory notification.

Clause 18

LORD LANSLEY
BARONESS NOAKES

Page 12, line 7, leave out from “which” to “but” in line 8 and insert “a notice under subsection (2) is received by the Secretary of State”

Clause 30

BARONESS NOAKES
LORD HODGSON OF ASTLEY ABBOTTS

Page 20, line 3, after “may,” insert “if he or she considers that there is a risk to national security and”

Member’s explanatory statement

This amendment probes whether there could be any circumstances beyond a risk to national security which would result in financial assistance being given under Clause 30.

Page 20, line 6, leave out from “indemnities” to end of line 7

Page 20, line 7, at end insert—

“() Financial assistance must be provided on arm’s length terms.”

Member’s explanatory statement

These amendments probe the nature of financial assistance and in particular whether it can be given in the form of subsidies or on non-commercial terms.

LORD HODGSON OF ASTLEY ABBOTTS
BARONESS NOAKES

Page 20, line 7, at end insert—

“() Financial assistance may include compensation to any person who has suffered economic harm as a result of actions taken under this Act.”

Clause 61

BARONESS NOAKES

Page 36, line 24, at end insert—

- “() the maximum and average time taken between receipt of mandatory notifications and either the provision of reasons for their rejection or notification of their acceptance,
- () the maximum and average time taken between notification of acceptance of mandatory notifications and the issue of call-in notices or notifications that no further action will be taken,”

Member’s explanatory statement

This amendment ensures that there is visibility of the time taken for the various stages of examination of transactions covered by this Bill.

Page 36, line 28, at end insert –

- “() the maximum and average time taken between receipt of voluntary notifications and either the provision of reasons for their rejection or notification of their acceptance,
- () the maximum and average time taken between notification of acceptance of voluntary notifications and the issue of call-in notices or notifications that no further action will be taken,”

Member’s explanatory statement

This amendment ensures that there is visibility of the time taken for the various stages of examination of transactions covered by this Bill.

Page 36, line 29, at end insert “in respect of mandatory notifications and the number of call-in notices given in respect of voluntary notifications”

Member’s explanatory statement

This amendment ensures that there is visibility of the time taken for the various stages of examination of transactions covered by this Bill.

Page 36, line 32, at end insert “and the maximum and average time taken between the giving of call-in notices and the giving of final notifications,”

Member’s explanatory statement

This amendment ensures that there is visibility of the time taken for the various stages of examination of transactions covered by this Bill.

Page 36, line 33, at end insert “and the maximum and average time taken between the giving of a call-in notice and the making of a final order.”

Member’s explanatory statement

This amendment ensures that there is visibility of the time taken for the various stages of examination of transactions covered by this Bill.

After Clause 61

LORD LEIGH OF HURLEY

Insert the following new Clause –

“Market guidance notes

- (1) Within six months of the passing of this Act, the Secretary of State must publish market guidance notes to provide information to assist with compliance of the Act.
- (2) The market guidance notes must be updated and re-published not more than every six months thereafter.”

After Clause 61 - *continued*

LORD LANSLEY

Insert the following new Clause –

“Interaction with functions under the Export Control Act 2002

Before making an interim order or a final order under this Act in respect of a qualifying asset, the Secretary of State must take account of the application to the asset of any export control, technical assistance control or trade control imposed under the Export Control Act 2002 and related provisions.”

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6 April 2021
