



House of Commons

Thursday 3 December 2020

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

NATIONAL SECURITY AND INVESTMENT BILL

NOTE

This document includes all amendments remaining before the committee and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [24 November 2020].

Chi Onwurah
Stephen Kinnock
Sam Tarry
Matt Western
Dr Alan Whitehead

Clause 12, page 8, line 4, leave out from “does” to end of line 11 and insert “establishes that arrangements are in progress or contemplation which, if carried into effect, would result in a trigger event taking place.”

Member’s explanatory statement

This amendment would expand the scope of events to be considered trigger events.

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 National Security and Investment Bill, *continued*

Chi Onwurah
 Stephen Kinnock
 Sam Tarry
 Matt Western
 Dr Alan Whitehead

17

Clause 13, page 8, line 22, at end insert—

- “(4) The Secretary of State must publish guidance that covers—
- (a) consideration of the impact of a notifiable acquisition being deemed void under subsections (1) and (3), with particular regard to the impact on consequential obligations, liabilities and rights in completed events;
 - (b) who constitutes a “materially affected” person under Clause 16(1); and
 - (c) the informational and evidential standards that would underpin the requirement for completion “in accordance with the final order” at subsection (3).”
- (5) Guidance as set out under subsection (4) must be published within 3 months of this Bill becoming an Act and the Secretary of State shall review the guidance once every 12 months thereafter.”

Member’s explanatory statement

This amendment would mandate the Secretary of State to publish guidance on the approval process of notifiable acquisitions.

Chi Onwurah
 Stephen Kinnock
 Sam Tarry
 Matt Western
 Dr Alan Whitehead

18

Clause 14, page 8, line 36, leave out “may” and insert “shall”

Member’s explanatory statement

This amendment seeks to make the Secretary of State’s prescription of regulation of the form and content of a mandatory notice mandatory.

Chi Onwurah
 Stephen Kinnock
 Sam Tarry
 Matt Western
 Dr Alan Whitehead

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Clause 18, page 11, line 28, leave out “may” and insert “shall”

Member’s explanatory statement

This amendment seeks to make the Secretary of State’s prescription of regulation of the form and content of a voluntary notice mandatory.

National Security and Investment Bill, *continued*

Chi Onwurah
Stephen Kinnock
Sam Tarry
Matt Western
Dr Alan Whitehead

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Clause 19, page 12, leave out lines 24 to 27

Member's explanatory statement

This amendment seeks to broaden the Secretary of State's powers to require information.

Chi Onwurah
Stephen Kinnock
Sam Tarry
Matt Western
Dr Alan Whitehead

21

Clause 20, page 13, leave out lines 17 to 20

Member's explanatory statement

This amendment seeks to broaden the information gathering powers of the Secretary of State, in specific regard to witness attendance.

Chi Onwurah
Stephen Kinnock
Sam Tarry
Matt Western
Dr Alan Whitehead

NC1

To move the following Clause—

“National Security definition

When assessing a risk to national security, the Secretary of State may have regard to factors including, but not restricted to—

- (a) whether the trigger event risks enabling a hostile actor to gain control of a crucial supply chain, obtain access to sensitive sites, corrupt processes or systems, conduct espionage, exert inappropriate leverage or engage in any other action which may undermine national security;
- (b) whether the trigger event adversely impacts the UK's capability and capacity to maintain economic security;
- (c) the potential impact of the trigger event on the UK's defence capabilities and interests;
- (d) the potential impact of the trigger event on the transfer of sensitive data, technology or know-how outside of the UK;
- (e) the characteristics of the acquirer, including its jurisdiction of incorporation and proximity to any state;
- (f) the potential impact of the trigger event on the security of the UK's critical national infrastructure;

National Security and Investment Bill, *continued*

- (g) whether the acquirer in respect of a trigger event has a history of compliance with UK and other applicable law;
- (h) the potential impact of the trigger event on the UK's international interests and obligations, including with respect to the protection of human rights and climate risk; and
- (i) the potential of the trigger event to involve or facilitate illicit activities, including terrorism, organised crime and money laundering.”

Member's explanatory statement

This new clause specifies a number of factors which the Secretary of State may consider when assessing a risk to national security.

Stephen Flynn
Peter Grant

NC2

To move the following Clause—

“Report on impact on Small to Medium Enterprises

Not later than 18 months after the day on which this Act receives Royal Assent, the Secretary of State must lay before Parliament—

- (a) a report setting out the impacts the Act has had on Small to Medium Enterprises and early-stage ventures, and
- (b) guidance for Small to Medium Enterprises and early-stage ventures on complying with the provisions of this Act.”

Member's explanatory statement

This new clause would require the Government to produce a report setting out the impacts of this legislation on Small to Medium Enterprises and early-stage ventures, and to produce relevant guidance.

Stephen Flynn
Peter Grant

NC3

To move the following Clause—

“Grace period for SMEs

For the purposes of section 32, a person has a reasonable excuse if—

- (a) the entity concerned is a Small to Medium Enterprise;
- (b) this Act has been in force for less than six months.”

Member's explanatory statement

This new clause creates a grace period whereby – for alleged offences committed under Section 32 – Small to Medium Enterprises would have a ‘reasonable excuse’ if the alleged offence was committed within the first six months after the Bill's passage.

National Security and Investment Bill, *continued*

ORDER OF THE HOUSE [17 NOVEMBER 2020]

That the following provisions shall apply to the National Security and Investment Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 15 December 2020.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings on Consideration are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.

ORDER OF THE COMMITTEE [24 NOVEMBER 2020]

That—

- (1) the Committee shall (in addition to its first meeting at 9.25am on Tuesday 24 November) meet—
 - (a) at 2.00 pm on Tuesday 24 November;
 - (b) at 11.30 am and 2.00 pm on Thursday 26 November;
 - (c) at 9.25 am and 2.00 pm on Tuesday 1 December;
 - (d) at 11.30 am and 2.00 pm on Thursday 3 December;
 - (e) at 9.25 am and 2.00 pm on Tuesday 8 December;
 - (f) at 11.30 am and 2.00 pm on Thursday 10 December;
 - (g) at 9.25 am on Tuesday 15 December;
- (2) the Committee shall hear oral evidence in accordance with the following Table:

TABLE

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 24 November	Until no later than 10.30 am	The Royal United Services Institute
Tuesday 24 November	Until no later than 11.25 am	Sir Richard Dearlove KCMG OBE

National Security and Investment Bill, *continued*

<i>Date</i>	<i>Time</i>	<i>Witness</i>
Tuesday 24 November	Until no later than 2.45 pm	The Centre for International Studies, London School of Economics
Tuesday 24 November	Until no later than 3.30 pm	Skadden, Arps, Slate, Meagher & Flom LLP
Tuesday 24 November	Until no later than 4.15 pm	The Institute of Chartered Accountants in England and Wales
Tuesday 24 November	Until no later than 5.00 pm	The Investment Association
Thursday 26 November	Until no later than 12.15 pm	Slaughter and May
Thursday 26 November	Until no later than 1.00 pm	Professor Ciaran Martin, the Blavatnik School of Government, University of Oxford
Thursday 26 November	Until no later than 2.30 pm	Herbert Smith Freehills
Thursday 26 November	Until no later than 3.15 pm	Simons Muirhead and Burton
Thursday 26 November	Until no later than 4.00 pm	Chatham House
Thursday 26 November	Until no later than 4.30 pm	PricewaterhouseCoopers

- (3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 10; Schedule 1; Clauses 11 to 58; Schedule 2; Clauses 59 to 66; new Clauses; new Schedules; remaining proceedings on the Bill;
- (4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 11.25 am on Tuesday 15 December.
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