



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

**Thursday 3 December 2020**

*New Amendments handed in are marked thus ★*

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

*Amendments tabled since the last publication: 22 to 28 and NC4*

### **PUBLIC BILL COMMITTEE**

## **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**This document includes all amendments remaining before the committee and includes any withdrawn amendments at the end.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 23, page 15, line 15, leave out from “as” until end of line 16 and insert “as agreed by the Secretary of State in accordance with subsection (9)”

***Member’s explanatory statement***

*This amendment seeks to limit the flexibility of extending the assessment period to the conditions set out in subsection (9), and to remove the need for the approval of the acquirer.*

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 National Security and Investment Bill, *continued*

Chi Onwurah  
 Stephen Kinnock  
 Sam Tarry  
 Matt Western  
 Dr Alan Whitehead

23

★ Clause 24, page 16, line 26, at end insert—

“(6) The Secretary of State must publish each year the aggregate amount of days included under subsection (4), the number of called-in events for which such days are included, and the number of times information notices are given for each called-in event in the report required at Clause 61.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to publish annual reports of how many information notices were given, how many days were added as a result of them, and how many notices were given in each relevant trigger event.*

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Chi Onwurah  
 Stephen Kinnock  
 Sam Tarry  
 Matt Western  
 Dr Alan Whitehead

27

★ Clause 29, page 19, line 39, leave out paragraph (a) and insert—

“(a) would be likely to prejudice the commercial interests of any person and where the publication would not be in the public interest, or”

***Member’s explanatory statement***

*This amendment would prevent the Secretary of State from redacting notices of final order (and information within them) on commercial grounds if redacting is contrary to the public interest.*

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Chi Onwurah  
 Stephen Kinnock  
 Sam Tarry  
 Matt Western  
 Dr Alan Whitehead

24

★ Clause 30, page 19, line 44, leave out “making of a final order” and insert “making of an interim or a final order”

***Member’s explanatory statement***

*This amendment would enable the Secretary of State to give financial assistance in consequence of the making of an interim order.*

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National Security and Investment Bill, *continued*

Peter Grant  
Stephen Flynn

28

- ★ Clause 30, page 20, line 3, after “period” insert “or any calendar year,”

*Member’s explanatory statement*

*This amendment would make it mandatory for the Government to inform Parliament if financial assistance given in any financial year, or in any calendar year, exceeds £100 million.*

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Chi Onwurah  
Stephen Kinnock  
Sam Tarry  
Matt Western  
Dr Alan Whitehead

25

- ★ Clause 31, page 20, line 27, leave out from “in” until end of line 28 and insert “setting out the reasons for such direction and an assessment of the impacts on grounds for action that may have arisen under Part 3 of the Enterprise Act 2002”

*Member’s explanatory statement*

*This amendment would require the Secretary of State to set out reasons, and an assessment of the likely impacts, when publishing directions under this section.*

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Chi Onwurah  
Stephen Kinnock  
Sam Tarry  
Matt Western  
Dr Alan Whitehead

26

- ★ Clause 49, page 30, line 31, leave out “28 days” and insert “three months”

*Member’s explanatory statement*

*This amendment would extend the period within which applications for judicial review may be made from 28 days to three months.*

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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—

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**National Security and Investment Bill, *continued***

- (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;
- (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.*

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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.*

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**National Security and Investment Bill, *continued***

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.*

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Chi Onwurah  
Stephen Kinnock  
Sam Tarry  
Matt Western  
Dr Alan Whitehead

NC4

★ To move the following Clause—

**“Complaints procedure**

- (1) The Secretary of State shall by regulations set up a formal complaints procedure through which acquirers may raise complaints about the procedures followed during the course of an assessment under this Act.
- (2) Complaints as set out in subsection (1) may be made to a Procedural Officer, who—
  - (a) must not have been involved in the assessment and who is to consider significant procedural complaints relating to this section or another part of this Act; and
  - (b) may determine or settle complaints in accordance with regulations to be published by the Secretary of State within 3 months of this Bill becoming an Act.”

***Member’s explanatory statement***

*This new clause would require the Secretary of State to establish a formal complaints procedure for acquirers.*

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**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.
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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       |

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**National Security and Investment Bill, *continued***

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