

National Security and Investment Bill

AMENDMENTS
TO BE MOVED
IN GRAND COMMITTEE

Clause 1

BARONESS MCINTOSH OF PICKERING

Page 1, line 18, at end insert—

“(2A) For the purposes of this Act, the following shall not be taken into account when considering whether a trigger event may give rise to a risk to national security—

- (a) adverse effects on levels of employment in the United Kingdom, or a part thereof, except that adverse effects on the employment of one or more specific categories of employee may be taken into account,
- (b) the existence or extent of opportunities for persons resident or established in the United Kingdom to invest in, or make sales in or into, another jurisdiction, or
- (c) the protection from competition of business activities carried on in the United Kingdom or business activities carried on by persons resident or established in the United Kingdom, except to the extent that such business activities contribute materially to national security, or are likely to do so in the future.”

Member’s explanatory statement

This amendment would clarify that certain factors – namely employment effects, reciprocal investment or trading opportunities, and the desire to protect UK business from international competition – cannot be taken into account in assessing whether a trigger event would give rise to a national security risk.

Clause 8

LORD LANSLEY

This amendment replaces two amendments, at page 6, line 35, and page 6, line 38, tabled by Lord Lansley and published in HL Bill 165(c).

Page 6, line 35, leave out from “person” to end and insert “directly or indirectly materially to influence the policy of the entity, or to do so to a greater degree.”

Clause 26

LORD LANSLEY

Page 17, line 21, at end insert –

“(aa) accept such undertakings from the acquirer as the Secretary of State deems appropriate to remedy, mitigate or prevent any risk to national security, or”

Page 17, line 23, at end insert –

“(1A) Undertakings under this section –

- (a) come into force when accepted,
- (b) may be varied or superseded by another undertaking,
- (c) may be released by the Secretary of State, and
- (d) may be replaced by the Secretary of State with a final order at any time.”

After Clause 61

LORD LANSLEY

Insert the following new Clause –

“Oversight of the ISC

In section 2(1) of the Justice and Security Act 2013 (main functions of the ISC), after paragraph (c) insert –

“(d) the Investment Security Unit of the Department of Business, Energy and Industrial Strategy.””

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, transfer control, technical assistance control or trade control imposed under the Export Control Act 2002 and related provisions.”

Schedule 1

LORD LANSLEY

Page 43, line 10, leave out sub-paragraph (2) and insert –

“(2) An arrangement under sub-paragraph (1) may be determined by reference to its nature or terms, the time it has been in existence, actions taken by persons in apparent furtherance of an arrangement, or otherwise.”

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