

Canada

National Security Review of Investments Regulations (2009)

Note

The Investment Laws Navigator is based upon sources believed to be accurate and reliable and is intended to be up-to-date at the time it was generated. It is made available with the understanding that UNCTAD is not engaged in rendering legal or other professional services. To confirm that the information has not been affected or changed by recent developments, traditional legal research techniques should be used, including checking primary sources where appropriate. While every effort is made to ensure the accuracy and completeness of its content, UNCTAD assumes no responsibility for eventual errors or omissions in the data.

The year indicated in brackets after the title of the law refers to the year of publication in the Official Gazette or, when this is not available, the year of adoption of the law.

<https://investmentpolicy.unctad.org>

Contents

SOR/2009-271

Interpretation

Prescribed investigative bodies and classes of investigative bodies

Transitional provisions

Coming into force

Regulations are current to 2019-07-29 and last amended on 2015-03-13

National Security Review of Investments Regulations

SOR/2009-271

Registration 2009-09-17

P.C. 2009-1596 2009-09-17

Her Excellency the Governor General in Council, on the recommendation of the Minister of Industry and the Minister of Canadian Heritage, pursuant to subsections 35(1) and (1.1) of the Investment Canada Act, hereby makes the annexed National Security Review of Investments Regulations.

Interpretation

1. Definition of Act

In these Regulations, Act means the Investment Canada Act.

Prescribed periods

2. Minister's notice

For the purposes of subsection 25.2(1) of the Act, the prescribed period is;

- a. in respect of an investment referred to in section 11 of the Act, the period beginning on the day on which the investment first comes to the Minister's attention and ending 45 days after the certified date referred to in subsection 13(1) of the Act;
- b. in respect of an investment referred to in section 14 of the Act, the period beginning on the day on which the investment first comes to the Minister's attention and ending 45 days after the certified date referred to in subsection 18(1) of the Act; and
- c. in respect of any other investment, the period beginning on the day on which the investment first comes to the Minister's attention and ending 45 days after the day on which it is implemented.

3. No order for review

For the purposes of paragraph 25.2(4)(a) of the Act, the prescribed period is the period beginning on the day on which the period referred to in section 4 expires and ending five days after that day.

4. Order for review

For the purposes of subsection 25.3(1) of the Act, the prescribed period is;

- a. if the Minister sends a notice referred to in subsection 25.2(1) of the Act to the non-Canadian, the period beginning on the day on which the notice is sent and ending 45 days after that day; or
- b. if the Minister does not send a notice referred to in subsection 25.2(1) of the Act to the non-Canadian;
 - (i) in respect of an investment referred to in section 11 of the Act, the period beginning on the day on which the investment first comes to the Minister's attention and ending 45 days after the certified date referred to in subsection 13(1) of the Act,

- (ii) in respect of an investment referred to in section 14 of the Act, the period beginning on the day on which the investment first comes to the Minister's attention and ending 45 days after the certified date referred to in subsection 18(1) of the Act, and
- (iii) in respect of any other investment, the period beginning on the day on which the investment first comes to the Minister's attention and ending 45 days after the day on which it is implemented.

5. Ministerial action

For the purposes of subsection 25.3(6) of the Act, the prescribed period is the period beginning on the day on which the order for review under subsection 25.3(1) of the Act is made by the Governor in Council and ending 45 days after that day.

5.1. Extension

For the purposes of subsection 25.3(7) of the Act, the prescribed period is the period beginning on the day on which the notice is sent to the non-Canadian and ending 45 days after that day.

6. Governor in Council order

For the purposes of subsection 25.4(1) of the Act, the prescribed period is the period beginning on the day on which the investment is referred to the Governor in Council by the Minister and ending 20 days after that day.

Prescribed investigative bodies and classes of investigative bodies

7. Investigative bodies

For the purposes of subsection 36(3.1) of the Act, the following are prescribed investigative bodies or classes of investigative bodies:

- a. Department of Industry;
- b. Department of Canadian Heritage;
- c. Department of Public Safety and Emergency Preparedness;
- d. Canadian Security Intelligence Service;
- e. Royal Canadian Mounted Police;
- f. Canada Border Services Agency;
- g. Communications Security Establishment;
- h. Department of National Defence;
- i. Department of Foreign Affairs and International Trade;
- j. Department of Justice;
- k. Department of Natural Resources;
- l. Department of Transport;
- m. Canada Revenue Agency;

- n. Privy Council Office;
- o. Department of Public Works and Government Services;
- p. Public Health Agency of Canada;
- q. Department of Health;
- (r) Department of Citizenship and Immigration;
- s. Department of Finance; and
- t. all provincial, regional and municipal police forces.

Transitional provisions

8. Minister's notice

- 1) For the purposes of subsection 25.2(1) of the Act, the prescribed period is the period beginning on the day on which these Regulations come into force and ending 60 days after that day if:
 - a. the certified date respecting an investment referred to in paragraph 2(a) falls within the period beginning on March 12, 2009 and ending on the day on which these Regulations come into force;
 - b. the certified date respecting an investment referred to in paragraph 2(b) falls within the period beginning on February 6, 2009 and ending on the day on which these Regulations come into force; or
 - c. the day on which an investment referred to in paragraph 2(c) is implemented falls within the period beginning on March 12, 2009 and ending on the day on which these Regulations come into force.

Governor in council review

- 2) For the purposes of subsection 25.3(1) of the Act, if the Minister does not send a notice under subsection 25.2(1) of the Act, the prescribed period is the period beginning on the day on which these Regulations come into force and ending 60 days after that day if:
 - a. the certified date respecting an investment referred to in subparagraph 4(b)(i) falls within the period beginning on March 12, 2009 and ending on the day on which these Regulations come into force;
 - b. the certified date respecting an investment referred to in subparagraph 4(b)(ii) falls within the period beginning on February 6, 2009 and ending on the day on which these Regulations come into force; or
 - c. the day on which an investment referred to in subparagraph 4(b)(iii) is implemented falls within the period beginning on March 12, 2009 and ending on the day on which these Regulations come into force.

Coming into force

9. Registration

These Regulations come into force on the day on which they are registered.

* * *