



# National Security and Investment Act 2021

## 2021 CHAPTER 25

### PART 3

#### ENFORCEMENT AND APPEALS

##### *Offences*

#### **32 Offence of completing notifiable acquisition without approval**

- (1) A person who, pursuant to a notifiable acquisition, gains control in circumstances falling within section 6(2) commits an offence if, without reasonable excuse, that person completes the notifiable acquisition without the approval of the Secretary of State in one of the ways mentioned in section 13(2).
- (2) Subsection (1) applies even if a call-in notice or a validation notice has been given in relation to the notifiable acquisition.
- (3) An offence is committed under this section notwithstanding the effect of section 13(1).

#### **33 Offence of failing to comply with order**

- (1) A person commits an offence if, without reasonable excuse, the person fails to comply with a requirement to which the person is subject under or by virtue of an interim order or a final order.
- (2) Where a person is convicted of an offence under this section, the court may make an order requiring that person, within such period as may be specified by the order, to comply with a requirement to which the person is subject under or by virtue of an interim order or a final order.

---

*Status: This is the original version (as it was originally enacted).*

---

### **34 Offences: information and attendance of witnesses**

- (1) A person commits an offence if—
  - (a) the person fails, without reasonable excuse, to comply with a requirement of an information notice or an attendance notice, or
  - (b) the person intentionally or recklessly alters, suppresses or destroys or causes or permits the alteration, suppression or destruction of any information the person has been required by an information notice to provide.
- (2) A person commits an offence if the person intentionally obstructs or delays the making of a copy of information provided in response to an information notice.
- (3) A person commits an offence if—
  - (a) the person supplies any information to the Secretary of State (including by way of giving evidence pursuant to an attendance notice) in connection with a function of the Secretary of State under this Act,
  - (b) the information is false or misleading in a material respect, and
  - (c) the person knows that, or is reckless as to whether, it is false or misleading in a material respect.
- (4) A person commits an offence if—
  - (a) the person supplies any information to another person (other than the Secretary of State),
  - (b) the person supplying the information knows that the information is to be used for the purpose of supplying information to the Secretary of State in connection with a function of the Secretary of State under this Act,
  - (c) the information is false or misleading in a material respect, and
  - (d) the person supplying the information knows that, or is reckless as to whether, it is false or misleading in a material respect.
- (5) Where a person is convicted of an offence under subsection (1) or (2), the court may make an order requiring that person, within such period as may be specified by the order—
  - (a) to comply with a requirement in an information notice,
  - (b) to comply with a requirement in an attendance notice, or
  - (c) to permit the making of a copy of information.
- (6) Any reference in subsection (1) to destroying information includes a reference to destroying the means of reproducing information recorded otherwise than in legible form.

### **35 Offences in relation to sharing information**

- (1) It is an offence for a person to use or disclose information in contravention of section 54 or 55(1).
- (2) It is a defence for a person charged with an offence under this section to prove that the person reasonably believed that—
  - (a) the use or disclosure was lawful, or
  - (b) the information had already and lawfully been made available to the public.

### **36 Offences by bodies corporate etc**

- (1) If an offence under this Act is committed by a body—
  - (a) with the consent or connivance of an officer of the body, or
  - (b) due to any neglect on the part of such an officer,the officer, as well as the body, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) In this section—

“body” means a body corporate, a partnership or an unincorporated association other than a partnership,

“officer of a body”—

  - (a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity,
  - (b) in relation to a partnership, means a partner or person purporting to act as a partner,
  - (c) in relation to an unincorporated association other than a partnership, means a person who is concerned in the management or control of the body or purports to act in the capacity of a person so concerned.
- (3) In subsection (2) “director” includes—
  - (a) a person occupying in relation to a body corporate the position of a director (by whatever name called),
  - (b) a person in accordance with whose directions or instructions (not being advice given in a professional capacity) the directors of that body are accustomed to act, and
  - (c) a person who has an interest or right in, or in relation to, the body corporate that (whether alone or together with other interests or rights held by the person) enables the person materially to influence the policy of the body corporate.
- (4) If the affairs of a body corporate are managed by its members, subsection (1) applies in relation to the acts and defaults of a member in connection with the member’s functions of management as if the member were a director of the body.
- (5) The Secretary of State may by regulations provide for the modification of any provision of this section in its application to a body corporate or unincorporated association formed or recognised under the law of a country or territory outside the United Kingdom.