



National Security and Investment Act 2021

2021 CHAPTER 25

PART 3

ENFORCEMENT AND APPEALS

Prosecution and penalties

37 Prosecution

Proceedings for an offence under this Act may be instituted—

- (a) in England and Wales, only by the Director of Public Prosecutions, and
- (b) in Northern Ireland, only by the Director of Public Prosecutions for Northern Ireland.

Commencement Information

II S. 37 in force at 4.1.2022 by S.I. 2021/1465, regs. 2, 3 (with regs. 4, 5)

38 Proceedings against partnerships etc

(1) Proceedings for an offence under this Act may be brought—

- (a) where the offence is alleged to have been committed by a partnership, against the partnership in the firm name,
- (b) where the offence is alleged to have been committed by an unincorporated association other than a partnership, against the association in its own name.

(2) Rules of court relating to the service of documents have effect in relation to such proceedings as if the partnership or unincorporated association were a body corporate.

Changes to legislation: There are currently no known outstanding effects for the National Security and Investment Act 2021, Cross Heading: Prosecution and penalties. (See end of Document for details)

- (3) For the purposes of such proceedings the following provisions apply as they apply in relation to a body corporate—
- (a) section 33 of the Criminal Justice Act 1925 and Schedule 3 to the Magistrates' Courts Act 1980,
 - (b) section 18 of the Criminal Justice Act (Northern Ireland) 1945 (c. 15 (N.I.)) and Schedule 4 to the Magistrates' Court (Northern Ireland) Order 1981 (S.I. 1981/1675 (N.I. 26)).
- (4) A fine imposed on a partnership on its conviction for an offence is to be paid out of the partnership assets.
- (5) A fine imposed on an unincorporated association other than a partnership on its conviction for an offence is to be paid out of the funds of the association.

Commencement Information

I2 S. 38 in force at 4.1.2022 by S.I. 2021/1465, regs. 2, 3 (with regs. 4, 5)

39 Offences: penalties

- (1) A person who commits an offence under section 32 (completing notifiable acquisition without approval) or 33 (failing to comply with interim or final order) is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding [^{F1}the general limit in a magistrates' court], or a fine (or both),
 - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum (or both),
 - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum (or both),
 - (d) on conviction on indictment, to imprisonment for a term not exceeding 5 years, or a fine (or both).
- (2) A person who commits an offence under section 34 (offences in relation to supplying information and attendance of witnesses) or 35 (offences in relation to sharing information) is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding [^{F2}the general limit in a magistrates' court] , or a fine (or both),
 - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months, or a fine not exceeding the statutory maximum (or both),
 - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months, or a fine not exceeding the statutory maximum (or both),
 - (d) on conviction on indictment, to imprisonment for a term not exceeding 2 years, or a fine (or both).
- (3) In relation to an offence committed before [^{F3}2 May 2022], the references in subsections (1)(a) and (2)(a) to [^{F4}the general limit in a magistrates' court] are to be read as references to 6 months.

Textual Amendments

F1 Words in s. 39(1)(a) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**

Changes to legislation: There are currently no known outstanding effects for the National Security and Investment Act 2021, Cross Heading: Prosecution and penalties. (See end of Document for details)

- F2** Words in s. 39(2)(a) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**
- F3** Words in s. 39(3) substituted (28.4.2022) by The Criminal Justice Act 2003 (Commencement No. 33) and Sentencing Act 2020 (Commencement No. 2) Regulations 2022 (S.I. 2022/500), regs. 1(2), 5(1), **Sch. Pt. 1**
- F4** Words in s. 39(3) substituted (7.2.2023 at 12.00 p.m.) by The Judicial Review and Courts Act 2022 (Magistrates' Court Sentencing Powers) Regulations 2023 (S.I. 2023/149), regs. 1(2), 2(1), **Sch. Pt. 1**

Commencement Information

- I3** S. 39 in force at 4.1.2022 by S.I. 2021/1465, **regs. 2, 3** (with regs. 4, 5)

Changes to legislation:

There are currently no known outstanding effects for the National Security and Investment Act 2021, Cross Heading: Prosecution and penalties.