



# National Security and Investment Act 2021

## 2021 CHAPTER 25

### PART 3

#### ENFORCEMENT AND APPEALS

##### *Prosecution and penalties*

#### **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 [<sup>F1</sup>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 [<sup>F2</sup>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),

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*Changes to legislation: There are currently no known outstanding effects for the National Security and Investment Act 2021, Section 39. (See end of Document for details)*

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- (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 [<sup>F3</sup>2 May 2022], the references in subsections (1)(a) and (2)(a) to [<sup>F4</sup>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**
- 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

- I1** 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, Section 39.