



National Security and Investment Act 2021

2021 CHAPTER 25

PART 3

ENFORCEMENT AND APPEALS

Civil sanctions

41 Permitted maximum penalties

- (1) The following are the permitted maximum fixed penalties for an offence under section 32 or 33—
 - (a) if the offence is committed by a business, the higher of 5% of the total value of the turnover of the business (both in and outside the United Kingdom and including any business owned or controlled by the business) and £10 million,
 - (b) if the offence is committed otherwise than by a business, £10 million.
- (2) The following are the permitted maximum amounts per day for a daily rate penalty for an offence under section 33—
 - (a) if the offence is committed by a business, the higher of 0.1% of the total turnover of the business (both in and outside the United Kingdom and including any business owned or controlled by the business) and £200,000,
 - (b) if the offence is committed otherwise than by a business, £200,000.
- (3) The permitted maximum fixed penalty for an offence under section 34(1)(a) is £30,000.
- (4) The permitted maximum amount per day for a daily rate penalty for an offence under section 34(1)(a) is £15,000.
- (5) The permitted maximum fixed penalty for an offence under section 34(1)(b) is £30,000.

*Changes to legislation: There are currently no known outstanding effects for the
National Security and Investment Act 2021, Section 41. (See end of Document for details)*

- (6) The permitted maximum fixed penalty for an offence under section 34(2) is £30,000.
- (7) The permitted maximum fixed penalty for an offence under section 34(3) or (4) is £30,000.
- (8) The Secretary of State may by regulations—
- (a) provide that a person of a description specified in the regulations is or is not a business for the purposes of this section,
 - (b) make provision for determining when a business is to be treated as controlled by another business for the purposes of this section,
 - (c) make provision for determining the turnover (both in and outside the United Kingdom) of a business for the purposes of this section,
 - (d) amend subsection (1) or (2) so as to alter the percentage for the time being specified there,
 - (e) amend any of subsections (1) to (7) by substituting a different sum for any sum for the time being specified there.
- (9) The regulations may in particular—
- (a) include by virtue of subsection (8)(c) provision as to the amounts which are, or which are not, to be treated as comprising the turnover of a business, or provision as to the date or dates by reference to which the turnover of a business is to be determined,
 - (b) make provision for the Secretary of State to determine matters of a description specified in the regulations (including the matters mentioned in paragraph (a)).

Commencement Information

- I1** S. 41(8) in force at 29.4.2021, see s. 66
- I2** S. 41(1)-(7) in force at 4.1.2022 by S.I. 2021/1465, **regs. 2, 3** (with **regs. 4, 5**)
- I3** S. 41(9) in force at 1.7.2021 by S.I. 2021/788, **reg. 2(c)**

Changes to legislation:

There are currently no known outstanding effects for the National Security and Investment Act 2021, Section 41.