



National Security and Investment Act 2021

2021 CHAPTER 25

PART 3

ENFORCEMENT AND APPEALS

Civil sanctions

44 Recovering penalties

- (1) Subsections (2) to (8) apply if all or part of a monetary penalty imposed by a penalty notice is unpaid by the time it is required to be paid.
- (2) The unpaid balance carries interest from time to time at the rate for the time being specified in section 17 of the Judgments Act 1838.
- (3) Where the Secretary of State considers it appropriate to do so, the Secretary of State may require so much of the penalty as has not already been paid to be paid immediately.
- (4) The Secretary of State may recover any of the penalty and any interest that has not been paid if—
 - (a) no appeal relating to the penalty has been brought under section 50 during the period within which such an appeal may be brought, or
 - (b) an appeal has been determined or withdrawn.
- (5) In England and Wales, and in Northern Ireland, the penalty is recoverable as if it were payable under an order of the High Court.
- (6) In Scotland, the penalty may be enforced in the same manner as an extract registered decree arbitral bearing a warrant for execution issued by the sheriff court of any sheriffdom in Scotland.
- (7) Where action is taken under this section for the recovery of a sum payable under a penalty notice, the penalty is—

Changes to legislation: There are currently no known outstanding effects for the
National Security and Investment Act 2021, Section 44. (See end of Document for details)

- (a) in relation to England and Wales, to be treated for the purposes of section 98 of the Courts Act 2003 (register of judgments and orders etc) as if it were a judgment entered in the High Court, and
 - (b) in relation to Northern Ireland, to be treated for the purposes of Article 116 of the Judgments Enforcement (Northern Ireland) Order 1981 (S.I. 1981/226 (N.I. 6)) (register of judgments) as if it were a judgment in respect of which an application has been accepted under Article 22 or 23(1) of that Order.
- (8) Any sums received by the Secretary of State by way of a monetary penalty, or interest in respect of such a penalty, under this Act must be paid into the Consolidated Fund.

Commencement Information

II S. 44 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 44.