



National Security and Investment Act 2021

2021 CHAPTER 25

PART 3

ENFORCEMENT AND APPEALS

Prosecution and penalties

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.
- (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.

Changes to legislation: There are currently no known outstanding effects for the
National Security and Investment Act 2021, Section 38. (See end of Document for details)

Commencement Information

II S. 38 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 38.