



# Economic Crime (Transparency and Enforcement) Act 2022

## 2022 CHAPTER 10

### PART 1

#### REGISTRATION OF OVERSEAS ENTITIES

##### *Financial penalties*

#### **39 Financial penalties**

- (1) The Secretary of State may by regulations make provision conferring power on the registrar to impose a financial penalty on a person if satisfied, beyond reasonable doubt, that the person has engaged in conduct amounting to an offence under this Part.
- (2) The regulations may include provision—
  - (a) about the procedure to be followed in imposing penalties;
  - (b) about the amount of penalties;
  - (c) for the imposition of interest or additional penalties for late payment;
  - (d) conferring rights of appeal against penalties;
  - (e) about the enforcement of penalties.
- (3) The provision that may be made about enforcement includes—
  - (a) in relation to England and Wales or Northern Ireland, provision for unpaid amounts to be secured by a charge on an interest in land (including provision about the priority of any such charge), and
  - (b) in relation to Scotland, provision for penalties to 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.
- (4) The regulations must provide that—

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*Status: This is the original version (as it was originally enacted).*

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- (a) no financial penalty may be imposed under the regulations on a person in respect of conduct amounting to an offence if the person has been convicted of that offence in respect of that conduct, and
  - (b) no proceedings may be brought or continued against a person in respect of conduct amounting to an offence if the person has been given a financial penalty under the regulations in respect of that conduct.
- (5) Amounts recovered by the registrar under the regulations are to be paid into the Consolidated Fund.
- (6) The provision which may be made by regulations under this section by virtue of section 67(3) includes provision amending provision made by or under any of the following, whenever passed or made—
- (a) an Act;
  - (b) an Act of the Scottish Parliament;
  - (c) Northern Ireland legislation.
- (7) Regulations under this section are subject to the affirmative resolution procedure.
- (8) In this section “conduct” means an act or omission.