

Draft Regulations laid before Parliament under section 96(5) and (6)(f) and (g) of the National Security Act 2023, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2023 No. 0000

NATIONAL SECURITY

**The National Security Act 2023 (Video
Recording with Sound of Interviews and
Associated Code of Practice) Regulations 2023**

Made - - - -

Coming into force - - 20th December 2023

The Secretary of State makes the following Regulations in exercise of the powers conferred by paragraphs 3(2)(b), (3) and 4(3) of Schedule 6 to the National Security Act 2023(1) (“the Act”).

The Secretary of State has:

- (a) in accordance with paragraph 4(1) of Schedule 6 to the Act, published a draft of the code of practice to which these Regulations relate, considered representations made about the draft and, as thought appropriate, modified the draft accordingly;
- (b) in accordance with paragraph 4(2) of Schedule 6 to the Act, laid the draft of the code of practice before Parliament.

A draft of this instrument has been laid before Parliament and has been approved by each House of Parliament in accordance with section 96(5) and (6)(f) and (g) of the Act.

Citation, commencement and extent

1.—(1) These Regulations may be cited as the National Security Act 2023 (Video Recording with Sound of Interviews and Associated Code of Practice) Regulations 2023.

(2) These Regulations come into force on 20th December 2023.

(3) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Code of practice

2. The code of practice entitled “Code of Practice for the Video Recording with Sound of Interviews of Persons Detained under Section 27 of the National Security Act 2023” that was laid before Parliament in draft on 16th October 2023 comes into operation on 20th December 2023.

Video recording with sound of interviews

3. An interview by a constable of a person detained under section 27 of the National Security Act 2023 that takes place in a police station⁽²⁾ must be video recorded—

- (a) in accordance with the code of practice referred to in regulation 2; and
- (b) with sound.

Date

Name
Minister of State
Home Office

(2) In accordance with paragraph 1(3) of Schedule 6 to the National Security Act 2023 (c. 32) (“the 2023 Act”), “police station” includes any place that the Secretary of State has designated under paragraph 1(1) of that Schedule as a place at which persons may be detained under section 27 of the 2023 Act.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Regulation 2 brings into operation a code of practice about the video recording of interviews of persons detained under section 27 of the National Security Act 2023 (c. 32) (“the 2023 Act”) that are carried out in a police station by a constable (“the code of practice”). “Police station” includes any place that the Secretary of State has designated under paragraph 1(1) of Schedule 6 to the 2023 Act as a place where people may be detained under section 27 of that Act.

Regulation 3 requires that any interview in a police station by a constable of a person detained under section 27 of the 2023 Act must be video recorded with sound in accordance with the code of practice.

The code of practice was laid before Parliament on 16th October 2023 and is available on the gov.uk website. Impact assessments have been prepared in relation to the 2023 Act and are available on the 2023 Act page of the .gov.uk website. Printed copies of the impact assessments and the code of practice can be obtained by writing to the State Threats Unit, Homeland Security Group at the Home Office, 2 Marsham Street, London, SW1P 4DF.