



# National Security Act 2023

## 2023 CHAPTER 32

### PART 1

#### ESPIONAGE, SABOTAGE AND PERSONS ACTING FOR FOREIGN POWERS

##### *Espionage etc*

### 1 Obtaining or disclosing protected information

- (1) A person commits an offence if—
  - (a) the person—
    - (i) obtains, copies, records or retains protected information, or
    - (ii) discloses or provides access to protected information,
  - (b) the person's conduct is for a purpose that they know, or having regard to other matters known to them ought reasonably to know, is prejudicial to the safety or interests of the United Kingdom, and
  - (c) the foreign power condition is met in relation to the person's conduct (see section 31).
- (2) In [this section](#) “protected information” means any information, document or other article where, for the purpose of protecting the safety or interests of the United Kingdom—
  - (a) access to the information, document or other article is restricted in any way, or
  - (b) it is reasonable to expect that access to the information, document or other article would be restricted in any way.
- (3) [Subsection \(1\)](#) applies whether the person's conduct takes place in the United Kingdom or elsewhere.
- (4) A person who commits an offence under [this section](#) is liable on conviction on indictment to imprisonment for life or a fine (or both).
- (5) For the purposes of [this section](#)—

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- (a) a person retains protected information if the person retains it in their possession or under their control;
- (b) disclosure includes parting with possession.

**Commencement Information**

- I1** S. 1 not in force at Royal Assent, see **s. 100(1)**
- I2** S. 1 in force at 20.12.2023 by **S.I. 2023/1272, reg. 2(a)**

**2 Obtaining or disclosing trade secrets**

- (1) A person commits an offence if—
  - (a) the person—
    - (i) obtains, copies, records or retains a trade secret, or
    - (ii) discloses or provides access to a trade secret,
  - (b) the person’s conduct is unauthorised,
  - (c) the person knows, or having regard to other matters known to them ought reasonably to know, that their conduct is unauthorised, and
  - (d) the foreign power condition is met in relation to the person’s conduct (see section 31).
- (2) A “trade secret” means any information, document or other article which—
  - (a) is not generally known by, or available to, persons with knowledge of or expertise in the field to which it relates,
  - (b) has actual or potential industrial, economic or commercial value which would be, or could reasonably be expected to be, adversely affected if it became generally known by, or available to, such persons, and
  - (c) could reasonably be expected to be subject to measures to prevent it becoming generally known by, or available to, such persons (whether or not it is actually subject to such measures).
- (3) A person’s conduct is unauthorised if the person—
  - (a) is not entitled to determine whether they may engage in the conduct, and
  - (b) does not have consent to engage in the conduct from a person who is so entitled.
- (4) Subsection (1) applies whether the person’s conduct takes place in the United Kingdom or elsewhere (but see subsection (5)).
- (5) Conduct within subsection (1) which takes place wholly outside the United Kingdom constitutes an offence only if the trade secret is in the possession or under the control of a UK person.
- (6) A “UK person” means—
  - (a) a United Kingdom national;
  - (b) an individual who lives in the United Kingdom;
  - (c) a body incorporated under the law of a part of the United Kingdom;
  - (d) an unincorporated association formed under the law of a part of the United Kingdom.
- (7) A “United Kingdom national” is an individual who is—

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- (a) a British citizen, a British overseas territories citizen, a British National (Overseas) or a British Overseas citizen,
  - (b) a person who under the British Nationality Act 1981 is a British subject, or
  - (c) a British protected person within the meaning of that Act.
- (8) A person who commits an offence under this section is liable on conviction on indictment to imprisonment for a term not exceeding 14 years or a fine (or both).
- (9) For the purposes of [this section](#)—
- (a) a person retains a trade secret if they retain it in their possession or under their control;
  - (b) disclosure includes parting with possession.

#### Commencement Information

- I3** S. 2 not in force at Royal Assent, see [s. 100\(1\)](#)  
**I4** S. 2 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

### 3 Assisting a foreign intelligence service

- (1) A person commits an offence if the person—
- (a) engages in conduct of any kind, and
  - (b) intends that conduct to materially assist a foreign intelligence service in carrying out UK-related activities.
- (2) A person commits an offence if the person—
- (a) engages in conduct that is likely to materially assist a foreign intelligence service in carrying out UK-related activities, and
  - (b) knows, or having regard to other matters known to them ought reasonably to know, that their conduct is likely to materially assist a foreign intelligence service in carrying out UK-related activities.
- (3) Conduct that may be likely to materially assist a foreign intelligence service includes providing, or providing access to, information, goods, services or financial benefits (whether directly or indirectly).
- (4) “UK-related activities” means—
- (a) activities taking place in the United Kingdom;
  - (b) activities taking place outside the United Kingdom which are prejudicial to the safety or interests of the United Kingdom.
- (5) For the purposes of [subsections \(1\) and \(2\)](#) it is not necessary to identify a particular foreign intelligence service.
- (6) [Subsections \(1\) and \(2\)](#) apply to conduct outside the United Kingdom, but apply to conduct taking place wholly outside the United Kingdom only if the person engaging in the conduct—
- (a) is a UK person, or
  - (b) acts for or on behalf of, or holds office under, the Crown, or is in Crown employment (whether or not they engage in the conduct in that capacity).

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- (7) In proceedings for an offence under this section it is a defence to show that the person engaged in the conduct in question—
- (a) in compliance with a legal obligation under the law of the United Kingdom which is not a legal obligation under private law,
  - (b) in the case of a person having functions of a public nature under the law of the United Kingdom, for the purposes of those functions,
  - (c) as a lawyer carrying on a legal activity, or
  - (d) in accordance with, or in relation to UK-related activities carried out in accordance with, an agreement or arrangement to which—
    - (i) the United Kingdom was a party, or
    - (ii) any person acting for or on behalf of, or holding office under, the Crown was (in that capacity) a party.
- (8) A person is taken to have shown a matter mentioned in subsection (7) if—
- (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (9) A person who commits an offence under [this section](#) is liable on conviction on indictment to imprisonment for a term not exceeding 14 years or a fine (or both).
- (10) In [this section](#)—
- “Crown employment” means employment under or for the purposes of a government department or any officer or body exercising on behalf of the Crown functions conferred by an enactment;
- “financial benefit” means money or money’s worth;
- “foreign intelligence service” means any person whose functions include carrying out intelligence activities for or on behalf of a foreign power;
- the “law of the United Kingdom” includes the law of any part of the United Kingdom;
- “lawyer” has the meaning given by paragraph 6(3) of Schedule 15;
- “legal activity” has the meaning given by paragraph 6(4) of Schedule 15;
- “UK person” has the same meaning as in section 2.

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**Commencement Information**

- I5** S. 3 not in force at Royal Assent, see [s. 100\(1\)](#)
- I6** S. 3 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

*Entering and inspecting places used for defence etc*

**4 Entering etc a prohibited place for a purpose prejudicial to the UK**

- (1) A person commits an offence if—
- (a) the person—
    - (i) accesses, enters, inspects, passes over or under, approaches or is in the vicinity of a prohibited place, or
    - (ii) causes an unmanned vehicle or device to access, enter, inspect, pass over or under, approach or be in the vicinity of a prohibited place, and

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- (b) that conduct is for a purpose that the person knows, or having regard to other matters known to them ought reasonably to know, is prejudicial to the safety or interests of the United Kingdom.
- (2) In [subsection \(1\)\(a\)](#) a reference to inspecting a prohibited place includes—
  - (a) taking, or procuring the taking of, photographs, videos or other recordings of the prohibited place;
  - (b) inspecting photographs, videos or other recordings of the prohibited place.
- (3) For the purposes of [this section](#), a person engages in conduct mentioned in [subsection \(1\)\(a\)](#) if the person does so in person or by electronic or remote means.
- (4) Subsection (1) applies whether the person’s conduct takes place in the United Kingdom or elsewhere.
- (5) A person who commits an offence under [this section](#) is liable on conviction on indictment to imprisonment for a term not exceeding 14 years or a fine (or both).
- (6) In this Part “vehicle” means any form of transport.

#### Commencement Information

- I7** S. 4 not in force at Royal Assent, see [s. 100\(1\)](#)
- I8** S. 4 in force at 20.12.2023 by [S.I. 2023/1272, reg. 2\(a\)](#)

## 5 Unauthorised entry etc to a prohibited place

- (1) A person commits an offence if—
  - (a) the person—
    - (i) accesses, enters, inspects or passes over or under a prohibited place, or
    - (ii) causes an unmanned vehicle or device to access, enter, inspect or pass over or under a prohibited place,
  - (b) that conduct is unauthorised, and
  - (c) the person knows, or having regard to other matters known to them ought reasonably to know, that their conduct is unauthorised.
- (2) A person’s conduct is unauthorised if the person—
  - (a) is not entitled to determine whether they may engage in the conduct, and
  - (b) does not have consent to engage in the conduct from a person so entitled.
- (3) In [subsection \(1\)\(a\)](#) a reference to inspecting a prohibited place includes taking, or procuring the taking of, photographs, videos or other recordings of the prohibited place.
- (4) For the purposes of [this section](#), a person engages in conduct mentioned in [subsection \(1\)\(a\)](#) if the person does so in person or by electronic or remote means.
- (5) A person who commits an offence under [this section](#) is liable—
  - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both);
  - (b) on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both);

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- (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

**Commencement Information**

- I9** S. 5 not in force at Royal Assent, see **s. 100(1)**  
**I10** S. 5 in force at 20.12.2023 by **S.I. 2023/1272, reg. 2(a)**

**6 Powers of police officers in relation to a prohibited place**

- (1) A constable may order—
- (a) a person not to engage, or to cease to engage, in conduct mentioned in **section 4(1)(a)** (whether in person or by electronic or remote means) in relation to a prohibited place;
  - (b) a person who has accessed or entered a prohibited place (whether in person or by electronic or remote means) to leave it immediately;
  - (c) a person in an area adjacent to a prohibited place to leave the area immediately;
  - (d) the driver or person in charge of a vehicle or device (whether in person or by electronic or remote means) in a prohibited place, or in an area adjacent to a prohibited place, to move the vehicle or device from the place or area immediately.
- (2) A constable may arrange for—
- (a) the removal of a vehicle or device from a prohibited place or an area adjacent to a prohibited place;
  - (b) the movement of a vehicle or device within a prohibited place or an area adjacent to a prohibited place.
- (3) A constable may not exercise a power under **subsection (1)** or **(2)** unless the constable reasonably believes that exercising the power is necessary to protect the safety or interests of the United Kingdom.
- (4) A person commits an offence if the person fails to comply with an order imposed under **subsection (1)**.
- (5) A person who commits an offence under **this section** is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale (or both).

**Commencement Information**

- I11** S. 6 not in force at Royal Assent, see **s. 100(1)**  
**I12** S. 6 in force at 20.12.2023 by **S.I. 2023/1272, reg. 2(a)**

**7 Meaning of “prohibited place”**

- (1) In this Part “prohibited place” means—
- (a) Crown land in the United Kingdom or the Sovereign Base Areas of Akrotiri and Dhekelia which is used—
    - (i) for UK defence purposes;

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- (ii) for extracting any metals, oil or minerals for use for UK defence purposes;
    - (iii) for the purposes of the defence of a foreign country or territory;
  - (b) a vehicle—
    - (i) situated in the United Kingdom or the Sovereign Base Areas of Akrotiri and Dhekelia which is used for UK defence purposes or for the purposes of the defence of a foreign country or territory;
    - (ii) not so situated which is used for UK defence purposes;
  - (c) any land or building in the United Kingdom or the Sovereign Base Areas of Akrotiri and Dhekelia which is used for the purposes described in [subsection \(2\)\(b\)](#) or [\(3\)\(b\)](#) (or both);
  - (d) any land or building in the United Kingdom or the Sovereign Base Areas of Akrotiri and Dhekelia which is—
    - (i) owned or controlled by the Security Service, the Secret Intelligence Service or GCHQ, and
    - (ii) used for the functions of the Security Service, the Secret Intelligence Service or GCHQ;
  - (e) any land or building or vehicle designated as a prohibited place in regulations made under [section 8](#).
- (2) In [subsection \(1\)](#) use for UK defence purposes means use for the purposes of—
  - (a) the activities of the armed forces of the Crown,
  - (b) the invention, development, production, operation, storage or disposal of weapons or other equipment or capabilities of those forces and research relating to it,
  - (c) United Kingdom defence policy and strategy and military planning and intelligence, or
  - (d) plans and measures for the maintenance of essential supplies and services that are or would be needed by the United Kingdom in time of war.
- (3) In [subsection \(1\)](#) use for the purposes of the defence of a foreign country or territory means use for the purposes of—
  - (a) the activities of the armed forces of the foreign country or territory, or
  - (b) the invention, development, production, operation, storage or disposal of weapons or other equipment or capabilities of those forces and research relating to it.
- (4) In [this section](#)—
  - “building” includes any part of a building;
  - “Crown land” means any land or building in which there is a Crown interest or a Duchy interest;
  - “Crown interest” means any of the following—
    - (a) an interest belonging to His Majesty in right of the Crown or in right of His private estates;
    - (b) an interest belonging to a United Kingdom government department or held in trust for His Majesty for the purposes of a United Kingdom government department;
  - “Duchy interest” means an interest belonging to His Majesty in right of the Duchy of Lancaster or belonging to the Duchy of Cornwall;



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“foreign country or territory” means a country or territory outside the United Kingdom, the Channel Islands, the Isle of Man or the British Overseas Territories;

“GCHQ” has the meaning given by section 3(3) of the Intelligence Services Act 1994.

- (5) In [subsection \(4\)](#) the reference to His Majesty’s private estates is to be construed in accordance with section 1 of the Crown Private Estates Act 1862.

#### Commencement Information

**I13** S. 7 not in force at Royal Assent, see [s. 100\(1\)](#)

**I14** S. 7 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

## 8 Power to designate additional sites as prohibited places

- (1) The Secretary of State may by regulations designate—
- (a) land or a building situated in the United Kingdom or the Sovereign Base Areas of Akrotiri and Dhekelia, or
  - (b) a vehicle,
- as a prohibited place.
- (2) The power in [subsection \(1\)](#) may be exercised only if, having regard to the matters mentioned in [subsection \(3\)](#), the Secretary of State reasonably considers it necessary to do so in order to protect the safety or interests of the United Kingdom.
- (3) Those matters are—
- (a) the purpose for which the land or building or vehicle is used;
  - (b) the nature of any information held, stored or processed on the land or in the building or vehicle;
  - (c) the nature of any technology, equipment or material located on the land or in the building or vehicle.
- (4) The power in [subsection \(1\)](#) may be exercised in relation to—
- (a) a description of land or buildings, or
  - (b) a description of vehicle,
- as well as in relation to particular land or buildings or a particular vehicle.
- (5) In [this section](#) “building” includes any part of a building.

#### Commencement Information

**I15** S. 8 not in force at Royal Assent, see [s. 100\(1\)](#)

**I16** S. 8 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

## 9 Power to designate a cordoned area to secure defence aircraft

- (1) A constable may designate an area as a cordoned area.
- (2) A constable may designate an area under [subsection \(1\)](#) only if the constable considers it expedient to do so for the purposes of securing—



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- (a) an aircraft, or a part of an aircraft, used for military purposes, or
  - (b) equipment relating to such an aircraft.
- (3) If a designation is made orally, the constable making the designation must confirm it in writing as soon as is reasonably practicable.
- (4) A constable making a designation must, as soon as is reasonably practicable—
- (a) make a written record of the time at which the designation was made, and
  - (b) ensure that a police officer of at least the rank of superintendent is informed.
- (5) An officer who is informed of a designation in accordance with [subsection \(4\)\(b\)](#) must—
- (a) confirm the designation or cancel it with effect from such time as the officer may direct, and
  - (b) if the officer cancels the designation, make a written record of the cancellation and the reason for it.
- (6) A constable making a designation must arrange for the demarcation of the cordoned area, so far as is reasonably practicable—
- (a) by means of tape marked with the word “police”, or
  - (b) in such other manner as the constable considers appropriate.

#### Commencement Information

**I17** S. 9 not in force at Royal Assent, see [s. 100\(1\)](#)

**I18** S. 9 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

## 10 Duration of cordon

- (1) A designation under [section 9](#) has effect, subject to [subsections \(2\) to \(5\)](#), during the period—
- (a) beginning at the time when it is made, and
  - (b) ending with a date or at a time specified in the designation.
- (2) The date or time specified under [subsection \(1\)\(b\)](#) must not be later than the end of the period of 14 days beginning with the day on which the designation is made.
- (3) A constable may extend from time to time the period during which a designation has effect.
- (4) An extension under [subsection \(3\)](#) must—
- (a) be in writing, and
  - (b) specify the additional period during which the designation is to have effect.
- (5) An extension under [subsection \(3\)](#) must not provide for a designation to have effect after the end of the period of 28 days beginning with the day on which the designation is made.

#### Commencement Information

**I19** S. 10 not in force at Royal Assent, see [s. 100\(1\)](#)

**I20** S. 10 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

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## 11 Powers of police in relation to a cordoned area

- (1) A constable may order—
- (a) a person not to do any of the following (whether in person or by electronic or remote means)—
    - (i) enter, inspect, pass over or under, approach or be in the vicinity of a cordoned area, or
    - (ii) cause an unmanned vehicle or device to enter, inspect, pass over or under, approach or be in the vicinity of a cordoned area;
  - (b) a person in a cordoned area (whether in person or by electronic or remote means) to leave it immediately;
  - (c) a person in an area adjacent to a cordoned area to leave the area immediately;
  - (d) the driver or person in charge of a vehicle or device (whether in person or by electronic or remote means) in a cordoned area to move the vehicle or device from the area immediately.
- (2) In [subsection \(1\)](#) a reference to inspecting a cordoned area includes taking or procuring the taking of photographs, videos or other recordings.
- (3) A constable may arrange for—
- (a) the removal of a vehicle or device from a cordoned area;
  - (b) the movement of a vehicle or device within a cordoned area.
- (4) A person commits an offence if the person fails to comply with an order imposed under [subsection \(1\)](#).
- (5) It is a defence for a person charged with an offence under [subsection \(4\)](#) to show that the person had a reasonable excuse for that failure.
- (6) A person is taken to have shown a matter mentioned in [subsection \(5\)](#) if—
- (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (7) A person who commits an offence under [subsection \(4\)](#) is liable on summary conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding level 4 on the standard scale (or both).
- (8) In [this section](#) “cordoned area” means an area designated as a cordoned area under [section 9](#).

### Commencement Information

- I21** S. 11 not in force at Royal Assent, see [s. 100\(1\)](#)
- I22** S. 11 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

## Sabotage

### 12 Sabotage

- (1) A person commits an offence if—
- (a) the person engages in conduct that results in damage to any asset,

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- (b) the person intends their conduct to result in damage to an asset, or is reckless as to whether their conduct will result in damage to an asset,
  - (c) the person’s conduct is for a purpose that they know, or having regard to other matters known to them ought reasonably to know, is prejudicial to the safety or interests of the United Kingdom, and
  - (d) the foreign power condition is met in relation to the person’s conduct (see section 31).
- (2) **Subsection (1)** applies—
- (a) whether the person’s conduct takes place in the United Kingdom or elsewhere;
  - (b) whether the asset is in the United Kingdom or elsewhere.
- (3) In **this section**—
- “asset” means an asset of any kind whether tangible or intangible and includes in particular real and personal property, electronic systems and information;
- “damage” includes any of the following (whether permanent or temporary)
- (a) destruction;
  - (b) alteration;
  - (c) contamination;
  - (d) interference;
  - (e) loss of or reduction in access or availability;
  - (f) loss of or reduction in function, utility or reliability.
- (4) A person who commits an offence under **this section** is liable on conviction on indictment to imprisonment for life or a fine (or both).

**Commencement Information**

**I23** S. 12 not in force at Royal Assent, see **s. 100(1)**

**I24** S. 12 in force at 20.12.2023 by **S.I. 2023/1272, reg. 2(a)**

*Foreign interference*

**13 Foreign interference: general**

- (1) A person commits an offence if—
- (a) the person engages in prohibited conduct,
  - (b) the foreign power condition is met in relation to the prohibited conduct, and
  - (c) the person intends the prohibited conduct, or a course of conduct of which it forms part, to have an interference effect.
- (2) A person commits an offence if—
- (a) the person engages in prohibited conduct,
  - (b) the foreign power condition is met in relation to the prohibited conduct, and
  - (c) the person is reckless as to whether the prohibited conduct, or a course of conduct of which it forms part, will have an interference effect.
- (3) A person (“P”) commits an offence if—

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- (a) P engages in a course of conduct with one or more other persons,
  - (b) the foreign power condition is met in relation to conduct of P which forms part of the course of conduct,
  - (c) P intends the course of conduct to have an interference effect,
  - (d) as part of the course of conduct, a person other than P engages in prohibited conduct, and
  - (e) P intends or believes that, as part of the course of conduct, a person other than P will engage in prohibited conduct.
- (4) For the purposes of subsections (1)(c) and (2)(c) a course of conduct includes a course of conduct engaged in by the person alone, or by the person and one or more other persons.
- (5) Subsections (1) and (2) apply whether the person’s conduct takes place in the United Kingdom or elsewhere.
- (6) Subsection (3) applies whether P’s conduct or the prohibited conduct takes place in the United Kingdom or elsewhere.
- (7) A person who commits an offence under [this section](#) is liable on conviction on indictment to imprisonment for a term not exceeding 14 years or a fine (or both).
- (8) In [this section](#)—
- “interference effect” has the meaning given by section 14;
  - “prohibited conduct” has the meaning given by section 15.

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**Commencement Information**

**I25** S. 13 not in force at Royal Assent, see [s. 100\(1\)](#)

**I26** S. 13 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

**14 Foreign interference: meaning of “interference effect”**

- (1) For the purposes of section 13 an “interference effect” means any of the following effects—
- (a) interfering with the exercise by a particular person of a Convention right in the United Kingdom,
  - (b) affecting the exercise by any person of their public functions,
  - (c) interfering with whether, or how, any person makes use of services provided in the exercise of public functions,
  - (d) interfering with whether, or how, any person (other than in the exercise of a public function) participates in relevant political processes or makes political decisions,
  - (e) interfering with whether, or how, any person (other than in the exercise of a public function) participates in legal processes under the law of the United Kingdom, or
  - (f) prejudicing the safety or interests of the United Kingdom.
- (2) An effect may be an interference effect whether it relates to a specific instance of a matter mentioned in subsection (1), or to the matter in general.
- (3) In subsection (1)(d) “relevant political processes” means—

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- (a) an election or referendum in the United Kingdom,
  - (b) the proceedings of a local authority,
  - (c) the proceedings of a UK registered political party, or
  - (d) the activities of an informal group consisting of or including members of—
    - (i) one or both of Houses of Parliament,
    - (ii) the Northern Ireland Assembly,
    - (iii) the Scottish Parliament, or
    - (iv) Senedd Cymru,(acting in that capacity).
- (4) In subsection (1)(d) “political decisions” means decisions of—
- (a) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975) or a United Kingdom government department,
  - (b) a Northern Ireland Minister, the First Minister in Northern Ireland, the deputy First Minister in Northern Ireland, a person appointed as a junior Minister under section 19 of the Northern Ireland Act 1998, a Northern Ireland department or the Executive Committee of the Northern Ireland Assembly,
  - (c) the Scottish Ministers or the First Minister for Scotland,
  - (d) the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or
  - (e) a local authority.
- (5) In [this section](#)—
- “Convention rights” has the meaning given by section 1 of the Human Rights Act 1998;
- the “law of the United Kingdom” includes the law of any part of the United Kingdom;
- “local authority” means—
- (a) in England—
    - (i) a county council;
    - (ii) a district council;
    - (iii) a London borough council;
    - (iv) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
    - (v) a parish council;
    - (vi) the Council of the Isles of Scilly;
    - (vii) the Common Council of the City of London;
    - (viii) the Sub-Treasurer of the Inner Temple;
    - (ix) the Under Treasurer of the Middle Temple;
  - (b) in Wales, a county council, county borough council or community council;
  - (c) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
  - (d) in Northern Ireland, a district council;
- “public functions” means functions of a public nature—
- (a) exercisable in the United Kingdom, or

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*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Part 1. (See end of Document for details)*

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- (b) exercisable in a country or territory outside the United Kingdom by a person acting for or on behalf of, or holding office under, the Crown;  
“UK registered political party” means a political party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000.

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**Commencement Information**

- I27** S. 14 not in force at Royal Assent, see **s. 100(1)**  
**I28** S. 14 in force at 20.12.2023 by **S.I. 2023/1272, reg. 2(a)**

**15 Foreign interference: meaning of “prohibited conduct”**

- (1) Conduct is prohibited conduct for the purposes of section 13 if—
- (a) it constitutes an offence, or
  - (b) if it takes place in a country or territory outside the United Kingdom, it would constitute an offence if it took place in any part of the United Kingdom.
- (2) Conduct is prohibited conduct for the purposes of section 13 if it involves coercion of any kind, including coercion by—
- (a) using or threatening to use violence against a person;
  - (b) damaging or destroying, or threatening to damage or destroy, a person’s property;
  - (c) damaging or threatening to damage a person’s reputation;
  - (d) causing or threatening to cause financial loss to a person;
  - (e) causing spiritual injury to, or placing undue spiritual pressure on, a person;
- (whether or not that person is the person to whom the interference effect relates).
- (3) Conduct is prohibited conduct for the purposes of section 13 if it involves making a misrepresentation.
- (4) A “misrepresentation” is a representation—
- (a) that a reasonable person would consider to be false or misleading in a way material to the interference effect, and
  - (b) that the person making the representation knows or intends to be false or misleading in a way material to the interference effect.
- (5) A misrepresentation may be made by making a statement or by any other kind of conduct, and may be express or implied.
- (6) A misrepresentation may in particular include—
- (a) a misrepresentation as to a person’s identity or purpose;
  - (b) presenting information in a way which amounts to a misrepresentation, even if some or all of the information is true.
- (7) In this section “interference effect” has the meaning given by section 14.

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**Commencement Information**

- I29** S. 15 not in force at Royal Assent, see **s. 100(1)**  
**I30** S. 15 in force at 20.12.2023 by **S.I. 2023/1272, reg. 2(a)**

*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Part 1. (See end of Document for details)*

## 16 Foreign interference in elections

- (1) This section applies where—
  - (a) a person commits a relevant electoral offence on or after the day on which this section comes into force, and
  - (b) the foreign power condition is met in relation to the conduct of the person which constitutes the offence (see section 31).
- (2) A “relevant electoral offence” is an offence listed in column 1 of the table in Part 1 of Schedule 1 (“the table”).
- (3) The person is liable on conviction on indictment to imprisonment for a term not exceeding the specified maximum term or a fine (or both).
- (4) The specified maximum term is the term specified in column 2 of the table in relation to the relevant electoral offence.
- (5) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1) to have been committed on the first of those days.
- (6) Part 2 of Schedule 1 amends provisions relating to relevant electoral offences.

### Commencement Information

- I31** S. 16 not in force at Royal Assent, see **s. 100(1)**  
**I32** S. 16 in force at 20.12.2023 by **S.I. 2023/1272, reg. 2(a)**

### *Obtaining benefits from a foreign intelligence service*

## 17 Obtaining etc material benefits from a foreign intelligence service

- (1) A person commits an offence if—
  - (a) the person—
    - (i) obtains, accepts or retains a material benefit which is not an excluded benefit, or
    - (ii) obtains or accepts the provision of such a benefit to another person,
  - (b) the benefit is or was provided by or on behalf of a foreign intelligence service, and
  - (c) the person knows, or having regard to other matters known to them ought reasonably to know, that the benefit is or was provided by or on behalf of a foreign intelligence service.
- (2) A person commits an offence if—
  - (a) the person agrees to accept—
    - (i) a material benefit which is not an excluded benefit, or
    - (ii) the provision of such a benefit to another person,
  - (b) the benefit is to be provided by or on behalf of a foreign intelligence service, and
  - (c) the person knows, or having regard to other matters known to them ought reasonably to know, that the benefit is to be provided by or on behalf of a foreign intelligence service.



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*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Part 1. (See end of Document for details)*

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- (3) Material benefits may include financial benefits, anything which has the potential to result in a financial benefit, and information.
- (4) A material benefit is an excluded benefit if—
- (a) it is provided as reasonable consideration for the provision of goods or services, and
  - (b) the provision of those goods or services does not constitute an offence.
- (5) A benefit may be provided by or on behalf of a foreign intelligence service directly or indirectly (for example, it may be provided indirectly through one or more companies).
- (6) Subsections (1) and (2) apply to conduct outside the United Kingdom, but apply to conduct taking place wholly outside the United Kingdom only if—
- (a) the material benefit is or was, or is to be, provided in or from the United Kingdom, or
  - (b) in any case, the person engaging in the conduct—
    - (i) is a UK person, or
    - (ii) acts for or on behalf of, or holds office under, the Crown, or is in Crown employment (whether or not they engage in the conduct in that capacity).
- (7) In proceedings for an offence under subsection (1) by virtue of retaining a benefit, it is a defence to show that the person had a reasonable excuse for retaining the benefit.
- (8) In proceedings for an offence under subsection (1) or (2) it is a defence to show that the person engaged in the conduct in question—
- (a) in compliance with a legal obligation under the law of the United Kingdom which is not a legal obligation under private law,
  - (b) in the case of a person having functions of a public nature under the law of the United Kingdom, for the purposes of those functions, or
  - (c) in accordance with an agreement or arrangement to which—
    - (i) the United Kingdom was a party, or
    - (ii) any person acting for or on behalf of, or holding office under, the Crown was (in that capacity) a party.
- (9) A person is taken to have shown a matter mentioned in subsection (7) or (8) if—
- (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (10) A person who commits an offence under subsection (1) is liable on conviction on indictment to imprisonment for a term not exceeding 14 years or a fine (or both).
- (11) A person who commits an offence under subsection (2) is liable on conviction on indictment to imprisonment for a term not exceeding 10 years or a fine (or both).
- (12) The following terms have the same meaning as in section 3—
- “Crown employment”;
  - “financial benefit”;
  - “foreign intelligence service”;
  - the “law of the United Kingdom”;
  - “UK person”.

*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Part 1. (See end of Document for details)*

#### Commencement Information

- I33** S. 17 not in force at Royal Assent, see [s. 100\(1\)](#)  
**I34** S. 17 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

### *Preparatory conduct*

## 18 Preparatory conduct

- (1) A person commits an offence if, with the intention of—
  - (a) committing acts to which this section applies, or
  - (b) acts to which this section applies being committed by another person, the person engages in any conduct in preparation for the commission of such acts.
- (2) It is immaterial whether the person’s intention relates to, or the person’s conduct is in preparation for, specific acts to which this section applies, or acts to which this section applies in general.
- (3) This section applies to—
  - (a) acts which constitute an offence under—
    - (i) [section 1](#) (obtaining or disclosing protected information);
    - (ii) [section 2](#) (obtaining or disclosing trade secrets);
    - (iii) [section 4](#) (entering etc. a prohibited place for a purpose prejudicial to the UK);
    - (iv) [section 12](#) (sabotage);
  - (b) acts within [subsection \(4\)](#) in relation to which the foreign power condition is met.
- (4) Acts are within [this subsection](#) if they—
  - (a) involve serious violence against a person in the United Kingdom,
  - (b) endanger the life of a person in the United Kingdom, or
  - (c) create a serious risk to the health or safety of the public, or a section of the public, in the United Kingdom.
- (5) [Subsection \(1\)](#) applies whether the person’s conduct takes place in the United Kingdom or elsewhere.
- (6) A person who commits an offence under [this section](#) is liable on conviction on indictment to imprisonment for life or a fine (or both).

#### Commencement Information

- I35** S. 18 not in force at Royal Assent, see [s. 100\(1\)](#)  
**I36** S. 18 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

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*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Part 1. (See end of Document for details)*

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*Acting for foreign power as aggravating factor in sentencing*

**19 Aggravating factor where foreign power condition met: England and Wales**

- (1) The Sentencing Code is amended as follows.
- (2) After section 69 insert—

**“69A Offences where foreign power condition met**

- (1) This section applies where a court is considering the seriousness of an offence that—
  - (a) is committed on or after the day on which section 19 of the National Security Act 2023 comes into force, and
  - (b) is not an offence listed in subsection (2).
- (2) Those offences are—
  - (a) an offence under the National Security Act 2023 or an inchoate offence (see section 398) in relation to any such offence;
  - (b) a relevant electoral offence within the meaning given by section 16 of that Act (foreign interference in elections).
- (3) Where the foreign power condition is met in relation to the conduct that constitutes the offence, the court—
  - (a) must treat that fact as an aggravating factor, and
  - (b) must state in open court that the offence is so aggravated.
- (4) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1) to have been committed on the first of those days.
- (5) Section 31 of the National Security Act 2023 (meaning of foreign power condition) applies for the purposes of this section as it applies for the purposes of Part 1 of that Act.”

**Commencement Information**

**I37** S. 19 not in force at Royal Assent, see [s. 100\(1\)](#)

**I38** [S. 19](#) in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

**20 Aggravating factor where foreign power condition met: Northern Ireland**

- (1) [This section](#) applies where a court in Northern Ireland is considering for the purposes of sentence the seriousness of an offence that—
  - (a) is committed on or after the day on which [this section](#) comes into force, and
  - (b) is not an offence listed in [subsection \(2\)](#).
- (2) Those offences are—
  - (a) an offence under this Act or an ancillary offence in relation to any such offence;
  - (b) a relevant electoral offence (within the meaning given by section 16).

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*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Part 1. (See end of Document for details)*

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- (3) An “ancillary offence”, in relation to an offence, means any of the following—
  - (a) aiding, abetting, counselling or procuring the commission of the offence;
  - (b) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to the offence;
  - (c) attempting or conspiring to commit the offence.
- (4) For the purposes of [this section](#), an offence committed by a person under Part 2 of the Serious Crime Act 2007 is related to another offence if that other offence is the offence (or one of the offences) which the person intended or believed would be committed.
- (5) Where the foreign power condition is met in relation to the conduct that constitutes the offence, the court—
  - (a) must treat that fact as an aggravating factor, and
  - (b) must state in open court that the offence is so aggravated.
- (6) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of [subsection \(1\)](#) to have been committed on the first of those days.
- (7) In [this section](#) “sentence”, in relation to an offence, includes any order made by a court when dealing with a person in respect of the offence.

#### Commencement Information

- I39** S. 20 not in force at Royal Assent, see [s. 100\(1\)](#)  
**I40** S. 20 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

## 21 Aggravating factor where foreign power condition met: Scotland

- (1) [This section](#) applies where in Scotland, in relation to a relevant offence, it is—
  - (a) libelled in an indictment, and
  - (b) proved,that the offence has been aggravated by reason of the foreign power condition being met in relation to the conduct that constitutes the offence.
- (2) Where [this section](#) applies, the court must take the aggravation into account in determining the appropriate sentence.
- (3) Where the sentence imposed by the court in respect of the offence is different from that which the court would have imposed if the offence had not been aggravated by reason of being an offence within [subsection \(1\)](#), the court must state the extent of, and the reasons for, the difference.
- (4) Evidence from a single source is sufficient to prove that an offence has been aggravated by reason of the foreign power condition being met in relation to conduct which constitutes the offence.
- (5) A “relevant offence” is an offence that—
  - (a) is committed on or after the day on which [this section](#) comes into force, and
  - (b) is not an offence listed in [subsection \(6\)](#).
- (6) Those offences are—

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*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Part 1. (See end of Document for details)*

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- (a) an offence under this Act or an ancillary offence in relation to any such offence;
  - (b) a relevant electoral offence (within the meaning given by section 16).
- (7) An “ancillary offence”, in relation to an offence, means any of the following—
- (a) being art and part in the commission of the offence;
  - (b) inciting a person to commit the offence;
  - (c) attempting or conspiring to commit the offence.
- (8) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (5)(a) to have been committed on the first of those days.

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**Commencement Information**

- I41** S. 21 not in force at Royal Assent, see [s. 100\(1\)](#)  
**I42** S. 21 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

**22 Aggravating factor where foreign power condition met: armed forces**

In section 238 of the Armed Forces Act 2006 (deciding the seriousness of an offence), at the end insert—

- “(7) In section 69A of the Sentencing Code (seriousness of offence where foreign power condition met)—
- (a) the references in that section to a court are to be read as including a court dealing with an offender for a service offence, and
  - (b) the reference in subsection (1)(b) to an offence which is not an offence listed in subsection (2) is to be taken as a reference to an offence under section 42 as respects which the corresponding offence under the law of England and Wales is not an offence so listed.”

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**Commencement Information**

- I43** S. 22 not in force at Royal Assent, see [s. 100\(1\)](#)  
**I44** S. 22 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

*Powers of investigation etc*

**23 Powers of search etc**

- [Schedule 2](#) confers powers of entry, search and seizure in relation to—
- (a) certain offences under [this Part](#) of this Act, and
  - (b) acts or threats within section [33\(3\)\(b\)](#) or [\(c\)](#).

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**Commencement Information**

- I45** S. 23 not in force at Royal Assent, see [s. 100\(1\)](#)  
**I46** S. 23 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Part 1. (See end of Document for details)*

## 24 Disclosure orders

[Schedule 3](#) makes provision for disclosure orders.

### Commencement Information

- I47** S. 24 not in force at Royal Assent, see [s. 100\(1\)](#)  
**I48** S. 24 in force at 20.12.2023 by [S.I. 2023/1272, reg. 2\(a\)](#)

## 25 Customer information orders

[Schedule 4](#) makes provision for customer information orders.

### Commencement Information

- I49** S. 25 not in force at Royal Assent, see [s. 100\(1\)](#)  
**I50** S. 25 in force at 20.12.2023 by [S.I. 2023/1272, reg. 2\(a\)](#)

## 26 Account monitoring orders

[Schedule 5](#) makes provision for account monitoring orders.

### Commencement Information

- I51** S. 26 not in force at Royal Assent, see [s. 100\(1\)](#)  
**I52** S. 26 in force at 20.12.2023 by [S.I. 2023/1272, reg. 2\(a\)](#)

## 27 Arrest without warrant

- (1) A constable may arrest without a warrant anyone who the constable reasonably suspects is, or has been, involved in foreign power threat activity.
- (2) [Schedule 6](#) makes provision about detention under [this section](#).
- (3) Subject to [subsections \(5\) to \(8\)](#), a person detained under [this section](#) must be released (unless detained under any other power) not later than the end of the period of 48 hours beginning with—
  - (a) the time of the person’s arrest under [this section](#), or
  - (b) if the person was being detained under a provision listed in [subsection \(4\)](#) when arrested under [this section](#), with the time when the person was detained under that provision.
- (4) Those provisions are—
  - (a) section 24 of the Police and Criminal Evidence Act 1984;
  - (b) Article 26 of the Police and Criminal Evidence (Northern Ireland) Order 1989 ([S.I. 1989/1341 \(N.I. 12\)](#));
  - (c) section 41 of, and Schedule 7 to, the Terrorism Act 2000;
  - (d) section 1 of the [Criminal Justice \(Scotland\) Act 2016 \(asp 1\)](#);
  - (e) Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019.

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*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Part 1. (See end of Document for details)*

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- (5) A person arrested under [this section](#) must be released if, on a review of the person’s detention under [Part 5 of Schedule 6](#), the review officer does not authorise continued detention.

[This subsection](#) does not apply if the person is detained in accordance with [subsection \(6\)](#) or [\(7\)](#) or under any other power.

- (6) Where a police officer intends to make an application for a warrant under [paragraph 37 of Schedule 6](#) (warrant of further detention) to extend the period of a person’s detention, the person may be detained pending the making of the application.

- (7) Where an application has been made—

- (a) under [paragraph 37 of Schedule 6](#) for a warrant to extend the period of a person’s detention, or
- (b) under [paragraph 44](#) of that Schedule to further extend the period of a person’s detention,

the person may be detained pending the conclusion of proceedings on the application.

- (8) Where an application under [paragraph 37](#) or [44 of Schedule 6](#) is granted in respect of a person’s detention, the person may be detained, subject to [paragraph 45](#) of that Schedule (conditions for detention), during the period specified in the warrant.

- (9) The refusal of an application in respect of a person’s detention under [paragraph 37](#) or [44 of Schedule 6](#) does not prevent the person’s continued detention in accordance with [this section](#).

- (10) [Subsection \(11\)](#) applies where—

- (a) a person is detained under [this section](#) in hospital, or
- (b) a person detained under [this section](#) is removed to hospital because the person needs medical treatment.

- (11) Where this subsection applies—

- (a) any time during which the person is being questioned in hospital or (where this subsection applies by virtue of [subsection \(10\)\(b\)](#)) on the way there or back for the purpose of obtaining relevant evidence is to be included in calculating any period which falls to be calculated for the purposes of [this section](#) or [Part 6 of Schedule 6](#), but
- (b) any other time when the person is in hospital or (where this subsection applies by virtue of [subsection \(10\)\(b\)](#)) on the way there or back is not to be included.

- (12) In [subsection \(11\)](#) “relevant evidence” means, in relation to the detained person, evidence which indicates that the detained person is, or has been, involved in foreign power threat activity.

- (13) A person who has the powers of a constable in one part of the United Kingdom may exercise the power under [subsection \(1\)](#) in any part of the United Kingdom.

- (14) In [this section](#) and [Schedule 6](#) references to involvement in foreign power threat activity do not include involvement in such activity occurring before [this section](#) comes into force.

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#### Commencement Information

**I53** S. 27 not in force at Royal Assent, see [s. 100\(1\)](#)



*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Part 1. (See end of Document for details)*

**I54** S. 27 in force at 20.12.2023 by S.I. 2023/1272, reg. 2(a)

## 28 Use of reasonable force

- (1) A power conferred on a constable by virtue of this Part—
  - (a) is additional to powers which the constable has at common law or by virtue of any other enactment, and
  - (b) is not to be taken as affecting those powers.
- (2) A constable may if necessary use reasonable force for the purpose of exercising a power conferred on the constable by virtue of this Part.

### Commencement Information

- I55** S. 28 not in force at Royal Assent, see s. 100(1)  
**I56** S. 28 in force at 20.12.2023 by S.I. 2023/1272, reg. 2(a)

## 29 Border security

In paragraph 12(11) of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (definition of protected material)—

- (a) in paragraph (a)—
  - (i) at the end of sub-paragraph (i) insert “or”;
  - (ii) omit the “or” at the end of sub-paragraph (ii);
  - (iii) omit sub-paragraph (iii);
- (b) in paragraph (b)(ii) omit “or (iii)”;
- (c) in paragraph (c)—
  - (i) at the end of sub-paragraph (i) insert “or”;
  - (ii) omit the “or” at the end of sub-paragraph (ii);
  - (iii) omit sub-paragraph (iii).

### Commencement Information

- I57** S. 29 not in force at Royal Assent, see s. 100(1)  
**I58** S. 29 in force at 20.12.2023 by S.I. 2023/1272, reg. 2(a)

## 30 Offences under Part 2 of the Serious Crime Act 2007

- (1) Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) is amended as follows.
- (2) After section 50 insert—

### “50A Extra-territorial offences: defence for intelligence services and armed forces

- (1) This section applies where a person is charged with an offence under this Part by reason of a provision of Schedule 4 (extra-territorial jurisdiction).

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*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Part 1. (See end of Document for details)*

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- (2) It is a defence for the person to show that their act was necessary for—
- (a) the proper exercise of a function of an intelligence service, or
  - (b) the proper exercise of a function of the armed forces relating to intelligence.
- (3) A person is taken to have shown that their act was so necessary if—
- (a) sufficient evidence of that fact is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (4) The head of each intelligence service must ensure that the service has in place arrangements designed to ensure that acts of a member of the service to which a provision of Schedule 4 applies are necessary for the proper exercise of a function of the service.
- (5) The Defence Council must ensure that the armed forces have in place arrangements designed to ensure that acts of—
- (a) a member of the armed forces, or
  - (b) a civilian subject to service discipline when working in support of a member of the armed forces,
- to which a provision of Schedule 4 applies are necessary for the proper exercise of a function of the armed forces relating to intelligence.
- (6) The arrangements which must be in place by virtue of subsection (4) or (5) must be arrangements which the Secretary of State considers to be satisfactory.
- (7) In this section—
- “armed forces” means His Majesty’s forces (within the meaning of the Armed Forces Act 2006);
- “civilian subject to service discipline” has the same meaning as in the Armed Forces Act 2006;
- “GCHQ” has the meaning given by section 3(3) of the Intelligence Services Act 1994;
- “head” means—
- (a) in relation to the Security Service, the Director General of the Security Service,
  - (b) in relation to the Secret Intelligence Service, the Chief of the Secret Intelligence Service, and
  - (c) in relation to GCHQ, the Director of GCHQ;
- “intelligence service” means the Security Service, the Secret Intelligence Service or GCHQ.”
- (3) For the heading before section 50 substitute “Defences”.

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**Commencement Information**

**I59** S. 30 not in force at Royal Assent, see [s. 100\(1\)](#)

**I60** S. 30 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Part 1. (See end of Document for details)*

*Foreign power condition and foreign power threat activity*

**31 The foreign power condition**

- (1) For the purposes of this Part the foreign power condition is met in relation to a person's conduct if—
  - (a) the conduct in question, or a course of conduct of which it forms part, is carried out for or on behalf of a foreign power, and
  - (b) the person knows, or having regard to other matters known to them ought reasonably to know, that to be the case.
- (2) The conduct in question, or a course of conduct of which it forms part, is in particular to be treated as carried out for or on behalf of a foreign power if—
  - (a) it is instigated by a foreign power,
  - (b) it is under the direction or control of a foreign power,
  - (c) it is carried out with financial or other assistance provided by a foreign power for that purpose, or
  - (d) it is carried out in collaboration with, or with the agreement of, a foreign power.
- (3) Subsections (1)(a) and (2) may be satisfied by a direct or indirect relationship between the conduct, or the course of conduct, and the foreign power (for example, there may be an indirect relationship through one or more companies).
- (4) A person's conduct may form part of a course of conduct engaged in by the person alone, or by the person and one or more other persons.
- (5) The foreign power condition is also met in relation to a person's conduct if the person intends the conduct in question to benefit a foreign power.
- (6) For the purposes of subsection (5) it is not necessary to identify a particular foreign power.
- (7) The foreign power condition may be met in relation to the conduct of a person who holds office in or under, or is an employee or other member of staff of, a foreign power, as it may be met in relation to the conduct of any other person.

**Modifications etc. (not altering text)**

**C1** S. 31 applied (20.12.2023) by 2020 c. 17, s. 69A (as inserted by National Security Act 2023 (c. 32), ss. 19(2), 100(1) (with s. 97); S.I. 2023/1272, reg. 2(a))

**Commencement Information**

**I61** S. 31 not in force at Royal Assent, see s. 100(1)

**I62** S. 31 in force at 20.12.2023 by S.I. 2023/1272, reg. 2(a)

**32 Meaning of “foreign power”**

- (1) In this Part “foreign power” means—
  - (a) the sovereign or other head of a foreign State in their public capacity,
  - (b) a foreign government, or part of a foreign government,

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- (c) an agency or authority of a foreign government, or of part of a foreign government,
  - (d) an authority responsible for administering the affairs of an area within a foreign country or territory, or persons exercising the functions of such an authority, or
  - (e) a political party which is a governing political party of a foreign government.
- (2) A political party is a governing political party of a foreign government if persons holding political or official posts in the foreign government or part of the foreign government—
- (a) hold those posts as a result of, or in the course of, their membership of the party, or
  - (b) in exercising the functions of those posts, are subject to the direction or control of, or significantly influenced by, the party.
- (3) **Subsection (1)(e)** does not include a political party which is—
- (a) a governing political party of the government of the Republic of Ireland, and
  - (b) a party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000.
- (4) In **this section**—
- “foreign country or territory” means a country or territory outside the United Kingdom, the Channel Islands, the Isle of Man or the British Overseas Territories;
  - “foreign government” means the government of a foreign country or territory;
  - a “government” includes persons exercising the functions of a government;
  - “territory” includes the constituent territories of a federal State.

#### Commencement Information

**I63** S. 32 not in force at Royal Assent, see **s. 100(1)**

**I64** S. 32 in force at 20.12.2023 by **S.I. 2023/1272, reg. 2(a)**

### 33 Foreign power threat activity and involvement in that activity

- (1) In this Part references to foreign power threat activity and to involvement in foreign power threat activity are to one or more of the following—
- (a) the commission, preparation or instigation of acts or threats within **subsection (3)**;
  - (b) conduct which facilitates (or is intended to facilitate) conduct falling within **paragraph (a)**;
  - (c) conduct which gives support or assistance to a person (“P”), where the person who engages in the conduct—
    - (i) knows or believes P to be involved in, and
    - (ii) engages in the conduct for the purpose of giving support or assistance to,
 conduct falling within **paragraph (a)**.

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- (2) It is immaterial whether the activity within [subsection \(1\)](#) relates to specific acts or threats within [subsection \(3\)](#), or to acts or threats within that subsection in general.
- (3) References to acts or threats within [this subsection](#) are to—
- (a) acts which constitute an offence under—
    - (i) [section 1](#) (obtaining or disclosing protected information);
    - (ii) [section 2](#) (obtaining or disclosing trade secrets);
    - (iii) [section 3](#) (assisting a foreign intelligence service);
    - (iv) [section 4](#) (entering etc. a prohibited place for a purpose prejudicial to the UK);
    - (v) [section 12](#) (sabotage);
    - (vi) [section 13](#) (foreign interference: general);
    - (vii) [section 17\(1\)](#) (obtaining material benefits from a foreign intelligence service);
  - (b) acts within [subsection \(4\)](#) in relation to which the foreign power condition is met;
  - (c) threats to carry out acts within [subsection \(4\)](#), where the foreign power condition is met in relation to the threats.
- (4) Acts are within [this subsection](#) if they—
- (a) involve serious violence against another person,
  - (b) endanger the life of another person, or
  - (c) create a serious risk to the health or safety of the public or a section of the public.

#### Commencement Information

- I65** S. 33 not in force at Royal Assent, see [s. 100\(1\)](#)  
**I66** S. 33 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

#### *Supplementary provision*

## 34 Interpretation

- (1) In [this Part](#)—
- “conduct” includes omissions and statements;
  - “enactment” includes—
    - (a) an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978);
    - (b) an enactment comprised in, or in an instrument made under, a Measure or Act of Senedd Cymru;
    - (c) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;
    - (d) an enactment comprised in, or in an instrument made under, Northern Ireland legislation;
    - (e) retained direct EU legislation;
  - “foreign power” has the meaning given by [section 32](#);
  - “the foreign power condition” has the meaning given by [section 31](#);

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“foreign power threat activity” and “involvement”, in relation to such activity, have the meaning given by section 33;

“information” includes information about tactics, techniques and procedures;

“the maximum term for summary offences” means—

- (a) in relation to an offence committed before the time when section 281(5) of the Criminal Justice Act 2003 comes into force, 6 months;
- (b) in relation to an offence committed after that time, 51 weeks.

(2) In [this Part](#) references to a part of the United Kingdom are references to—

- (a) England and Wales,
- (b) Scotland, or
- (c) Northern Ireland.

#### Commencement Information

**I67** S. 34 not in force at Royal Assent, see [s. 100\(1\)](#)

**I68** S. 34 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

### 35 Offences by bodies corporate etc

(1) If an offence under this Part is committed by a body—

- (a) with the consent or connivance of an officer of the body, or
- (b) due to any neglect on the part of such an officer,

the officer, as well as the body, is guilty of the offence and liable to be proceeded against and punished accordingly.

(2) In this section—

“body” means a body corporate, a partnership or an unincorporated association other than a partnership;

“officer of a body”—

- (a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity;
- (b) in relation to a partnership, means a partner or person purporting to act as a partner;
- (c) in relation to an unincorporated association other than a partnership, means a person who is concerned in the management or control of the body or purports to act in the capacity of a person so concerned.

(3) In [subsection \(2\)](#) “director” includes—

- (a) a person occupying in relation to a body corporate the position of a director (by whatever name called),
- (b) a person in accordance with whose directions or instructions (not being advice given in a professional capacity) the directors of that body are accustomed to act, and
- (c) a person who has an interest or right in, or in relation to, the body corporate that (whether alone or together with other interests or rights held by the person) enables the person materially to influence the policy of the body corporate.

*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Part 1. (See end of Document for details)*

- (4) If the affairs of a body corporate are managed by its members, [subsection \(1\)](#) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body.
- (5) The Secretary of State may by regulations provide for the modification of any provision of this section in its application to a body corporate or unincorporated association formed or recognised under the law of a country or territory outside the United Kingdom.

#### Commencement Information

- I69** S. 35 not in force at Royal Assent, see [s. 100\(1\)](#)  
**I70** S. 35 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

### 36 Offences committed outside the United Kingdom

- (1) Where an offence under this Part may be committed by conduct taking place outside the United Kingdom, it may be so committed—
  - (a) in the case of conduct by an individual, whatever the nationality of the individual, and
  - (b) in the case of conduct by a person other than an individual, regardless of whether the body corporate or unincorporated association is formed or recognised under the law of a country or territory outside the United Kingdom.
- (2) [Subsection \(1\)](#) is subject to sections [3\(6\)](#) and [17\(6\)](#) (commission of offences under sections [3](#) and [17](#) by conduct outside the United Kingdom).
- (3) Where an offence under this Part is committed outside the United Kingdom—
  - (a) proceedings for the offence may be taken at any place in the United Kingdom, and
  - (b) the offence may for all incidental purposes be treated as having been committed at any such place.
- (4) In the application of [subsection \(3\)](#) to Scotland, any such proceedings against a person may be taken—
  - (a) in any sheriff court district in which the person is apprehended or is in custody, or
  - (b) in such sheriff court district as the Lord Advocate may determine.
- (5) “Sheriff court district” is to be read in accordance with the Criminal Procedure (Scotland) Act 1995 (see section 307(1) of that Act).

#### Commencement Information

- I71** S. 36 not in force at Royal Assent, see [s. 100\(1\)](#)  
**I72** S. 36 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

### 37 Consents to prosecutions

- (1) This section applies to offences under this Part, except offences under—
  - (a) section [5](#) (unauthorised entry to a prohibited place);



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- (b) section 6 (prohibited place: failure to comply with order of constable);
  - (c) section 11 (cordoned area: failure to comply with order of constable);
  - (d) Schedule 2 (powers of entry, search and seizure);
  - (e) Schedule 3 (disclosure orders);
  - (f) Schedule 4 (customer information orders).
- (2) Proceedings for an offence to which this section applies may be instituted—
- (a) in England and Wales, only with the consent of the Attorney General;
  - (b) in Northern Ireland, only with the consent of the Advocate General for Northern Ireland.

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**Commencement Information**

**I73** S. 37 not in force at Royal Assent, see [s. 100\(1\)](#)

**I74** S. 37 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

**38 Power to exclude the public from proceedings**

If it is necessary in the interests of national security, a court may exclude the public from—

- (a) any part of proceedings for an offence under this Part, or
  - (b) any part of proceedings relating to section 69A of the Sentencing Act 2020 (as inserted by section 19) or to section 20 or 21,
- except for the passing of sentence.

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**Commencement Information**

**I75** S. 38 not in force at Royal Assent, see [s. 100\(1\)](#)

**I76** S. 38 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the National Security Act 2023, Part 1.