

Status: This version of this part contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Part 1. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 13

CONTROL OF A PERSON BY A FOREIGN POWER

PART 1

CONDITIONS FOR CONTROL

- 1 (1) A person is controlled by a foreign power if one or more of the following conditions are met.
- (2) Condition 1 is that the foreign power has the right to direct or control, or actually directs or controls, the person's activities (in whole or in part).
- (3) Condition 2 is that the foreign power holds, directly or indirectly, more than 25% of the shares in the person.
- (4) Condition 3 is that the foreign power holds, directly or indirectly, more than 25% of the voting rights in the person.
- (5) Condition 4 is that the foreign power holds the right, directly or indirectly, to appoint or remove an officer of the person.
- (6) Condition 5 is that—
- (a) the trustees of a trust, or the members of a partnership, unincorporated association or other entity, that is not a legal person under the law by which it is governed meet one or more of conditions 1 to 4 (in their capacity as such) in relation to the person, and
 - (b) the foreign power has the right to direct or control, or actually directs or controls, the activities of that trust or entity (in whole or in part).

Commencement Information

II Sch. 13 para. 1 not in force at Royal Assent, see 100(1)

- 2 In this Schedule “officer”—
- (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;

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- (c) in relation to an unincorporated association other than a partnership, means a person who is concerned in the management or control of the association or purports to act in the capacity of a person so concerned.

Commencement Information

I2 Sch. 13 para. 2 not in force at Royal Assent, see 100(1)

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