

National Security Act 2023

CHAPTER 32

NATIONAL SECURITY ACT 2023

PART 1

ESPIONAGE, SABOTAGE AND PERSONS ACTING FOR FOREIGN POWERS

Espionage etc

- 1 Obtaining or disclosing protected information
- 2 Obtaining or disclosing trade secrets
- 3 Assisting a foreign intelligence service

Entering and inspecting places used for defence etc

- 4 Entering etc a prohibited place for a purpose prejudicial to the UK
- 5 Unauthorised entry etc to a prohibited place
- 6 Powers of police officers in relation to a prohibited place
- 7 Meaning of "prohibited place"
- 8 Power to designate additional sites as prohibited places
- 9 Power to designate a cordoned area to secure defence aircraft
- 10 Duration of cordon
- 11 Powers of police in relation to a cordoned area

Sabotage

12 Sabotage

Foreign interference

- 13 Foreign interference: general
- 14 Foreign interference: meaning of "interference effect"
- 15 Foreign interference: meaning of "prohibited conduct"

16 Foreign interference in elections

Obtaining benefits from a foreign intelligence service

17 Obtaining etc material benefits from a foreign intelligence service

Preparatory conduct

18 Preparatory conduct

Acting for foreign power as aggravating factor in sentencing

- 19 Aggravating factor where foreign power condition met: England and Wales
- 20 Aggravating factor where foreign power condition met: Northern Ireland
- 21 Aggravating factor where foreign power condition met: Scotland
- 22 Aggravating factor where foreign power condition met: armed forces

Powers of investigation etc

- 23 Powers of search etc
- 24 Disclosure orders
- 25 Customer information orders
- 26 Account monitoring orders
- 27 Arrest without warrant
- 28 Use of reasonable force
- 29 Border security
- 30 Offences under Part 2 of the Serious Crime Act 2007

Foreign power condition and foreign power threat activity

- 31 The foreign power condition
- 32 Meaning of "foreign power"
- 33 Foreign power threat activity and involvement in that activity

Supplementary provision

- 34 Interpretation
- 35 Offences by bodies corporate etc
- 36 Offences committed outside the United Kingdom
- 37 Consents to prosecutions
- 38 Power to exclude the public from proceedings

PART 2

PREVENTION AND INVESTIGATION MEASURES

Imposition of prevention and investigation measures

- 39 Power to impose prevention and investigation measures
- 40 Conditions A to E

Five year limit on imposition of measures

41 Five year limit for Part 2 notices

Court scrutiny of imposition of measures

- 42 Prior permission of the court
- 43 Urgent cases: reference to the court etc
- 44 Directions hearing
- 45 Review hearing

Consultation requirements

46 Criminal investigations into foreign power threat activity

Review of ongoing necessity

47 Review of ongoing necessity

Changes concerning Part 2 notices

- 48 Variation of measures
- 49 Revocation and revival of Part 2 notices
- 50 Replacement of a Part 2 notice that is quashed etc
- 51 Other provision relating to the quashing of Part 2 notice

Appeals and court proceedings

- 52 Appeals
- 53 Jurisdiction in relation to decisions under this Part
- 54 Proceedings relating to measures

Other safeguards

55 Reports on exercise of powers under this Part

Enforcement

- 56 Offence
- 57 Powers of entry etc
- 58 Fingerprints and samples

Supplementary provisions

- 59 Notices
- 60 Contracts
- 61 Legal aid in relation to Part 2 notices
- 62 Interpretation etc

PART 3

REVIEW OF THE OPERATION OF PARTS 1 AND 2 ETC

- 63 Reviews: general
- 64 Reviews of detention under Part 1

PART 4

FOREIGN ACTIVITIES AND FOREIGN INFLUENCE REGISTRATION SCHEME

Activities of specified persons

65 Requirement to register foreign activity arrangements

- 66 Meaning of "specified person"
- Offence of carrying out etc relevant activities pursuant to unregistered foreign activity arrangement
- Requirement to register relevant activities of specified persons

Political influence activities of foreign powers

- 69 Requirement to register foreign influence arrangements
- 70 Meaning of "political influence activity"
- 71 Offence of carrying out etc political influence activities pursuant to unregistered foreign influence arrangement
- 72 Requirement to register political influence activities of foreign powers

Exemptions

73 Exemptions

Information

- 74 Registration information
- 75 Information notices
- 76 Confidential material
- 77 Offence of providing false information
- 78 Offence of carrying out activities under arrangements tainted by false information
- 79 Publication and disclosure of information

Offences: penalties etc

- 80 Offences: penalties
- 81 Offences: supplementary provision

Supplementary

- 82 Annual report
- 83 Interpretation

PART 5

TERRORISM

Damages in national security proceedings

- 84 National security proceedings
- 85 Duty to consider reduction in damages payable by the Crown
- 86 Section 85: supplementary
- 87 Sections 84 to 86: interpretation

Freezing and forfeiture of damages

88 Damages at risk of being used for the purposes of terrorism

Legal aid

- 89 Legal aid for individuals convicted of terrorism offences
- 90 Legal aid for individuals convicted of terrorism offences: data sharing
- 91 Legal aid in relation to terrorism prevention and investigation measures

Amendments of the Terrorism Act 2000

92 Amendments of the Terrorism Act 2000

PART 6

MISCELLANEOUS AND GENERAL PROVISIONS

Intelligence and Security Committee

93 Intelligence and Security Committee: memorandum of understanding

General provisions

- 94 Minor and consequential amendments
- 95 Power to make consequential amendments
- 96 Regulations
- 97 Crown application
- 98 Extent in the United Kingdom
- 99 Extent outside the United Kingdom
- 100 Commencement
- 101 Transitional and saving provision
- 102 Short title

Schedules

- Schedule 1 Foreign interference in elections
 - Part 1 RELEVANT ELECTORAL OFFENCES
 - Part 2 AMENDMENTS
- 1 Electoral Law Act (Northern Ireland) 1962 (c.14 (N.I.))
- 2 Representation of the People Act 1983 (c. 2)
- 3 Political Parties, Elections and Referendums Act 2000 (c. 41)
 - Schedule 2 Powers of entry, search and seizure
 - Part 1 ENGLAND AND WALES AND NORTHERN IRELAND
- 1 Introductory
- 2 Material other than confidential material: search, seizure and retention
- 3 Confidential material: production orders
- 4 (1) A constable may apply to a judge for an...
- 5 Production orders: supplementary provision
- 6 (1) An order under paragraph 3 or 4—
- 7 (1) An order under paragraph 3 or 4 may be...
- 8 An order under paragraph 3 or 4 has effect as...
- 9 Confidential material: search, seizure and retention
- 10 Explanations
- 11 (1) A person commits an offence if, in purported compliance...
- 12 Urgent cases
- 13 (1) This paragraph applies where confidential journalistic material is
- 14 (1) If a police officer of at least the rank...
- 15 Application of PACE
- 16 Procedure rules
- 17 Interpretation

Part 2 — SCOTLAND

- 18 Introductory
- 19 Production orders
- 20 (1) The procurator fiscal may apply to a sheriff for...
- 21 Production orders: supplementary
- 22 (1) An order under paragraph 19 or 20 has effect...
- 23 (1) An order under paragraph 19 or 20 may be...
- 24 (1) Without prejudice to section 305 of the Criminal Procedure...
- 25 Search, seizure and retention
- 26 Explanations
- 27 Urgent cases
- 28 (1) This paragraph applies where confidential journalistic material is seized
- 29 (1) If a police officer of at least the rank...
- 30 Supplementary

Schedule 3 — Disclosure orders

Part 1 — ENGLAND AND WALES AND NORTHERN IRELAND

- 1 Introductory
- 2 Disclosure orders
- 3 Supplementary provision
- 4 Applications
- 5 Discharge or variation
- 6 Rules of court
- 7 Offences
- 8 Statements
- 9 Interpretation

Part 2 — SCOTLAND

- 10 Introductory
- 11 Disclosure orders
- 12 Supplementary provision
- 13 Applications
- 14 Discharge or variation
- 15 Rules of court
- 16 Offences
- 17 Statements
- 18 Interpretation

Schedule 4 — Customer information orders

- 1 Customer information orders
- 2 Supplementary provision
- 3 Applications
- 4 Discharge or variation
- 5 Rules of court
- 6 Offences
- 7 Statements
- 8 Interpretation

Schedule 5 — Account monitoring orders

- 1 Account monitoring orders
- 2 Applications
- 3 Discharge or variation
- 4 Rules of court
- 5 Effect of orders

- 6 Statements
- 7 Interpretation

Schedule 6 — Detention under section 27

Part 1 — Treatment of Persons Detained under Section 27

- 1 Place of detention
- 2 Identification
- 3 Video recording of interviews
- 4 (1) Before issuing a code of practice under paragraph 3,...
- 5 Status

Part 2 — RIGHTS OF PERSONS DETAINED UNDER SECTION 27: ENGLAND, WALES AND NORTHERN IRELAND

- 6 Right to have named person informed of detention
- 7 Right to consult a solicitor
- 8 (1) Where a person exercises the right under paragraph 7...
- 9 Delay in exercise of rights
- 10 Taking of intimate and non-intimate samples
- 11 (1) Before fingerprints or a sample are taken from a...
- 12 (1) This paragraph applies where— (a) two or more non-intimate...
- 13 (1) Where appropriate written consent to the taking of an...
- 14 (1) In the application of paragraphs 10 to 13 in...

Part 3 — RIGHTS OF PERSONS DETAINED UNDER SECTION 27: SCOTLAND

- 15 (1) A person detained under section 27 at a place...
- 16 (1) Where a person exercises the right under paragraph 15(6)...
- 17 (1) Paragraphs 15 and 16 have effect, in relation to...
- 18 (1) Subject to the modifications specified in sub-paragraphs (2) and...

Part 4 — DEALING WITH FINGERPRINTS AND SAMPLES ETC: UNITED KINGDOM

- 19 Retention of fingerprints and samples etc: general
- 20 (1) This paragraph applies to paragraph 19 material relating to...
- 21 (1) For the purposes of paragraph 20, a person is...
- 22 Retention of material covered by a national security determination
- 23 Fingerprints and relevant physical data: further provision
- 24 (1) If fingerprints or relevant physical data are required by...
- 25 Samples: further provision
- 26 Restrictions on use of retained material
- 27 Material disclosable in connection with a criminal investigation
- 28 Interpretation

Part 5 — REVIEW OF DETENTION UNDER SECTION 27

- 29 Requirement
- 30 Postponement
- 31 Grounds for continued detention
- 32 Review officer
- 33 (1) This paragraph applies where—(a) the review officer is...
- 34 Representations
- 35 Rights
- 36 Record

Part 6 — EXTENSION OF DETENTION UNDER SECTION 27

- 37 Warrants of further detention
- 38 Time limit
- 39 Notice
- 40 Grounds for extension
- 41 Representation

- 42 Information
- 43 Adjournments
- 44 Extensions of warrants
- 45 Detention conditions
 - Part 7 EMERGENCY POWER WHEN PARLIAMENT DISSOLVED ETC. FOR TEMPORARY EXTENSION OF MAXIMUM PERIOD FOR DETENTION UNDER SECTION 27
- 46 (1) The Secretary of State may make temporary extension regulations...

Schedule 7 — Prevention and investigation measures

Part 1 — MEASURES

- 1 Residence measure
- 2 Travel measure
- 3 Exclusion measure
- 4 Movement directions measure
- 5 Financial services measure
- 6 Property measure
- 7 Weapons and explosives measure
- 8 Electronic communication device measure
- 9 Association measure
- 10 Work or studies measure
- 11 Reporting measure
- 12 Polygraph measure
- 13 Appointments measure
- 14 Photography measure
- 15 Monitoring measure
- 16 Provision of residence information measure

Part 2 — PERMISSION AND NOTICES

- 17 Permission
- 18 Notices
- 19 Power of Secretary of State to vary or revoke notices

Schedule 8 — Urgent cases: reference to the court etc

- 1 Application
- 2 Statement of urgency
- 3 Reference to court
- 4 Decision by court
- 5 Procedures on reference
- 6 Interpretation

Schedule 9 — Appeals against convictions

- 1 An individual who has been convicted of an offence under...
- 2 An appeal under this Schedule is to be made—
- 3 (1) The right of appeal under this Schedule does not...
- 4 (1) On an appeal under this Schedule to any court,...

Schedule 10 — Proceedings relating to prevention and investigation measures

- 1 Introductory
- 2 Rules of court: general provision
- 3 Rules of court: disclosure
- 4 (1) Rules of court relating to relevant proceedings or appeal...
- 5 Article 6 rights
- 6 Rules of court: anonymity

- 7 Initial exercise of rule-making powers by Lord Chancellor
- 8 Use of advisers
- 9 (1) The Lord President of the Court of Session may...
- 10 Appointment of special advocate

Schedule 11 — Powers of entry, search, seizure and retention

- 1 Introductory
- 2 A power conferred on a constable by virtue of this...
- 3 A constable may detain an individual for the purpose of...
- 4 A constable may use reasonable force, if necessary, for the...
- 5 Entry and search for purposes of serving a Part 2 notice
- 6 Search of individual or premises at time of serving a Part 2 notice
- 7 Search of premises on suspicion of absconding
- 8 Search for compliance purposes
- 9 (1) This paragraph applies in relation to a warrant issued...
- 10 Search of individual for public safety purposes
- 11 Power to retain items
- 12 (1) This paragraph applies if— (a) a device is surrendered...

Schedule 12 — Fingerprints and samples

- 1 Taking of fingerprints and samples: England, Wales and Northern Ireland
- 2 (1) A constable may exercise the power under paragraph 1...
- 3 (1) A constable may— (a) require an individual to attend...
- 4 Taking of relevant physical data and samples: Scotland
- 5 Checking of fingerprints, samples etc
- 6 Requirement to destroy material
- 7 (1) If fingerprints or relevant physical data are required by...
- 8 Retention of paragraph 6 material
- 9 (1) This paragraph applies to paragraph 6 material taken from,...
- 10 (1) For the purposes of paragraphs 8 and 9 an...
- 11 (1) Paragraph 6 material may be retained for as long...
- 12 (1) This paragraph applies where paragraph 6 material is or...
- 13 Requirement to destroy samples
- 14 Use of retained material
- 15 Interpretation

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...
- 2 In this Schedule "officer"—(a) in relation to a body...

Part 2 — INTERPRETATION OF PART 1

- 3 Interpretation
- 4 Joint interests
- 5 Joint arrangements
- 6 Calculating shareholdings
- 7 Voting rights
- 8 In applying this Schedule, the voting rights in a person...
- 9 Shares or rights held "indirectly"
- 10 Shares held by nominees
- 11 Rights treated as held by person who controls their exercise
- 12 (1) For the purposes of this Schedule, "arrangement" includes—
- 13 Rights exercisable only in certain circumstances etc

- 14 Rights attached to shares held by way of security
 - Part 3 POWER TO AMEND THRESHOLDS ETC
- 15 (1) The Secretary of State may by regulations amend this...

Schedule 14 — Public officials

- 1 Ministers
- 2 A Northern Ireland Minister, the First Minister in Northern Ireland,...
- 3 The First Minister for Scotland, a Minister appointed under section...
- 4 The First Minister for Wales, a Welsh Minister appointed under...
- 5 MPs etc
- 6 A member of the Northern Ireland Assembly.
- 7 A member of the Scottish Parliament.
- 8 A member of Senedd Cymru.
- 9 An employee or other member of staff of a person...
- 10 Local government
- 11 A mayor for the area of a combined authority established...
- 12 Political parties
- 13 A member of such a political party who exercises executive...
- 14 Election candidates
- 15 A candidate at an election for a relevant Scottish elective...
- 16 Civil servants
- 17 Military personnel
- 18 Police
- 19 A police and crime commissioner.
- 20 A person of one of the following ranks of the...
- 21 The Commissioner of Police for the City of London or...
- 22 The chief constable or deputy chief constable of the Police...
- 23 The chief constable or a deputy chief constable of the...
- 24 The chief constable or a deputy chief constable of the...
- 25 The chief constable or deputy chief constable of the British...
- 26 The chief constable or deputy chief constable of the Civil...
- 27 Persons exercising public functions

Schedule 15 — Exemptions

- 1 UK arrangements
- 2 Foreign powers
- 3 Diplomatic missions etc
- 4 Recognised news publishers
- 5 (1) In paragraph 4, "recognised news publisher" means any of...
- 6 Legal activities
- 7 Employees etc
- 8 Power to provide for further exemptions

Schedule 16 — Damages at risk of being used for the purposes of terrorism

- 1 Freezing orders
- 2 Extension of freezing order
- 3 Forfeiture
- 4 Interpretation
- 5 (1) In the application of this Schedule to Northern Ireland,...

Schedule 17 — Amendments of Terrorism Act 2000

- 1 (1) Section 41 to the Terrorism Act 2000 (arrest without...
- 2 (1) Schedule 5 to the Terrorism Act 2000 (terrorist investigations)...

Schedule 18 — Minor and consequential amendments

- 1 Official Secrets Act 1911 (c. 28)
- 2 Official Secrets Act 1920 (c. 75)
- 3 Official Secrets Act 1939 (c. 121)
- 4 Police and Criminal Evidence Act 1984 (c. 60)
- 5 Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))
- 6 Official Secrets Act 1989 (c. 6)
- 7 Criminal Procedure (Scotland) Act 1995 (c. 46)
- 8 Protection of Freedoms Act 2012 (c. 9)
- 9 Modern Slavery Act 2015 (c. 30)
- 10 Investigatory Powers Act 2016 (c. 25)
- 11 Counter-Terrorism and Border Security Act 2019 (c. 3)