



# National Security Act 2023

## 2023 CHAPTER 32

### PART 1

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

##### *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
  - (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.

## 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);
  - (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).

## 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).

## 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;
    - (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

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- (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;
  - “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.

## **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.

## **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—
  - (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.

## **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.

## **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)—

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- (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](#).