



National Security Act 2023

2023 CHAPTER 32

PART 2

PREVENTION AND INVESTIGATION MEASURES

Imposition of prevention and investigation measures

39 Power to impose prevention and investigation measures

- (1) The Secretary of State may by notice (a “[Part 2 notice](#)”) impose specified prevention and investigation measures on an individual if conditions A to E in [section 40](#) are met.
- (2) In this Part “prevention and investigation measures” means requirements, restrictions and other provision which may be made in relation to an individual by virtue of [Schedule 7](#).
- (3) In [this section](#) and [Part 1](#) of [Schedule 7](#) “specified” means specified in the [Part 2](#) notice.
- (4) The Secretary of State must publish factors that the Secretary of State considers are appropriate to take into account when deciding whether to impose restrictions on an individual by virtue of [paragraph 2](#) of [Schedule 7](#) (travel measure).

Commencement Information

- I1** S. 39 not in force at Royal Assent, see [s. 100\(1\)](#)
I2 S. 39 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

40 Conditions A to E

- (1) Condition A is that the Secretary of State reasonably believes that the individual is, or has been, involved in foreign power threat activity.
- (2) Condition B is that some or all of the foreign power threat activity in which the individual is, or has been, involved is new foreign power threat activity.

Status: Point in time view as at 20/12/2023.

*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023,
Cross Heading: Imposition of prevention and investigation measures. (See end of Document for details)*

- (3) Condition C is that the Secretary of State reasonably considers that it is necessary, for purposes connected with protecting the United Kingdom from the risk of acts or threats within section 33(3), for prevention and investigation measures to be imposed on the individual.
- (4) Condition D is that the Secretary of State reasonably considers that it is necessary, for purposes connected with preventing or restricting the individual's involvement in foreign power threat activity, for the prevention and investigation measures specified in the notice to be imposed on the individual.
- (5) Condition E is that—
- (a) the court gives the Secretary of State permission under section 42, or
 - (b) the Secretary of State reasonably considers that the urgency of the case requires prevention and investigation measures to be imposed without obtaining such permission.
- (6) In relation to prevention and investigation measures under paragraph 1 of Schedule 7 (residence measure), conditions A, B and D (and subsection (7)) apply as if the references to foreign power threat activity were to foreign power threat activity which relates to acts or threats within section 33(3)(b) or (c).
- (7) In this section “new foreign power threat activity” means—
- (a) if no Part 2 notice relating to the individual has ever been in force, foreign power threat activity occurring at any time;
 - (b) if only one Part 2 notice relating to the individual has ever been in force, foreign power threat activity occurring after that notice came into force;
 - (c) if two or more Part 2 notices relating to the individual have been in force, foreign power threat activity occurring after such a notice came into force most recently.
- (8) In this section references to foreign power threat activity, and to an individual's involvement in such activity, include foreign power threat activity, and an individual's involvement in such activity, occurring before section 39 comes into force.

Commencement Information

- I3** S. 40 not in force at Royal Assent, see s. 100(1)
I4 S. 40 in force at 20.12.2023 by S.I. 2023/1272, reg. 2(b)

Status:

Point in time view as at 20/12/2023.

Changes to legislation:

There are currently no known outstanding effects for the National Security Act 2023, Cross
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