



# National Security Act 2023

## 2023 CHAPTER 32

### PART 4

#### FOREIGN ACTIVITIES AND FOREIGN INFLUENCE REGISTRATION SCHEME

##### *Activities of specified persons*

#### **65 Requirement to register foreign activity arrangements**

- (1) A “foreign activity arrangement” is an agreement or arrangement between a person (“P”) and a specified person pursuant to which the specified person directs P—
  - (a) to carry out relevant activities in the United Kingdom, or
  - (b) to arrange for relevant activities to be carried out in the United Kingdom.
- (2) In this section “relevant activities”—
  - (a) if regulations under subsection (3) apply in relation to the specified person, has the meaning given by the regulations, and
  - (b) otherwise, means all activities.
- (3) The Secretary of State may by regulations make provision about activities which are relevant activities for the purposes of this section, either in relation to all specified persons or in relation to such specified persons as the regulations may provide.
- (4) Where P makes a foreign activity arrangement, P must register the arrangement with the Secretary of State before the end of the period of 10 days beginning with the day on which P makes the arrangement.
- (5) P commits an offence if P—
  - (a) fails to comply with subsection (4), and
  - (b) knows, or having regard to other matters known to them ought reasonably to know, that the arrangement in question is a foreign activity arrangement.

**66 Meaning of “specified person”**

- (1) “Specified person” means—
  - (a) a foreign power specified by the Secretary of State in regulations;
  - (b) a person, other than a foreign power, specified by the Secretary of State in regulations.
- (2) The regulations may specify a person other than a foreign power only if—
  - (a) the person is not an individual, and
  - (b) the Secretary of State reasonably believes the person is controlled by a foreign power.
- (3) [Schedule 13](#) makes provision about when a person is controlled by a foreign power.
- (4) The Secretary of State may make regulations specifying a foreign power or a person other than a foreign power only if the Secretary of State considers it reasonably necessary to do so to protect the safety or interests of the United Kingdom.
- (5) Regulations specifying a foreign power or a person other than a foreign power may provide for [section 65\(4\)](#) to apply, with modifications specified in the regulations, in relation to a foreign activity arrangement made with the specified person before the regulations come into force.

**67 Offence of carrying out etc relevant activities pursuant to unregistered foreign activity arrangement**

- (1) This section applies where a person (“P”) makes a foreign activity arrangement required to be registered under [section 65\(4\)](#).
- (2) P commits an offence if—
  - (a) P carries out a relevant activity, or arranges for a relevant activity to be carried out, in the United Kingdom pursuant to the arrangement,
  - (b) the arrangement is not registered, and
  - (c) P knows, or having regard to other matters known to them ought reasonably to know, that they are acting pursuant to a foreign activity arrangement.
- (3) A person other than P commits an offence if—
  - (a) the person carries out a relevant activity, or arranges for a relevant activity to be carried out, in the United Kingdom pursuant to the arrangement,
  - (b) the arrangement is not registered, and
  - (c) the person knows, or having regard to other matters known to them ought reasonably to know, that they are acting pursuant to a foreign activity arrangement.
- (4) In proceedings for an offence under subsection (3) it is a defence to show that the person—
  - (a) took all steps reasonably practicable to determine whether the arrangement was registered, and
  - (b) reasonably believed that the arrangement was registered.
- (5) A person is taken to have shown a matter mentioned in subsection (4) 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.

(6) In this section “relevant activity” has the same meaning as in [section 65](#).

## **68 Requirement to register relevant activities of specified persons**

- (1) A specified person who is not a foreign power must not carry out relevant activities in the United Kingdom unless the activities are registered with the Secretary of State by the specified person.
- (2) A person who holds office in or under, or is an employee or other member of staff of, a specified person who is not a foreign power, must not carry out relevant activities in the United Kingdom in that capacity unless the activities are registered with the Secretary of State by the specified person.
- (3) A person who holds office in or under, or is an employee or other member of staff of, a specified person who is a foreign power must not carry out relevant activities in the United Kingdom in that capacity if or to the extent that—
  - (a) the person makes a misrepresentation about their activities or the capacity in which they act (whether generally or to a particular person), and
  - (b) the activities are not registered with the Secretary of State by the specified person.
- (4) In this section “relevant activities”—
  - (a) if regulations under subsection (5) apply in relation to the specified person, has the meaning given by the regulations, and
  - (b) otherwise, means all activities.
- (5) The Secretary of State may by regulations make provision about activities which are relevant activities for the purposes of this section, either in relation to all specified persons or in relation to such specified persons as the regulations may provide.
- (6) A misrepresentation is a representation that a reasonable person would consider to be false or misleading in a material way.
- (7) A misrepresentation may be made by making a statement or by any other kind of conduct (including an omission), and may be express or implied.
- (8) A misrepresentation may in particular include—
  - (a) a misrepresentation as to the 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.
- (9) A person who breaches a prohibition in subsection (1) or (2) commits an offence.
- (10) A person who breaches a prohibition in subsection (3) commits an offence if the person knows, or having regard to other matters known to them ought reasonably to know, that paragraph (a) of that subsection applies.
- (11) In proceedings for an offence under subsection (9) or (10) it is a defence to show that the person—
  - (a) took all steps reasonably practicable to determine whether the activities were registered, and
  - (b) reasonably believed that the activities were registered.

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- (12) A person is taken to have shown a matter mentioned in subsection (11) 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.

*Political influence activities of foreign powers*

**69 Requirement to register foreign influence arrangements**

- (1) A “foreign influence arrangement” is an agreement or arrangement between a person (“P”) and a foreign power pursuant to which the foreign power directs P—
  - (a) to carry out political influence activities in the United Kingdom, or
  - (b) to arrange for such activities to be carried out in the United Kingdom.
- (2) Where the foreign power is a specified person, the arrangement is not a foreign influence arrangement to the extent that it relates to political influence activities that are relevant activities for the purposes of [section 65](#).
- (3) Where P makes a foreign influence arrangement, P must register the arrangement with the Secretary of State before the end of the period of 28 days beginning with the day on which P makes the arrangement.
- (4) [Subsection \(3\)](#) applies in relation to a foreign influence arrangement which is made before, and which continues to have effect on, the day on which [this section](#) comes into force as if, for the words from “28” to the end, there were substituted “3 months beginning with the day on which [this section](#) comes into force.”
- (5) P commits an offence if P—
  - (a) fails to comply with [subsection \(3\)](#), and
  - (b) knows that the arrangement in question is a foreign influence arrangement.

**70 Meaning of “political influence activity”**

- (1) An activity is a “political influence activity” if—
  - (a) it is within [subsection \(2\)](#), and
  - (b) the purpose, or one of the purposes, for which it is carried out is the purpose of influencing a matter or person within [subsection \(3\)](#).
- (2) The activities within this subsection are—
  - (a) making any communication to a person listed in [Schedule 14](#);
  - (b) making a public communication, except where it is reasonably clear from the communication that it is made by or at the direction of the foreign power;
  - (c) distributing money, goods or services to UK persons.
- (3) The matters and persons within this subsection are—
  - (a) an election or referendum in the United Kingdom,
  - (b) a decision of—
    - (i) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975) or a United Kingdom government department,
    - (ii) a Northern Ireland Minister, the First Minister in Northern Ireland, the deputy First Minister in Northern Ireland, a person appointed as

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- 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,
  - (iii) the Scottish Ministers or the First Minister for Scotland, or
  - (iv) the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government,
  - (c) the proceedings of a UK registered political party, or
  - (d) a Member of either House of Parliament, the Northern Ireland Assembly, the Scottish Parliament or Senedd Cymru (acting in that capacity).
- (4) For the purposes of subsection (2)(b) a person makes a public communication if the person—
- (a) publishes or disseminates information, a document or other article, or
  - (b) produces information, a document or other article for publication or dissemination.
- (5) In [this section](#)—
- “UK person” has the same meaning as in [section 2](#);
  - “UK registered political party” means a political party registered under [Part 2](#) of the Political Parties, Elections and Referendums Act 2000.

## **71 Offence of carrying out etc political influence activities pursuant to unregistered foreign influence arrangement**

- (1) This section applies where a person (“P”) makes a foreign influence arrangement required to be registered under [section 69\(3\)](#).
- (2) P commits an offence if—
- (a) after the end of the registration period P carries out a political influence activity, or arranges for a political influence activity to be carried out, in the United Kingdom pursuant to the arrangement,
  - (b) the arrangement is not registered, and
  - (c) P knows, or having regard to other matters known to them ought reasonably to know, that they are acting pursuant to a foreign influence arrangement.
- (3) A person other than P commits an offence if—
- (a) after the end of the registration period the person carries out a political influence activity, or arranges for a political influence activity to be carried out, in the United Kingdom pursuant to the arrangement,
  - (b) the arrangement is not registered, and
  - (c) the person knows, or having regard to other matters known to them ought reasonably to know, that they are acting pursuant to a foreign influence arrangement.
- (4) In this section the “registration period” means the period before the end of which P must register the arrangement (see [section 69\(3\)](#) and (4)).
- (5) In proceedings for an offence under subsection (3) it is a defence to show that the person—
- (a) took all steps reasonably practicable to determine whether the arrangement was registered, and
  - (b) reasonably believed that the arrangement was registered.

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- (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.

## 72 Requirement to register political influence activities of foreign powers

- (1) A person who holds office in or under, or is an employee or other member of staff of, a foreign power must not carry out political influence activities in the United Kingdom in that capacity if or to the extent that—
- (a) the person makes a misrepresentation about their activities or the capacity in which they act (whether generally or to a particular person), and
  - (b) the activities are not registered with the Secretary of State by the foreign power.
- (2) Where the foreign power is a specified person, the prohibition in subsection (1) does not apply to the extent that the political influence activities are relevant activities for the purposes of section 68.
- (3) A misrepresentation is a representation that a reasonable person would consider to be false or misleading in a material way.
- (4) A misrepresentation may be made by making a statement or by any other kind of conduct (including an omission), and may be express or implied.
- (5) A misrepresentation may in particular include—
- (a) a misrepresentation as to the 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.
- (6) A person who breaches a prohibition in subsection (1) commits an offence if the person knows, or having regard to other matters known to them ought reasonably to know, that paragraph (a) of that subsection applies.
- (7) In proceedings for an offence under subsection (6) it is a defence to show that the person—
- (a) took all steps reasonably practicable to determine whether the activities were registered, and
  - (b) reasonably believed that the activities were registered.
- (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.

### *Exemptions*

## 73 Exemptions

Schedule 15 makes provision in relation to exemptions.

## Information

### 74 Registration information

- (1) The Secretary of State may by regulations make provision about the information a person is required to provide to the Secretary of State when registering—
  - (a) a foreign activity arrangement under [section 65](#),
  - (b) a relevant activity under [section 68](#),
  - (c) a foreign influence arrangement under [section 69](#), or
  - (d) a political influence activity under [section 72](#).
- (2) Regulations under [subsection \(1\)](#) may, in particular, require the person to provide information about any arrangements made by the person pursuant to the arrangement or activity which is required to be registered.
- (3) Regulations under [subsection \(1\)\(c\)](#) may, in particular, require the person to provide information about any political influence activities carried out, or arranged to be carried out, during the registration period by any person pursuant to the arrangement which is required to be registered.
- (4) In [subsection \(3\)](#) “registration period” has the same meaning as in [section 71](#).
- (5) Where there is a material change to any information provided to the Secretary of State under [this section](#) or [section 75](#) in relation to a registered arrangement or a registered activity, the person who registered the arrangement or activity must inform the Secretary of State of the change before the end of the period of 14 days beginning with the day on which the change takes effect.
- (6) The Secretary of State—
  - (a) may by regulations make provision about the information to be provided to the Secretary of State under [subsection \(5\)](#),
  - (b) may issue guidance about what may or may not constitute a material change.
- (7) The provision which may be made by regulations under this section includes provision about the form in which information is to be provided.
- (8) A person who fails to comply with [subsection \(5\)](#) commits an offence if, as a result of the failure, the information provided to the Secretary of State in relation to the registered arrangement or registered activity is false, inaccurate or misleading in a material way.

### 75 Information notices

- (1) The Secretary of State may give an information notice to—
  - (a) a person who is a party to a foreign activity arrangement registered under [section 65](#);
  - (b) a person the Secretary of State reasonably believes to be a party to a foreign activity arrangement which is required to be, but is not, registered under that section;
  - (c) a person the Secretary of State reasonably believes to be carrying out relevant activities, or arranging for relevant activities to be carried out, in the United Kingdom pursuant to a foreign activity arrangement within paragraph (a) or (b);



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- (d) a person who has registered relevant activities under [section 68](#);
  - (e) a person the Secretary of State reasonably believes to be carrying out relevant activities registered under that section;
  - (f) a person the Secretary of State reasonably believes to be carrying out relevant activities in breach of a prohibition in that section.
- (2) The Secretary of State may give an information notice to—
- (a) a person who is a party to a foreign influence arrangement registered under [section 69](#);
  - (b) a person the Secretary of State reasonably believes to be a party to a foreign influence arrangement which is required to be, but is not, registered under that section;
  - (c) a person the Secretary of State reasonably believes to be carrying out political influence activities, or arranging for political influence activities to be carried out, in the United Kingdom pursuant to a foreign influence arrangement within paragraph (a) or (b);
  - (d) a person who has registered political influence activities under [section 72](#);
  - (e) a person the Secretary of State reasonably believes to be carrying out political influence activities registered under that section;
  - (f) a person the Secretary of State reasonably believes to be carrying out political influence activities in breach of a prohibition in that section.
- (3) An information notice is a notice requiring the person to whom it is given to supply the information specified in the notice.
- (4) An information notice may only specify information which the Secretary of State considers may be relevant to an arrangement or activity within subsection (1) or (2).
- (5) An information notice must—
- (a) specify the form in which the information must be supplied, and
  - (b) specify the date by which the information must be supplied.
- (6) Where an information notice has been given to a person, the Secretary of State may cancel it by giving written notice to that effect to the person.
- (7) The Secretary of State may by regulations make provision about—
- (a) the minimum period between the date on which an information notice is given and the date specified under [subsection \(5\)\(b\)](#);
  - (b) other matters which may be specified in an information notice;
  - (c) the cancellation of information notices.
- (8) A person commits an offence if, without reasonable excuse, the person fails to comply with an information notice.
- (9) The Secretary of State may not give an information notice to a foreign power.

## 76 Confidential material

- (1) Nothing in [this Part](#) is to be taken to require any person to disclose any information that the person is entitled to refuse to disclose in legal proceedings on grounds of legal professional privilege (in Scotland, confidentiality of communications).



(2) Nothing in this Part is to be taken to require any person to disclose confidential journalistic material or to identify or confirm a source of journalistic information.

(3) In this section—

“confidential journalistic material” has the same meaning as in section 264 of the Investigatory Powers Act 2016;

“source of journalistic information” has the same meaning as in section 263 of that Act.

## **77 Offence of providing false information**

(1) A person commits an offence if—

- (a) the person provides information to the Secretary of State under [section 74](#) or [75](#) in connection with a foreign activity arrangement, and
- (b) the information is false, inaccurate or misleading in a material way.

(2) A person commits an offence if—

- (a) the person provides information to the Secretary of State under [section 74](#) or [75](#) in connection with a relevant activity which is required to be registered under [section 68](#), and
- (b) the information is false, inaccurate or misleading in a material way.

(3) A person commits an offence if—

- (a) the person provides information to the Secretary of State under [section 74](#) or [75](#) in connection with a foreign influence arrangement,
- (b) the information is false, inaccurate or misleading in a material way, and
- (c) the person knows, or having regard to other matters known to them ought reasonably to know, that the information is false, inaccurate or misleading in a material way.

(4) A person commits an offence if—

- (a) the person provides information to the Secretary of State under [section 74](#) or [75](#) in connection with a political influence activity which is required to be registered under [section 72](#),
- (b) the information is false, inaccurate or misleading in a material way, and
- (c) the person knows, or having regard to other matters known to them ought reasonably to know, that the information is false, inaccurate or misleading in a material way.

## **78 Offence of carrying out activities under arrangements tainted by false information**

(1) A person commits an offence if—

- (a) the person carries out a relevant activity, or arranges for a relevant activity to be carried out, in the United Kingdom pursuant to a foreign activity arrangement required to be registered under [section 65\(4\)](#),
- (b) information provided to the Secretary of State under [section 74](#) or [75](#) in connection with the arrangement, whether by the person or by another person, is false, inaccurate or misleading in a material way, and
- (c) the person knows, or having regard to other matters known to them ought reasonably to know, that the facts are as mentioned in [paragraph \(b\)](#).

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- (2) A person commits an offence if—
- (a) the person carries out a political influence activity, or arranges for a political influence activity to be carried out, in the United Kingdom pursuant to a foreign influence arrangement required to be registered under [section 69\(3\)](#),
  - (b) information provided to the Secretary of State under [section 74](#) or [75](#) in connection with the arrangement, whether by the person or by another person, is false, inaccurate or misleading in a material way, and
  - (c) the person knows, or having regard to other matters known to them ought reasonably to know, that the facts are as mentioned in [paragraph \(b\)](#).

## **79 Publication and disclosure of information**

- (1) The Secretary of State may by regulations make provision about—
- (a) publication of information provided to the Secretary of State under [section 74](#) or [75](#);
  - (b) the disclosure of information provided to the Secretary of State under either of those sections.
- (2) The power under [subsection \(1\)\(a\)](#) includes in particular power to make provision about a description of information or material which is not to be published.

*Offences: penalties etc*

## **80 Offences: penalties**

- (1) A person who commits a foreign activity offence is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine (or both);
  - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or to a fine (or both);
  - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum (or both);
  - (d) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or both).
- (2) “Foreign activity offence” means—
- (a) an offence under [section 65\(5\)](#);
  - (b) an offence under [section 67](#);
  - (c) an offence under [section 68\(9\)](#) or [\(10\)](#);
  - (d) an offence under [section 74\(8\)](#) committed in relation to a foreign activity arrangement registered under [section 65](#) or a relevant activity registered under [section 68](#);
  - (e) an offence under [section 75\(8\)](#) committed in relation to an information notice given under [section 75\(1\)](#);
  - (f) an offence under [section 77\(1\)](#) or [\(2\)](#);
  - (g) an offence under [section 78\(1\)](#).
- (3) A person who commits a foreign influence offence is liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine (or both);
  - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or to a fine (or both);
  - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum (or both);
  - (d) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or both).
- (4) “Foreign influence offence” means—
- (a) an offence under [section 69\(5\)](#);
  - (b) an offence under [section 71](#);
  - (c) an offence under [section 72\(6\)](#);
  - (d) an offence under [section 74\(8\)](#) committed in relation to a foreign influence arrangement registered under [section 69](#) or a political influence activity registered under [section 72](#);
  - (e) an offence under [section 75\(8\)](#) committed in relation to an information notice given under [section 75\(2\)](#);
  - (f) an offence under [section 77\(3\)](#) or (4);
  - (g) an offence under [section 78\(2\)](#).

## **81 Offences: supplementary provision**

- (1) [Section 35](#) (offences by body corporate etc) applies in relation to offences under [this Part](#) as it applies in relation to offences under [Part 1](#).
- (2) [Section 36\(1\)](#) and (3) to (5) (offences committed outside the United Kingdom) applies in relation to offences under [this Part](#) as it applies in relation to offences under [Part 1](#).
- (3) If it is necessary in the interests of national security, a court may exclude the public from any part of proceedings for an offence under [this Part](#), except for the passing of sentence.

### *Supplementary*

## **82 Annual report**

- (1) The Secretary of State must, as soon as is practicable after the end of each relevant period—
  - (a) prepare a report in relation to that period, and
  - (b) lay a copy of the report before Parliament.
- (2) The report must provide details of—
  - (a) the total number of arrangements registered with the Secretary of State under [section 65](#) or [69](#),
  - (b) the number of arrangements registered with the Secretary of State under [section 65](#) or [69](#) during the relevant period,
  - (c) the total number of specified persons and foreign powers who have registered activities with the Secretary of State under [section 68](#) or [72](#),

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- (d) the number of specified persons and foreign powers who have registered activities with the Secretary of State under [section 68](#) or [72](#) during the relevant period,
  - (e) the number of information notices issued under [section 75](#) during the relevant period,
  - (f) the number of persons charged with an offence under [this Part](#) during the relevant period, and
  - (g) the number of persons convicted of an offence under [this Part](#) during the relevant period.
- (3) “Relevant period” means—
- (a) the period of 12 months beginning with the day on which [this section](#) comes into force, and
  - (b) each subsequent period of 12 months.

### **83 Interpretation**

- (1) In this Part—
- “foreign activity arrangement” has the meaning given by [section 65](#);
  - “foreign influence arrangement” has the meaning given by [section 69](#);
  - “foreign power” has the same meaning as in Part 1 (see [section 32](#)), subject to subsection (2);
  - “political influence activity” has the meaning given by [section 70](#);
  - “registered activity” means an activity registered with the Secretary of State under [section 68](#) or [72](#);
  - “registered arrangement” means an arrangement registered with the Secretary of State under [section 65](#) or [69](#);
  - “specified person” has the meaning given by [section 66](#).
- (2) For the purposes of this Part references in [section 32](#) to a foreign State, or a foreign country or territory, do not include the Republic of Ireland.
- (3) For the purposes of this Part references to an “arrangement” do not include an arrangement between a person (“P”) and—
- (a) a person who holds office in or under, or is an employee or other member of staff of, P (acting in that capacity), or
  - (b) a person the Secretary of State reasonably considers to be exercising functions on behalf of P as if the person were within paragraph (a).