



National Security Act 2023

2023 CHAPTER 32

PART 1

ESPIONAGE, SABOTAGE AND PERSONS ACTING FOR FOREIGN POWERS

Acting for foreign power as aggravating factor in sentencing

19 Aggravating factor where foreign power condition met: England and Wales

- (1) The Sentencing Code is amended as follows.
- (2) After section 69 insert—

“69A Offences where foreign power condition met

- (1) This section applies where a court is considering the seriousness of an offence that—
 - (a) is committed on or after the day on which section 19 of the National Security Act 2023 comes into force, and
 - (b) is not an offence listed in subsection (2).
- (2) Those offences are—
 - (a) an offence under the National Security Act 2023 or an inchoate offence (see section 398) in relation to any such offence;
 - (b) a relevant electoral offence within the meaning given by section 16 of that Act (foreign interference in elections).
- (3) Where the foreign power condition is met in relation to the conduct that constitutes the offence, the court—
 - (a) must treat that fact as an aggravating factor, and
 - (b) must state in open court that the offence is so aggravated.

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Section 19. (See end of Document for details)

- (4) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1) to have been committed on the first of those days.
- (5) Section 31 of the National Security Act 2023 (meaning of foreign power condition) applies for the purposes of this section as it applies for the purposes of Part 1 of that Act.”

Commencement Information

- I1** S. 19 not in force at Royal Assent, see [s. 100\(1\)](#)
- I2** [S. 19](#) in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the National Security Act 2023, Section 19.