



# National Security Act 2023

## 2023 CHAPTER 32

### PART 2

#### PREVENTION AND INVESTIGATION MEASURES

##### *Changes concerning [Part 2](#) notices*

#### 48 Variation of measures

- (1) The Secretary of State may by notice (a “variation notice”) vary measures specified in a [Part 2](#) notice if—
  - (a) the variation consists of the relaxation or removal of measures,
  - (b) the variation is made with the consent of the individual, or
  - (c) the Secretary of State reasonably considers that the variation is necessary for purposes connected with preventing or restricting the individual's involvement in foreign power threat activity.
- (2) The Secretary of State may by variation notice vary a relocation measure so as to substitute a different specified residence if the Secretary of State reasonably considers that—
  - (a) the variation is necessary for reasons connected with the efficient and effective use of resources in relation to the individual, and
  - (b) the relocation measure (as varied) remains necessary for purposes connected with preventing or restricting the individual's involvement in foreign power threat activity which relates to acts or threats within [section 33\(3\)\(b\)](#) or [\(c\)](#).
- (3) A “relocation measure” is a measure under [paragraph 1\(2\)](#) of [Schedule 7](#) which requires the individual to reside at a specified residence within [paragraph 1\(3\)\(b\)](#) of that Schedule (requirement to reside at premises specified by Secretary of State other than individual's own residence).
- (4) The individual to whom a [Part 2](#) notice relates may make an application to the Secretary of State for the variation of measures specified in the notice.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The Secretary of State must consider an application made under [subsection \(4\)](#).
- (6) An application under [subsection \(4\)](#) must be made in writing.
- (7) The Secretary of State may by notice request the provision, within such period of time as the notice may specify, of further information from the individual in connection with an application under [subsection \(4\)](#).
- (8) The Secretary of State is not required to consider an application further unless any information requested under [subsection \(7\)](#) is provided in accordance with the notice mentioned in that subsection.
- (9) A variation under [subsection \(1\)](#) or [\(2\)](#) takes effect when the variation notice is served or, if later, at the time specified for this purpose in the variation notice.
- (10) The power under [subsection \(1\)](#) or [\(2\)](#) is exercisable whether or not an application has been made under [subsection \(4\)](#).
- (11) In a case where a [Part 2](#) notice—
  - (a) has expired as mentioned in [section 49\(6\)\(a\)](#), or
  - (b) has been revoked,the power under [subsection \(1\)](#) or [\(2\)](#) may (in particular) be exercised in relation to the [Part 2](#) notice before any revival of the [Part 2](#) notice under [section 49\(6\)](#) so as to take effect at the time that the [Part 2](#) notice comes back into force on its revival.
- (12) In such a case, the question of whether condition D is met is to be determined for the purposes of [section 49\(6\)](#) by reference to the measures specified in the [Part 2](#) notice as they would be after the exercise of the power under [subsection \(1\)](#) or [\(2\)](#).
- (13) [Subsection \(2\)](#) does not limit the power under [subsection \(1\)](#).