



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

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);

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Section 5. (See end of Document for details)

- (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).

Commencement Information

- I1** S. 5 not in force at Royal Assent, see **s. 100(1)**
- I2** S. 5 in force at 20.12.2023 by **S.I. 2023/1272, reg. 2(a)**

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There are currently no known outstanding effects for the National Security Act 2023, Section 5.