



# National Security Act 2023

## 2023 CHAPTER 32

### PART 5

#### TERRORISM

##### *Damages in national security proceedings*

PROSPECTIVE

#### **86** Section 85: supplementary

- (1) An application for consideration of the national security factors may be made at any time before the final disposal of the national security proceedings (or, in Scotland, before final judgment in the proceedings within the meaning given by section 136 of the [Courts Reform \(Scotland\) Act 2014 \(asp 18\)](#)), including at a time before any liability of the Crown has been established.
- (2) The application must—
  - (a) set out how the Crown considers the national security factors to apply, and the Crown's reasons;
  - (b) set out the extent to which the Crown considers that damages should be reduced in light of the national security factors, and the Crown's reasons;
  - (c) otherwise be made in accordance with rules of court.
- (3) The court may refuse the application if, in the court's view, consideration of the national security factors would—
  - (a) cause unreasonable delay to the national security proceedings, or
  - (b) unreasonably prejudice another party to the proceedings.

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*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Section 86. (See end of Document for details)*

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**Commencement Information**

**II** S. 86 not in force at Royal Assent, see [s. 100\(1\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the National Security Act 2023, Section 86.