

# National Security Act 2023

## **CHAPTER 32**

# NATIONAL SECURITY ACT 2023

#### PART 1

ESPIONAGE, SABOTAGE AND PERSONS ACTING FOR FOREIGN POWERS

## Espionage etc

- 1 Obtaining or disclosing protected information
- 2 Obtaining or disclosing trade secrets
- 3 Assisting a foreign intelligence service

## Entering and inspecting places used for defence etc

- 4 Entering etc a prohibited place for a purpose prejudicial to the UK
- 5 Unauthorised entry etc to a prohibited place
- 6 Powers of police officers in relation to a prohibited place
- 7 Meaning of "prohibited place"
- 8 Power to designate additional sites as prohibited places
- 9 Power to designate a cordoned area to secure defence aircraft
- 10 Duration of cordon
- 11 Powers of police in relation to a cordoned area

# Sabotage

12 Sabotage

# Foreign interference

- 13 Foreign interference: general
- 14 Foreign interference: meaning of "interference effect"
- 15 Foreign interference: meaning of "prohibited conduct"

16 Foreign interference in elections

Obtaining benefits from a foreign intelligence service

17 Obtaining etc material benefits from a foreign intelligence service

## Preparatory conduct

18 Preparatory conduct

Acting for foreign power as aggravating factor in sentencing

- 19 Aggravating factor where foreign power condition met: England and Wales
- 20 Aggravating factor where foreign power condition met: Northern Ireland
- 21 Aggravating factor where foreign power condition met: Scotland
- 22 Aggravating factor where foreign power condition met: armed forces

## Powers of investigation etc

- 23 Powers of search etc
- 24 Disclosure orders
- 25 Customer information orders
- 26 Account monitoring orders
- 27 Arrest without warrant
- 28 Use of reasonable force
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- 30 Offences under Part 2 of the Serious Crime Act 2007

## Foreign power condition and foreign power threat activity

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- 33 Foreign power threat activity and involvement in that activity

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- 44 Directions hearing
- 45 Review hearing

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46 Criminal investigations into foreign power threat activity

## Review of ongoing necessity

47 Review of ongoing necessity

## Changes concerning Part 2 notices

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- 49 Revocation and revival of Part 2 notices
- 50 Replacement of a Part 2 notice that is quashed etc
- 51 Other provision relating to the quashing of Part 2 notice

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## PART 3

## REVIEW OF THE OPERATION OF PARTS 1 AND 2 ETC

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- 7 (1) An order under paragraph 3 or 4 may be...
- 8 An order under paragraph 3 or 4 has effect as...
- 9 Confidential material: search, seizure and retention
- 10 Explanations
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- 12 Urgent cases
- 13 (1) This paragraph applies where confidential journalistic material is
- 14 (1) If a police officer of at least the rank...
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- 17 Interpretation

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- 23 (1) An order under paragraph 19 or 20 may be...
- 24 (1) Without prejudice to section 305 of the Criminal Procedure...
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- 26 Explanations
- 27 Urgent cases
- 28 (1) This paragraph applies where confidential journalistic material is seized
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- 3 Supplementary provision
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- 10 Introductory
- 11 Disclosure orders
- 12 Supplementary provision
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- 14 Discharge or variation
- 15 Rules of court
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- 18 Interpretation

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- 1 Customer information orders
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- 7 Statements
- 8 Interpretation

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- 1 Place of detention
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- 5 Status

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- 13 (1) Where appropriate written consent to the taking of an...
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- 21 (1) For the purposes of paragraph 20, a person is...
- 22 Retention of material covered by a national security determination
- 23 Fingerprints and relevant physical data: further provision
- 24 (1) If fingerprints or relevant physical data are required by...
- 25 Samples: further provision
- 26 Restrictions on use of retained material
- 27 Material disclosable in connection with a criminal investigation
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- 38 Time limit
- 39 Notice
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- 1 An individual who has been convicted of an offence under...
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- 4 (1) On an appeal under this Schedule to any court,...

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- 1 Introductory
- 2 Rules of court: general provision
- 3 Rules of court: disclosure
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- 5 Article 6 rights
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- 8 Use of advisers
- 9 (1) The Lord President of the Court of Session may...
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- 2 A power conferred on a constable by virtue of this...
- 3 A constable may detain an individual for the purpose of...
- 4 A constable may use reasonable force, if necessary, for the...
- 5 Entry and search for purposes of serving a Part 2 notice
- 6 Search of individual or premises at time of serving a Part 2 notice
- 7 Search of premises on suspicion of absconding
- 8 Search for compliance purposes
- 9 (1) This paragraph applies in relation to a warrant issued...
- 10 Search of individual for public safety purposes
- 11 Power to retain items
- 12 (1) This paragraph applies if— (a) a device is surrendered...

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- 1 Taking of fingerprints and samples: England, Wales and Northern Ireland
- 2 (1) A constable may exercise the power under paragraph 1...
- 3 (1) A constable may— (a) require an individual to attend...
- 4 Taking of relevant physical data and samples: Scotland
- 5 Checking of fingerprints, samples etc
- 6 Requirement to destroy material
- 7 (1) If fingerprints or relevant physical data are required by...
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- 9 (1) This paragraph applies to paragraph 6 material taken from,...
- 10 (1) For the purposes of paragraphs 8 and 9 an...
- 11 (1) Paragraph 6 material may be retained for as long...
- 12 (1) This paragraph applies where paragraph 6 material is or...
- 13 Requirement to destroy samples
- 14 Use of retained material
- 15 Interpretation

## Schedule 13 — Control of a person by a foreign power

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- 1 (1) A person is controlled by a foreign power if...
- 2 In this Schedule "officer"—(a) in relation to a body...

Part 2 — INTERPRETATION OF PART 1

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- 5 Joint arrangements
- 6 Calculating shareholdings
- 7 Voting rights
- 8 In applying this Schedule, the voting rights in a person...
- 9 Shares or rights held "indirectly"
- 10 Shares held by nominees
- 11 Rights treated as held by person who controls their exercise
- 12 (1) For the purposes of this Schedule, "arrangement" includes—
- 13 Rights exercisable only in certain circumstances etc

- 14 Rights attached to shares held by way of security
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- 15 (1) The Secretary of State may by regulations amend this...

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- 1 Ministers
- 2 A Northern Ireland Minister, the First Minister in Northern Ireland,...
- 3 The First Minister for Scotland, a Minister appointed under section...
- 4 The First Minister for Wales, a Welsh Minister appointed under...
- 5 MPs etc
- 6 A member of the Northern Ireland Assembly.
- 7 A member of the Scottish Parliament.
- 8 A member of Senedd Cymru.
- 9 An employee or other member of staff of a person...
- 10 Local government
- 11 A mayor for the area of a combined authority established...
- 12 Political parties
- 13 A member of such a political party who exercises executive...
- 14 Election candidates
- 15 A candidate at an election for a relevant Scottish elective...
- 16 Civil servants
- 17 Military personnel
- 18 Police
- 19 A police and crime commissioner.
- 20 A person of one of the following ranks of the...
- 21 The Commissioner of Police for the City of London or...
- 22 The chief constable or deputy chief constable of the Police...
- 23 The chief constable or a deputy chief constable of the...
- 24 The chief constable or a deputy chief constable of the...
- 25 The chief constable or deputy chief constable of the British...
- 26 The chief constable or deputy chief constable of the Civil...
- 27 Persons exercising public functions

### Schedule 15 — Exemptions

- 1 UK arrangements
- 2 Foreign powers
- 3 Diplomatic missions etc
- 4 Recognised news publishers
- 5 (1) In paragraph 4, "recognised news publisher" means any of...
- 6 Legal activities
- 7 Employees etc
- 8 Power to provide for further exemptions

## Schedule 16 — Damages at risk of being used for the purposes of terrorism

- 1 Freezing orders
- 2 Extension of freezing order
- 3 Forfeiture
- 4 Interpretation
- 5 (1) In the application of this Schedule to Northern Ireland,...

## Schedule 17 — Amendments of Terrorism Act 2000

- 1 (1) Section 41 to the Terrorism Act 2000 (arrest without...
- 2 (1) Schedule 5 to the Terrorism Act 2000 (terrorist investigations)...

## Schedule 18 — Minor and consequential amendments

- 1 Official Secrets Act 1911 (c. 28)
- 2 Official Secrets Act 1920 (c. 75)
- 3 Official Secrets Act 1939 (c. 121)
- 4 Police and Criminal Evidence Act 1984 (c. 60)
- 5 Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))
- 6 Official Secrets Act 1989 (c. 6)
- 7 Criminal Procedure (Scotland) Act 1995 (c. 46)
- 8 Protection of Freedoms Act 2012 (c. 9)
- 9 Modern Slavery Act 2015 (c. 30)
- 10 Investigatory Powers Act 2016 (c. 25)
- 11 Counter-Terrorism and Border Security Act 2019 (c. 3)

# **Changes to legislation:**

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