
STATUTORY INSTRUMENTS

2023 No. 1272 (C. 91)

NATIONAL SECURITY

**The National Security Act 2023 (Commencement
No. 1 and Saving Provision) Regulations 2023**

Made - - - - 27th November 2023

Coming into force - - 20th December 2023

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 100(1) and (3) and 101(1) and (2) of the National Security Act 2023⁽¹⁾.

Citation, extent and interpretation

1.—(1) These Regulations may be cited as the National Security Act 2023 (Commencement No. 1 and Saving Provision) Regulations 2023.

(2) Subject to paragraph (3), these Regulations extend to England and Wales, Scotland and Northern Ireland.

(3) In so far as regulation 2(a) brings into force section 22 of the Act, it also extends to the Isle of Man and the British Overseas Territories (excluding Gibraltar).

(4) In these Regulations, “the Act” means the National Security Act 2023.

Provisions coming into force on 20th December 2023

2. The following provisions of the Act come into force on 20th December 2023—

- (a) Part 1 (espionage, sabotage and persons acting for foreign powers);
- (b) Part 2 (prevention and investigation measures);
- (c) Part 3 (review of the operation of Parts 1 and 2 etc);
- (d) section 92 (amendments of the Terrorism Act 2000) and Schedule 17 (amendments of Terrorism Act 2000);
- (e) section 93 (Intelligence and Security Committee: memorandum of understanding); and
- (f) section 94 (minor and consequential amendments) and Schedule 18 (minor and consequential amendments).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Saving provision

3. Notwithstanding the commencement of paragraph 1 of Schedule 18 to the Act, section 9(1) of the Official Secrets Act 1911⁽²⁾ will continue to have effect in relation to offences suspected to have been committed before 20th December 2023.

27th November 2023

Tom Tugendhat
Minister of State
Home Office

(2) 1911 c. 28.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the first commencement regulations under the National Security Act 2023 (c. 32) (“the 2023 Act”).

Regulation 2 brings into force on 20th December 2023 provisions relating to espionage, sabotage and persons acting for foreign powers; prevention and investigation measures; and provisions to review the operation of those measures.

Regulation 3 makes a saving provision in connection with the coming into force of a provision of the 2023 Act which repeals the Official Secrets Act 1911 (“the 1911 Act”). Regulation 3 provides that section 9(1) of the 1911 Act (the power for a justice of the peace to issue a warrant allowing the police to enter and search premises in connection with the investigation of offences under the 1911 Act) will continue to have effect in relation to offences suspected to have been committed before 20th December 2023.

An impact assessment was produced for the 2023 Act, and is available on www.legislation.gov.uk. Hard copies of the impact assessment may be obtained by writing to the State Threats Unit, Homeland Security Group, Home Office, 2 Marsham Street SW1P 4DF.