



# National Security Act 2023

## 2023 CHAPTER 32

### PART 6

#### MISCELLANEOUS AND GENERAL PROVISIONS

##### *Intelligence and Security Committee*

#### **93 Intelligence and Security Committee: memorandum of understanding**

- (1) The Prime Minister and the Intelligence and Security Committee of Parliament must consider whether the memorandum of understanding under section 2 of the Justice and Security Act 2013 should be altered (or replaced) to reflect any changes arising out of this Act.
- (2) Consideration under [subsection \(1\)](#) must begin before the end of the period of six months beginning with the day on which this section comes into force.

##### **Commencement Information**

- I1** S. 93 not in force at Royal Assent, see [s. 100\(1\)](#)
- I2** [S. 93](#) in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(e\)](#)

##### *General provisions*

#### **94 Minor and consequential amendments**

[Schedule 18](#) makes minor and consequential amendments.

##### **Commencement Information**

- I3** S. 94 not in force at Royal Assent, see [s. 100\(1\)](#)

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**14** S. 94 in force at 20.12.2023 by S.I. 2023/1272, reg. 2(f)

## **95 Power to make consequential amendments**

- (1) The Secretary of State may by regulations make provision that is consequential on any provision of this Act.
- (2) The provision that may be made by regulations under [subsection \(1\)](#) includes provision amending primary legislation.
- (3) “Primary legislation” means—
  - (a) an Act of Parliament,
  - (b) a Measure or Act of Senedd Cymru,
  - (c) an Act of the Scottish Parliament,
  - (d) Northern Ireland legislation, or
  - (e) retained direct principal EU legislation,
 whenever passed or made.

### **Commencement Information**

**15** S. 95 in force at Royal Assent, see [s. 100\(2\)](#)

## **96 Regulations**

- (1) A power to make regulations under any provision of this Act includes power to make—
  - (a) consequential, supplementary, incidental, transitional or saving provision;
  - (b) different provision for different purposes or different areas.
- (2) [Subsection \(1\)](#) does not apply to regulations under [section 100](#) or [101](#).
- (3) Regulations under this Act are to be made by statutory instrument.
- (4) Regulations under this Act are subject to annulment in pursuance of a resolution of either House of Parliament, except—
  - (a) regulations under [section 100](#) or [101](#);
  - (b) regulations to which [subsection \(6\)](#) applies;
  - (c) regulations under paragraph 46 of Schedule 6.
- (5) A statutory instrument containing (whether alone or with other provision) regulations to which [subsection \(6\)](#) applies may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.
- (6) [This subsection](#) applies to—
  - (a) regulations under [section 65\(3\)](#);
  - (b) regulations under [section 66](#) specifying a foreign power, or a person other than a foreign power, who is not specified immediately before the regulations are made;
  - (c) regulations under [section 68\(5\)](#);
  - (d) regulations under [section 79\(1\)\(a\)](#);
  - (e) regulations under [section 95](#) which contain provision within [section 95\(2\)](#);

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- (f) regulations under paragraph 3(2)(b) of Schedule 6;
  - (g) regulations under paragraph 4(3) of Schedule 6;
  - (h) regulations under paragraph 15 of Schedule 13;
  - (i) regulations under paragraph 27 of Schedule 14;
  - (j) regulations under paragraph 8 of Schedule 15.
- (7) A statutory instrument containing regulations under paragraph 46 of Schedule 6 must be laid before Parliament as soon as practicable after being made.
- (8) Regulations contained in a statutory instrument laid before Parliament under subsection (7) cease to have effect at the end of the period of 20 days beginning with the day on which the instrument is made unless, during that period, the instrument is approved by a resolution of each House of Parliament.
- (9) In calculating the period of 20 days no account is to be taken of any whole days that fall within a period during which—
- (a) Parliament is dissolved or prorogued, or
  - (b) either House of Parliament is adjourned for more than four days.
- (10) Subsections (8) and (9) do not apply to regulations under paragraph 46 of Schedule 6 which revoke regulations under that paragraph.
- (11) If a draft of a statutory instrument containing regulations under section 65, 66 or 68 would, apart from this subsection, be treated for the purposes of the standing orders of either House of Parliament as a hybrid instrument, it is to proceed in that House as if it were not such an instrument.

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**Commencement Information**

**16** S. 96 in force at Royal Assent, see 100(2)

**97 Crown application**

- (1) This Act binds the Crown, subject as follows.
- (2) No contravention by the Crown of a provision of this Act makes the Crown criminally liable.
- (3) Subsection (2) does not affect the criminal liability of persons in the service of the Crown.
- (4) An amendment or repeal made by this Act binds the Crown to the same extent as the provision amended or repealed.

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**Commencement Information**

**17** S. 97 in force at Royal Assent, see 100(2)

**98 Extent in the United Kingdom**

- (1) This Act extends to England and Wales, Scotland and Northern Ireland, subject to—
  - (a) subsection (2), and

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(b) [section 99](#).

(2) An amendment or repeal made by this Act has the same extent in the United Kingdom as the provision to which it relates.

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**Commencement Information**

**I8** S. 98 in force at Royal Assent, see 100(2)

**99 Extent outside the United Kingdom**

- (1) Section [22](#) extends to—
  - (a) the Isle of Man, and
  - (b) the British Overseas Territories, except Gibraltar.
- (2) His Majesty may by Order in Council provide for any provision of this Act other than section [22](#) to extend (with or without modifications) to the Sovereign Base Areas of Akrotiri and Dhekelia.
- (3) An Order in Council under subsection (2) may make consequential, supplementary, incidental, transitional or saving provision.
- (4) The power under section 384(1) of the Armed Forces Act 2006 may be exercised so as to extend to any of the Channel Islands (with or without modifications) the amendment of section 238 of the Armed Forces Act 2006 made by section [22](#).
- (5) The power under section 384(2) of the Armed Forces Act 2006 may be exercised so as to modify section 238 of the Armed Forces Act 2006, as amended by section [22](#), as it extends to the Isle of Man or a British overseas territory other than Gibraltar.
- (6) The power under section 15(3) of the Official Secrets Act 1989 may be exercised so as to extend to any of the Channel Islands, the Isle of Man or a British Overseas Territory any amendment or repeal made by this Act of any provision of that Act.
- (7) The power under section 415 of the Sentencing Act 2020 may be exercised so as to extend to any of the Channel Islands or the Isle of Man (with or without modifications) any amendment or repeal made by this Act of any provision of that Act.

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**Commencement Information**

**I9** S. 99 in force at Royal Assent, see 100(2)

**100 Commencement**

- (1) This Act comes into force on such day as the Secretary of State may by regulations appoint, subject to [subsection \(2\)](#).
- (2) [Sections 95 to 102](#) come into force on the day on which this Act is passed.
- (3) A power to make regulations under [this section](#) includes power to appoint different days for different purposes or areas.

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**Commencement Information**

**I10** S. 100 in force at Royal Assent, see 100(2)

**101 Transitional and saving provision**

- (1) The Secretary of State may by regulations make transitional or saving provision in connection with the coming into force of any provision of this Act.
- (2) A power to make regulations under this section includes power to make different provision for different purposes or areas.

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**Commencement Information**

**I11** S. 101 in force at Royal Assent, see 100(2)

**102 Short title**

This Act may be cited as the National Security Act 2023.

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**Commencement Information**

**I12** S. 102 in force at Royal Assent, see 100(2)

**Changes to legislation:**

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