



National Security Act 2023

2023 CHAPTER 32

PART 3

REVIEW OF THE OPERATION OF PARTS 1 AND 2 ETC

63 **Reviews: general**

- (1) The Secretary of State must appoint a person (the “independent reviewer”) to review the operation of—
 - (a) Part 1, except [section 30](#);
 - (b) Part 2;
 - (c) Schedule 3 to the Counter-Terrorism and Border Security Act 2019, except the functions of the Investigatory Powers Commissioner under Part 1 of that Schedule.
- (2) The independent reviewer—
 - (a) must carry out a review of the operation of those provisions for each calendar year (an “annual review”), and
 - (b) may carry out such other reviews of the operation of any of those provisions as they consider appropriate.
- (3) An annual review must be completed as soon as reasonably practicable after the calendar year to which it relates.
- (4) The independent reviewer must, by 31 January in each calendar year, inform the Secretary of State what (if any) reviews under subsection (2)(b) they intend to carry out in that year.
- (5) The independent reviewer must send to the Secretary of State a report on the outcome of each review carried out under this section as soon as reasonably practicable after completion of the review.
- (6) On receiving a report under this section, the Secretary of State must lay before Parliament—
 - (a) the report (but not any material removed under subsection (7)), and

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- (b) a statement as to whether any material has been removed under that subsection.
- (7) The Secretary of State may, after consulting the independent reviewer, remove from the report any material whose publication the Secretary of State thinks would be contrary to the public interest, or prejudicial to—
- (a) national security,
 - (b) the prevention or detection of crime,
 - (c) the economic well-being of the United Kingdom, or
 - (d) the continued discharge of the functions of any public authority whose activities include activities that are subject to review by the independent reviewer.
- (8) “Public authority” means a public authority within the meaning of section 6 of the Human Rights Act 1998, other than a court or tribunal.
- (9) The Secretary of State may pay to the independent reviewer—
- (a) expenses incurred in carrying out the functions of the reviewer under this section, and
 - (b) such allowances as the Secretary of State determines.

Commencement Information

- I1** S. 63 not in force at Royal Assent, see [s. 100\(1\)](#)
- I2** S. 63 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(c\)](#)

64 Reviews of detention under Part 1

- (1) An annual review under [section 63\(2\)\(a\)](#) must in particular consider compliance with the relevant requirements in relation to persons detained under [section 27](#) by virtue of a warrant of further detention under [Part 6](#) of [Schedule 6](#).
- (2) The relevant requirements are requirements imposed—
- (a) by or under [Parts 1 to 5](#), and [paragraph 45](#), of [Schedule 6](#);
 - (b) by any relevant code of practice under [section 66](#) of the Police and Criminal Evidence Act 1984 or [Article 65](#) of the Police and Criminal Evidence (Northern Ireland) Order 1989 ([S.I. 1989/1341 \(N.I. 12\)](#)).
- (3) The independent reviewer must ensure that a review is carried out into any case where—
- (a) a person is detained under [section 27](#) by virtue of a warrant of further detention under [Part 6](#) of [Schedule 6](#), and
 - (b) the period specified in that warrant is further extended under [paragraph 44](#) of that Schedule to a time that is more than 14 days after the person’s arrest under [section 27](#).
- (4) A review under subsection (3) may be carried out by the independent reviewer or by another person.
- (5) The independent reviewer must ensure that a report on the outcome of a review under subsection (3) is sent to the Secretary of State as soon as reasonably practicable after completion of the review.

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- (6) Section 63(6) to (8) applies to a report of a review under subsection (3).
- (7) The expenses mentioned in section 63(9) include any expenses incurred by the independent reviewer in ensuring that another person carries out, and reports on, a review under subsection (3).
- (8) “Independent reviewer” has the same meaning as in section 63.

Commencement Information

- I3** S. 64 not in force at Royal Assent, see **s. 100(1)**
- I4** S. 64 in force at 20.12.2023 by **S.I. 2023/1272, reg. 2(c)**

Changes to legislation:

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