



National Security Act 2023

2023 CHAPTER 32

PART 1

ESPIONAGE, SABOTAGE AND PERSONS ACTING FOR FOREIGN POWERS

Espionage etc

3 Assisting a foreign intelligence service

- (1) A person commits an offence if the person—
 - (a) engages in conduct of any kind, and
 - (b) intends that conduct to materially assist a foreign intelligence service in carrying out UK-related activities.
- (2) A person commits an offence if the person—
 - (a) engages in conduct that is likely to materially assist a foreign intelligence service in carrying out UK-related activities, and
 - (b) knows, or having regard to other matters known to them ought reasonably to know, that their conduct is likely to materially assist a foreign intelligence service in carrying out UK-related activities.
- (3) Conduct that may be likely to materially assist a foreign intelligence service includes providing, or providing access to, information, goods, services or financial benefits (whether directly or indirectly).
- (4) “UK-related activities” means—
 - (a) activities taking place in the United Kingdom;
 - (b) activities taking place outside the United Kingdom which are prejudicial to the safety or interests of the United Kingdom.
- (5) For the purposes of [subsections \(1\) and \(2\)](#) it is not necessary to identify a particular foreign intelligence service.

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Section 3. (See end of Document for details)

- (6) **Subsections (1) and (2)** apply to conduct outside the United Kingdom, but apply to conduct taking place wholly outside the United Kingdom only if the person engaging in the conduct—
- (a) is a UK person, or
 - (b) acts for or on behalf of, or holds office under, the Crown, or is in Crown employment (whether or not they engage in the conduct in that capacity).
- (7) In proceedings for an offence under this section it is a defence to show that the person engaged in the conduct in question—
- (a) in compliance with a legal obligation under the law of the United Kingdom which is not a legal obligation under private law,
 - (b) in the case of a person having functions of a public nature under the law of the United Kingdom, for the purposes of those functions,
 - (c) as a lawyer carrying on a legal activity, or
 - (d) in accordance with, or in relation to UK-related activities carried out in accordance with, an agreement or arrangement to which—
 - (i) the United Kingdom was a party, or
 - (ii) any person acting for or on behalf of, or holding office under, the Crown was (in that capacity) a party.
- (8) A person is taken to have shown a matter mentioned in subsection (7) if—
- (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (9) A person who commits an offence under **this section** is liable on conviction on indictment to imprisonment for a term not exceeding 14 years or a fine (or both).
- (10) In **this section**—
- “Crown employment” means employment under or for the purposes of a government department or any officer or body exercising on behalf of the Crown functions conferred by an enactment;
- “financial benefit” means money or money’s worth;
- “foreign intelligence service” means any person whose functions include carrying out intelligence activities for or on behalf of a foreign power;
- the “law of the United Kingdom” includes the law of any part of the United Kingdom;
- “lawyer” has the meaning given by paragraph 6(3) of Schedule 15;
- “legal activity” has the meaning given by paragraph 6(4) of Schedule 15;
- “UK person” has the same meaning as in section 2.

Commencement Information

- I1** S. 3 not in force at Royal Assent, see **s. 100(1)**
- I2** S. 3 in force at 20.12.2023 by **S.I. 2023/1272, reg. 2(a)**

Changes to legislation:

There are currently no known outstanding effects for the National Security Act 2023, Section 3.