



National Security Act 2023

2023 CHAPTER 32

PART 1

ESPIONAGE, SABOTAGE AND PERSONS ACTING FOR FOREIGN POWERS

Powers of investigation etc

30 Offences under Part 2 of the Serious Crime Act 2007

- (1) Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) is amended as follows.
- (2) After section 50 insert—

“50A Extra-territorial offences: defence for intelligence services and armed forces

- (1) This section applies where a person is charged with an offence under this Part by reason of a provision of Schedule 4 (extra-territorial jurisdiction).
- (2) It is a defence for the person to show that their act was necessary for—
 - (a) the proper exercise of a function of an intelligence service, or
 - (b) the proper exercise of a function of the armed forces relating to intelligence.
- (3) A person is taken to have shown that their act was so necessary if—
 - (a) sufficient evidence of that fact is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (4) The head of each intelligence service must ensure that the service has in place arrangements designed to ensure that acts of a member of the service to which a provision of Schedule 4 applies are necessary for the proper exercise of a function of the service.

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Section 30. (See end of Document for details)

- (5) The Defence Council must ensure that the armed forces have in place arrangements designed to ensure that acts of—
- (a) a member of the armed forces, or
 - (b) a civilian subject to service discipline when working in support of a member of the armed forces,
- to which a provision of Schedule 4 applies are necessary for the proper exercise of a function of the armed forces relating to intelligence.
- (6) The arrangements which must be in place by virtue of subsection (4) or (5) must be arrangements which the Secretary of State considers to be satisfactory.
- (7) In this section—
- “armed forces” means His Majesty’s forces (within the meaning of the Armed Forces Act 2006);
- “civilian subject to service discipline” has the same meaning as in the Armed Forces Act 2006;
- “GCHQ” has the meaning given by section 3(3) of the Intelligence Services Act 1994;
- “head” means—
- (a) in relation to the Security Service, the Director General of the Security Service,
 - (b) in relation to the Secret Intelligence Service, the Chief of the Secret Intelligence Service, and
 - (c) in relation to GCHQ, the Director of GCHQ;
- “intelligence service” means the Security Service, the Secret Intelligence Service or GCHQ.”
- (3) For the heading before section 50 substitute “Defences”.

Commencement Information

- I1** S. 30 not in force at Royal Assent, see [s. 100\(1\)](#)
- I2** S. 30 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 30.