



# National Security Act 2023

## 2023 CHAPTER 32

### PART 2 **U.K.**

#### PREVENTION AND INVESTIGATION MEASURES

##### *Appeals and court proceedings*

### 52 Appeals **U.K.**

- (1) If the Secretary of State extends or revives a [Part 2](#) notice (see [section 41\(2\)](#) or [49\(6\)](#))—
  - (a) the individual to whom the [Part 2](#) notice relates may appeal to the court against the extension or revival, and
  - (b) the function of the court on such an appeal is to review the Secretary of State's decisions that conditions A, C and D were met and continue to be met.
- (2) If the Secretary of State varies measures specified in a [Part 2](#) notice (and the variation does not consist of the relaxation or removal of measures) without the consent of the individual to whom the [Part 2](#) notice relates—
  - (a) the individual may appeal to the court against the variation, and
  - (b) the function of the court on such an appeal is to review the Secretary of State's decisions that the variation was necessary, and continues to be necessary, for purposes connected with preventing or restricting involvement by the individual in foreign power threat activity.
- (3) If the individual to whom a [Part 2](#) notice relates makes an application to the Secretary of State for the variation of measures specified in the [Part 2](#) notice (see [section 48\(4\)](#))—
  - (a) the individual may appeal to the court against any decision by the Secretary of State on the application, and
  - (b) the function of the court on such an appeal is to review the Secretary of State's decisions that the measures to which the application relates were necessary, and continue to be necessary, for purposes connected with preventing or restricting involvement by the individual in foreign power threat activity.

*Status: Point in time view as at 20/12/2023.*

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- (4) If the individual to whom a [Part 2](#) notice relates makes an application to the Secretary of State for the revocation of the notice (see [section 49\(3\)](#))—
- (a) the individual may appeal to the court against any decision by the Secretary of State on the application, and
  - (b) the function of the court on such an appeal is to review the Secretary of State’s decisions that conditions A, C and D were met and continue to be met.
- (5) If the individual to whom a [Part 2](#) notice relates makes an application to the Secretary of State for permission—
- (a) the individual may appeal to the court against any decision by the Secretary of State on the application (including any decision about conditions to which permission is subject), and
  - (b) the function of the court on such an appeal is to review the decision.
- (6) In determining the matters mentioned in [subsections \(1\) to \(5\)](#) the court must apply the principles applicable on an application for judicial review.
- (7) The only powers of the court on an appeal under [this section](#) are—
- (a) power to quash the extension or revival of the [Part 2](#) notice;
  - (b) power to quash measures specified in the [Part 2](#) notice;
  - (c) power to give directions to the Secretary of State for, or in relation to—
    - (i) the revocation of the [Part 2](#) notice, or
    - (ii) the variation of measures specified in the [Part 2](#) notice;
  - (d) power to give directions to the Secretary of State in relation to permission or conditions to which permission is subject.
- (8) If the court does not exercise any of its powers under [subsection \(7\)](#), it must dismiss the appeal.
- (9) In [this section](#) “permission” means permission for the purposes of measures specified in a [Part 2](#) notice (see, in particular, [paragraph 17](#) of [Schedule 7](#)).

#### Commencement Information

- I1** S. 52 not in force at Royal Assent, see [s. 100\(1\)](#)
- I2** S. 52 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

### 53 Jurisdiction in relation to decisions under this Part **U.K.**

- (1) Decisions relating to [Part 2](#) notices are not to be questioned in any legal proceedings other than—
- (a) proceedings in the court, or
  - (b) proceedings on appeal from such proceedings.
- (2) The court is the appropriate tribunal for the purposes of section 7 of the Human Rights Act 1998 in relation to proceedings all or any part of which call a decision relating to a [Part 2](#) notice into question.
- (3) In this Part “decision relating to a [Part 2](#) notice” means—

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- (a) a decision made by the Secretary of State in exercise or performance of any power or duty under any of [sections 39 to 51](#) or under [Schedule 7](#) or [Schedule 8](#);
- (b) a decision made by the Secretary of State for the purposes of, or in connection with, the exercise or performance of any such power or duty;
- (c) a decision by a constable to give a direction by virtue of paragraph 4 of [Schedule 7](#) (movement directions measure) or paragraph 11(1)(b) of that Schedule (reporting measure);
- (d) a decision by a polygraph operator to give a direction by virtue of paragraph 12(1)(c) of [Schedule 7](#);
- (e) a decision by a person to give a direction by virtue of [paragraph 15\(2\)\(d\)](#) of [Schedule 7](#) (monitoring measure).

#### Commencement Information

- I3** S. 53 not in force at Royal Assent, see [s. 100\(1\)](#)
- I4** S. 53 in force at 20.12.2023 by [S.I. 2023/1272, reg. 2\(b\)](#)

## 54 Proceedings relating to measures **U.K.**

- (1) No appeal lies from any determination of the court in relevant proceedings, except on a question of law.
- (2) No appeal by any person other than the Secretary of State lies from any determination—
  - (a) on an application for permission under [section 42](#), or
  - (b) on a reference under [Schedule 8](#).
- (3) [Schedule 10](#) makes provision about proceedings relating to measures.

#### Commencement Information

- I5** S. 54 not in force at Royal Assent, see [s. 100\(1\)](#)
- I6** S. 54 in force at 20.12.2023 by [S.I. 2023/1272, reg. 2\(b\)](#)

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