



# National Security Act 2023

## 2023 CHAPTER 32

### PART 2

#### PREVENTION AND INVESTIGATION MEASURES

##### *Changes concerning [Part 2](#) notices*

#### 48 Variation of measures

- (1) The Secretary of State may by notice (a “variation notice”) vary measures specified in a [Part 2](#) notice if—
  - (a) the variation consists of the relaxation or removal of measures,
  - (b) the variation is made with the consent of the individual, or
  - (c) the Secretary of State reasonably considers that the variation is necessary for purposes connected with preventing or restricting the individual's involvement in foreign power threat activity.
- (2) The Secretary of State may by variation notice vary a relocation measure so as to substitute a different specified residence if the Secretary of State reasonably considers that—
  - (a) the variation is necessary for reasons connected with the efficient and effective use of resources in relation to the individual, and
  - (b) the relocation measure (as varied) remains necessary for purposes connected with preventing or restricting the individual's involvement in foreign power threat activity which relates to acts or threats within [section 33\(3\)\(b\)](#) or [\(c\)](#).
- (3) A “relocation measure” is a measure under [paragraph 1\(2\)](#) of [Schedule 7](#) which requires the individual to reside at a specified residence within [paragraph 1\(3\)\(b\)](#) of that Schedule (requirement to reside at premises specified by Secretary of State other than individual's own residence).
- (4) The individual to whom a [Part 2](#) notice relates may make an application to the Secretary of State for the variation of measures specified in the notice.

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- (5) The Secretary of State must consider an application made under [subsection \(4\)](#).
- (6) An application under [subsection \(4\)](#) must be made in writing.
- (7) The Secretary of State may by notice request the provision, within such period of time as the notice may specify, of further information from the individual in connection with an application under [subsection \(4\)](#).
- (8) The Secretary of State is not required to consider an application further unless any information requested under [subsection \(7\)](#) is provided in accordance with the notice mentioned in that subsection.
- (9) A variation under [subsection \(1\)](#) or [\(2\)](#) takes effect when the variation notice is served or, if later, at the time specified for this purpose in the variation notice.
- (10) The power under [subsection \(1\)](#) or [\(2\)](#) is exercisable whether or not an application has been made under [subsection \(4\)](#).
- (11) In a case where a [Part 2](#) notice—
  - (a) has expired as mentioned in [section 49\(6\)\(a\)](#), or
  - (b) has been revoked,
 the power under [subsection \(1\)](#) or [\(2\)](#) may (in particular) be exercised in relation to the [Part 2](#) notice before any revival of the [Part 2](#) notice under [section 49\(6\)](#) so as to take effect at the time that the [Part 2](#) notice comes back into force on its revival.
- (12) In such a case, the question of whether condition D is met is to be determined for the purposes of [section 49\(6\)](#) by reference to the measures specified in the [Part 2](#) notice as they would be after the exercise of the power under [subsection \(1\)](#) or [\(2\)](#).
- (13) [Subsection \(2\)](#) does not limit the power under [subsection \(1\)](#).

#### **49 Revocation and revival of [Part 2](#) notices**

- (1) The Secretary of State may by notice (a “revocation notice”) revoke a [Part 2](#) notice at any time.
- (2) The revocation of a [Part 2](#) notice takes effect when the revocation notice is served or, if different, at the time specified for this purpose in the revocation notice.
- (3) The individual to whom a [Part 2](#) notice relates may make an application to the Secretary of State for the revocation of the [Part 2](#) notice.
- (4) The Secretary of State must consider an application made under [subsection \(3\)](#).
- (5) The power under [subsection \(1\)](#) is exercisable whether or not an application has been made under [subsection \(3\)](#).
- (6) The Secretary of State may by notice (a “revival notice”) at any time revive a [Part 2](#) notice which—
  - (a) has expired—
    - (i) without being extended under [section 41\(2\)](#), or
    - (ii) having been extended under [section 41\(2\)](#) on fewer than four occasions, or
  - (b) has been revoked,
 if conditions A, C and D are met.

- (7) The power of revival may be exercised—
- (a) under [subsection \(6\)\(a\)](#) or [\(b\)](#) whether or not the [Part 2](#) notice has previously been revoked and revived, and
  - (b) under [subsection \(6\)\(b\)](#) whether or not the [Part 2](#) notice has been extended under [section 41\(2\)](#) (and regardless of how many times it has been so extended).
- (8) But the power of revival under [subsection \(6\)\(b\)](#) may not be exercised to revive a [Part 2](#) notice which the Secretary of State was required to revoke by directions given by the court in relevant proceedings.
- (9) A [Part 2](#) notice which is revived—
- (a) comes back into force when the revival notice is served or, if later, at the time specified for this purpose in the revival notice,
  - (b) is in force—
    - (i) for the period of one year (in a case where the revived notice had expired), or
    - (ii) for the period of time for which the [Part 2](#) notice would have continued in force if it had not been revoked (in a case where the revived notice had been revoked), and
  - (c) is treated as having been extended under [section 41\(2\)](#) on the same number of occasions (if any) as on which the revived notice had been so extended.

## **50 Replacement of a [Part 2](#) notice that is quashed etc**

- (1) [This section](#) applies if—
- (a) a [Part 2](#) notice, the extension of a [Part 2](#) notice, or the revival of a [Part 2](#) notice, is quashed in relevant proceedings, or
  - (b) a [Part 2](#) notice is revoked by the Secretary of State in compliance with directions given by the court in relevant proceedings.
- (2) The replacement [Part 2](#) notice is to be in force for the period of time for which the overturned notice would have continued in force but for the quashing or revocation.
- (3) The replacement [Part 2](#) notice is to be treated as having been extended under [section 41\(2\)](#) on the same number of occasions (if any) as on which the overturned notice had been so extended (including any extension that was quashed).
- (4) Foreign power threat activity is to be treated as new foreign power threat activity in relation to the imposition of measures by the replacement [Part 2](#) notice if it was new foreign power threat activity in relation to the imposition of measures by the overturned notice.
- (5) Foreign power threat activity that occurs after the coming into force of the overturned notice does not cease to be new foreign power threat activity by virtue of the coming into force of the replacement [Part 2](#) notice.
- (6) [Subsections \(2\) to \(5\)](#) do not apply to the replacement notice if—
- (a) some or all of the foreign power threat activity occurred after the overturned notice came into force, and
  - (b) the Secretary of State determines that those subsections should not apply to that notice.

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(7) In [this section](#)—

“new foreign power threat activity” has the same meaning as in [section 40](#);

“overturned notice” means the [Part 2](#) notice to which the quashing or revocation referred to in [subsection \(1\)](#) relates;

“replacement [Part 2](#) notice” means the first [Part 2](#) notice to impose measures on the individual to whom the overturned notice relates after the quashing or revocation referred to in [subsection \(1\)](#).

## **51 Other provision relating to the quashing of [Part 2](#) notice**

(1) A power in relevant proceedings to quash a [Part 2](#) notice, the extension of a [Part 2](#) notice, the revival of a [Part 2](#) notice, or measures specified in a [Part 2](#) notice, includes—

- (a) in England and Wales or Northern Ireland, power to stay the quashing for a specified time, or pending an appeal or further appeal against the decision to quash; or
- (b) in Scotland, power to determine that the quashing is of no effect for a specified time or pending such an appeal or further appeal.

(2) A decision in relevant proceedings to quash measures specified in a [Part 2](#) notice, or (except as provided in [section 50](#)) a decision in relevant proceedings to quash, or to give directions to the Secretary of State in relation to, a [Part 2](#) notice, the extension of a [Part 2](#) notice, or the revival of a [Part 2](#) notice, does not prevent the Secretary of State—

- (a) from exercising any power under this Act to impose measures (whether or not to the same or similar effect as measures to which the decision relates), or
- (b) from relying, in whole or in part, on any matters for the purpose of so exercising such a power (whether or not the matters were relied on in exercising powers under this Act in relation to measures or the [Part 2](#) notice to which the decision relates).

(3) [Schedule 9](#) makes provision about appeals against convictions.