



# National Security Act 2023

## 2023 CHAPTER 32

### PART 2

#### PREVENTION AND INVESTIGATION MEASURES

##### *Supplementary provisions*

#### 59 Notices

- (1) In a case where the Secretary of State serves a [Part 2](#) notice, a revival notice or an extension notice on an individual, the Secretary of State must, by a further notice, give the following information to the individual—
- the period for which the [Part 2](#) notice will be in force,
  - the day on which the [Part 2](#) notice comes, or came, into force, and
  - the day on which the [Part 2](#) notice will expire,
- and, in the case of a revival or extension notice, “[Part 2](#) notice” means the [Part 2](#) notice which is revived or extended by that notice.
- (2) An individual is not bound by—
- a [Part 2](#) notice,
  - a revival notice, or
  - a variation notice insofar as it gives notice of a variation that is neither a relaxation or removal of measures, nor a variation with the individual's consent,
- unless the notice is served personally on the individual.
- (3) An individual is not bound by an extension notice unless the notice is—
- served personally on the individual, and
  - so served before the [Part 2](#) notice to which it relates would otherwise expire.
- (4) Any of the following notices must be served on the individual to whom the notice relates—
- a revocation notice;

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- (b) a variation notice insofar as [subsection \(2\)\(c\)](#) does not apply to it;
  - (c) a confirmation notice.
- (5) Any of the following notices may be proved by the production of a document purporting to be certified by the Secretary of State as a true copy of the notice—
- (a) a [Part 2](#) notice;
  - (b) an extension notice;
  - (c) a revocation notice;
  - (d) a revival notice;
  - (e) a variation notice;
  - (f) a confirmation notice.
- (6) But that does not prevent the proof of such a notice in other ways.
- (7) In [this section](#)—
- “confirmation notice” means a notice given under [subsection \(1\)](#);
  - “extension notice” means a notice under [section 41\(2\)](#);
  - “revival notice” has the same meaning as in [section 49\(6\)](#);
  - “revocation notice” has the same meaning as in [section 49\(1\)](#);
  - “variation notice” has the same meaning as in [section 48\(1\)](#).

#### Commencement Information

- I1** S. 59 not in force at Royal Assent, see [s. 100\(1\)](#)
- I2** S. 59 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

## 60 Contracts

The Secretary of State may enter into such contracts and other arrangements with other persons as the Secretary of State considers appropriate for securing their assistance in connection with any monitoring, by electronic or other means, that the Secretary of State considers needs to be carried out in connection with measures specified in [Part 2](#) notices.

#### Commencement Information

- I3** S. 60 not in force at Royal Assent, see [s. 100\(1\)](#)
- I4** S. 60 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

## 61 Legal aid in relation to Part 2 notices

In Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services), in Part 1 (services), after paragraph 45A insert—

*“Foreign power threat activity prevention and investigation measures*

- 45B (1) Civil legal services provided to an individual in relation to a notice under [section 39\(1\)](#) of the National Security Act 2023 relating to the individual.

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- (2) Sub-paragraph (1) is subject to—
- (a) the exclusions in Part 2 of this Schedule, with the exception of paragraph 18 of that Part, and
  - (b) the exclusion in Part 3 of this Schedule.”

#### Commencement Information

- I5** S. 61 not in force at Royal Assent, see **s. 100(1)**  
**I6** S. 61 in force at 20.12.2023 by **S.I. 2023/1272, reg. 2(b)**

## 62 Interpretation etc

- (1) In **this Part**—

- “act” and “conduct” include omissions and statements;
- “condition A”, “condition B”, “condition C”, “condition D” or “condition E” means that condition as set out in **section 40**;
- “court” means—
- (a) in the case of proceedings relating to an individual whose principal place of residence is in Scotland, the Outer House of the Court of Session;
  - (b) in the case of proceedings relating to an individual whose principal place of residence is in Northern Ireland, the High Court in Northern Ireland;
  - (c) in any other case, the High Court in England and Wales;
- “decision relating to a Part 2 notice” has the meaning given in **section 53**;
- “enactment” includes—
- (a) an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978);
  - (b) an enactment comprised in, or in an instrument made under, a Measure or Act of Senedd Cymru;
  - (c) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;
  - (d) an enactment comprised in, or in an instrument made under, Northern Ireland legislation;
  - (e) retained direct EU legislation;
- “foreign power threat activity” and “involvement” (in relation to such activity) have the same meaning as in **Part 1** (see **section 33**);
- “measures” means prevention and investigation measures (which has the meaning given in **section 39**);
- “notice” means a notice in writing;
- “Part 2 notice” has the meaning given in **section 39(1)**;
- “relevant proceedings” means—
- (a) proceedings on an application for permission under **section 42**;
  - (b) proceedings on a reference under **Schedule 8**;
  - (c) proceedings on a directions hearing held in accordance with directions under **section 44(2)**;
  - (d) proceedings on a review hearing held in accordance with directions under **section 44(4)**;
  - (e) proceedings on an appeal under **section 52**;

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- (f) proceedings by virtue of [section 53\(2\)](#);
  - (g) proceedings on an application made by virtue of rules of court made under [paragraph 6](#) of [Schedule 10](#) (application for order requiring anonymity);
  - (h) any other proceedings for questioning a decision relating to a [Part 2](#) notice (including any claim for damages or other relief arising out of such a decision).
- (2) In a case where—
- (a) a [Part 2](#) notice has come into force in relation to an individual, and
  - (b) by virtue of the coming into force of that [Part 2](#) notice, foreign power threat activity which occurred before the coming into force of that notice has ceased to be new foreign power threat activity (within the meaning of [section 40\(7\)](#)) in relation to that individual for the purposes of that section,
- the Secretary of State is not prevented from taking account of that activity for the purposes of the continued imposition, or subsequent imposition, of measures on that individual.
- (3) For the purposes of the definition of “new foreign power threat activity” in [section 40\(7\)](#), if a [Part 2](#) notice is revived under [section 49\(6\)](#), a reference to the notice coming into force is a reference to it coming into force by virtue of [section 41\(1\)](#) (and not to it coming back into force by virtue of [section 49\(9\)](#)).
- (4) For the purpose of determining what measures may be imposed on an individual, it is immaterial whether the involvement in foreign power threat activity to be prevented or restricted by the measures is connected with matters to which the Secretary of State’s belief for the purpose of condition A relates.
- This is subject to [section 40\(6\)](#).
- (5) A failure by the Secretary of State to consider an application by an individual for—
- (a) the revocation of a [Part 2](#) notice, or
  - (b) the variation of measures specified in a [Part 2](#) notice,
- is to be treated as a decision by the Secretary of State not to revoke, or not to vary, the [Part 2](#) notice.
- (6) [Subsections \(2\) to \(5\)](#) apply for the purposes of [this Part](#).

#### Commencement Information

- I7** S. 62 not in force at Royal Assent, see [s. 100\(1\)](#)
- I8** S. 62 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

**Status:**

Point in time view as at 20/12/2023.

**Changes to legislation:**

There are currently no known outstanding effects for the National Security Act 2023, Cross  
Heading: Supplementary provisions.