



# National Security Act 2023

## 2023 CHAPTER 32

### PART 4

#### FOREIGN ACTIVITIES AND FOREIGN INFLUENCE REGISTRATION SCHEME

PROSPECTIVE

#### *Political influence activities of foreign powers*

#### **69 Requirement to register foreign influence arrangements**

- (1) A “foreign influence arrangement” is an agreement or arrangement between a person (“P”) and a foreign power pursuant to which the foreign power directs P—
  - (a) to carry out political influence activities in the United Kingdom, or
  - (b) to arrange for such activities to be carried out in the United Kingdom.
- (2) Where the foreign power is a specified person, the arrangement is not a foreign influence arrangement to the extent that it relates to political influence activities that are relevant activities for the purposes of [section 65](#).
- (3) Where P makes a foreign influence arrangement, P must register the arrangement with the Secretary of State before the end of the period of 28 days beginning with the day on which P makes the arrangement.
- (4) [Subsection \(3\)](#) applies in relation to a foreign influence arrangement which is made before, and which continues to have effect on, the day on which [this section](#) comes into force as if, for the words from “28” to the end, there were substituted “3 months beginning with the day on which [this section](#) comes into force.”
- (5) P commits an offence if P—
  - (a) fails to comply with [subsection \(3\)](#), and
  - (b) knows that the arrangement in question is a foreign influence arrangement.

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Cross Heading: Political influence activities of foreign powers. (See end of Document for details)*

#### Commencement Information

**II** S. 69 not in force at Royal Assent, see [s. 100\(1\)](#)

### 70 Meaning of “political influence activity”

- (1) An activity is a “political influence activity” if—
- (a) it is within subsection (2), and
  - (b) the purpose, or one of the purposes, for which it is carried out is the purpose of influencing a matter or person within subsection (3).
- (2) The activities within this subsection are—
- (a) making any communication to a person listed in [Schedule 14](#);
  - (b) making a public communication, except where it is reasonably clear from the communication that it is made by or at the direction of the foreign power;
  - (c) distributing money, goods or services to UK persons.
- (3) The matters and persons within this subsection are—
- (a) an election or referendum in the United Kingdom,
  - (b) a decision of—
    - (i) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975) or a United Kingdom government department,
    - (ii) a Northern Ireland Minister, the First Minister in Northern Ireland, the deputy First Minister in Northern Ireland, a person appointed as a junior Minister under section 19 of the Northern Ireland Act 1998, a Northern Ireland department or the Executive Committee of the Northern Ireland Assembly,
    - (iii) the Scottish Ministers or the First Minister for Scotland, or
    - (iv) the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government,
  - (c) the proceedings of a UK registered political party, or
  - (d) a Member of either House of Parliament, the Northern Ireland Assembly, the Scottish Parliament or Senedd Cymru (acting in that capacity).
- (4) For the purposes of subsection (2)(b) a person makes a public communication if the person—
- (a) publishes or disseminates information, a document or other article, or
  - (b) produces information, a document or other article for publication or dissemination.
- (5) In [this section](#)—
- “UK person” has the same meaning as in [section 2](#);
- “UK registered political party” means a political party registered under [Part 2](#) of the Political Parties, Elections and Referendums Act 2000.

#### Commencement Information

**I2** S. 70 not in force at Royal Assent, see [s. 100\(1\)](#)

*Status:* This version of this cross heading contains provisions that are prospective.

*Changes to legislation:* There are currently no known outstanding effects for the National Security Act 2023, Cross Heading: Political influence activities of foreign powers. (See end of Document for details)

## **71 Offence of carrying out etc political influence activities pursuant to unregistered foreign influence arrangement**

- (1) This section applies where a person (“P”) makes a foreign influence arrangement required to be registered under [section 69\(3\)](#).
- (2) P commits an offence if—
  - (a) after the end of the registration period P carries out a political influence activity, or arranges for a political influence activity to be carried out, in the United Kingdom pursuant to the arrangement,
  - (b) the arrangement is not registered, and
  - (c) P knows, or having regard to other matters known to them ought reasonably to know, that they are acting pursuant to a foreign influence arrangement.
- (3) A person other than P commits an offence if—
  - (a) after the end of the registration period the person carries out a political influence activity, or arranges for a political influence activity to be carried out, in the United Kingdom pursuant to the arrangement,
  - (b) the arrangement is not registered, and
  - (c) the person knows, or having regard to other matters known to them ought reasonably to know, that they are acting pursuant to a foreign influence arrangement.
- (4) In this section the “registration period” means the period before the end of which P must register the arrangement (see [section 69\(3\)](#) and [\(4\)](#)).
- (5) In proceedings for an offence under subsection [\(3\)](#) it is a defence to show that the person—
  - (a) took all steps reasonably practicable to determine whether the arrangement was registered, and
  - (b) reasonably believed that the arrangement was registered.
- (6) A person is taken to have shown a matter mentioned in subsection [\(5\)](#) 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.

### **Commencement Information**

**I3** S. 71 not in force at Royal Assent, see [s. 100\(1\)](#)

## **72 Requirement to register political influence activities of foreign powers**

- (1) A person who holds office in or under, or is an employee or other member of staff of, a foreign power must not carry out political influence activities in the United Kingdom in that capacity if or to the extent that—
  - (a) the person makes a misrepresentation about their activities or the capacity in which they act (whether generally or to a particular person), and
  - (b) the activities are not registered with the Secretary of State by the foreign power.

*Status: This version of this cross heading contains provisions that are prospective.*

*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Cross Heading: Political influence activities of foreign powers. (See end of Document for details)*

- (2) Where the foreign power is a specified person, the prohibition in [subsection \(1\)](#) does not apply to the extent that the political influence activities are relevant activities for the purposes of [section 68](#).
- (3) A misrepresentation is a representation that a reasonable person would consider to be false or misleading in a material way.
- (4) A misrepresentation may be made by making a statement or by any other kind of conduct (including an omission), and may be express or implied.
- (5) A misrepresentation may in particular include—
  - (a) a misrepresentation as to the person’s identity or purpose;
  - (b) presenting information in a way which amounts to a misrepresentation, even if some or all of the information is true.
- (6) A person who breaches a prohibition in [subsection \(1\)](#) commits an offence if the person knows, or having regard to other matters known to them ought reasonably to know, that [paragraph \(a\)](#) of that subsection applies.
- (7) In proceedings for an offence under [subsection \(6\)](#) it is a defence to show that the person—
  - (a) took all steps reasonably practicable to determine whether the activities were registered, and
  - (b) reasonably believed that the activities were registered.
- (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.

#### **Commencement Information**

**I4** S. 72 not in force at Royal Assent, see [s. 100\(1\)](#)

**Status:**

This version of this cross heading contains provisions that are prospective.

**Changes to legislation:**

There are currently no known outstanding effects for the National Security Act 2023, Cross Heading: Political influence activities of foreign powers.