

SCHEDULES

SCHEDULE 18

Section 94

MINOR AND CONSEQUENTIAL AMENDMENTS

Official Secrets Act 1911 (c. 28)

- 1 The Official Secrets Act 1911 is repealed.

Official Secrets Act 1920 (c. 75)

- 2 The Official Secrets Act 1920 is repealed.

Official Secrets Act 1939 (c. 121)

- 3 The Official Secrets Act 1939 is repealed.

Police and Criminal Evidence Act 1984 (c. 60)

- 4 (1) The Police and Criminal Evidence Act 1984 is amended as follows.
- (2) In section 56 (right to have someone informed when arrested), in subsection (10), after “the terrorism provisions” insert “or under [section 27](#) of the National Security Act 2023,”.
- (3) In section 58 (right to consult a solicitor), in subsection (12), after “the terrorism provisions” insert “or under [section 27](#) of the National Security Act 2023,”.
- (4) In section 61 (fingerprinting), in subsection (9)(b), after “the terrorism provisions” insert “or under [section 27](#) of the National Security Act 2023,”.
- (5) In section 63F (retention of fingerprints and DNA profiles for persons arrested for or charged with a qualifying offence)—
- (a) in subsections (5)(a) and (5A)(a), after “terrorism-related qualifying offence” insert “or a national security-related qualifying offence”;
- (b) in subsection (11), in the appropriate place insert—
- ““national security-related qualifying offence” means—
- (a) an offence under [section 18](#) of the National Security Act 2023 or for the time being listed in [section 33\(3\)\(a\)](#) of that Act, or
- (b) an ancillary offence, as defined in section 65A(5), relating to an offence for the time being listed in [section 33\(3\)\(a\)](#) of that Act,”.
- (6) In section 63U (exclusions for certain regimes), after subsection (4A) insert—
- “(4B) Sections 63D to 63T do not apply to material to which—
- (a) Part 4 of [Schedule 6](#) to the National Security Act 2023 applies, or
- (b) paragraph 6 of [Schedule 12](#) to that Act applies.”

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- (7) In section 65A(2) (meaning of “qualifying offence”), after paragraph (u) insert—
 “(v) an offence under [section 18](#) of the National Security Act 2023 or for the time being listed in [section 33\(3\)\(a\)](#) of that Act.”

Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12))

- 5 (1) The Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)) is amended as follows.
- (2) In Article 53A (meaning of “qualifying offence”), after paragraph (2)(v) insert—
 “(w) an offence under [section 18](#) of the National Security Act 2023 or for the time being listed in [section 33\(3\)\(a\)](#) of that Act.”
- (3) In Article 57 (right to have someone informed when arrested), in paragraph (10), after “the terrorism provisions” insert “or under [section 27](#) of the National Security Act 2023,”.
- (4) In Article 59 (right to consult a solicitor), in paragraph (12), after “the terrorism provisions” insert “or under [section 27](#) of the National Security Act 2023,”.
- (5) In Article 61 (fingerprinting), in paragraph (9)(b), after “the terrorism provisions” insert “or under [section 27](#) of the National Security Act 2023,”.
- (6) In Article 62 (intimate samples), after paragraph (12) insert—
 “(12A) Nothing in this Article applies to a person arrested or detained under [section 27](#) of the National Security Act 2023; and paragraph (1A) does not apply where the non#intimate samples mentioned in that paragraph were taken under paragraph 10 of [Schedule 6](#) to that Act.”
- (7) In Article 63 (other samples), in paragraph (11), after “the terrorism provisions” insert “or under [section 27](#) of the National Security Act 2023,”.
- (8) In Article 63R (as inserted by Schedule 2 to the [Criminal Justice Act \(Northern Ireland\) 2013 \(c. 7 \(N.I.\)\)](#)), after paragraph (4A) (as inserted by Schedule 4 to the Counter-Terrorism and Border Security Act 2019) insert—
 “(4B) Articles 63B to 63Q do not apply to material to which—
 (a) Part 4 of [Schedule 6](#) to the National Security Act 2023 applies, or
 (b) paragraph 6 of [Schedule 12](#) to that Act applies.”
- (9) In Article 64 (destruction of fingerprints and samples), in paragraph (8)(b), after “the terrorism provisions” insert “or under [section 27](#) of the National Security Act 2023”.

Official Secrets Act 1989 (c. 6)

- 6 (1) The Official Secrets Act 1989 is amended as follows.
- (2) In section 5(6) (offence of disclosing information obtained by espionage) for “section 1 of the Official Secrets Act 1911” substitute “any of sections 1 to 4 of the National Security Act 2023”.
- (3) In section 11 (arrest, search and trial)—
 (a) for subsections (3) and (3A) substitute—

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- “(3) Schedule 2 to the National Security Act 2023 (powers of entry, search and seizure) applies in relation to a relevant offence as it applies in relation to a relevant act (within the meaning given by paragraphs 1 and 18 of that Schedule).”;
- (b) for subsection (4) substitute—
- “(4) If it is necessary in the interests of national security, a court may exclude the public from any part of proceedings for a relevant offence, except the passing of sentence.”;
- (c) after subsection (4) insert—
- “(4A) In this section a “relevant offence” means an offence under any provision of this Act other than section 8(1), (4) or (5).”

Criminal Procedure (Scotland) Act 1995 (c. 46)

- 7 (1) Section 19C of the Criminal Procedure (Scotland) Act 1995 (use of samples etc) is amended as follows.
- (2) In subsection (1)(a) and (b), after “2019” insert “or paragraph 18 of [Schedule 6](#) to the National Security Act 2023”.
- (3) In subsection (2)—
- (a) in paragraph (c) omit “or”;
- (b) after that paragraph insert—
- “(ca) for the purposes of investigating foreign power threat activity, or”.
- (4) In subsection (6)—
- (a) in paragraph (c) omit “and”;
- (b) after that paragraph insert—
- “(ca) “foreign power threat activity” has the meaning given by [section 33](#) of the National Security Act 2023, and”.

Protection of Freedoms Act 2012 (c. 9)

- 8 (1) Section 20 of the Protection of Freedoms Act 2012 (appointment and functions of Commissioner) is amended as follows.
- (2) In subsection (2)(a), after sub-paragraph (iva) insert—
- “(ivb) paragraph 22 of [Schedule 6](#) to the National Security Act 2023,
- (ivc) paragraph 11 of [Schedule 12](#) to that Act.”.
- (3) In subsection (6), after paragraph (e) insert—
- “(f) the retention and use in accordance with Part 4 of [Schedule 6](#) to the National Security Act 2023 of—
- (i) any material to which paragraph 19 or 25 of that Schedule applies (fingerprints, relevant physical data, DNA profiles and samples), and

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- (ii) any copies of any material to which paragraph 19 of that Schedule applies (fingerprints, relevant physical data and DNA profiles),
- (g) the retention and use in accordance with paragraphs 5 to 15 of Schedule 12 to the National Security Act 2023 of—
 - (i) any material to which paragraph 6 or 13 of that Schedule applies (fingerprints, relevant physical data, DNA profiles and samples), and
 - (ii) any copies of any material to which paragraph 6 of that Schedule applies (fingerprints, relevant physical data and DNA profiles).”

Modern Slavery Act 2015 (c. 30)

- 9 In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), after paragraph 36B insert—

“*National Security Act 2023*

- 36C An offence under any of the following provisions of the National Security Act 2023—
- section 1 (obtaining or disclosing protected information);
 - section 2 (obtaining or disclosing trade secrets);
 - section 3 (assisting a foreign intelligence service);
 - section 4 (entering a prohibited place for a purpose prejudicial to the UK);
 - section 12 (sabotage);
 - section 13 (foreign interference: general);
 - section 17 (obtaining material benefits from a foreign intelligence service);
 - section 18 (preparatory conduct).”

Investigatory Powers Act 2016 (c. 25)

- 10 (1) Schedule 3 to the Investigatory Powers Act 2016 (exceptions to the exclusion of certain matters from legal proceedings) is amended as follows.
- (2) After paragraph 8 insert—

“*Proceedings under Part 2 of the National Security Act 2023*

- 8A (1) Section 56(1) does not apply in relation to—
- (a) any proceedings which are relevant proceedings within the meaning of Part 2 of the National Security Act 2023 (see section 62(1) of that Act), or
 - (b) any proceedings arising out of any proceedings within paragraph (a).
- (2) But sub-paragraph (1) does not permit the disclosure of anything to—
- (a) any person, other than the Secretary of State, who is or was a party to the proceedings, or

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- (b) any person who—
 - (i) represents such a person for the purposes of the proceedings, and
 - (ii) does so otherwise than by virtue of an appointment as a special advocate under [Schedule 10](#) to the National Security Act 2023.”
- (3) In paragraph 20(2) (proceedings for certain offences)—
 - (a) after paragraph (h) insert—
 - “(ha) an offence under [section 1](#) or [3](#) of the National Security Act 2023 relating to any information, document or other article which, or an offence under [section 12](#) of that Act relating to any asset which—
 - (i) incorporates, or relates to, the content of any intercepted communication or any secondary data obtained from a communication, or
 - (ii) tends to suggest that any interception-related conduct has or may have occurred or may be going to occur;
 - (hb) an offence under [section 18](#) of the National Security Act 2023 in relation to an offence falling within paragraph (ha);”;
 - (b) in paragraph (i), for “(h)” substitute “(ha)”.

Counter-Terrorism and Border Security Act 2019 (c. 3)

- 11 In paragraph 62 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (review of Schedule 3 by Investigatory Powers Commissioner) omit—
- (a) sub-paragraphs (1) to (5);
 - (b) sub-paragraphs (7) and (8).