



National Security Act 2023

2023 CHAPTER 32

PART 1

ESPIONAGE, SABOTAGE AND PERSONS ACTING FOR FOREIGN POWERS

Foreign power condition and foreign power threat activity

33 Foreign power threat activity and involvement in that activity

- (1) In this Part references to foreign power threat activity and to involvement in foreign power threat activity are to one or more of the following—
- (a) the commission, preparation or instigation of acts or threats within [subsection \(3\)](#);
 - (b) conduct which facilitates (or is intended to facilitate) conduct falling within [paragraph \(a\)](#);
 - (c) conduct which gives support or assistance to a person (“P”), where the person who engages in the conduct—
 - (i) knows or believes P to be involved in, and
 - (ii) engages in the conduct for the purpose of giving support or assistance to,conduct falling within [paragraph \(a\)](#).
- (2) It is immaterial whether the activity within [subsection \(1\)](#) relates to specific acts or threats within [subsection \(3\)](#), or to acts or threats within that subsection in general.
- (3) References to acts or threats within [this subsection](#) are to—
- (a) acts which constitute an offence under—
 - (i) [section 1](#) (obtaining or disclosing protected information);
 - (ii) [section 2](#) (obtaining or disclosing trade secrets);
 - (iii) [section 3](#) (assisting a foreign intelligence service);
 - (iv) [section 4](#) (entering etc. a prohibited place for a purpose prejudicial to the UK);

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Section 33. (See end of Document for details)

- (v) [section 12](#) (sabotage);
 - (vi) [section 13](#) (foreign interference: general);
 - (vii) [section 17\(1\)](#) (obtaining material benefits from a foreign intelligence service);
 - (b) acts within [subsection \(4\)](#) in relation to which the foreign power condition is met;
 - (c) threats to carry out acts within [subsection \(4\)](#), where the foreign power condition is met in relation to the threats.
- (4) Acts are within [this subsection](#) if they—
- (a) involve serious violence against another person,
 - (b) endanger the life of another person, or
 - (c) create a serious risk to the health or safety of the public or a section of the public.

Commencement Information

- I1** S. 33 not in force at Royal Assent, see [s. 100\(1\)](#)
- I2** S. 33 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the National Security Act 2023, Section 33.