



# National Security Act 2023

## 2023 CHAPTER 32

### PART 4

#### FOREIGN ACTIVITIES AND FOREIGN INFLUENCE REGISTRATION SCHEME

##### *Activities of specified persons*

#### **68 Requirement to register relevant activities of specified persons**

- (1) A specified person who is not a foreign power must not carry out relevant activities in the United Kingdom unless the activities are registered with the Secretary of State by the specified person.
- (2) A person who holds office in or under, or is an employee or other member of staff of, a specified person who is not a foreign power, must not carry out relevant activities in the United Kingdom in that capacity unless the activities are registered with the Secretary of State by the specified person.
- (3) A person who holds office in or under, or is an employee or other member of staff of, a specified person who is a foreign power must not carry out relevant 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 specified person.
- (4) In this section “relevant activities”—
  - (a) if regulations under subsection (5) apply in relation to the specified person, has the meaning given by the regulations, and
  - (b) otherwise, means all activities.
- (5) The Secretary of State may by regulations make provision about activities which are relevant activities for the purposes of this section, either in relation to all specified persons or in relation to such specified persons as the regulations may provide.

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*Status: This is the original version (as it was originally enacted).*

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- (6) A misrepresentation is a representation that a reasonable person would consider to be false or misleading in a material way.
- (7) 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.
- (8) 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.
- (9) A person who breaches a prohibition in subsection (1) or (2) commits an offence.
- (10) A person who breaches a prohibition in subsection (3) 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.
- (11) In proceedings for an offence under subsection (9) or (10) 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.
- (12) A person is taken to have shown a matter mentioned in subsection (11) 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.