



National Security Act 2023

2023 CHAPTER 32

PART 1

ESPIONAGE, SABOTAGE AND PERSONS ACTING FOR FOREIGN POWERS

Foreign interference

13 Foreign interference: general

- (1) A person commits an offence if—
 - (a) the person engages in prohibited conduct,
 - (b) the foreign power condition is met in relation to the prohibited conduct, and
 - (c) the person intends the prohibited conduct, or a course of conduct of which it forms part, to have an interference effect.
- (2) A person commits an offence if—
 - (a) the person engages in prohibited conduct,
 - (b) the foreign power condition is met in relation to the prohibited conduct, and
 - (c) the person is reckless as to whether the prohibited conduct, or a course of conduct of which it forms part, will have an interference effect.
- (3) A person (“P”) commits an offence if—
 - (a) P engages in a course of conduct with one or more other persons,
 - (b) the foreign power condition is met in relation to conduct of P which forms part of the course of conduct,
 - (c) P intends the course of conduct to have an interference effect,
 - (d) as part of the course of conduct, a person other than P engages in prohibited conduct, and
 - (e) P intends or believes that, as part of the course of conduct, a person other than P will engage in prohibited conduct.

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- (4) For the purposes of subsections (1)(c) and (2)(c) a course of conduct includes a course of conduct engaged in by the person alone, or by the person and one or more other persons.
- (5) Subsections (1) and (2) apply whether the person’s conduct takes place in the United Kingdom or elsewhere.
- (6) Subsection (3) applies whether P’s conduct or the prohibited conduct takes place in the United Kingdom or elsewhere.
- (7) A person who commits an offence under [this section](#) is liable on conviction on indictment to imprisonment for a term not exceeding 14 years or a fine (or both).
- (8) In [this section](#)—
 - “interference effect” has the meaning given by section 14;
 - “prohibited conduct” has the meaning given by section 15.

14 Foreign interference: meaning of “interference effect”

- (1) For the purposes of section 13 an “interference effect” means any of the following effects—
 - (a) interfering with the exercise by a particular person of a Convention right in the United Kingdom,
 - (b) affecting the exercise by any person of their public functions,
 - (c) interfering with whether, or how, any person makes use of services provided in the exercise of public functions,
 - (d) interfering with whether, or how, any person (other than in the exercise of a public function) participates in relevant political processes or makes political decisions,
 - (e) interfering with whether, or how, any person (other than in the exercise of a public function) participates in legal processes under the law of the United Kingdom, or
 - (f) prejudicing the safety or interests of the United Kingdom.
- (2) An effect may be an interference effect whether it relates to a specific instance of a matter mentioned in subsection (1), or to the matter in general.
- (3) In subsection (1)(d) “relevant political processes” means—
 - (a) an election or referendum in the United Kingdom,
 - (b) the proceedings of a local authority,
 - (c) the proceedings of a UK registered political party, or
 - (d) the activities of an informal group consisting of or including members of—
 - (i) one or both of Houses of Parliament,
 - (ii) the Northern Ireland Assembly,
 - (iii) the Scottish Parliament, or
 - (iv) Senedd Cymru,
 (acting in that capacity).
- (4) In subsection (1)(d) “political decisions” means decisions of—
 - (a) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975) or a United Kingdom government department,

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- (b) 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,
- (c) the Scottish Ministers or the First Minister for Scotland,
- (d) the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or
- (e) a local authority.

(5) In [this section](#)—

“Convention rights” has the meaning given by section 1 of the Human Rights Act 1998;

the “law of the United Kingdom” includes the law of any part of the United Kingdom;

“local authority” means—

(a) in England—

- (i) a county council;
- (ii) a district council;
- (iii) a London borough council;
- (iv) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
- (v) a parish council;
- (vi) the Council of the Isles of Scilly;
- (vii) the Common Council of the City of London;
- (viii) the Sub-Treasurer of the Inner Temple;
- (ix) the Under Treasurer of the Middle Temple;

(b) in Wales, a county council, county borough council or community council;

(c) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

(d) in Northern Ireland, a district council;

“public functions” means functions of a public nature—

- (a) exercisable in the United Kingdom, or
- (b) exercisable in a country or territory outside the United Kingdom by a person acting for or on behalf of, or holding office under, the Crown;

“UK registered political party” means a political party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000.

15 Foreign interference: meaning of “prohibited conduct”

(1) Conduct is prohibited conduct for the purposes of section 13 if—

- (a) it constitutes an offence, or
- (b) if it takes place in a country or territory outside the United Kingdom, it would constitute an offence if it took place in any part of the United Kingdom.

(2) Conduct is prohibited conduct for the purposes of section 13 if it involves coercion of any kind, including coercion by—

- (a) using or threatening to use violence against a person;

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- (b) damaging or destroying, or threatening to damage or destroy, a person's property;
 - (c) damaging or threatening to damage a person's reputation;
 - (d) causing or threatening to cause financial loss to a person;
 - (e) causing spiritual injury to, or placing undue spiritual pressure on, a person; (whether or not that person is the person to whom the interference effect relates).
- (3) Conduct is prohibited conduct for the purposes of section 13 if it involves making a misrepresentation.
- (4) A "misrepresentation" is a representation—
- (a) that a reasonable person would consider to be false or misleading in a way material to the interference effect, and
 - (b) that the person making the representation knows or intends to be false or misleading in a way material to the interference effect.
- (5) A misrepresentation may be made by making a statement or by any other kind of conduct, and may be express or implied.
- (6) A misrepresentation may in particular include—
- (a) a misrepresentation as to a 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.
- (7) In this section "interference effect" has the meaning given by section 14.

16 Foreign interference in elections

- (1) This section applies where—
- (a) a person commits a relevant electoral offence on or after the day on which this section comes into force, and
 - (b) the foreign power condition is met in relation to the conduct of the person which constitutes the offence (see section 31).
- (2) A "relevant electoral offence" is an offence listed in column 1 of the table in Part 1 of Schedule 1 ("the table").
- (3) The person is liable on conviction on indictment to imprisonment for a term not exceeding the specified maximum term or a fine (or both).
- (4) The specified maximum term is the term specified in column 2 of the table in relation to the relevant electoral offence.
- (5) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of subsection (1) to have been committed on the first of those days.
- (6) Part 2 of Schedule 1 amends provisions relating to relevant electoral offences.