



# National Security Act 2023

## 2023 CHAPTER 32

### PART 1 **U.K.**

#### ESPIONAGE, SABOTAGE AND PERSONS ACTING FOR FOREIGN POWERS

##### *Supplementary provision*

### 34 Interpretation **U.K.**

(1) In [this Part](#)—

“conduct” includes omissions and statements;

“enactment” includes—

- (a) an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978);
- (b) an enactment comprised in, or in an instrument made under, a Measure or Act of Senedd Cymru;
- (c) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;
- (d) an enactment comprised in, or in an instrument made under, Northern Ireland legislation;
- (e) retained direct EU legislation;

“foreign power” has the meaning given by [section 32](#);

“the foreign power condition” has the meaning given by [section 31](#);

“foreign power threat activity” and “involvement”, in relation to such activity, have the meaning given by [section 33](#);

“information” includes information about tactics, techniques and procedures;

“the maximum term for summary offences” means—

- (a) in relation to an offence committed before the time when [section 281\(5\)](#) of the Criminal Justice Act 2003 comes into force, 6 months;
- (b) in relation to an offence committed after that time, 51 weeks.

*Status: Point in time view as at 20/12/2023.*

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

- (2) In [this Part](#) references to a part of the United Kingdom are references to—
- (a) England and Wales,
  - (b) Scotland, or
  - (c) Northern Ireland.

#### Commencement Information

- I1** S. 34 not in force at Royal Assent, see [s. 100\(1\)](#)  
**I2** S. 34 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

### 35 Offences by bodies corporate etc **U.K.**

- (1) If an offence under this Part is committed by a body—
- (a) with the consent or connivance of an officer of the body, or
  - (b) due to any neglect on the part of such an officer,
- the officer, as well as the body, is guilty of the offence and liable to be proceeded against and punished accordingly.
- (2) In this section—
- “body” means a body corporate, a partnership or an unincorporated association other than a partnership;
- “officer of a body”—
- (a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity;
  - (b) in relation to a partnership, means a partner or person purporting to act as a partner;
  - (c) in relation to an unincorporated association other than a partnership, means a person who is concerned in the management or control of the body or purports to act in the capacity of a person so concerned.
- (3) In [subsection \(2\)](#) “director” includes—
- (a) a person occupying in relation to a body corporate the position of a director (by whatever name called),
  - (b) a person in accordance with whose directions or instructions (not being advice given in a professional capacity) the directors of that body are accustomed to act, and
  - (c) a person who has an interest or right in, or in relation to, the body corporate that (whether alone or together with other interests or rights held by the person) enables the person materially to influence the policy of the body corporate.
- (4) If the affairs of a body corporate are managed by its members, [subsection \(1\)](#) applies in relation to the acts and defaults of a member in connection with the member's functions of management as if the member were a director of the body.
- (5) The Secretary of State may by regulations provide for the modification of any provision of this section in its application to a body corporate or unincorporated association formed or recognised under the law of a country or territory outside the United Kingdom.

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#### Commencement Information

- I3** S. 35 not in force at Royal Assent, see [s. 100\(1\)](#)  
**I4** S. 35 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

### 36 Offences committed outside the United Kingdom **U.K.**

- (1) Where an offence under this Part may be committed by conduct taking place outside the United Kingdom, it may be so committed—
- (a) in the case of conduct by an individual, whatever the nationality of the individual, and
  - (b) in the case of conduct by a person other than an individual, regardless of whether the body corporate or unincorporated association is formed or recognised under the law of a country or territory outside the United Kingdom.
- (2) [Subsection \(1\)](#) is subject to sections [3\(6\)](#) and [17\(6\)](#) (commission of offences under sections [3](#) and [17](#) by conduct outside the United Kingdom).
- (3) Where an offence under this Part is committed outside the United Kingdom—
- (a) proceedings for the offence may be taken at any place in the United Kingdom, and
  - (b) the offence may for all incidental purposes be treated as having been committed at any such place.
- (4) In the application of subsection [\(3\)](#) to Scotland, any such proceedings against a person may be taken—
- (a) in any sheriff court district in which the person is apprehended or is in custody, or
  - (b) in such sheriff court district as the Lord Advocate may determine.
- (5) “Sheriff court district” is to be read in accordance with the Criminal Procedure (Scotland) Act 1995 (see section 307(1) of that Act).

#### Commencement Information

- I5** S. 36 not in force at Royal Assent, see [s. 100\(1\)](#)  
**I6** S. 36 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

### 37 Consents to prosecutions **U.K.**

- (1) This section applies to offences under this Part, except offences under—
- (a) section [5](#) (unauthorised entry to a prohibited place);
  - (b) section [6](#) (prohibited place: failure to comply with order of constable);
  - (c) [section 11](#) (cordoned area: failure to comply with order of constable);
  - (d) [Schedule 2](#) (powers of entry, search and seizure);
  - (e) [Schedule 3](#) (disclosure orders);
  - (f) [Schedule 4](#) (customer information orders).
- (2) Proceedings for an offence to which this section applies may be instituted—
- (a) in England and Wales, only with the consent of the Attorney General;

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- (b) in Northern Ireland, only with the consent of the Advocate General for Northern Ireland.

**Commencement Information**

- I7** S. 37 not in force at Royal Assent, see [s. 100\(1\)](#)  
**I8** S. 37 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

**38 Power to exclude the public from proceedings** **U.K.**

If it is necessary in the interests of national security, a court may exclude the public from—

- (a) any part of proceedings for an offence under this Part, or  
(b) any part of proceedings relating to section 69A of the Sentencing Act 2020 (as inserted by section 19) or to section 20 or 21,

except for the passing of sentence.

**Commencement Information**

- I9** S. 38 not in force at Royal Assent, see [s. 100\(1\)](#)  
**I10** S. 38 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

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