

Status: Point in time view as at 20/12/2023. This version of this schedule contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Schedule 15. (See end of Document for details)

SCHEDULES

PROSPECTIVE

SCHEDULE 15 U.K.

Section 73

EXEMPTIONS

UK arrangements

- 1 (1) Sections 65(4) and 69(3) (requirements to register foreign activity arrangements and foreign influence arrangements) do not apply to foreign activity arrangements or foreign influence arrangements that are UK arrangements.
- (2) The following provisions do not apply to activities carried out in accordance with a UK arrangement—
 - (a) section 68(1) to (3) (specified persons etc must not carry out unregistered activities);
 - (b) section 72(1) (foreign powers etc must not carry out unregistered political influence activities).
- (3) A “UK arrangement” is an arrangement or agreement to which—
 - (a) the United Kingdom is a party, or
 - (b) any person acting for or on behalf of, or holding office under, the Crown is (in that capacity) a party.

Commencement Information

II Sch. 15 para. 1 not in force at Royal Assent, see 100(1)

Foreign powers

- 2 The following provisions do not apply to a foreign power—
 - (a) section 65(4) (requirement to register foreign activity arrangements);
 - (b) section 67(2) or (3) (offence of carrying out activities under unregistered foreign activity arrangement);
 - (c) section 69(3) (requirement to register foreign influence arrangements);
 - (d) section 71(2) or (3) (offence of carrying out activities under unregistered foreign influence arrangement);
 - (e) section 78(1) and (2) (offences of carrying out activities tainted by false information).

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I2 Sch. 15 para. 2 not in force at Royal Assent, see 100(1)

Diplomatic missions etc

- 3 (1) Section 65(4) (requirement to register foreign activity arrangements) does not apply to the extent that the foreign activity arrangement relates to the provision of goods or services which are reasonably necessary to support the efficient functioning of—
- (a) a diplomatic mission,
 - (b) a consular post, or
 - (c) the permanent mission to a UK-based international organisation of a country which is a member of the organisation,
- (for example, the provision of catering or maintenance services).
- (2) Sections 65(4) and 69(3) (requirements to register foreign activity arrangements and foreign influence arrangements) do not apply where P (within the meaning of those sections)—
- (a) is a member of the family of a principal person forming part of the principal person’s household, and
 - (b) makes the arrangement pursuant to an activity carried out by the principal person in that capacity.
- (3) “Principal person” means a person who is a member of staff of—
- (a) a diplomatic mission,
 - (b) a consular post, or
 - (c) the permanent mission to a UK-based international organisation of a country which is a member of the organisation.
- (4) The members of the family of a principal person forming part of the principal person’s household include a person who is living with the principal person as their partner in an enduring family relationship.
- (5) “Member of staff”—
- (a) in the case of a diplomatic mission, means a member of the mission within the meaning given by Article 1 of the Vienna Convention on Diplomatic Relations (set out in Schedule 1 to the Diplomatic Privileges Act 1964);
 - (b) in the case of a consular post, means a member of the consular post within the meaning given by Article 1 of the Vienna Convention on Consular Relations (set out in Schedule 1 to the Consular Relations Act 1968).
- (6) In this paragraph—
- “consular post” has the meaning given by Article 1 of the Vienna Convention on Consular Relations (set out in Schedule 1 to the Consular Relations Act 1968);
- “diplomatic mission” is to be read in accordance with the Vienna Convention on Diplomatic Relations done at Vienna on 18 April 1961;
- “UK-based international organisation” means an international organisation which has its headquarters in the United Kingdom and on which privileges and immunities have been conferred under section 1 of the International Organisations Act 1968.

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I3 Sch. 15 para. 3 not in force at Royal Assent, see 100(1)

Recognised news publishers

- 4 (1) The following provisions do not apply to a recognised news publisher—
- (a) section 69(3) (requirement to register foreign influence arrangements);
 - (b) section 71(2) or (3) (offence of carrying out activities under unregistered foreign influence arrangement);
 - (c) section 78(2) (offence of carrying out political influence activities tainted by false information).
- (2) The following provisions do not apply to a person who is not a recognised news publisher, where the foreign influence arrangement in question is a news-related foreign influence arrangement—
- (a) section 69(3) (requirement to register foreign influence arrangements);
 - (b) section 71(2) or (3) (offence of carrying out activities under unregistered foreign influence arrangement);
 - (c) section 78(2) (offence of carrying out political influence activities tainted by false information).
- (3) A “news-related foreign influence arrangement” is a foreign influence arrangement made between a person and a foreign power who is a recognised news publisher where the purpose, or one of the purposes, of the arrangement is the publication of news-related material.
- (4) In this paragraph “news-related material”, “publish”, and “recognised news publisher” have the meaning given by [paragraph 5](#).

Commencement Information

I4 Sch. 15 para. 4 not in force at Royal Assent, see 100(1)

- 5 (1) In [paragraph 4](#), “recognised news publisher” means any of the following entities—
- (a) the British Broadcasting Corporation,
 - (b) Sianel Pedwar Cymru,
 - (c) the holder of a licence under the Broadcasting Act 1990 or 1996 who publishes news-related material in connection with the broadcasting activities authorised under the licence, and
 - (d) any other entity which—
 - (i) meets all of the conditions in sub-paragraph (2),
 - (ii) is not an excluded entity (see sub-paragraph (3)), and
 - (iii) is not a sanctioned entity (see sub-paragraph (4)).
- (2) The conditions referred to in sub-paragraph (1)(d)(i) are that the entity—
- (a) has as its principal purpose the publication of news-related material, and such material—
 - (i) is created by different persons, and
 - (ii) is subject to editorial control,

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- (b) publishes such material in the course of a business (whether or not carried on with a view to profit),
 - (c) is subject to a standards code,
 - (d) has policies and procedures for handling and resolving complaints,
 - (e) has a registered office or other business address,
 - (f) is the person with legal responsibility for material published by it in the United Kingdom, and
 - (g) publishes—
 - (i) the entity’s name, the address mentioned in paragraph (e) and the entity’s registered number (if any), and
 - (ii) the name and address of any person who controls the entity (including, where such a person is an entity, the address of that person’s registered or principal office and that person’s registered number (if any)).
- (3) An “excluded entity” is an entity—
- (a) which is a proscribed organisation under the Terrorism Act 2000 (see section 3 of that Act), or
 - (b) the purpose of which is to support a proscribed organisation under that Act.
- (4) A “sanctioned entity” is an entity which—
- (a) is designated by name under a power contained in regulations under section 1 of the Sanctions and Anti-Money Laundering Act 2018 that authorises the Secretary of State or the Treasury to designate persons for the purposes of the regulations or of any provisions of the regulations, or
 - (b) is a designated person under any provision included in such regulations by virtue of section 13 of that Act (persons named by or under UN Security Council Resolutions).
- (5) For the purposes of sub-paragraph (2)—
- (a) news-related material is “subject to editorial control” if there is a person (whether or not the publisher of the material) who has editorial or equivalent responsibility for the material, including responsibility for how it is presented and the decision to publish it;
 - (b) “control” has the same meaning as it has in the Broadcasting Act 1990 by virtue of section 202 of that Act.
- (6) In this paragraph—
- “news-related material” means material consisting of—
 - (a) news or information about current affairs,
 - (b) opinion about matters relating to the news or current affairs, or
 - (c) gossip about celebrities, other public figures or other persons in the news;
 - “publish” means publish by any means (including by broadcasting), and references to a publisher and publication are to be construed accordingly;
 - “standards code” means—
 - (a) a code of standards that regulates the conduct of publishers, that is published by an independent regulator, or
 - (b) a code of standards that regulates the conduct of the entity in question, that is published by the entity itself.

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Commencement Information

I5 Sch. 15 para. 5 not in force at Royal Assent, see 100(1)

Commencement Information

I4 Sch. 15 para. 4 not in force at Royal Assent, see 100(1)

I5 Sch. 15 para. 5 not in force at Royal Assent, see 100(1)

Legal activities

- 6 (1) Sections [65\(4\)](#) and [69\(3\)](#) (requirements to register foreign activity arrangements and foreign influence arrangements) do not apply in relation to a foreign activity arrangement or a foreign influence arrangement to the extent that the arrangement relates to the carrying on of a legal activity by a lawyer.
- (2) The following provisions do not apply to the carrying on of a legal activity by a lawyer—
- (a) section [68\(1\)](#) to [\(3\)](#) (specified persons etc must not carry out unregistered activities);
 - (b) section [72\(1\)](#) (foreign powers etc must not carry out unregistered political influence activities).
- (3) “Lawyer” means—
- (a) a person who for the purposes of the Legal Services Act 2007 is an authorised person in relation to an activity that constitutes a reserved legal activity (within the meaning of that Act),
 - (b) a solicitor or barrister in Northern Ireland,
 - (c) a solicitor or advocate in Scotland, or
 - (d) a person who is a member, and entitled to practise as such, of a legal profession regulated in a jurisdiction outside the United Kingdom.
- (4) “Legal activity” means—
- (a) in England and Wales, a legal activity within the meaning of section 12 of the Legal Services Act 2007,
 - (b) in Northern Ireland, a legal activity within the meaning of that section, but reading the reference to an activity which is a reserved legal activity as a reference to an activity corresponding to a reserved legal activity,
 - (c) in Scotland, the provision of legal services within the meaning of section 3 of the [Legal Services \(Scotland\) Act 2010 \(asp 16\)](#), or
 - (d) acting as an arbitrator or mediator.

Commencement Information

I6 Sch. 15 para. 6 not in force at Royal Assent, see 100(1)

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Employees etc

- 7 (1) Where an exemption is conferred on a person (“P”) by this Schedule, the following are also exempt (subject to sub-paragraph (2))—
- (a) a person who holds office in or under, or is an employee or other member of staff of, P (acting in that capacity), or
 - (b) a person the Secretary of State reasonably considers to be exercising functions on behalf of P as if the person were within paragraph (a).
- (2) Where P is a foreign power, the exemption does not apply to persons within sub-paragraph (1)(a) if or to the extent that the person makes a misrepresentation about their activities or the capacity in which they act (whether generally or to a particular person).
- (3) A misrepresentation is a representation that a reasonable person would consider to be false or misleading in a material way.
- (4) 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.
- (5) 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.

Commencement Information

I7 Sch. 15 para. 7 not in force at Royal Assent, see 100(1)

Power to provide for further exemptions

- 8 The Secretary of State may by regulations make provision for further cases to which any provision of this Part does not apply.

Commencement Information

I8 Sch. 15 para. 8 not in force at Royal Assent, see 100(1)

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