



National Security Act 2023

2023 CHAPTER 32

PART 1

ESPIONAGE, SABOTAGE AND PERSONS ACTING FOR FOREIGN POWERS

Acting for foreign power as aggravating factor in sentencing

20 Aggravating factor where foreign power condition met: Northern Ireland

- (1) **This section** applies where a court in Northern Ireland is considering for the purposes of sentence the seriousness of an offence that—
 - (a) is committed on or after the day on which **this section** comes into force, and
 - (b) is not an offence listed in **subsection (2)**.
- (2) Those offences are—
 - (a) an offence under this Act or an ancillary offence in relation to any such offence;
 - (b) a relevant electoral offence (within the meaning given by **section 16**).
- (3) An “ancillary offence”, in relation to an offence, means any of the following—
 - (a) aiding, abetting, counselling or procuring the commission of the offence;
 - (b) an offence under Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) in relation to the offence;
 - (c) attempting or conspiring to commit the offence.
- (4) For the purposes of **this section**, an offence committed by a person under Part 2 of the Serious Crime Act 2007 is related to another offence if that other offence is the offence (or one of the offences) which the person intended or believed would be committed.
- (5) Where the foreign power condition is met in relation to the conduct that constitutes the offence, the court—
 - (a) must treat that fact as an aggravating factor, and
 - (b) must state in open court that the offence is so aggravated.

Status: This is the original version (as it was originally enacted).

- (6) 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.
- (7) In [this section](#) “sentence”, in relation to an offence, includes any order made by a court when dealing with a person in respect of the offence.