



National Security Act 2023

2023 CHAPTER 32

PART 1

ESPIONAGE, SABOTAGE AND PERSONS ACTING FOR FOREIGN POWERS

Foreign power condition and foreign power threat activity

31 The foreign power condition

- (1) For the purposes of this Part the foreign power condition is met in relation to a person's conduct if—
 - (a) the conduct in question, or a course of conduct of which it forms part, is carried out for or on behalf of a foreign power, and
 - (b) the person knows, or having regard to other matters known to them ought reasonably to know, that to be the case.
- (2) The conduct in question, or a course of conduct of which it forms part, is in particular to be treated as carried out for or on behalf of a foreign power if—
 - (a) it is instigated by a foreign power,
 - (b) it is under the direction or control of a foreign power,
 - (c) it is carried out with financial or other assistance provided by a foreign power for that purpose, or
 - (d) it is carried out in collaboration with, or with the agreement of, a foreign power.
- (3) [Subsections \(1\)\(a\)](#) and [\(2\)](#) may be satisfied by a direct or indirect relationship between the conduct, or the course of conduct, and the foreign power (for example, there may be an indirect relationship through one or more companies).
- (4) A person's conduct may form part of a course of conduct engaged in by the person alone, or by the person and one or more other persons.
- (5) The foreign power condition is also met in relation to a person's conduct if the person intends the conduct in question to benefit a foreign power.

Status: Point in time view as at 20/12/2023.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, Section 31. (See end of Document for details)

- (6) For the purposes of [subsection \(5\)](#) it is not necessary to identify a particular foreign power.
- (7) The foreign power condition may be met in relation to the conduct of a person who holds office in or under, or is an employee or other member of staff of, a foreign power, as it may be met in relation to the conduct of any other person.

Modifications etc. (not altering text)

- C1** [S. 31](#) applied (20.12.2023) by 2020 c. 17, s. 69A (as inserted by [National Security Act 2023 \(c. 32\)](#), [ss. 19\(2\)](#), [100\(1\)](#) (with [s. 97](#)); [S.I. 2023/1272](#), [reg. 2\(a\)](#))

Commencement Information

- I1** [S. 31](#) not in force at Royal Assent, see [s. 100\(1\)](#)
- I2** [S. 31](#) in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

Status:

Point in time view as at 20/12/2023.

Changes to legislation:

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