



National Security Act 2023

2023 CHAPTER 32

PART 1

ESPIONAGE, SABOTAGE AND PERSONS ACTING FOR FOREIGN POWERS

Supplementary provision

35 Offences by bodies corporate etc

- (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),

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Section 35. (See end of Document for details)

- (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.

Commencement Information

- I1** S. 35 not in force at Royal Assent, see [s. 100\(1\)](#)
- I2** [S. 35](#) in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

Changes to legislation:

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