



National Security Act 2023

2023 CHAPTER 32

PART 2

PREVENTION AND INVESTIGATION MEASURES

Court scrutiny of imposition of measures

45 Review hearing

- (1) On a review hearing held in compliance with directions under [section 44\(4\)](#), the function of the court is to review the decisions of the Secretary of State that the relevant conditions were met and continue to be met.
- (2) In doing so, the court must apply the principles applicable on an application for judicial review.
- (3) The court—
 - (a) must discontinue the review hearing if the individual requests the court to do so, and
 - (b) may discontinue the review hearing in any other circumstances.
- (4) The court may not discontinue the review hearing in accordance with [subsection \(3\)\(b\)](#) without giving the Secretary of State and the individual the opportunity to make representations.
- (5) The court has the following powers (and only those powers) on a review hearing—
 - (a) power to quash the [Part 2](#) notice;
 - (b) power to quash measures specified in the [Part 2](#) notice;
 - (c) power to give directions to the Secretary of State for, or in relation to—
 - (i) the revocation of the [Part 2](#) notice, or
 - (ii) the variation of measures specified in the [Part 2](#) notice.
- (6) If the court does not exercise any of its powers under [subsection \(5\)](#), the court must decide that the [Part 2](#) notice is to continue in force.

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Section 45. (See end of Document for details)

- (7) If the court exercises a power under [subsection \(5\)\(b\)](#) or [\(c\)\(ii\)](#), the court must decide that the [Part 2](#) notice is to continue in force subject to that exercise of that power.
- (8) In [this section](#) “relevant conditions” means—
- (a) condition A,
 - (b) condition B,
 - (c) condition C, and
 - (d) condition D.

Commencement Information

- I1** S. 45 not in force at Royal Assent, see [s. 100\(1\)](#)
- I2** S. 45 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

Changes to legislation:

There are currently no known outstanding effects for the National Security Act 2023, Section 45.