



National Security Act 2023

2023 CHAPTER 32

PART 2

PREVENTION AND INVESTIGATION MEASURES

Appeals and court proceedings

52 Appeals

- (1) If the Secretary of State extends or revives a [Part 2](#) notice (see [section 41\(2\)](#) or [49\(6\)](#))—
 - (a) the individual to whom the [Part 2](#) notice relates may appeal to the court against the extension or revival, and
 - (b) the function of the court on such an appeal is to review the Secretary of State's decisions that conditions A, C and D were met and continue to be met.
- (2) If the Secretary of State varies measures specified in a [Part 2](#) notice (and the variation does not consist of the relaxation or removal of measures) without the consent of the individual to whom the [Part 2](#) notice relates—
 - (a) the individual may appeal to the court against the variation, and
 - (b) the function of the court on such an appeal is to review the Secretary of State's decisions that the variation was necessary, and continues to be necessary, for purposes connected with preventing or restricting involvement by the individual in foreign power threat activity.
- (3) If the individual to whom a [Part 2](#) notice relates makes an application to the Secretary of State for the variation of measures specified in the [Part 2](#) notice (see [section 48\(4\)](#))—
 - (a) the individual may appeal to the court against any decision by the Secretary of State on the application, and
 - (b) the function of the court on such an appeal is to review the Secretary of State's decisions that the measures to which the application relates were necessary, and continue to be necessary, for purposes connected with preventing or restricting involvement by the individual in foreign power threat activity.

Status: This is the original version (as it was originally enacted).

- (4) If the individual to whom a [Part 2](#) notice relates makes an application to the Secretary of State for the revocation of the notice (see [section 49\(3\)](#))—
 - (a) the individual may appeal to the court against any decision by the Secretary of State on the application, and
 - (b) the function of the court on such an appeal is to review the Secretary of State’s decisions that conditions A, C and D were met and continue to be met.
- (5) If the individual to whom a [Part 2](#) notice relates makes an application to the Secretary of State for permission—
 - (a) the individual may appeal to the court against any decision by the Secretary of State on the application (including any decision about conditions to which permission is subject), and
 - (b) the function of the court on such an appeal is to review the decision.
- (6) In determining the matters mentioned in [subsections \(1\) to \(5\)](#) the court must apply the principles applicable on an application for judicial review.
- (7) The only powers of the court on an appeal under [this section](#) are—
 - (a) power to quash the extension or revival of 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;
 - (d) power to give directions to the Secretary of State in relation to permission or conditions to which permission is subject.
- (8) If the court does not exercise any of its powers under [subsection \(7\)](#), it must dismiss the appeal.
- (9) In [this section](#) “permission” means permission for the purposes of measures specified in a [Part 2](#) notice (see, in particular, [paragraph 17](#) of [Schedule 7](#)).