



# National Security Act 2023

## 2023 CHAPTER 32

### PART 5

#### TERRORISM

##### *Damages in national security proceedings*

PROSPECTIVE

#### **87 Sections 84 to 86: interpretation**

In sections 84 to 86 and this section—

“claimant” means a person claiming a remedy of any kind against the Crown in national security proceedings;

“court” includes a tribunal;

“intelligence service” means—

- (a) the Security Service;
- (b) the Secret Intelligence Service;
- (c) the Government Communications Headquarters;

“involvement in terrorism-related activity” has the same meaning as in the Terrorism Prevention and Investigation Measures Act 2011 (see section 4 of that Act);

“national security factors” means the factors set out for consideration in section 85(3);

“national security proceedings” has the meaning given by section 84;

“rules of court” includes tribunal procedure rules;

“terrorism offence” means any of the following (whenever committed)—

- (a) an offence listed in—
  - (i) Schedule A1 to the Sentencing Code (terrorism offences: England and Wales), or

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*Status: This version of this provision is prospective.*

*Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Section 87. (See end of Document for details)*

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- (ii) Schedule 1A to the Counter-Terrorism Act 2008 (terrorism offences: Scotland and Northern Ireland);
- (b) a service offence as respects which the corresponding civil offence is so listed; and for this purpose “service offence” and “corresponding civil offence” have the same meanings as in the Counter-Terrorism Act 2008 (see section 95 of that Act);
- (c) an offence that—
  - (i) was abolished on or before the date this section comes into force, and
  - (ii) if committed on or after the date on which it was abolished, would have constituted an offence referred to in paragraph (a) or (b);
- (d) an offence determined to have a terrorist connection under—
  - (i) section 69 of the Sentencing Code (in the case of an offender sentenced in England and Wales), including as applied by section 238(6) of the Armed Forces Act 2006,
  - (ii) section 30 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in Northern Ireland, or an offender sentenced in England and Wales before the Sentencing Code applied), or
  - (iii) section 32 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced for a service offence before the Sentencing Code applied);
- (e) an offence proved to have been aggravated by reason of having a terrorist connection under section 31 of the Counter-Terrorism Act 2008 (in the case of an offender sentenced in Scotland).

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**Commencement Information**

**II** S. 87 not in force at Royal Assent, see [s. 100\(1\)](#)

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**Changes to legislation:**

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