



National Security Act 2023

2023 CHAPTER 32

PART 1

ESPIONAGE, SABOTAGE AND PERSONS ACTING FOR FOREIGN POWERS

Foreign interference

13 Foreign interference: general

- (1) A person commits an offence if—
 - (a) the person engages in prohibited conduct,
 - (b) the foreign power condition is met in relation to the prohibited conduct, and
 - (c) the person intends the prohibited conduct, or a course of conduct of which it forms part, to have an interference effect.
- (2) A person commits an offence if—
 - (a) the person engages in prohibited conduct,
 - (b) the foreign power condition is met in relation to the prohibited conduct, and
 - (c) the person is reckless as to whether the prohibited conduct, or a course of conduct of which it forms part, will have an interference effect.
- (3) A person (“P”) commits an offence if—
 - (a) P engages in a course of conduct with one or more other persons,
 - (b) the foreign power condition is met in relation to conduct of P which forms part of the course of conduct,
 - (c) P intends the course of conduct to have an interference effect,
 - (d) as part of the course of conduct, a person other than P engages in prohibited conduct, and
 - (e) P intends or believes that, as part of the course of conduct, a person other than P will engage in prohibited conduct.

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

- (4) For the purposes of subsections (1)(c) and (2)(c) a course of conduct includes a course of conduct engaged in by the person alone, or by the person and one or more other persons.
- (5) Subsections (1) and (2) apply whether the person’s conduct takes place in the United Kingdom or elsewhere.
- (6) Subsection (3) applies whether P’s conduct or the prohibited conduct takes place in the United Kingdom or elsewhere.
- (7) A person who commits an offence under [this section](#) is liable on conviction on indictment to imprisonment for a term not exceeding 14 years or a fine (or both).
- (8) In [this section](#)—
 - “interference effect” has the meaning given by section 14;
 - “prohibited conduct” has the meaning given by section 15.

Commencement Information

- I1** S. 13 not in force at Royal Assent, see [s. 100\(1\)](#)
- I2** [S. 13](#) in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

14 Foreign interference: meaning of “interference effect”

- (1) For the purposes of section 13 an “interference effect” means any of the following effects—
 - (a) interfering with the exercise by a particular person of a Convention right in the United Kingdom,
 - (b) affecting the exercise by any person of their public functions,
 - (c) interfering with whether, or how, any person makes use of services provided in the exercise of public functions,
 - (d) interfering with whether, or how, any person (other than in the exercise of a public function) participates in relevant political processes or makes political decisions,
 - (e) interfering with whether, or how, any person (other than in the exercise of a public function) participates in legal processes under the law of the United Kingdom, or
 - (f) prejudicing the safety or interests of the United Kingdom.
- (2) An effect may be an interference effect whether it relates to a specific instance of a matter mentioned in subsection (1), or to the matter in general.
- (3) In subsection (1)(d) “relevant political processes” means—
 - (a) an election or referendum in the United Kingdom,
 - (b) the proceedings of a local authority,
 - (c) the proceedings of a UK registered political party, or
 - (d) the activities of an informal group consisting of or including members of—
 - (i) one or both of Houses of Parliament,
 - (ii) the Northern Ireland Assembly,
 - (iii) the Scottish Parliament, or

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

(iv) Senedd Cymru,
(acting in that capacity).

- (4) In subsection (1)(d) “political decisions” means decisions of—
- (a) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975) or a United Kingdom government department,
 - (b) a Northern Ireland Minister, the First Minister in Northern Ireland, the deputy First Minister in Northern Ireland, a person appointed as a junior Minister under section 19 of the Northern Ireland Act 1998, a Northern Ireland department or the Executive Committee of the Northern Ireland Assembly,
 - (c) the Scottish Ministers or the First Minister for Scotland,
 - (d) the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or
 - (e) a local authority.

- (5) In [this section](#)—

“Convention rights” has the meaning given by section 1 of the Human Rights Act 1998;

the “law of the United Kingdom” includes the law of any part of the United Kingdom;

“local authority” means—

- (a) in England—
 - (i) a county council;
 - (ii) a district council;
 - (iii) a London borough council;
 - (iv) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
 - (v) a parish council;
 - (vi) the Council of the Isles of Scilly;
 - (vii) the Common Council of the City of London;
 - (viii) the Sub-Treasurer of the Inner Temple;
 - (ix) the Under Treasurer of the Middle Temple;
 - (b) in Wales, a county council, county borough council or community council;
 - (c) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
 - (d) in Northern Ireland, a district council;
- “public functions” means functions of a public nature—
- (a) exercisable in the United Kingdom, or
 - (b) exercisable in a country or territory outside the United Kingdom by a person acting for or on behalf of, or holding office under, the Crown;
- “UK registered political party” means a political party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000.

Commencement Information

I3 S. 14 not in force at Royal Assent, see [s. 100\(1\)](#)

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

14 S. 14 in force at 20.12.2023 by S.I. 2023/1272, reg. 2(a)

15 Foreign interference: meaning of “prohibited conduct”

- (1) Conduct is prohibited conduct for the purposes of section 13 if—
 - (a) it constitutes an offence, or
 - (b) if it takes place in a country or territory outside the United Kingdom, it would constitute an offence if it took place in any part of the United Kingdom.
- (2) Conduct is prohibited conduct for the purposes of section 13 if it involves coercion of any kind, including coercion by—
 - (a) using or threatening to use violence against a person;
 - (b) damaging or destroying, or threatening to damage or destroy, a person’s property;
 - (c) damaging or threatening to damage a person’s reputation;
 - (d) causing or threatening to cause financial loss to a person;
 - (e) causing spiritual injury to, or placing undue spiritual pressure on, a person;
 (whether or not that person is the person to whom the interference effect relates).
- (3) Conduct is prohibited conduct for the purposes of section 13 if it involves making a misrepresentation.
- (4) A “misrepresentation” is a representation—
 - (a) that a reasonable person would consider to be false or misleading in a way material to the interference effect, and
 - (b) that the person making the representation knows or intends to be false or misleading in a way material to the interference effect.
- (5) A misrepresentation may be made by making a statement or by any other kind of conduct, and may be express or implied.
- (6) A misrepresentation may in particular include—
 - (a) a misrepresentation as to a person’s identity or purpose;
 - (b) presenting information in a way which amounts to a misrepresentation, even if some or all of the information is true.
- (7) In this section “interference effect” has the meaning given by section 14.

Commencement Information

- 15** S. 15 not in force at Royal Assent, see s. 100(1)
16 S. 15 in force at 20.12.2023 by S.I. 2023/1272, reg. 2(a)

16 Foreign interference in elections

- (1) This section applies where—
 - (a) a person commits a relevant electoral offence on or after the day on which this section comes into force, and
 - (b) the foreign power condition is met in relation to the conduct of the person which constitutes the offence (see section 31).

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

- (2) A “relevant electoral offence” is an offence listed in column 1 of the table in [Part 1](#) of [Schedule 1](#) (“the table”).
- (3) The person is liable on conviction on indictment to imprisonment for a term not exceeding the specified maximum term or a fine (or both).
- (4) The specified maximum term is the term specified in column 2 of the table in relation to the relevant electoral offence.
- (5) Where an offence is found to have been committed over a period of 2 or more days, or at some time during a period of 2 or more days, it must be taken for the purposes of [subsection \(1\)](#) to have been committed on the first of those days.
- (6) [Part 2](#) of [Schedule 1](#) amends provisions relating to relevant electoral offences.

Commencement Information

I7 S. 16 not in force at Royal Assent, see [s. 100\(1\)](#)

I8 S. 16 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(a\)](#)

Changes to legislation:

There are currently no known outstanding effects for the National Security Act 2023, Cross
Heading: Foreign interference.