



National Security Act 2023

2023 CHAPTER 32

PART 2

PREVENTION AND INVESTIGATION MEASURES

Imposition of prevention and investigation measures

39 Power to impose prevention and investigation measures

- (1) The Secretary of State may by notice (a “[Part 2 notice](#)”) impose specified prevention and investigation measures on an individual if conditions A to E in [section 40](#) are met.
- (2) In this Part “prevention and investigation measures” means requirements, restrictions and other provision which may be made in relation to an individual by virtue of [Schedule 7](#).
- (3) In [this section](#) and [Part 1](#) of [Schedule 7](#) “specified” means specified in the [Part 2](#) notice.
- (4) The Secretary of State must publish factors that the Secretary of State considers are appropriate to take into account when deciding whether to impose restrictions on an individual by virtue of [paragraph 2](#) of [Schedule 7](#) (travel measure).

Commencement Information

- 11** S. 39 not in force at Royal Assent, see [s. 100\(1\)](#)
12 S. 39 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

40 Conditions A to E

- (1) Condition A is that the Secretary of State reasonably believes that the individual is, or has been, involved in foreign power threat activity.
- (2) Condition B is that some or all of the foreign power threat activity in which the individual is, or has been, involved is new foreign power threat activity.

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- (3) Condition C is that the Secretary of State reasonably considers that it is necessary, for purposes connected with protecting the United Kingdom from the risk of acts or threats within section 33(3), for prevention and investigation measures to be imposed on the individual.
- (4) Condition D is that the Secretary of State reasonably considers that it is necessary, for purposes connected with preventing or restricting the individual's involvement in foreign power threat activity, for the prevention and investigation measures specified in the notice to be imposed on the individual.
- (5) Condition E is that—
- (a) the court gives the Secretary of State permission under section 42, or
 - (b) the Secretary of State reasonably considers that the urgency of the case requires prevention and investigation measures to be imposed without obtaining such permission.
- (6) In relation to prevention and investigation measures under paragraph 1 of Schedule 7 (residence measure), conditions A, B and D (and subsection (7)) apply as if the references to foreign power threat activity were to foreign power threat activity which relates to acts or threats within section 33(3)(b) or (c).
- (7) In this section “new foreign power threat activity” means—
- (a) if no Part 2 notice relating to the individual has ever been in force, foreign power threat activity occurring at any time;
 - (b) if only one Part 2 notice relating to the individual has ever been in force, foreign power threat activity occurring after that notice came into force;
 - (c) if two or more Part 2 notices relating to the individual have been in force, foreign power threat activity occurring after such a notice came into force most recently.
- (8) In this section references to foreign power threat activity, and to an individual's involvement in such activity, include foreign power threat activity, and an individual's involvement in such activity, occurring before section 39 comes into force.

Commencement Information

- I3** S. 40 not in force at Royal Assent, see s. 100(1)
I4 S. 40 in force at 20.12.2023 by S.I. 2023/1272, reg. 2(b)

Five year limit on imposition of measures

41 Five year limit for Part 2 notices

- (1) A Part 2 notice—
- (a) comes into force when the notice is served on the individual or, if later, at the time specified for this purpose in the notice, and
 - (b) is in force for the period of one year.
- (2) The Secretary of State may by notice extend a Part 2 notice for a period of one year beginning when the Part 2 notice would otherwise expire.
- (3) A Part 2 notice—

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Part 2. (See end of Document for details)

- (a) may be extended under [subsection \(2\)](#) only if conditions A, C and D are met, and
 - (b) may be so extended on up to four occasions.
- (4) [This section](#) is subject, in particular, to sections [49](#) (revocation and revival of [Part 2](#) notices) and [50](#) (replacement of [Part 2](#) notice that is quashed etc).

Commencement Information

- I5** S. 41 not in force at Royal Assent, see [s. 100\(1\)](#)
I6 S. 41 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

Court scrutiny of imposition of measures

42 Prior permission of the court

- (1) [This section](#) applies if the Secretary of State—
 - (a) makes the relevant decisions in relation to an individual, and
 - (b) makes an application to the court for permission to impose measures on the individual.
- (2) The application must set out a draft of the proposed [Part 2](#) notice.
- (3) The function of the court on the application is—
 - (a) to determine whether the relevant decisions of the Secretary of State are obviously flawed, and
 - (b) to determine whether to give permission to impose measures on the individual and (where applicable) whether to exercise the power of direction under [subsection \(9\)](#).
- (4) The court may consider the application—
 - (a) in the absence of the individual,
 - (b) without the individual having been notified of the application, and
 - (c) without the individual having been given an opportunity (if the individual was aware of the application) of making any representations to the court.
- (5) But that does not limit the matters about which rules of court may be made.
- (6) In determining the application, the court must apply the principles applicable on an application for judicial review.
- (7) In a case where the court determines that a decision of the Secretary of State that condition A, condition B or condition C is met is obviously flawed, the court may not give permission under [this section](#).
- (8) In any other case, the court may give permission under [this section](#).
- (9) If the court determines that the Secretary of State's decision that condition D is met is obviously flawed, the court may (in addition to giving permission under [subsection \(8\)](#)) give directions to the Secretary of State in relation to the measures to be imposed on the individual.

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Part 2. (See end of Document for details)

- (10) In [this section](#) “relevant decisions” means the decisions that the following conditions are met—
- (a) condition A,
 - (b) condition B,
 - (c) condition C, and
 - (d) condition D.

Commencement Information

- I7** S. 42 not in force at Royal Assent, see [s. 100\(1\)](#)
I8 S. 42 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

43 Urgent cases: reference to the court etc

[Schedule 8](#) makes provision about references to the court in urgent cases.

Commencement Information

- I9** S. 43 not in force at Royal Assent, see [s. 100\(1\)](#)
I10 S. 43 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

44 Directions hearing

- (1) [This section](#) applies if the court—
- (a) gives permission under [section 42](#) for measures to be imposed on an individual, or
 - (b) confirms under [paragraph 4\(3\)](#) of [Schedule 8](#) (whether or not subject to [paragraph 4\(2\)](#) of that Schedule) a [Part 2](#) notice which imposes measures on an individual.
- (2) The court must, at the hearing where it gives the permission or confirms the notice, give directions for a further hearing (a “directions hearing”)—
- (a) which, unless the court otherwise directs (whether in those directions or subsequently), is to be held within the period of 7 days beginning with the relevant day, and
 - (b) which the individual is to have the opportunity to attend.
- (3) In a case where [this section](#) applies because the court gives permission under [section 42](#), directions given under [subsection \(2\)](#) may not be served on the individual unless the [Part 2](#) notice has been served on that individual.
- (4) At the directions hearing, the court must give directions for a further hearing (a “review hearing”) in relation to the imposition of measures on the individual.
- (5) Directions under [subsection \(4\)](#) must provide for the review hearing to be held as soon as reasonably practicable.
- (6) In [this section](#) “relevant day” means—
- (a) in a case falling within [subsection \(1\)\(a\)](#), the day on which the [Part 2](#) notice imposing the measures is served on the individual;

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- (b) in a case falling within [subsection \(1\)\(b\)](#), the day on which the court confirms the [Part 2](#) notice.

Commencement Information

- I11** S. 44 not in force at Royal Assent, see [s. 100\(1\)](#)
I12 S. 44 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

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.
- (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

- I13** S. 45 not in force at Royal Assent, see [s. 100\(1\)](#)
I14 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, Part 2. (See end of Document for details)

Consultation requirements

46 Criminal investigations into foreign power threat activity

- (1) The Secretary of State must consult the chief officer of the appropriate police force about the matter mentioned in [subsection \(2\)](#) before—
 - (a) making an application under [section 42](#) for permission to impose measures on an individual, or
 - (b) imposing measures on an individual in a case to which [section 40\(5\)\(b\)](#) applies (urgency of the case requires measures to be imposed without obtaining the permission of the court).
- (2) The matter is whether there is evidence available that could realistically be used for the purposes of prosecuting the individual for an offence—
 - (a) within [section 33\(3\)\(a\)](#), or
 - (b) relating to acts or threats within [section 33\(3\)\(b\)](#) or [\(c\)](#).
- (3) The “appropriate police force” means the police force—
 - (a) that is investigating the commission of any such offence by the individual, or
 - (b) by which it appears to the Secretary of State that the commission of any such offence by the individual would fall to be investigated.
- (4) If the Secretary of State serves a [Part 2](#) notice on an individual, the Secretary of State must inform the chief officer of the appropriate police force—
 - (a) that the [Part 2](#) notice has been served, and
 - (b) that the chief officer must act in accordance with the duty under [subsection \(5\)](#).
- (5) After being informed of the matters mentioned in [subsection \(4\)](#), the chief officer must—
 - (a) secure that the investigation of the individual's conduct, with a view to a prosecution of the individual for an offence—
 - (i) within [section 33\(3\)\(a\)](#), or
 - (ii) relating to acts or threats within [section 33\(3\)\(b\)](#) or [\(c\)](#),

is kept under review throughout the period the [Part 2](#) notice is in force, and
 - (b) report to the Secretary of State on the review carried out under [paragraph \(a\)](#).
- (6) The chief officer must consult the relevant prosecuting authority before responding to consultation under [subsection \(1\)](#).
- (7) The chief officer must also, to the extent that the chief officer considers it appropriate to do so, consult the relevant prosecuting authority in carrying out the duty under [subsection \(5\)\(a\)](#).
- (8) The “relevant prosecuting authority” is—
 - (a) in the case of offences that would be likely to be prosecuted in England and Wales, the Director of Public Prosecutions;
 - (b) in the case of offences that would be likely to be prosecuted in Scotland, the Lord Advocate;
 - (c) in the case of offences that would be likely to be prosecuted in Northern Ireland, the Director of Public Prosecutions for Northern Ireland.
- (9) The duty to consult under [subsection \(1\)](#) or [\(6\)](#) may be satisfied by consultation that took place wholly or partly before the passing of this Act.

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Part 2. (See end of Document for details)

(10) In [this section](#)—

“chief officer”—

- (a) in relation to a police force maintained for a police area in England and Wales, means the chief officer of police of that force;
- (b) in relation to the Police Service of Scotland, means the chief constable of that Service;
- (c) in relation to the Police Service of Northern Ireland, means the Chief Constable of that Service;
- (d) in relation to the National Crime Agency, means the Director General of the National Crime Agency;

“police force” means—

- (a) a police force maintained for a police area in England and Wales;
- (b) the Police Service of Scotland;
- (c) the Police Service of Northern Ireland;
- (d) the National Crime Agency.

Commencement Information

I15 S. 46 not in force at Royal Assent, see [s. 100\(1\)](#)

I16 S. 46 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

Review of ongoing necessity

47 Review of ongoing necessity

During the period that a [Part 2](#) notice is in force, the Secretary of State must keep under review whether conditions C and D are met.

Commencement Information

I17 S. 47 not in force at Royal Assent, see [s. 100\(1\)](#)

I18 S. 47 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

Changes concerning [Part 2](#) notices

48 Variation of measures

(1) The Secretary of State may by notice (a “variation notice”) vary measures specified in a [Part 2](#) notice if—

- (a) the variation consists of the relaxation or removal of measures,
- (b) the variation is made with the consent of the individual, or
- (c) the Secretary of State reasonably considers that the variation is necessary for purposes connected with preventing or restricting the individual's involvement in foreign power threat activity.

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Part 2. (See end of Document for details)

- (2) The Secretary of State may by variation notice vary a relocation measure so as to substitute a different specified residence if the Secretary of State reasonably considers that—
- (a) the variation is necessary for reasons connected with the efficient and effective use of resources in relation to the individual, and
 - (b) the relocation measure (as varied) remains necessary for purposes connected with preventing or restricting the individual’s involvement in foreign power threat activity which relates to acts or threats within [section 33\(3\)\(b\)](#) or [\(c\)](#).
- (3) A “relocation measure” is a measure under [paragraph 1\(2\)](#) of [Schedule 7](#) which requires the individual to reside at a specified residence within [paragraph 1\(3\)\(b\)](#) of that Schedule (requirement to reside at premises specified by Secretary of State other than individual's own residence).
- (4) The individual to whom a [Part 2](#) notice relates may make an application to the Secretary of State for the variation of measures specified in the notice.
- (5) The Secretary of State must consider an application made under [subsection \(4\)](#).
- (6) An application under [subsection \(4\)](#) must be made in writing.
- (7) The Secretary of State may by notice request the provision, within such period of time as the notice may specify, of further information from the individual in connection with an application under [subsection \(4\)](#).
- (8) The Secretary of State is not required to consider an application further unless any information requested under [subsection \(7\)](#) is provided in accordance with the notice mentioned in that subsection.
- (9) A variation under [subsection \(1\)](#) or [\(2\)](#) takes effect when the variation notice is served or, if later, at the time specified for this purpose in the variation notice.
- (10) The power under [subsection \(1\)](#) or [\(2\)](#) is exercisable whether or not an application has been made under [subsection \(4\)](#).
- (11) In a case where a [Part 2](#) notice—
- (a) has expired as mentioned in [section 49\(6\)\(a\)](#), or
 - (b) has been revoked,
- the power under [subsection \(1\)](#) or [\(2\)](#) may (in particular) be exercised in relation to the [Part 2](#) notice before any revival of the [Part 2](#) notice under [section 49\(6\)](#) so as to take effect at the time that the [Part 2](#) notice comes back into force on its revival.
- (12) In such a case, the question of whether condition D is met is to be determined for the purposes of [section 49\(6\)](#) by reference to the measures specified in the [Part 2](#) notice as they would be after the exercise of the power under [subsection \(1\)](#) or [\(2\)](#).
- (13) [Subsection \(2\)](#) does not limit the power under [subsection \(1\)](#).

Commencement Information

I19 S. 48 not in force at Royal Assent, see [s. 100\(1\)](#)

I20 S. 48 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, Part 2. (See end of Document for details)

49 Revocation and revival of Part 2 notices

- (1) The Secretary of State may by notice (a “revocation notice”) revoke a Part 2 notice at any time.
- (2) The revocation of a Part 2 notice takes effect when the revocation notice is served or, if different, at the time specified for this purpose in the revocation notice.
- (3) The individual to whom a Part 2 notice relates may make an application to the Secretary of State for the revocation of the Part 2 notice.
- (4) The Secretary of State must consider an application made under subsection (3).
- (5) The power under subsection (1) is exercisable whether or not an application has been made under subsection (3).
- (6) The Secretary of State may by notice (a “revival notice”) at any time revive a Part 2 notice which—
 - (a) has expired—
 - (i) without being extended under section 41(2), or
 - (ii) having been extended under section 41(2) on fewer than four occasions, or
 - (b) has been revoked,
if conditions A, C and D are met.
- (7) The power of revival may be exercised—
 - (a) under subsection (6)(a) or (b) whether or not the Part 2 notice has previously been revoked and revived, and
 - (b) under subsection (6)(b) whether or not the Part 2 notice has been extended under section 41(2) (and regardless of how many times it has been so extended).
- (8) But the power of revival under subsection (6)(b) may not be exercised to revive a Part 2 notice which the Secretary of State was required to revoke by directions given by the court in relevant proceedings.
- (9) A Part 2 notice which is revived—
 - (a) comes back into force when the revival notice is served or, if later, at the time specified for this purpose in the revival notice,
 - (b) is in force—
 - (i) for the period of one year (in a case where the revived notice had expired), or
 - (ii) for the period of time for which the Part 2 notice would have continued in force if it had not been revoked (in a case where the revived notice had been revoked), and
 - (c) is treated as having been extended under section 41(2) on the same number of occasions (if any) as on which the revived notice had been so extended.

Commencement Information

- I21** S. 49 not in force at Royal Assent, see s. 100(1)
I22 S. 49 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, Part 2. (See end of Document for details)

50 Replacement of a Part 2 notice that is quashed etc

- (1) This section applies if—
- (a) a Part 2 notice, the extension of a Part 2 notice, or the revival of a Part 2 notice, is quashed in relevant proceedings, or
 - (b) a Part 2 notice is revoked by the Secretary of State in compliance with directions given by the court in relevant proceedings.
- (2) The replacement Part 2 notice is to be in force for the period of time for which the overturned notice would have continued in force but for the quashing or revocation.
- (3) The replacement Part 2 notice is to be treated as having been extended under section 41(2) on the same number of occasions (if any) as on which the overturned notice had been so extended (including any extension that was quashed).
- (4) Foreign power threat activity is to be treated as new foreign power threat activity in relation to the imposition of measures by the replacement Part 2 notice if it was new foreign power threat activity in relation to the imposition of measures by the overturned notice.
- (5) Foreign power threat activity that occurs after the coming into force of the overturned notice does not cease to be new foreign power threat activity by virtue of the coming into force of the replacement Part 2 notice.
- (6) Subsections (2) to (5) do not apply to the replacement notice if—
- (a) some or all of the foreign power threat activity occurred after the overturned notice came into force, and
 - (b) the Secretary of State determines that those subsections should not apply to that notice.
- (7) In this section—
- “new foreign power threat activity” has the same meaning as in section 40;
 - “overturned notice” means the Part 2 notice to which the quashing or revocation referred to in subsection (1) relates;
 - “replacement Part 2 notice” means the first Part 2 notice to impose measures on the individual to whom the overturned notice relates after the quashing or revocation referred to in subsection (1).

Commencement Information

I23 S. 50 not in force at Royal Assent, see s. 100(1)

I24 S. 50 in force at 20.12.2023 by S.I. 2023/1272, reg. 2(b)

51 Other provision relating to the quashing of Part 2 notice

- (1) A power in relevant proceedings to quash a Part 2 notice, the extension of a Part 2 notice, the revival of a Part 2 notice, or measures specified in a Part 2 notice, includes—
- (a) in England and Wales or Northern Ireland, power to stay the quashing for a specified time, or pending an appeal or further appeal against the decision to quash; or
 - (b) in Scotland, power to determine that the quashing is of no effect for a specified time or pending such an appeal or further appeal.

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- (2) A decision in relevant proceedings to quash measures specified in a [Part 2](#) notice, or (except as provided in [section 50](#)) a decision in relevant proceedings to quash, or to give directions to the Secretary of State in relation to, a [Part 2](#) notice, the extension of a [Part 2](#) notice, or the revival of a [Part 2](#) notice, does not prevent the Secretary of State—
 - (a) from exercising any power under this Act to impose measures (whether or not to the same or similar effect as measures to which the decision relates), or
 - (b) from relying, in whole or in part, on any matters for the purpose of so exercising such a power (whether or not the matters were relied on in exercising powers under this Act in relation to measures or the [Part 2](#) notice to which the decision relates).
- (3) [Schedule 9](#) makes provision about appeals against convictions.

Commencement Information

- I25** S. 51 not in force at Royal Assent, see [s. 100\(1\)](#)
I26 S. 51 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

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.
- (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\(3\)](#))—

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- (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](#)).

Commencement Information

I27 S. 52 not in force at Royal Assent, see [s. 100\(1\)](#)

I28 S. 52 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

53 Jurisdiction in relation to decisions under this Part

- (1) Decisions relating to [Part 2](#) notices are not to be questioned in any legal proceedings other than—
- (a) proceedings in the court, or
 - (b) proceedings on appeal from such proceedings.
- (2) The court is the appropriate tribunal for the purposes of section 7 of the Human Rights Act 1998 in relation to proceedings all or any part of which call a decision relating to a [Part 2](#) notice into question.
- (3) In this Part “decision relating to a [Part 2](#) notice” means—
- (a) a decision made by the Secretary of State in exercise or performance of any power or duty under any of [sections 39 to 51](#) or under [Schedule 7](#) or [Schedule 8](#);
 - (b) a decision made by the Secretary of State for the purposes of, or in connection with, the exercise or performance of any such power or duty;

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- (c) a decision by a constable to give a direction by virtue of paragraph 4 of [Schedule 7](#) (movement directions measure) or paragraph [11\(1\)\(b\)](#) of that Schedule (reporting measure);
- (d) a decision by a polygraph operator to give a direction by virtue of paragraph [12\(1\)\(c\)](#) of [Schedule 7](#);
- (e) a decision by a person to give a direction by virtue of [paragraph 15\(2\)\(d\)](#) of [Schedule 7](#) (monitoring measure).

Commencement Information

- I29** S. 53 not in force at Royal Assent, see [s. 100\(1\)](#)
I30 S. 53 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

54 Proceedings relating to measures

- (1) No appeal lies from any determination of the court in relevant proceedings, except on a question of law.
- (2) No appeal by any person other than the Secretary of State lies from any determination—
 - (a) on an application for permission under [section 42](#), or
 - (b) on a reference under [Schedule 8](#).
- (3) [Schedule 10](#) makes provision about proceedings relating to measures.

Commencement Information

- I31** S. 54 not in force at Royal Assent, see [s. 100\(1\)](#)
I32 S. 54 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

Other safeguards

55 Reports on exercise of powers under this Part

- (1) The Secretary of State must—
 - (a) prepare a report about the exercise of the powers mentioned in [subsection \(2\)](#) during each period of 3 months beginning with the month in which [section 39](#) comes into force, and
 - (b) lay a copy of each such report before Parliament.
- (2) The powers referred to in [subsection \(1\)](#) are the powers of the Secretary of State under this Part—
 - (a) to impose measures on an individual by a [Part 2](#) notice;
 - (b) to extend a [Part 2](#) notice under [section 41\(2\)](#);
 - (c) to vary a [Part 2](#) notice under [section 48](#);
 - (d) to revoke a [Part 2](#) notice under [section 49\(1\)](#);
 - (e) to revive a [Part 2](#) notice under [section 49\(6\)](#).

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- (3) The duty under [subsection \(1\)](#) in relation to the preparation and laying of a report must be carried out as soon as reasonably practicable after the end of the 3 month period to which the report relates.

Commencement Information

- I33** S. 55 not in force at Royal Assent, see [s. 100\(1\)](#)
I34 S. 55 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

Enforcement

56 Offence

- (1) An individual commits an offence if—
- a [Part 2](#) notice is in force in relation to the individual, and
 - the individual contravenes without reasonable excuse any measure specified in the notice.
- (2) Where an individual—
- is subject to a measure specified under [paragraph 2](#) of [Schedule 7](#) (a “travel measure”), and
 - leaves the United Kingdom or travels outside the United Kingdom, [subsection \(1\)\(b\)](#) has effect, in relation to that act, with the omission of the words “without reasonable excuse”.
- (3) If the individual has the permission of the Secretary of State by virtue of [Schedule 7](#) for an act which would, without that permission, contravene a measure specified in the [Part 2](#) notice, the individual contravenes that measure by virtue of that act if the act is not in accordance with the terms of the permission.
- (4) An individual who commits an offence under [subsection \(1\)](#) is liable—
- on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine (or both);
 - on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates’ court or to a fine (or both);
 - on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum (or both);
 - on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or both).
- (5) Where an individual commits an offence under [subsection \(1\)](#) by contravening a travel measure, [subsection \(4\)\(a\)](#) has effect as if “10 years” were substituted for “5 years”.
- (6) Where an individual is convicted by or before a court of an offence under [subsection \(1\)](#), it is not open to that court to make in respect of the offence—
- an order under section 80 of the Sentencing Code (conditional discharge),
 - an order under section 227A of the Criminal Procedure (Scotland) Act 1995 (community payback orders), or

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- (c) an order under Article 4(1)(b) of the Criminal Justice (Northern Ireland) Order 1996 (S.I. 1996/3160 (N.I. 24)) (conditional discharge).

Commencement Information

- I35** S. 56 not in force at Royal Assent, see [s. 100\(1\)](#)
I36 S. 56 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

57 Powers of entry etc

[Schedule 11](#) makes provision about powers of entry, search, seizure and retention.

Commencement Information

- I37** S. 57 not in force at Royal Assent, see [s. 100\(1\)](#)
I38 S. 57 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

58 Fingerprints and samples

[Schedule 12](#) makes provision about fingerprints and samples.

Commencement Information

- I39** S. 58 not in force at Royal Assent, see [s. 100\(1\)](#)
I40 S. 58 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

Supplementary provisions

59 Notices

- (1) In a case where the Secretary of State serves a [Part 2](#) notice, a revival notice or an extension notice on an individual, the Secretary of State must, by a further notice, give the following information to the individual—
- (a) the period for which the [Part 2](#) notice will be in force,
 - (b) the day on which the [Part 2](#) notice comes, or came, into force, and
 - (c) the day on which the [Part 2](#) notice will expire,
- and, in the case of a revival or extension notice, “[Part 2](#) notice” means the [Part 2](#) notice which is revived or extended by that notice.
- (2) An individual is not bound by—
- (a) a [Part 2](#) notice,
 - (b) a revival notice, or
 - (c) a variation notice insofar as it gives notice of a variation that is neither a relaxation or removal of measures, nor a variation with the individual's consent,
- unless the notice is served personally on the individual.
- (3) An individual is not bound by an extension notice unless the notice is—

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- (a) served personally on the individual, and
 - (b) so served before the [Part 2](#) notice to which it relates would otherwise expire.
- (4) Any of the following notices must be served on the individual to whom the notice relates—
- (a) a revocation notice;
 - (b) a variation notice insofar as [subsection \(2\)\(c\)](#) does not apply to it;
 - (c) a confirmation notice.
- (5) Any of the following notices may be proved by the production of a document purporting to be certified by the Secretary of State as a true copy of the notice—
- (a) a [Part 2](#) notice;
 - (b) an extension notice;
 - (c) a revocation notice;
 - (d) a revival notice;
 - (e) a variation notice;
 - (f) a confirmation notice.
- (6) But that does not prevent the proof of such a notice in other ways.
- (7) In [this section](#)—
- “confirmation notice” means a notice given under [subsection \(1\)](#);
 - “extension notice” means a notice under [section 41\(2\)](#);
 - “revival notice” has the same meaning as in [section 49\(6\)](#);
 - “revocation notice” has the same meaning as in [section 49\(1\)](#);
 - “variation notice” has the same meaning as in [section 48\(1\)](#).

Commencement Information

- I41** S. 59 not in force at Royal Assent, see [s. 100\(1\)](#)
I42 S. 59 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

60 Contracts

The Secretary of State may enter into such contracts and other arrangements with other persons as the Secretary of State considers appropriate for securing their assistance in connection with any monitoring, by electronic or other means, that the Secretary of State considers needs to be carried out in connection with measures specified in [Part 2](#) notices.

Commencement Information

- I43** S. 60 not in force at Royal Assent, see [s. 100\(1\)](#)
I44 S. 60 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

61 Legal aid in relation to [Part 2](#) notices

In Schedule 1 to the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (civil legal services), in Part 1 (services), after paragraph 45A insert—

Changes to legislation: There are currently no known outstanding effects for the National Security Act 2023, Part 2. (See end of Document for details)

“Foreign power threat activity prevention and investigation measures

- 45B (1) Civil legal services provided to an individual in relation to a notice under [section 39\(1\)](#) of the National Security Act 2023 relating to the individual.
- (2) Sub-paragraph (1) is subject to—
- (a) the exclusions in Part 2 of this Schedule, with the exception of paragraph 18 of that Part, and
 - (b) the exclusion in Part 3 of this Schedule.”

Commencement Information

- I45** S. 61 not in force at Royal Assent, see [s. 100\(1\)](#)
- I46** S. 61 in force at 20.12.2023 by [S.I. 2023/1272](#), [reg. 2\(b\)](#)

62 Interpretation etc

- (1) In [this Part](#)—
- “act” and “conduct” include omissions and statements;
 - “condition A”, “condition B”, “condition C”, “condition D” or “condition E” means that condition as set out in [section 40](#);
 - “court” means—
 - (a) in the case of proceedings relating to an individual whose principal place of residence is in Scotland, the Outer House of the Court of Session;
 - (b) in the case of proceedings relating to an individual whose principal place of residence is in Northern Ireland, the High Court in Northern Ireland;
 - (c) in any other case, the High Court in England and Wales;
 - “decision relating to a Part 2 notice” has the meaning given in [section 53](#);
 - “enactment” includes—
 - (a) an enactment comprised in subordinate legislation (within the meaning of the Interpretation Act 1978);
 - (b) an enactment comprised in, or in an instrument made under, a Measure or Act of Senedd Cymru;
 - (c) an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament;
 - (d) an enactment comprised in, or in an instrument made under, Northern Ireland legislation;
 - (e) retained direct EU legislation;
 - “foreign power threat activity” and “involvement” (in relation to such activity) have the same meaning as in [Part 1](#) (see [section 33](#));
 - “measures” means prevention and investigation measures (which has the meaning given in [section 39](#));
 - “notice” means a notice in writing;
 - “Part 2 notice” has the meaning given in [section 39\(1\)](#);
 - “relevant proceedings” means—
 - (a) proceedings on an application for permission under [section 42](#);

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- (b) proceedings on a reference under [Schedule 8](#);
 - (c) proceedings on a directions hearing held in accordance with directions under [section 44\(2\)](#);
 - (d) proceedings on a review hearing held in accordance with directions under [section 44\(4\)](#);
 - (e) proceedings on an appeal under [section 52](#);
 - (f) proceedings by virtue of [section 53\(2\)](#);
 - (g) proceedings on an application made by virtue of rules of court made under [paragraph 6](#) of [Schedule 10](#) (application for order requiring anonymity);
 - (h) any other proceedings for questioning a decision relating to a [Part 2](#) notice (including any claim for damages or other relief arising out of such a decision).
- (2) In a case where—
- (a) a [Part 2](#) notice has come into force in relation to an individual, and
 - (b) by virtue of the coming into force of that [Part 2](#) notice, foreign power threat activity which occurred before the coming into force of that notice has ceased to be new foreign power threat activity (within the meaning of [section 40\(7\)](#)) in relation to that individual for the purposes of that section,
- the Secretary of State is not prevented from taking account of that activity for the purposes of the continued imposition, or subsequent imposition, of measures on that individual.
- (3) For the purposes of the definition of “new foreign power threat activity” in [section 40\(7\)](#), if a [Part 2](#) notice is revived under [section 49\(6\)](#), a reference to the notice coming into force is a reference to it coming into force by virtue of [section 41\(1\)](#) (and not to it coming back into force by virtue of [section 49\(9\)](#)).
- (4) For the purpose of determining what measures may be imposed on an individual, it is immaterial whether the involvement in foreign power threat activity to be prevented or restricted by the measures is connected with matters to which the Secretary of State’s belief for the purpose of condition A relates.
- This is subject to [section 40\(6\)](#).
- (5) A failure by the Secretary of State to consider an application by an individual for—
- (a) the revocation of a [Part 2](#) notice, or
 - (b) the variation of measures specified in a [Part 2](#) notice,
- is to be treated as a decision by the Secretary of State not to revoke, or not to vary, the [Part 2](#) notice.
- (6) [Subsections \(2\) to \(5\)](#) apply for the purposes of [this Part](#).

Commencement Information

I47 S. 62 not in force at Royal Assent, see [s. 100\(1\)](#)

I48 S. 62 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, Part 2.