



National Security Act 2023

2023 CHAPTER 32

PART 4

FOREIGN ACTIVITIES AND FOREIGN INFLUENCE REGISTRATION SCHEME

PROSPECTIVE

Activities of specified persons

65 Requirement to register foreign activity arrangements

- (1) A “foreign activity arrangement” is an agreement or arrangement between a person (“P”) and a specified person pursuant to which the specified person directs P—
 - (a) to carry out relevant activities in the United Kingdom, or
 - (b) to arrange for relevant activities to be carried out in the United Kingdom.
- (2) In this section “relevant activities”—
 - (a) if regulations under subsection (3) apply in relation to the specified person, has the meaning given by the regulations, and
 - (b) otherwise, means all activities.
- (3) The Secretary of State may by regulations make provision about activities which are relevant activities for the purposes of this section, either in relation to all specified persons or in relation to such specified persons as the regulations may provide.
- (4) Where P makes a foreign activity arrangement, P must register the arrangement with the Secretary of State before the end of the period of 10 days beginning with the day on which P makes the arrangement.
- (5) P commits an offence if P—
 - (a) fails to comply with subsection (4), and
 - (b) knows, or having regard to other matters known to them ought reasonably to know, that the arrangement in question is a foreign activity arrangement.

Status: This version of this cross heading contains provisions that are prospective.

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

Commencement Information

II S. 65 not in force at Royal Assent, see [s. 100\(1\)](#)

66 Meaning of “specified person”

- (1) “Specified person” means—
 - (a) a foreign power specified by the Secretary of State in regulations;
 - (b) a person, other than a foreign power, specified by the Secretary of State in regulations.
- (2) The regulations may specify a person other than a foreign power only if—
 - (a) the person is not an individual, and
 - (b) the Secretary of State reasonably believes the person is controlled by a foreign power.
- (3) [Schedule 13](#) makes provision about when a person is controlled by a foreign power.
- (4) The Secretary of State may make regulations specifying a foreign power or a person other than a foreign power only if the Secretary of State considers it reasonably necessary to do so to protect the safety or interests of the United Kingdom.
- (5) Regulations specifying a foreign power or a person other than a foreign power may provide for [section 65\(4\)](#) to apply, with modifications specified in the regulations, in relation to a foreign activity arrangement made with the specified person before the regulations come into force.

Commencement Information

II S. 66 not in force at Royal Assent, see [s. 100\(1\)](#)

67 Offence of carrying out etc relevant activities pursuant to unregistered foreign activity arrangement

- (1) This section applies where a person (“P”) makes a foreign activity arrangement required to be registered under [section 65\(4\)](#).
- (2) P commits an offence if—
 - (a) P carries out a relevant activity, or arranges for a relevant activity to be carried out, in the United Kingdom pursuant to the arrangement,
 - (b) the arrangement is not registered, and
 - (c) P knows, or having regard to other matters known to them ought reasonably to know, that they are acting pursuant to a foreign activity arrangement.
- (3) A person other than P commits an offence if—
 - (a) the person carries out a relevant activity, or arranges for a relevant activity to be carried out, in the United Kingdom pursuant to the arrangement,
 - (b) the arrangement is not registered, and
 - (c) the person knows, or having regard to other matters known to them ought reasonably to know, that they are acting pursuant to a foreign activity arrangement.

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- (4) In proceedings for an offence under subsection (3) it is a defence to show that the person—
- (a) took all steps reasonably practicable to determine whether the arrangement was registered, and
 - (b) reasonably believed that the arrangement was registered.
- (5) A person is taken to have shown a matter mentioned in subsection (4) if—
- (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (6) In this section “relevant activity” has the same meaning as in [section 65](#).

Commencement Information

I3 S. 67 not in force at Royal Assent, see [s. 100\(1\)](#)

68 Requirement to register relevant activities of specified persons

- (1) A specified person who is not a foreign power must not carry out relevant activities in the United Kingdom unless the activities are registered with the Secretary of State by the specified person.
- (2) A person who holds office in or under, or is an employee or other member of staff of, a specified person who is not a foreign power, must not carry out relevant activities in the United Kingdom in that capacity unless the activities are registered with the Secretary of State by the specified person.
- (3) A person who holds office in or under, or is an employee or other member of staff of, a specified person who is a foreign power must not carry out relevant activities in the United Kingdom in that capacity if or to the extent that—
- (a) the person makes a misrepresentation about their activities or the capacity in which they act (whether generally or to a particular person), and
 - (b) the activities are not registered with the Secretary of State by the specified person.
- (4) In this section “relevant activities”—
- (a) if regulations under subsection (5) apply in relation to the specified person, has the meaning given by the regulations, and
 - (b) otherwise, means all activities.
- (5) The Secretary of State may by regulations make provision about activities which are relevant activities for the purposes of this section, either in relation to all specified persons or in relation to such specified persons as the regulations may provide.
- (6) A misrepresentation is a representation that a reasonable person would consider to be false or misleading in a material way.
- (7) A misrepresentation may be made by making a statement or by any other kind of conduct (including an omission), and may be express or implied.
- (8) A misrepresentation may in particular include—
- (a) a misrepresentation as to the person’s identity or purpose;

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- (b) presenting information in a way which amounts to a misrepresentation, even if some or all of the information is true.
- (9) A person who breaches a prohibition in subsection (1) or (2) commits an offence.
- (10) A person who breaches a prohibition in subsection (3) commits an offence if the person knows, or having regard to other matters known to them ought reasonably to know, that paragraph (a) of that subsection applies.
- (11) In proceedings for an offence under subsection (9) or (10) it is a defence to show that the person—
- (a) took all steps reasonably practicable to determine whether the activities were registered, and
 - (b) reasonably believed that the activities were registered.
- (12) A person is taken to have shown a matter mentioned in subsection (11) if—
- (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.

Commencement Information

14 S. 68 not in force at Royal Assent, see **s. 100(1)**

Status:

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Changes to legislation:

There are currently no known outstanding effects for the National Security Act 2023, Cross Heading: Activities of specified persons.