EXPLANATORY MEMORANDUM TO

THE NATIONAL SECURITY ACT 2023 (APPLICATIONS TO REMOVE A DESIGNATION ETC.) REGULATIONS 2026

2026 No. 784

1. Introduction

1.1 This Explanatory Memorandum has been prepared by the Home Office and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments and the Secondary Legislation Scrutiny Committee.

2. Declaration

2.1 Dame Angela Eagle, Minister for Security, at the Home Office confirms that this Explanatory Memorandum meets the required standard.

2.2 The Deputy Director for the State Threats Unit at the Home Office confirms that this Explanatory Memorandum meets the required standard.

3. Contact

3.1 The State Threats Unit at the Home Office can be contacted by email at the following address with any queries regarding this instrument: STULegislationTeam@homeoffice.gov.uk. Alternatively, the department can be contacted by telephone: 020 7035 4848.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument prescribes the procedure for applications to the Secretary of State seeking the removal of a designation, or the removal of an alternative name (alias) included in a designation, under the National Security Act 2023 ("NS Act 2023"). It specifies details including who may apply, the information required in an application, where applications must be sent, and the timeframe within which they must be determined. The instrument gives effect to provisions for challenging designation decisions and/or aliases introduced by the National Security (State Threats) Act 2026 ("the Act").

Where does the legislation extend to, and apply?

4.2 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is the United Kingdom.

4.3 The territorial application of this instrument (that is, where the instrument produces a practical effect) is the United Kingdom.

5. Policy Context

What is being done and why?

5.1 The Act, which received Royal Assent on 8 July 2026, amended the NS Act 2023 by introducing the power for the Secretary of State to designate bodies involved in

foreign power threat activity where reasonably necessary to protect the safety or interests of the UK.

5.2 The Act gave effect to a recommendation made by Jonathan Hall KC, the Independent Reviewer of State Threats Legislation, in his report in May 2025. The Act makes it easier to disrupt and deter state and state-linked organisations acting for, on behalf of, or with the intention to benefit foreign powers through several new criminal offences which apply following a designation.

5.3 Section 33C(1) of the NS Act 2023 provides that an application may be made to the Secretary of State to exercise their power to remove the designation of a body, or remove an alternative name included in the designation of a body. Section 33C(2) of the NS Act 2023 provides that this application can be made by the designated body or any person affected by the designation.

5.4 This instrument specifically gives effect to section 33C(3) and (4) of the NS Act 2023 which provides that the Secretary of State may make provision about the procedure for applications by regulations, which may require that the Secretary of State determines an application within a specified period of time and that an application states the grounds on which it is made.

5.5 This instrument provides that applications to the Secretary of State for the removal of the designation of a body must be made in writing. Such applications must state the name of the body to which the application relates, whether the application is made by the body or by a person affected by the designation, and the grounds on which the application is made.

5.6 Where an application is made by a body, it must also include the name and address of the individual submitting the application, together with their position in the body or their authority to act on its behalf.

5.7 Where an application is made by a person affected by the designation, it must also state the manner in which the applicant is affected, and the applicant's name and address. Where the applicant is not an individual, the application must additionally include the name and address of the individual submitting it, and their position or authority to act on behalf of the applicant.

5.8 All applications must be signed. Where the application is made by a body, it must be signed by the individual submitting it. Where it is made by a person affected by a designation, it must be signed by the applicant if an individual, or otherwise by the individual acting on the applicant's behalf.

5.9 The instrument further provides that applications for the removal of an alternative name (alias), must be made in writing and must state the name of the body, the alternative name to which the application relates, whether the application is made by the body or by a person affected by the designation, and the grounds on which the application is made.

5.10 The same additional requirements apply, namely that applications made by a body must include the name and address of the individual submitting the application and their position or authority, and applications made by a person affected must include the manner in which they are affected and their name and address, with equivalent requirements where the applicant is not an individual.

5.11 All such applications must also be signed in accordance with the same requirements as set out above.

5.12 The instrument includes other details such as the address for applications to be sent to. It requires applicants to inform the Home Office of a change of address, and the Secretary of State to consider applications within 90 days. The Secretary of State must as soon as is practicable inform an applicant of a refusal decision and notify them of the procedure for appealing to the Proscribed Organisations Appeal Commission (POAC).

5.13 The requirements outlined in paragraphs 5.5 to 5.12 are intended to give effect to provisions in the Act and provide clarity to bodies and persons affected by designations and aliases, so they are able to challenge Secretary of State decisions. Introducing this instrument is also consistent with extending the statutory appeals process under the Terrorism Act 2000 insofar as possible for dealing with applications determined in accordance with this instrument. Imposing similar requirements on applicants and the Secretary of State helps to ensure there is parity between the terrorism proscription regime under the Terrorism Act 2000 and the National Security Act 2023. This reflects the Government's manifesto commitment to take the same approach for dealing with terrorism to deal with state threats.

5.14 Failure to introduce this instrument would mean that potential applicants would not know how to challenge designations under NS Act 2023 – including aliases - and would undermine the provisions and broader policy intent behind the Act.

What was the previous policy, how is this different?

5.15 Prior to this instrument, there was no process for applying to the Secretary of State to challenge a designation or alias. This instrument specifies that process.

6. Legislative and Legal Context

How has the law changed?

6.1 These Regulations form part of the legislative framework governing the designation and de-designation of bodies involved in foreign power threat activity under the NS Act 2023.

6.2 The designation regime was introduced by the Act, which amended the NS Act 2023 by inserting new provisions enabling the Secretary of State to designate bodies involved in foreign power threat activity and to remove such designations. The Secretary of State has the power to add, remove or amend an entry concerning a designated body, which may include alternative names (or aliases) for the body.

6.3 The Regulations supplement the primary legislation by providing a clear and consistent procedural framework for the exercise of the statutory right to apply for the removal of a designation or of an alternative name (alias) included within a designation.

Why was this approach taken to change the law?

6.4 This is the only possible approach to make the necessary changes.

7. Consultation

Summary of consultation outcome and methodology

7.1 No consultation was undertaken for this instrument as it gives effect to provisions in the Act. The requirements imposed by the instrument are procedural in nature.

8. Applicable Guidance

8.1 Guidance on how to send an application to the Secretary of State is available on GOV.UK.[1]

Part Two: Impact and the Better Regulation Framework

9. Impact Assessment

9.1 A full Impact Assessment has not been prepared for this instrument as it is not expected to have a significant impact on business and any potential impacts are considered to fall below the de minimis threshold for producing an Impact Assessment. An Impact Assessment was produced for the National Security (State Threats) Act 2026, which is available on GOV.UK.[2]

Impact on businesses, charities and voluntary bodies

9.2 There is no, or no significant, impact on business, charities or voluntary bodies.

9.3 The legislation does not impact small businesses.

9.4 There is no, or no significant, impact on the public sector.

10. Monitoring and review

What is the approach to monitoring and reviewing this legislation?

10.1 Section 63 of the NS Act 2023 provides for the Secretary of State to appoint an Independent Reviewer of State Threats Legislation ("the Independent Reviewer") to review the operation of Parts 1 and 2 of the NS Act 2023. Part 1 of the NS Act 2023 concerns various offences and powers relating to espionage, sabotage and persons acting for foreign powers.

10.2 The Act inserted into Part 1 NS Act 2023 new provisions for the designation of bodies for involvement in foreign power threat activity and for applying for a designation to be removed. These Regulations are made under such provisions and so fall within the remit of the Independent Reviewer's functions under NS Act 2023.

10.3 The Independent Reviewer is required to carry out an annual review and send their report to the Secretary of State as soon as reasonably practicable after the review's completion, but may produce carry out such standalone reviews as they consider appropriate.

10.4 Reports received by the Secretary of State under section 63 NS Act 2023 must be laid before Parliament.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 This instrument breaches the 21-day rule convention because it is intended to come into force within several days of being laid. Whilst the Home Office acknowledges this convention, it is necessary to breach it on this occasion to bring the instrument into force at the same time as the National Security Act 2023 (Designated Bodies) Regulations 2026. Those Regulations are being brought forward as quickly as possible

[1] https://www.gov.uk/guidance/appeal-against-a-ban-on-your-organisation
[2] https://www.gov.uk/government/publications/national-security-state-threats-bill-2026-impact-assessment

after Royal Assent of the Act for national security reasons. Without breaching the 21-day rule convention, the National Security Act 2023 (Designated Bodies) Regulations 2026, which designates a number of bodies, risk coming into force without a clear process for applying to remove a designation - or the inclusion of alias - by the Secretary of State.

11.2 This may translate into real life negative consequences for designated bodies and individuals associated with them who may, for example, be prosecuted for criminal offences or suffer reputational, social or economic damage. Therefore, it is not possible to wait 21 days for this instrument to come into force since the consequences of designation take effect immediately and it is only fair and reasonable that potential applications to the Secretary of State can be made as soon as the National Security Act 2023 (Designated Bodies) Regulations 2026 come into force.

12. European Convention on Human Rights

12.1 As the instrument is subject to the negative procedure and does not amend primary legislation, no statement is required.

13. The Relevant European Union Acts

13.1 This instrument is not made under the European Union (Withdrawal) Act 2018, the European Union (Future Relationship) Act 2020 or the Retained EU Law (Revocation and Reform) Act 2023 (“relevant European Union Acts”).