EXPLANATORY MEMORANDUM TO

THE NATIONAL SECURITY ACT 2023 (CONSEQUENTIAL AMENDMENT OF PRIMARY LEGISLATION) REGULATIONS 2025

2025 No. 70

1. Introduction

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

2. Declaration

2.1 Dan Jarvis MP, the Minister of State for Security at the Home Office confirms that this Explanatory Memorandum meets the required standard.

2.2 Hannah Thomson, 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 Legislation Team at the Home Office nsactlegislationteam@homeoffice.gov.uk can be contacted with any queries regarding the instrument.

Part One: Explanation, and context, of the Instrument

4. Overview of the Instrument

What does the legislation do?

4.1 This instrument amends the Welsh language version of the Public Services Ombudsman (Wales) Act 2019 to reflect changes made last year to the English language text by the National Security Act 2023 (Consequential Amendments of Primary Legislation) Regulations 2023.

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 National Security Act (NS Act) 2023, which received Royal Assent on 11 July 2023, is a response to the threat of hostile activity from states targeting the UK's democracy, economy, and values. It provides law enforcement and intelligence agencies with new and updated powers, as well as offences, which can be used to deter, detect, and disrupt modern threats.

5.2 The National Security Act 2023 (Consequential Amendments of Primary Legislation) Regulations 2023 (2023/1386) ("the 2023 Regulations) were made last year and came

into force on 23 December 2023. This made an amendment of section 69 of the English language text of the Public Ombudsman (Wales) Act 2019. The Act allows the Public Services Ombudsman for Wales to investigate complaints made by members of the public who believe they have suffered hardship or injustice through maladministration or service failure on the part of a body in the Ombudsman's jurisdiction, which essentially includes all organisations that deliver public services devolved to Wales. The Ombudsman is in general not permitted to disclose information obtained in the course of investigations, but the effect of the amendment made by the 2023 Regulations was to allow disclosure if required in relation to a prosecution for offences under the National Security Act 2023. The 2023 Regulations did not provide a corresponding amendment however to the Welsh text; an oversight which this instrument corrects. Failure to reflect these changes would have caused confusion in how these provisions are applied, and would have prevented information being disclosed when required in the course of a prosecution for a national security-related offence.

What was the previous policy, how is this different?

5.3 This instrument reflects changes already made to the English language text in the Welsh version.

6. Legislative and Legal Context

How has the law changed?

6.1 As a consequence of these Regulations, the necessary consequential amendment will be made to the Welsh text of the relevant Act.

Why was this approach taken to change the law?

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

7. Consultation

7.1 No formal consultation was undertaken on these Regulations as they make a technical amendment that is consequential on the enactment of provisions of the 2023 Act which were scrutinised by Parliament.

8. Applicable Guidance

8.1 No guidance is required in respect of this instrument.

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 relates solely to the Public Services Ombudsman for Wales and has no, or no significant economic impact on its operations. An Impact assessment was prepared in relation to the NS Act, a copy of which is available at: https://assets.publishing.service.gov.uk/media/64f9f5099ee0f2000db7c070/Annex_B_-_20230421-National_Security_Bill_Impact_Assessment-Main__Non-FIRS_-Enactment-FINAL.pdf. Paragraph 92 of this assessment notes the limited impact this legislation will have on government, business, or the public.

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 or micro 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 The approach to monitoring the National Security Act 2023 is subject to the normal post-legislative review three to five years after Royal Assent.

Part Three: Statements and Matters of Particular Interest to Parliament

11. Matters of special interest to Parliament

11.1 None.

12. European Convention on Human Rights

12.1 Dan Jarvis MP, the Minister of State for Security at the Home Office has made the following statement regarding Human Rights:

"In my view the provisions of the National Security Act 2023 (Consequential Amendment of Primary Legislation) Regulations 2025 are compatible with the Convention rights."

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").