

EXPLANATORY NOTES

National Security (State Threats) Act 2026

Chapter 24

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NATIONAL SECURITY (STATE THREATS) ACT 2026

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the National Security (State Threats) Act 2026 which received Royal Assent on 8 July 2026 (c. 24).

- These Explanatory Notes have been prepared by the Home Office in order to assist the reader in understanding the Act. They do not form part of the Act and have not been endorsed by Parliament.
- These Explanatory Notes explain what each part of the Act means in practice; provides background information on the development of policy; and provides additional information on how the Act will affect existing legislation in this area.
- These Explanatory Notes might best be read alongside the Act. They are not, and are not intended to be, a comprehensive description of the Act.

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Overview of the Act

1 Threats to the UK from foreign states are persistent and take many forms, including espionage, foreign interference in the UK's political system, sabotage, disinformation, cyber operations, and even assassinations. Collectively these are referred to by the Government as state threats.

2 The Government is determined to deter, detect and disrupt those state actors who harm the UK. The National Security Act 2023 contained what was then a suite of new powers and offences and was intended to ensure that law enforcement and intelligence agencies had the modern tools, powers and protections they need to counter those who seek to do the UK harm. The Act also strengthened the resilience of the UK's political system against covert foreign influence and provided greater assurance around the activities of specified foreign powers.

3 The threat to the UK from foreign powers and their proxies has grown in scale and complexity, threatening lives and undermining democratic values. The National Security (State Threats) Act 2026 is intended to build on the National Security Act 2023 by providing a new power for the Secretary of State to designate bodies that are involved in threat activity linked to a foreign power, within a framework modelled on proscription under the Terrorism Act 2000. New criminal offences apply in relation to designated bodies, including proxies being used by states to carry out their hostile activities in the UK.

Policy background

4 In December 2024, the then Home Secretary asked the Independent Reviewer of State Threats Legislation, Jonathan Hall KC, to carry out a review of counter-terrorism legislation to determine how powers and offences therein could be emulated to tackle state-based security threats to the UK. A key recommendation in the report, which was published in May 2025, was to develop a state threats proscription-style power to counter state threats.

5 In his report, Jonathan Hall KC concluded that counter-terrorism proscription powers were never designed to deal with state entities and those involved in state threat activities. He concluded that *"there are solid reasons for creating a classification power, equivalent to proscription under the Terrorism Act 2000, which is additional to existing measures such as sanctions"*. Jonathan Hall KC argued that terrorism proscription was intended to address non-state terror threats and therefore to proscribe a state entity would be stretching the definition of terrorism beyond its intended meaning. Furthermore, counter-terrorism proscription has no utility against non-terrorist entities intent on stealing classified material or interfering in British democracy.

6 In response to this recommendation, the Act introduces a new power to designate bodies, modelled on the counter-terrorism proscription regime. This is intended to provide a deterrent to state threat actors while enhancing the ability of law enforcement and intelligence agencies to disrupt them.

7 The Act creates a power for the Secretary of State to designate bodies that they reasonably believe are, or have been, involved in foreign power threat activity where they consider it is necessary to protect the safety or interests of the UK.

8 The Act introduces offences which apply in relation to designated bodies, whether they are state or state-linked (such as proxies). Some of the offences in the Act treat designated bodies in a similar way to foreign intelligence services, for the purposes of prosecuting those who materially assist them etc, and some provisions treat designated bodies in a similar way to foreign powers. Supporting a designated body is an offence under the Act.

Legal background

9 The provisions of this Act create new offences and amend some existing offences under the NSA. The regime is - in part - based on, and informed by, corresponding legislative provisions for dealing with terrorist organisations. Those provisions in the Terrorism Act 2000 (TACT) include:

- The power to proscribe organisations the Secretary of State believes to be concerned in terrorism – section 3 TACT,
- Applications for a proscribed organisation to be deproscribed – section 4 TACT,
- Appeals of refused deproscription applications to a specialist tribunal – section 5 TACT, and
- Offences of supporting a proscribed organisation – section 12 TACT.

10 Existing offences under the NSA form the basis for some of the new offences including:

- Assisting a foreign intelligence service – section 3 NSA,
- Obtaining etc material benefits from a foreign intelligence service – section 17 NSA.

11 There are also some existing offences in the NSA which include the "foreign power condition" (defined at section 31 NSA), meaning that (i) the defendant's conduct was carried out for or on behalf of a foreign power or (ii) the defendant intended their conduct to benefit a foreign power. Those offences are:

- obtaining or disclosing protected information (section 1 NSA);
- obtaining or disclosing trade secrets (section 2 NSA);
- sabotage (section 12 NSA);
- foreign interference (section 13 NSA);
- foreign interference in elections (section 16 NSA); and
- preparatory conduct (section 18 NSA).

12 The relevant offences are amended by this Act to include a new "designated body condition", which operates in the same way as the foreign power condition.

13 Provisions in the NSA and the Sentencing Act 2020 which can make a sentence more severe on the basis that the defendant acted for or on behalf of a foreign power – a so-called 'aggravating factor' – are also amended by the Act to take account of actions for or on behalf of a designated body.

14 It is possible that some bodies which are designated by the Secretary of State using this new power will also be subject, directly or indirectly, to sanctions set out in the regulations made under the Sanctions and Anti-Money Laundering Act 2018. Both regimes can operate in parallel, and a person or body may be subject to both frameworks, to sanctions only or to designation only.

Territorial extent and application

15 Section 6 sets out the extent of the Act, that is the jurisdiction in which the Act forms part of the law. The extent of an Act can be different from its application. Application is about where the Act produces a practical effect.

16 The Act extends to England and Wales, Scotland, and Northern Ireland in all cases, except where an amendment or repeal made by the Act is to a provision that does not extend to the whole of the UK. In the case of such provisions, the amendment or repeal has the same extent as the provision being amended or repealed. This is relevant to the amendments in the Schedule which amend the following provisions:

- section 69A of and Schedule 13 to the Sentencing Code, which extend to England and Wales;
- Schedule 5ZB to the Criminal Procedure (Scotland) Act 1995, which extends to Scotland;
- Schedule 19ZB to the Criminal Justice Act 2003, which extends to England and Wales;
- the Criminal Justice (Northern Ireland) Order 2008, which extends to Northern Ireland; and
- the Criminal Justice Act 2003 (Requisite and Minimum Custodial Periods) Order 2024, which extends to England and Wales.

17 See the table in Annex A for a summary of the position regarding territorial extent and application in the UK.

Commentary on the provisions of the Act

Section 1: Designation of bodies involved in foreign power threat activity

18 Section 1 amends the NSA to insert, after section 33 of the NSA, new sections 33A and 33B. Section 33A creates a power for the Secretary of State to designate bodies involved in foreign power threat activity. Section 33B sets out the 'designated body condition'. References to subsections in the following paragraphs are to subsections of the new inserted sections.

New section 33A of the National Security Act 2023: Power to designate bodies involved in foreign power threat activity

19 Under new section 33A, the Secretary of State may designate a body if both of the following conditions are met:

20 the Secretary of State reasonably believes that the body is, or has been, involved in foreign power threat activity (section 33 of the NSA, as amended by this Act, sets out the meaning of foreign power threat activity), and

- the Secretary of State considers that designating the body is necessary to protect the safety or interests of the UK.

21 For the purposes of this section, the inclusive definition of "body" at subsection (8) reflects the range of organisations that might be involved in foreign power threat activity. The power cannot be used to designate an individual.

22 For example, if the Secretary of State considered it necessary to protect the safety or interests of the UK, they might designate amongst others:

23 a foreign intelligence service obtaining protected information and inspecting sensitive defence or intelligence sites in the UK (a "prohibited place") (see section 33(3)(a)(i) and (iv) of the NSA),

24 a mercenary group carrying out acts of serious violence on behalf of a foreign power (see section 33(3)(b) and (4)(a) of the NSA), or

25 a network preparing to carry out sabotage or threatening to commit acts that create a serious risk to the health and safety of the public with the intention of benefiting a foreign power in doing so (see section 33(3)(a)(v) and (b) and (4)(c) of the NSA).

26 The Secretary of State also has the power to remove (i.e. end) the designation of a body.

27 The power to designate a body (or to remove a designation) is to be exercised by regulations and, in Part 1 of the NSA, the term "designated body" means a body designated under regulations for the time being (subsection (3)).

28 Where a body is designated, it will be listed in a Schedule to the NSA. Subsection (4) provides for regulations to insert that Schedule (listing one or more designated bodies) into the NSA.

29 Subsection (5) further provides that the Secretary of State may amend a Schedule added by subsection (4) to add, remove or amend an entry related to a designated body. For example, an entry might be added to include a new designation or removed because a designated body is no longer involved in foreign power threat activity.

30 An entry may include alternative names for a designated body, if the Secretary of State reasonably believes:

- that a body is operating wholly or partly under more than one name, or
- that two or more bodies are for all practical purposes the same body (subsection (6)).

31 The listing of alternative names brings clarity to those who might engage with, or risk committing an offence connected to, a rebranded body. It is not necessary for an alternative name to be listed to establish criminal liability where a person has committed an offence in relation to a designated body (see subsection (7)).

32 Regulations under this section are subject to the affirmative resolution procedure (see section 5).

New section 33B of the National Security Act 2023: The designated body condition

33 Subsection (1)(a) of new section 33B provides that the designated body condition is met if a person's conduct (or a course of conduct) is carried out for or on behalf of a designated body. In addition, for the condition to be met, it is required that the person knows, or having regard to other matters known to them ought reasonably to know, that the conduct has that relationship to the designated body.

34 The reference to a course of conduct is intended to confirm that the condition is met in circumstances where the designated body has tasked the person to carry out conduct in general but has not tasked them to carry out a particular act.

35 Subsection (2) sets out a non-exhaustive list of different types of relationship between the designated body and the person engaging in the conduct which would result in a person being considered to be acting for or on behalf of the designated body.

36 Subsection (3) provides that the relationship can be a direct or indirect one – and provides an illustrative example of an indirect relationship through one or more companies. Such an example might include a situation where the designated body uses a third party, such as a company, a group of companies or a chain of companies, to task a person to carry out activity. When considering an indirect relationship involving a company, it may be relevant to consider whether the company is under significant control by the designated body.

37 Subsection (4) confirms that the references to a course of conduct include a course of conduct that a person engages in with one or more other persons (as well as a course of conduct that they engage in alone).

38 Subsection (5) provides that the designated body condition is also met in relation to a person's conduct if a person intends their conduct to benefit a designated body.

39 Subsection (6) provides that the designated body condition can be met in relation to conduct that is engaged in by officers and employees of the designated body, in addition to persons who are not part of the designated body.

Section 2: Offences relating to designated bodies

40 Section 2 amends the NSA to add new sections 17A to 17C which set out offences related to designated bodies. References to subsections in the following paragraphs are to subsections of the new inserted sections.

41 These offences are without prejudice to such privileges and immunities that are, or may be, accorded to individuals in accordance with domestic or international law. These offences are not intended to criminalise conduct relating to humanitarian assistance or other activities that support basic human needs, in accordance with domestic or international law.

New section 17A of the National Security Act 2023: Supporting a designated body

42 New section 17A creates three offences of supporting a designated body. In each case, the defendant must be shown to have done the relevant act 'for a prohibited purpose', meaning a purpose that they knew or ought reasonably to have known was prejudicial to the safety or interests of the UK (subsection (4)).

43 The first of the offences deals with invitations of support and the expression of supportive views. An offence is committed under subsection (1) where a person invites support for, or expresses an opinion or belief that is supportive of, a designated body and does so for a prohibited purpose.

44 The offence under subsection (2) relates to involvement in meetings. 'Meeting' is defined in subsection (9). This offence is committed where a person arranges, manages, or assists in arranging or managing a meeting that they know is (i) to support a designated body, (ii) to further the activities of a designated body, or (iii) to be addressed by a person who belongs or professes to belong to a designated body. The person must have done that act for a prohibited purpose.

45 An offence is committed in subsection (3) if a person addresses a meeting and the purpose of their address is to encourage support for a designated body or to further its activities. They must do so for a prohibited purpose. There is a defence in subsection (6), which relates only to the offence under subsection (2)(a)(iii) in respect of a private meeting. The defence is available if the person shows that they had no reasonable cause to believe that the address would support a designated body or further its activities. For example, if a person organises a meeting to discuss a particular topic and invites an expert on that topic who also happens to be a member of a designated body, to speak. The meeting organiser would have a defence if they had no reasonable cause to believe that the member of the body would use their platform to further the activities of the designated body.

46 Subsection (7) provides that the burden of proof for the defence requires the defendant seeking to rely on the defence to adduce sufficient evidence to raise the issue. The burden then moves to the prosecution to prove the contrary, to the criminal standard.

47 Subsection (4) defines a 'prohibited purpose' as set out above. Conduct or activity for example, to ensure the efficient performance of the functions of a diplomatic mission in accordance with the Vienna Convention on Diplomatic Relations (including in line with the requirement to accord full facilities for the performance of the functions of the mission), or relating to humanitarian assistance or other activities that support basic human needs in accordance with domestic and international law, is not within the 'prohibited purpose' definition. Similarly, the conduct or activity of UK Government officials engaging with a designated body in pursuance of Government policy, would not be for a 'prohibited purpose'.

48 Subsection (5) states that subsections (1) to (3) apply to conduct outside the UK, but only where the person engaging in the conduct is a UK person. It also applies to conduct overseas where the person acts for, or on behalf of, the Crown; or holds office under the Crown or is in Crown employment. The offences could, for example, be committed by those working for or on behalf of UK Government, if all elements of the offence were made out (and in this respect, see above as to the conduct or activity of UK Government officials engaging with a designated body in pursuance of the aims of Government policy).

49 Subsection (8) sets out the maximum penalty for the offence. The offence is triable only on indictment, and the maximum penalty is a term of imprisonment not exceeding 14 years or a fine (or both). The inclusion of a fine is in recognition that the offence can be committed by bodies corporate or other similar entities (see section 33 of the NSA).

50 Subsection (10) sets out a list of terms which have the same meaning as in section 3 of the NSA.

New section 17B of the National Security Act 2023: Assisting a designated body

51 New section 17B makes provision for two offences of assisting a designated body.

52 An offence is committed under subsection (1) where a person engages in conduct which they intend will materially assist a designated body in carrying out UK-related activities.

53 An offence is committed under subsection (2) where a person engages in conduct that is likely to materially assist a designated body in carrying out UK-related activities, and the person knows or, having regard to other matters known to them, ought reasonably to know that the conduct is likely to materially assist a designated body. An example of materially assisting a designated body could include carrying out activities to assist that designated body on behalf of a linked proxy organisation.

54 Subsection (3) provides that conduct which may be likely to assist a designated body includes providing, or providing access to: goods, for example supplying surveillance equipment to a designated body; services, for example providing administrative or IT services; financial benefits, for example by providing ready access to cash to support UK-related activities; or information, such as personal details about a public figure relevant to the body's activities that could be used as compromising material. Conduct relating to humanitarian assistance or other activities that support basic human needs, in accordance with domestic and international law, would not be such conduct if it assists overseas activities by the designated body since those legitimate activities are not contrary to the safety or interests of the UK.

55 For the purposes of both offences in section 17B, it is not necessary for the individual involved to know that the designated body is designated for the offence to apply.

Example 1: State-backed designated body conducting espionage

A state-backed company, based outside the UK, is designated for facilitating espionage against the UK on behalf of a foreign power. Person A is a senior employee at a UK-based military technology company which has several contracts with the UK Government to provide it with military-grade weapons and defence systems. Person B is an intelligence officer for the foreign power, working in a cover role for the designated body, but approaches Person A as an employee seeking commercial opportunities. Person A knows that the state-backed body is a designated body, and during discussions with Person B, when queried about the details of existing contracts with the UK Government, willingly provides access to sensitive information knowing that it is likely to assist the body in carrying out activity in the UK.

Therefore, Person A may be guilty of an offence under section 17B for engaging in conduct to assist a designated body.

Example 2: Organised criminal group conducting threats to life

An organised criminal group is designated for facilitating threats to life against UK-based dissidents on behalf of a foreign power. Person C is a dissident of the foreign power and prominent journalist at a UK-based media station which has a reputation for criticising the foreign power linked to the designated body. Person C has made several recent public statements condemning the foreign power's human rights record. Person D is the building manager of Person C's block of flats, who knows the media station and its employees are at risk of being targeted by the foreign power and groups such as the designated body. Person E is a member of the designated body tasked to seriously injure Person C. Person E approaches Person D, posing as a delivery driver and requesting confirmation of Person C's address within the block in order to deliver a package. Person D is suspicious of Person E's true identity and purpose, and has been warned by Person C to be alert to such requests. Despite their suspicions, Person D proceeds to confirm Person C's home address. Later that evening, Person E breaks into Person C's home and attacks them.

Therefore, Person D may be guilty of an offence under section 17B for engaging in conduct that is likely to assist a designated body, having regard to all matters known to them.

56 Subsection (4) defines 'UK-related activities' as activities taking place in the UK or activities taking place outside the UK which are prejudicial to the safety or interests of the UK.

57 Subsection (5) states that subsections (1) and (2) apply to conduct outside the UK, but only where the person engaging in the conduct is a UK person or a person who acts for or on behalf of, or holds office under, the Crown, or is in Crown employment (whether or not they engage in the conduct in that capacity). The references to the Crown ensure subsections (1) and (2) can apply to those working for or on behalf of UK Government (although subsection (6)(b) provides a defence in relation to conduct for the purposes of public functions under the law of the UK).

58 Subsection (6) sets out several defences to both offences under section 17B. These are: conduct in compliance with a legal obligation under the law of the UK, excluding obligations under private law (subsection (6)(a)); in the case of a person having functions of a public nature under the law of the UK, conduct for the purposes of those functions (subsection (6)(b); conduct as a lawyer carrying on a legal activity (subsection (6)(c)); conduct that is in accordance with, or in relation to, UK-related activities carried out in accordance with an agreement or arrangement to which either the UK was a party, or any person acting for or on behalf of, or holding office under, the Crown or UK Government was (in that capacity) a party

(subsection (6)(d)); or conduct that is engaged in for the purpose of carrying out humanitarian activities, not including humanitarian activities carried out in contravention of applicable internationally recognised principles and standards (subsection (6)(e)).

59 In relation to subsection (6)(d), the agreement or arrangement might be an agreement involving the UK government and the designated body itself. Or it might be an arrangement between the UK government and the person providing the assistance to the designated body. A financial or trade sanctions licence granted by a government department to a person in respect of an activity involving a designated group might be an example.

60 Subsection (7) provides that the burden of proof is initially on the defendant to show 'sufficient evidence' to raise the issue. The burden then moves to the prosecution to show the contrary, to the criminal standard.

61 Subsection (8) sets out the maximum penalty for the offence. The offence is triable only on indictment, and the maximum penalty is a term of imprisonment not exceeding 14 years or a fine (or both). The inclusion of a fine is in recognition that the offence can be committed by bodies corporate or other similar entities (see section 33 of the NSA).

62 Subsection (9) sets out a list of terms which have the same meaning as in section 3 of the NSA.

New section 17C of the National Security Act 2023: Obtaining etc material benefits from a designated body

63 New section 17C creates two offences of obtaining, accepting, or retaining material benefits from a designated body.

64 Subsection (1) makes it an offence for a person to obtain, accept or retain a material benefit (other than an excluded benefit – see subsection (4)) for themselves, or obtain or accept the provision of such a benefit to another person. In both cases the benefit must be or have been provided by or on behalf of a designated body, and the person must know or, having regard to other matters known to them, ought reasonably to know that. This offence could include circumstances where a person obtains a benefit directly from a designated body, such as a gift or payment, or where a person accepts a benefit on someone's behalf.

65 Subsection (2) makes provision for an offence where a person either agrees to accept a material benefit themself (other than an excluded benefit – see subsection (4)) or agrees to accept the provision of a benefit (other than an excluded benefit) to another person. This is different to the offence in subsection (1) because in this circumstance the benefit has not yet been obtained, accepted, or retained. As with the offence in subsection (1), the benefit must be one that is to be provided by or on behalf of a designated body, and the person must know or, having regard to other matters known to them, ought reasonably to know that this is the case. This offence would include instances where a person has agreed to cooperate with a designated body in reliance on a promise to receive some future benefit.

66 Subsection (3) provides a non-exhaustive list of what constitutes a material benefit. A material benefit may include financial benefits, anything which has the potential to result in a financial benefit, and information. A financial benefit may be money or a gift with a monetary value. This could include, but is not limited to, a beneficial contract or a direct cash payment.

67 Subsection (4) sets out when a material benefit is an excluded benefit. A material benefit is an excluded benefit if two conditions are satisfied. First, if the benefit is provided as reasonable consideration for the provision of goods or services, meaning something (e.g. money) provided in return for the supply or transfer of goods or services and that something is a

reasonable exchange for those goods or services. If, for example, goods or services are provided for a sum of money that exceeds a reasonable payment, that will not be an excluded benefit. Second, the provision of those goods or services cannot constitute an offence (subsection (4)(b)).

68 Subsection (5) states that a benefit may be provided by or on behalf of a designated body directly or indirectly, such as through one or more companies.

69 Subsection (6) sets out when conduct outside the UK will be relevant. Both subsections (1) and (2) (i.e. both offences under new section 17C) apply to conduct outside the UK, but only apply to conduct wholly outside of the UK where:

- the material benefit is or was, or is to be, provided in or from the UK;
- in any case, the person engaging in the conduct is a UK person or acts for or on behalf of, or holds office under, the Crown, or is in Crown employment (whether or not they engage in the conduct in that capacity) (but noting the defence in subsection (8)(b)) if they are acting for the purpose of their UK public functions).

70 Subsections (7) to (8) set out several defences. Subsection (7) is a defence only to the offence under subsection (1). Subsection (8) is a defence to both offences under subsections (1) and (2).

71 For the offence of retaining a material benefit in subsection (1), subsection (7) states that it is a defence to show that the person had a reasonable excuse for retaining the benefit.

72 For the offences of retaining a material benefit in subsection (1) and agreeing to accept a material benefit in subsection (2), subsection (8) states that it is a defence to show that a person had a reasonable excuse for conduct where the benefit consists of or includes information and the conduct relates that information. It means that there is a defence where, for example, a legitimate humanitarian organisation, a charity involved in conflict resolution, or a journalist takes information from a designated body.

73 In respect of the offences in both subsections (1) and (2), subsection (9) provides that it is a defence for a person to show that they engaged in the conduct in question in any of the circumstances set out at subsection (8)(a) – (c). These circumstances are:

- conduct in compliance with a legal obligation under the law of the UK, excluding obligations under private law (e.g. under a private contract) (subsection (9)(a));
- in the case of a person having functions of a public nature under the law of the UK, conduct for the purposes of those functions (subsection (9)(b)); or
- conduct that is in accordance with an agreement or arrangement to which either the UK was a party, or any person acting for or on behalf of, or holding office under, the Crown was (in that capacity) a party (subsection (9)(c)).
- conduct that is engaged in for the purpose of carrying out humanitarian activities, not including humanitarian activities carried out in contravention of applicable internationally recognised principles and standards (subsection (9)(d)).

74 Subsection (10) provides that the burden of proof is initially on the defendant to show 'sufficient evidence'. The burden then moves to the prosecution to show the contrary, to the criminal standard.

75 Subsection (12) sets out the maximum penalty available for the offence in subsection (1), which is 14 years or a fine, or both.

76 Subsection (13) sets out the maximum penalty available for the offence in subsection (2), which is 10 years or a fine, or both.

77 Subsection (14) sets out a list of terms which have the same meaning as in section 3 of the NSA.

Example 1: State-owned enterprise entering into a commercial arrangement with a UK-based company

A state-owned enterprise is used by a foreign power to identify and obtain experimental, cutting-edge technology from the UK in order to use the technology to benefit the foreign power's military expansion efforts. The enterprise hosts international conferences where they gather more information on upcoming technologies, as well as attempt to recruit individuals, whereby their knowledge and experience could help shape new breakthroughs. The enterprise has been designated for previous espionage activities. Person F is employed at a UK-based military technology company and is approached by Person G, a representative of the designated body, to enter into a commercial arrangement with the designated body to assist with the development of new military equipment. Person F is aware that the state-owned enterprise is a designated body. An agreement is made and Person G provides Person F with an initial £10,000 up front as part of the contract.

Therefore, Person F may be guilty of an offence under section 17C(1) for obtaining a material benefit provided by a designated body and knowing the benefit was provided by a designated body.

Example 2: Organised criminal group attempting to recruit for planned attack

An organised criminal group, which operates in the UK and internationally, and acts on behalf of a foreign power is designated following a series of sabotage and physical threat cases in the UK. The organised criminal group primarily targets dissidents and outspoken political opponents in the UK. The organised criminal group is intent on conducting arson against a UK-based media station that is publicly critical of the related foreign power. Person H is approached online by Person I, an unknown individual, to set fire to the offices of the media station on a specific evening for a sum of £1,000. Person I does not give any indication of their motivation for the attack or that it will benefit the designated body. However, Person H is aware of other information indicating that payment is coming from a designated body. Person H accepts the sum and task assigned but is unable to act before law enforcement intervenes.

Therefore, Person H may be guilty of an offence under section 17C(2) by agreeing to accept a material benefit provided on behalf of a designated body, and having regard to other matters known to them, ought reasonably to know that the benefit is provided on behalf of a designated body.

Section 3: Removal of designation

78 This section inserts new sections 33C to 33H into the NSA. These provisions establish a mechanism by which a designation made under new section 33A of the NSA may be challenged and removed. References to subsections in the following paragraphs are to subsections of the new inserted sections.

New section 33C of the National Security Act 2023: Removal of designation: application

79 Subsection (1) enables an application to be made to the Secretary of State to remove the designation of a body, or remove an alternative name included in an entry relating to a designated body.

80 Subsection (2) provides that applications may be made by the designated body itself, or any person affected by the designation.

81 Under subsection (3) the Secretary of State is given a power to make regulations governing the procedure for such applications, including provision requiring applications to state their grounds and for determinations to be made within a specified period.

82 This section ensures that those directly or indirectly affected by designation have an accessible administrative route to seek its reconsideration.

New section 33D of the National Security Act 2023: Removal of designation: appeal

83 New section 33D provides a right of appeal to the Proscribed Organisations Appeal Commission where the Secretary of State refuses an application under new section 33C.

84 Under subsection (2) the Commission must allow an appeal if it considers that the decision to refuse the removal of designation or to remove an alternative name was flawed on judicial review principles. Subsections (3) to (5) provide that where the Commission allows an appeal, it must make an order. Following such an order, the Secretary of State is required, as soon as reasonably practicable, to take steps to give effect to that decision by making or laying regulations under section 33A removing the relevant body from the list or the relevant alternative name.

New section 33E of the National Security Act 2023: Further appeal

85 New section 33E provides a right of appeal to a higher court on a question of law, following a decision from the Proscribed Organisations Appeal Commission.

86 Under subsection (3) an order under section 33D(3) may not require the Secretary of State to take any action until the final determination or disposal of an appeal under this section, including any appeal to the Supreme Court.

New section 33F of the National Security Act 2023: Appeal: effect on conviction etc

87 New section 33F provides for a right of appeal against convictions from listed offences where a body's designation has been removed and the criteria in the provisions are satisfied.

New section 33G of the National Security Act 2023: Proceedings under the Human Rights Act 1998

88 New section 33G of the NSA provides that the Proscribed Organisations Appeal Commission is the appropriate tribunal, for the purposes of section 7 of the Human Rights Act, in relation to proceedings which call into question decisions made by the Secretary of State under section 33C.

New section 33H of the National Security Act 2023: Immunity

89 New section 33H(1) provides that certain material connected with an application for removal of designation (or an alternative name included in an entry relating to a designated body), and anything done as part of any subsequent appeal to the Proscribed Organisations Appeal Commission (including applications under the Human Rights Act 1998) or a court is not admissible as evidence in proceedings for offences under sections 17A to 17C.

90 Subsection (2) provides that subsection (1) does not prevent evidence from being adduced by or on behalf of the defendant (or, in Scotland, the accused person).

Section 4: Consequential amendments

91 This section introduces the Schedule which contains amendments to other legislation that are consequential on this Act.

92 This section also provides that the Secretary of State may, by regulations, make amendments to legislation, including primary legislation, for the purpose of consequential amendments arising from this Act (subsections (2) and (3)).

93 Where regulations contain consequential amendments to primary legislation, the regulations are subject to the draft affirmative procedure (subsection (6)). Otherwise, they are subject to the made negative procedure (subsection (5)).

Section 5: Regulations

94 This section amends section 96 of the NSA to insert provision dealing with regulations made under new section 33A, as inserted to the 2023 by section 1 of this Act.

95 By virtue of the amendments, regulations to designate or remove a designation (or deal with an alternative name) under new section 33A – whether by inserting a Schedule or adding, remove or amending an entry to that Schedule – are ordinarily subject to the draft affirmative procedure.

96 The amendments provide for the made affirmative procedure to be available where the Secretary of State is of the opinion that the regulations need to be made under that procedure by reason of urgency. Equivalent provision is made in TACT.

Section 6: Extent

97 This section provides that the Act extends to all four nations of the UK, save that any amendment, repeal or revocation made by the Schedule to this Act has the same extent as the provision amended, repealed or revoked.

Section 7: Commencement

98 This section provides that the Act came into force on the day on which it was passed.

Section 8: Short title

99 This section provides the short title by which the Act may be cited.

Schedule: Consequential amendments

100 This Schedule sets out the consequential amendments to existing primary and secondary legislation.

Commencement

101 The Act came into force on the day on which it was passed (Royal Assent) (see section 7).

Related documents

102 The following documents are relevant to the Act and can be read at the stated locations:

- State threats and terrorism report, 19 May 2025, Jonathan Hall KC https://terrorismlegislationreviewer.independent.gov.uk/state-threats-and-terrorism-report/

Annex A - Territorial extent and application in the UK

Provision	England	Wales	Scotland	Northern Ireland
	Extends to E & W and applies to England?	Extends to E & W and applies to Wales?	Extends and applies to Scotland?	Extends and applies to Northern Ireland?
Section 1	Yes	Yes	Yes	Yes
Section 2	Yes	Yes	Yes	Yes
Section 3	Yes	Yes	Yes	Yes
Section 4	Yes	Yes	Yes	Yes
Section 5	Yes	Yes	Yes	Yes
Section 6	Yes	Yes	Yes	Yes
Section 7	Yes	Yes	Yes	Yes
Section 8	Yes	Yes	Yes	Yes
Schedule	Yes	Yes	Yes	Yes

Subject matter and legislative competence of devolved legislatures

103 There is a convention ('the Sewel Convention') that the UK Parliament will not normally legislate with regard to matters that are within the legislative competence of the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly without the consent of the legislature concerned. In relation to Scotland and Wales, this convention is enshrined in law (see section 28(8) of the Scotland Act 1998 and section 107(6) of the Government of Wales Act 2006).

104 None of the provisions in the Act involved the UK Parliament legislating for a matter that was within the legislative competence of a devolved legislature, and so the consent of devolved legislatures was not required under the Sewel Convention.

Annex B – Hansard references

105 The following table sets out the dates and Hansard references for each stage of the Act's passage through Parliament.

Stage	Date	Hansard Reference
House of Commons		
Introduction	09 June 2026	Vol. 787 Col. 188
Second Reading	17 June 2026	Vol. 787 Col. 858
Committee of the whole House	17 June 2026	Vol. 787 Col. 909
Report and Third Reading	17 June 2026	Vol. 787 Col. 948
House of Lords		
Introduction	18 June 2026	Vol. 857 Col. 347
Second Reading	23 June 2026	Vol. 857 Col. 568
Committee stage	30 June 2026	Vol. 857 Col. 954
Report	30 June 2026	Vol. 857 Col. 1028
Third Reading	30 June 2026	Vol. 857 Col. 1028
Commons Consideration of Lords Amendments	06 July 2026	Vol. 789 Col. 82
Royal Assent	08 July 2026	House of Commons Vol. 789 Col. 342
		House of Lords Vol. 858 Col. 189

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