

NATIONAL SECURITY (STATE THREATS) BILL

EXPLANATORY NOTES

What these notes do

These Explanatory Notes relate to the National Security (State Threats) Bill as brought from the House of Commons on 18 June 2026 (HL Bill 35).

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

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Overview of the Bill

- 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) Bill 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 will 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 entities intent on stealing classified material or interfering in British democracy.
- 6 The Government is taking forward this recommendation with this Bill to introduce a new power, modelled on the counter-terrorism proscription regime, which 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 Bill 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 Bill introduces offences which apply in relation to designated bodies, whether they be state or state-linked (such as proxies). Some of the offences in the Bill treat designated bodies in a similar way to foreign intelligence services, for the purposes of prosecuting those who

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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 Bill.

Legal background

- 9 The provisions of this Bill create new offences and amend some existing offences under the National Security Act 2023 (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) 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 will be amended by this Bill 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’ – will also be amended by the Bill 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

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parallel, and a person or body may be subject to both frameworks, to sanctions only or to designation only.

Territorial extent and application

- 15 Clause 6 sets out the extent of the Bill, that is the jurisdiction in which the Bill forms part of the law. The extent of an Act can be different from its application. Application is about where the Bill produces a practical effect.
- 16 The Bill extends to England and Wales, Scotland, and Northern Ireland in all cases, except where an amendment or repeal made by the Bill is to a provision that does not extend to the whole of the United Kingdom. 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 Bill

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

- 18 Clause 1 amends the NSA to insert, after section 33 of the Act, 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:
- the Secretary of State reasonably believes that the body is, or has been, involved in foreign power threat activity (section 33 of the NSA 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.
- 20 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.
- 21 For example, if the Secretary of State considered it necessary to protect the safety or interests of the United Kingdom, they might designate amongst others:
- a foreign intelligence service obtaining protected information and inspecting sensitive defence or intelligence sites in the UK (a “prohibited place”) (see sections 33(3)(a)(i)- and (iv) of the NSA),
 - a mercenary group carrying out acts of serious violence on behalf of a foreign power (see sections 33(3)(b) and (4)(a)), or
 - 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 sections 33(3)(a)(v) – (b) and (4)(c)).
- 22 The Secretary of State also has the power to remove (i.e. end) the designation of a body.
- 23 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)).
- 24 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) to the Act.
- 25 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.

- 26 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)).
- 27 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)).
- 28 Regulations under this section are subject to the affirmative resolution procedure (see clause 5).

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

- 29 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, the person must know, or having regard to other matters known to them ought reasonably to know, that the conduct has that relationship to the designated body.
- 30 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.
- 31 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.
- 32 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.
- 33 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).
- 34 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.
- 35 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.

Clause 2: Offences relating to designated bodies

- 36 Clause 2 amends the NSA to add new sections 17A to 17C on offences related to designated bodies. References to subsections in the following paragraphs are to subsections of the new inserted sections.

- 37 These offences are without prejudice to such privileges and immunities that are, or may be, accorded to individuals in accordance with domestic and/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 and/or international law.

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

- 38 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)).
- 39 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.
- 40 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.
- 41 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.
- 42 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.
- 43 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’. 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’.
- 44 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).

- 45 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 National Security Act 2023).
- 46 Subsection (10) sets out a list of terms which have the same meaning as defined in section 3 of the NSA.

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

- 47 New section 17B makes provision for two offences of assisting a designated body.
- 48 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.
- 49 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.
- 50 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.
- 51 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.

- 52 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.
- 53 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).
- 54 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)); or conduct that is in accordance with, or in relation to, UK-related activities carried out in accordance with an agreement or arrangement. The agreement or arrangement must be one 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)). That 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.

- 55 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.
- 56 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 National Security Act 2023).
- 57 Subsection (9) sets out a list of terms which have the same meaning as defined in section 3 of the National Security Act 2023.

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

- 58 New section 17C creates two offences of obtaining, accepting, or retaining material benefits from a designated body.
- 59 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.
- 60 Subsection (2) makes provision for an offence where a person either agrees to accept a material benefit themselves (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.
- 61 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.
- 62 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)).

- 63 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.
- 64 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).
- 65 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).
- 66 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.
- 67 In respect of the offences in both subsections (1) and (2), subsection (8) 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 (8)(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 (8)(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 (8)(c)).
- 68 Subsection (9) 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.
- 69 Subsection (10) sets out the maximum penalty available for the offence in subsection (1), which is 14 years or a fine, or both.
- 70 Subsection (11) sets out the maximum penalty available for the offence in subsection (2), which is 10 years or a fine, or both.
- 71 Subsection (12) sets out a list of terms which have the same meaning as defined 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.

Clause 3: Removal of designation

- 72 This clause inserts new sections 33C to 33H into the National Security Act 2023. These provisions establish a mechanism by which a designation made under section 33A 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

- 73 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.

- 74 Subsection (2) provides that applications may be made by the designated body itself, or any person affected by the designation.
- 75 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.
- 76 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

- 77 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.
- 78 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

- 79 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.
- 80 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

- 81 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

- 82 New section 33G of the National Security Act 2023 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

- 83 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.
- 84 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).

Clause 4: Consequential amendments

- 85 This clause introduces the Schedule which contains amendments to other legislation that are consequential on this Bill.
- 86 This clause 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 Bill (subsections (2) and (3)).
- 87 Where regulations contain consequential amendments to primary legislation, the regulations will be subject to the draft affirmative procedure (subsection (6)). Otherwise, they be subject to the made negative procedure (subsection (5)).

Clause 5: Regulations

- 88 This clause amends section 96 of the NSA to insert provision dealing with regulations made under new section 33A, as inserted to the 2023 by clause 1 of this Bill.
- 89 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 – will ordinarily be subject to the draft affirmative procedure.
- 90 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.

Clause 6: Extent

- 91 This clause provides that the Act will extend to all four nations of the UK, save that any amendment, repeal or revocation made by the Schedule to this Bill has the same extent as the provision amended, repealed or revoked.

Clause 7: Commencement

- 92 This clause provides that the Act will come into force on the day on which it is passed.

Clause 8: Short title

- 93 This clause provides the short title by which the Act may be cited.

Schedule: Consequential amendments

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

Commencement

95 The Act will come into force on the day on which it is passed (Royal Assent) (see clause 7).

Financial implications of the Bill

96 There will be a potential cost to businesses which largely comprises of monetised familiarisation costs alongside some unmonetised minor administration costs through Defence Against Money Laundering Suspicious Activity Report (DAML SAR) submissions.

Parliamentary approval for financial costs or for charges imposed

97 The Bill does not require a money resolution or a ways and means resolution.

Compatibility with the European Convention on Human Rights

98 The Rt Hon. the Lord Hanson of Flint, has made a statement under section 19(1)(a) of the Human Rights Act 1998 that, in her view, the provisions of the Bill are compatible with the Convention rights.

99 The Government will publish a separate memorandum with its assessment of compatibility of the Bill's provisions with the Convention rights.

Related documents

100 The following documents are relevant to the Bill and can be read at the stated locations:

- [State threats and terrorism report](#), 19 May 2025, Jonathan Hall KC

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?	Legislative Consent Motion process engaged?	Extends and applies to Scotland?	Legislative Consent Motion process engaged?	Extends and applies to Northern Ireland?	Legislative Consent Motion process engaged?
Clause 1	Yes	Yes	No	Yes	No	Yes	No
Clause 2	Yes	Yes	No	Yes	No	Yes	No
Clause 3	Yes	Yes	No	Yes	No	Yes	No
Clause 4	Yes	Yes	No	Yes	No	Yes	No
Clause 5	Yes	Yes	No	Yes	No	Yes	No
Clause 6	Yes	Yes	No	Yes	No	Yes	No
Clause 7	Yes	Yes	No	Yes	No	Yes	No
Clause 8	Yes	Yes	No	Yes	No	Yes	No
Schedule	Yes	Yes	No	Yes	No	Yes	No

Subject matter and legislative competence of devolved legislatures

101 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).

102 None of the provisions in the Bill involve the UK Parliament legislating for a matter that is within the legislative competence of a devolved legislature, and so the consent of devolved legislatures is not required under the Sewel Convention. If there are amendments relating to matters within the legislative competence of the Scottish Parliament, Senedd Cymru or the Northern Ireland Assembly, the consent of the relevant devolved legislature(s) will be sought for the amendments.

Annex B – Fast-track legislation

104 The Government intends to ask Parliament to expedite the parliamentary progress of this Bill. In their report on *Fast-track Legislation: Constitutional Implications and Safeguards*¹, the House of Lords Select Committee on the Constitution recommended that the Government should provide more information about why a piece of legislation should be fast-tracked².

Why is fast tracking necessary?

105 The Government has determined that the powers in this Bill should be made available as soon as reasonably practicable. The Bill contains important powers to tackle state threat activity by designated bodies, protecting the safety and interests of the United Kingdom. Where criminal offences apply in relation to a designated body, they will enable disruptive action by law enforcement and intelligence agencies such bodies and those working for, or with, them.

What is the justification for fast-tracking each element of the Bill?

106 Following the designation of a body, certain offences will apply in relation to it and the designated body condition will also apply. These consequences give effect to the objective of designation in tackling state threat activity by disrupting the activities of bodies engaged in it and those who support them. The criminal offences, not just the power of designation, are essential to the regime.

107 The power to designate is a serious power, noting the criminal consequences that arise on designation. The Bill provides a framework for designated bodies and affected persons to apply for the removal of a designation and, thereafter, to appeal decisions on those applications. This is fundamental to the operation of the power.

What efforts have been made to ensure the amount of time made available for parliamentary scrutiny has been maximised?

108 Government officials responsible for the Bill's passage have produced a full parliamentary handling plan, including mitigations and concessions for areas of potential concern and challenge by parliamentarians. This is intended to smooth parliamentary passage and provide as much time as possible for parliamentary scrutiny.

To what extent have interested parties and outside groups been given an opportunity to influence the policy proposal?

109 Given the pace at which this legislation was developed, outside groups have not been engaged on the specifics in the Bill. Government departments have each sought to represent various external stakeholders and community groups whilst obtaining cross government agreement for the Bill's provisions.

Does the Bill include a sunset clause (as well as any appropriate renewal procedure)? If not, why does the Government judge that their inclusion is not appropriate?

110 The Bill does not include a sunset clause because it is not intending to fix a short-term, temporary national security problem. Instead, the Bill seeks to support a complex and evolving national security issue (i.e. foreign state threats) and is therefore designed to have a long-lasting, positive impact on national security that builds on the National Security Act 2023.

¹ [House of Lords Select Committee on the Constitution, 15th report of session 2008/09, HL paper 116-I](#)

² [House of Lords Select Committee on the Constitution, 15th report of session 2008/09, HL paper 116-I, para. 186](#)

Are mechanisms for effective post-legislative scrutiny and review in place? If not, why does the Government judge that their inclusion is not appropriate?

111 Yes, the Home Office will continually monitor the success of the tool and how it operates. The power will also fall within the remit of the Independent Reviewer of State Threats Legislation, who is required under section 63 of the National Security Act 2023 to produce annual reviews on the operation of Part 1 of the Act – to which these provisions will be inserted - and such other reviews of the provisions as they consider appropriate.

Has an assessment been made as to whether existing legislation is sufficient to deal with any or all of the issues in question?

112 Yes, Jonathan Hall KC's report published in May 2025 extensively analysed terrorism legislation and which powers could be emulated under state threats legislation. The report highlighted the limitations of the Terrorism Act 2000 and National Security Act 2023 in being able to disrupt hostile entities linked to foreign states and therefore the legislative gap that he considered to exist.

Has the relevant parliamentary committee been given the opportunity to scrutinise the legislation?

113 The Home Affairs Select Committee and Intelligence and Security Committee will be engaged throughout passage of the Bill.

NATIONAL SECURITY (STATE THREATS) BILL

EXPLANATORY NOTES

These Explanatory Notes relate to the National Security (State Threats) Bill as brought from the House of Commons on 18 June 2026 (HL Bill 35).

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