

S T A T U T O R Y I N S T R U M E N T S

2023 No. ****

NATIONAL SECURITY

The National Security Act 2023 (Foreign Activities and Foreign Influence Registration Scheme: Information) Regulations 2023

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	***

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 74(1), (2), (2A) and (5) and 94(1) of the National Security Act 2023(a):

Citation, commencement and extent

- 1.—(1) These Regulations may be cited as the National Security Act 2023 (Foreign Activities and Foreign Influence Registration Scheme: Information) Regulations 2023.
- (2) They come into force on [***drafting note:** *to be determined*].
- (3) They extend to England and Wales, Scotland and Northern Ireland.

Interpretation

2. In these Regulations—
 - “the Act” means the National Security Act 2023;
 - “officer” has the meaning given in paragraph 2 of Schedule 13 to the Act, but ignoring references to those purporting to act in such capacities;
 - “P” has the meaning given—
 - (a) in section 64(1) of the Act, in relation to registrations under section 64(2) of the Act (foreign activity arrangements);
 - (b) in section 68(1) of the Act, in relation to registrations under section 68(2) of the Act (foreign influence arrangements).

Registration: foreign activity arrangements (section 64 of the Act)

- 3.—(1) This regulation applies where P registers a foreign activity arrangement under section 64(2) of the Act.
- (2) The registration must contain the following information—
 - (a) in relation to P, the information identified in—

(a) 2023 c. *.

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- (i) Part 1 of Schedule 1 (if P is an individual),
- (ii) Part 2 of Schedule 1 (if P is a body corporate), or
- (iii) Part 3 of Schedule 1 (if P is an unincorporated association);
- (b) in relation to the specified person who has directed P, the name of the specified person;
- (c) the information identified in Schedule 2.

Registration: registered activities of specified persons (section 67 of the Act)

4.—(1) This regulation applies where a specified person registers relevant activities under section 67(1) or (2) of the Act.

(2) The registration must contain the following information—

- (a) in relation to the specified person, the information identified in—
 - (i) Part 2 of Schedule 1 (if the specified person is a body corporate), or
 - (ii) Part 3 of Schedule 1 (if the specified person is an unincorporated association);
- (b) the information identified in Schedule 3.

Registration: foreign influence arrangements (section 68 of the Act)

5.—(1) This regulation applies where P registers a foreign influence arrangement under section 68(2) of the Act.

(2) The registration must contain the following information—

- (a) in relation to P, the information identified in—
 - (i) Part 1 of Schedule 1 (if P is an individual),
 - (ii) Part 2 of Schedule 1 (if P is a body corporate), or
 - (iii) Part 3 of Schedule 1 (if P is an unincorporated association);
- (b) in relation to the foreign power who has directed P, the name of the foreign power;
- (c) the information identified in Schedule 4.

Registration: registrations undertaken by representatives: additional information to be registered

6.—(1) Where a registration falling within any of regulations 3 to 5 is undertaken by a representative of the person to be registered, the following information must also be provided in respect of the representative—

- (a) where the representative is an individual, the information identified in Schedule 1, paragraphs 1, 7 and 8;
- (b) where the representative is a body corporate, the information identified in Schedule 1, paragraphs 9 and 14 to 16 (as the case may be);
- (c) where the representative is an unincorporated association, the information identified in Schedule 1, paragraphs 18, 22 and 23.

(2) In paragraph (1) “representative” means a person who has been appointed to act on behalf of the person to be registered in connection with the registration.

Registration: form of registration

7. A registration falling within any of regulations 3 to 5 must be made in writing.

Review

8.—(1) The Secretary of State must from time to time—

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- (a) carry out a review of the regulatory provision contained in these Regulations, and
 - (b) publish a report setting out the conclusions of the review.
- (2) The first report must be published before [***drafting note:** *to be inserted; to be five years from commencement.*].
- (2) Subsequent reports must be published at intervals not exceeding five years.
- (3) Section 30(4) of the Small Business, Enterprise and Employment Act 2015(a) requires that a report published under this regulation must, in particular—
- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a),
 - (b) assess the extent to which those objectives are achieved,
 - (c) assess whether those objectives remain appropriate, and
 - (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.
- (4) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

*INDICATIVE REGULATIONS—NOT FOR SIGNATURE

**Name*

Parliamentary Under Secretary of State

Home Office

[*Date]

SCHEDULE 1

Regulations 3 to 6

Information relating to persons to be registered

PART 1

Individuals

1. Full name and any former name.
2. Date of birth.
3. Nationality.
4. Where the individual holds a passport, the country or territory which issued the passport and the passport number.
5. Where the individual does not hold a passport, but holds an identity card issued by a country or territory other than the United Kingdom, the country or territory that issued the identity card and the identity card number.
6. Where neither paragraph 4 nor 5 applies, but the individual has a United Kingdom national insurance number or social security number issued in relation to a country or territory outside the United Kingdom, that number (and, in the case of a country or territory outside the United Kingdom, the name of the country or territory).
7. Residential address and, if different, correspondence address.

(a) 2015 c. 26.

8. Telephone number and email address.

PART 2

Bodies corporate

9. Full name and any trading names.

10. Where the body corporate is required by law (whether of the United Kingdom or of a country or territory outside the United Kingdom) to have a number in a public register, the name of the register and that number.

11. Where the body corporate is required by law (whether of the United Kingdom or of a country or territory outside the United Kingdom) to have a number issued by a revenue authority in relation to taxation, the revenue authority concerned and that number.

12. The date on which the body corporate was incorporated.

13. The country or territory under the laws of which the body corporate is incorporated.

14. Where the body corporate is required by law (whether of the United Kingdom or of a country or territory outside the United Kingdom) to have a registered address, that address.

15. Where the body corporate is not required by law (whether of the United Kingdom or of a country or territory outside the United Kingdom) to have a registered address, the principal office of the body.

16. Correspondence address, telephone number and email address.

17. In relation to at least one officer of the body corporate, the information required by Part 1.

PART 3

Unincorporated associations

18. The name by which the unincorporated association is known.

19. Where the unincorporated association is required by law (whether of the United Kingdom or of a country or territory outside the United Kingdom) to have a number in a public register, the name of the register and that number.

20. The date on which unincorporated association was formed.

21. The country or territory in which the unincorporated association has its principal office.

22. The principal address of the unincorporated association.

23. Correspondence address, telephone number and email address.

24. In relation to at least one officer of the unincorporated association, the information required by Part 1.

SCHEDULE 2

Regulation 3

Information: foreign activity arrangements (section 64 of the Act)

1. A description of the nature of the agreement or arrangement between the specified person and P, under which P has been directed in the manner described in section 64(1) of the Act.

2. The date on which the direction falling within section 64(1) of the Act was given to P.

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3. In relation to the relevant activities to be carried out or arranged under a direction falling within section 64(1) of the Act, a description of—

- (a) the relevant activities,
- (b) the purpose of the relevant activities, and
- (c) the outcome sought as a result of the relevant activities.

4. Where P has been directed to arrange for relevant activities to be carried out—

- (a) the names of any persons who will carry out the relevant activities, their roles in relation to the relevant activities and their relationship to P, or
- (b) if it is not practicable to provide the names, a description of the persons who will carry out the relevant activities, their roles in relation to the relevant activities and their relationships to P.

5. The date on which the relevant activities commenced or on which P anticipates that they will commence.

6. Where relevant activities are to continue over or are to be repeated over more than one day, a description of how the relevant activities will continue or the frequency with which they will be repeated.

7. A statement, as the case may be—

- (a) of the date on which P anticipates that the relevant activities will end,
- (b) that P anticipates that the relevant activities will continue indefinitely, or
- (c) that P does not anticipate that the relevant activities will continue indefinitely, but does not know the date on which they will end.

SCHEDULE 3

Regulation 4

Information: registration of activities of specified persons (section 67 of the Act)

1. In relation to the relevant activities to be registered under section 67(1) or (2) of the Act, a description of—

- (a) the relevant activities,
- (b) the purpose of the relevant activities, and
- (c) the outcome sought as a result of the relevant activities.

2. The date on which the specified person anticipates the relevant activities will commence.

3. Where relevant activities are to continue over or are to be repeated over more than one day, a description of how the relevant activities will continue or the frequency with which they will be repeated.

4. A statement, as the case may be—

- (a) of the date on which the specified person anticipates that the relevant activities will end,
- (b) that the specified person anticipates that the relevant activities will continue indefinitely, or
- (c) that the specified person does not anticipate that the relevant activities will continue indefinitely, but does not know the date on which they will end.

SCHEDULE 4

Regulation 5

Information: foreign influence arrangements (section 68 of the Act)

General

1. A description of the nature of the agreement or arrangement between the foreign power and P, under which P has been directed in the manner described in section 68(1) of the Act.
2. The date on which the direction falling within section 68(1) of the Act was given to P.
3. Where the political influence activities fall within section 70(2)(a) of the Act (communications with certain public officials)—
 - (a) either—
 - (i) the name and role of the person to whom the communication is to be or was made, or
 - (ii) a description of the class of persons falling within each of paragraphs 1 to 27 of Schedule 14 to the Act to whom the communication is to be or was made and their roles,
 - (b) the nature of the communication,
 - (c) the purpose of the communication, and
 - (d) the outcome sought as a result of the communication.
4. Where the political influence activities fall within section 70(2)(b) of the Act (public communications)—
 - (a) whether the activities involve publication or production (see section 70(4) of the Act),
 - (b) the nature of the communication,
 - (c) the intended audience of the communication (in the case of production, if known),
 - (d) the purpose of the communication (in the case of production, if known), and
 - (e) the outcome sought as a result of the communication (in the case of production, if known).
5. Where the political influence activities fall within section 70(2)(c) of the Act (distributing money, goods or services to UK persons)—
 - (a) where applicable, the nature of the goods or services to be distributed,
 - (b) the actual or estimated value of the money, goods or services to be distributed,
 - (c) where distribution is made to an identifiable person—
 - (i) the name of that person, and
 - (ii) the correspondence address, telephone number and email address of that person (if known), and
 - (d) where distribution is made to a group of persons and it is not practicable to provide the information referred to in paragraph (c), a description of the group of persons.
6. Where P has been directed to arrange for political influence activities to be carried out—
 - (a) the names of any persons who will carry out the activities, their roles in relation to the activities and their relationship to P, or
 - (b) if it is not practicable to provide the names, a description of the persons who will carry out the activities, their roles in relation to the activities and their relationship to P.

Information relating to timing: political influence activities undertaken prior to registration

- 7.—(1) Sub-paragraph (2) applies in relation to political influence activities which occurred prior to registration under section 68(2) of the Act.

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- (2) The registration must contain, in relation to each political influence activity—
- (a) the date on which any communication falling within section 70(2)(a) was made (communications with certain public officials);
 - (b) in relation to a public communication falling within section 70(2)(b), as the case may be—
 - (i) the date of publication or dissemination, or
 - (ii) the date or dates of production;
 - (c) the date on which any distribution falling within section 70(2)(c) was made (distributing money, goods or services to UK persons).

Timing: political influence activities continuing after, or undertaken following, registration

- 8.**—(1) Sub-paragraph (2) applies to political influence activities which—
- (a) commence after registration under section 68(2) of the Act, or
 - (b) commenced prior to registration under section 68(2) of the Act, but which continue after registration.
- (2) The registration must contain the following—
- (a) the date on which the political influence activities commenced or on which P anticipates they will commence;
 - (b) where political influence activities are to continue over or are to be repeated over more than one day, a description of how the activities will continue or the frequency with which they will be repeated;
 - (c) a statement, as the case may be—
 - (i) of the date on which P anticipates that the political influence activities will end,
 - (ii) that P anticipates that the political influence activities will continue indefinitely, or
 - (iii) that P does not anticipate that the political influence activities will continue indefinitely, but does not know the date on which they will end.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 3 of the National Security Act 2023 (c. *) contains the foreign activities and foreign influence registration scheme (“the scheme”). For the purposes of these Regulations, three categories of activities or arrangements are required to be registered with the Secretary of State under the scheme:

- (1) foreign activity arrangements (section 64),
- (2) activities of specified persons (section 67), and
- (3) foreign influence arrangements (section 68).

The Regulations set out the information to be registered in relation to each category (regulations 3 to 5). The nature of the information relates both to the person subject to registration (Schedule 1) and the nature of the activities or arrangements to be registered (Schedules 2 to 4).

Where registration is undertaken by a representative of a person (for example, a professional adviser), information about both persons must be provided (regulation 6). Registration must be in writing (regulation 7).

Regulation 8 concerns five yearly review.