

Scottish Community & Activist Legal Project

Guide to the National Security Act 2023

1st Edition

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If you have specific questions, or if you experience anything that is completely different to what is written in this Guide, please help us to keep it accurate by getting in touch:

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If asking a question keep it hypothetical and you can anonymise your experience if you are telling us about specific interactions with the police or courts.

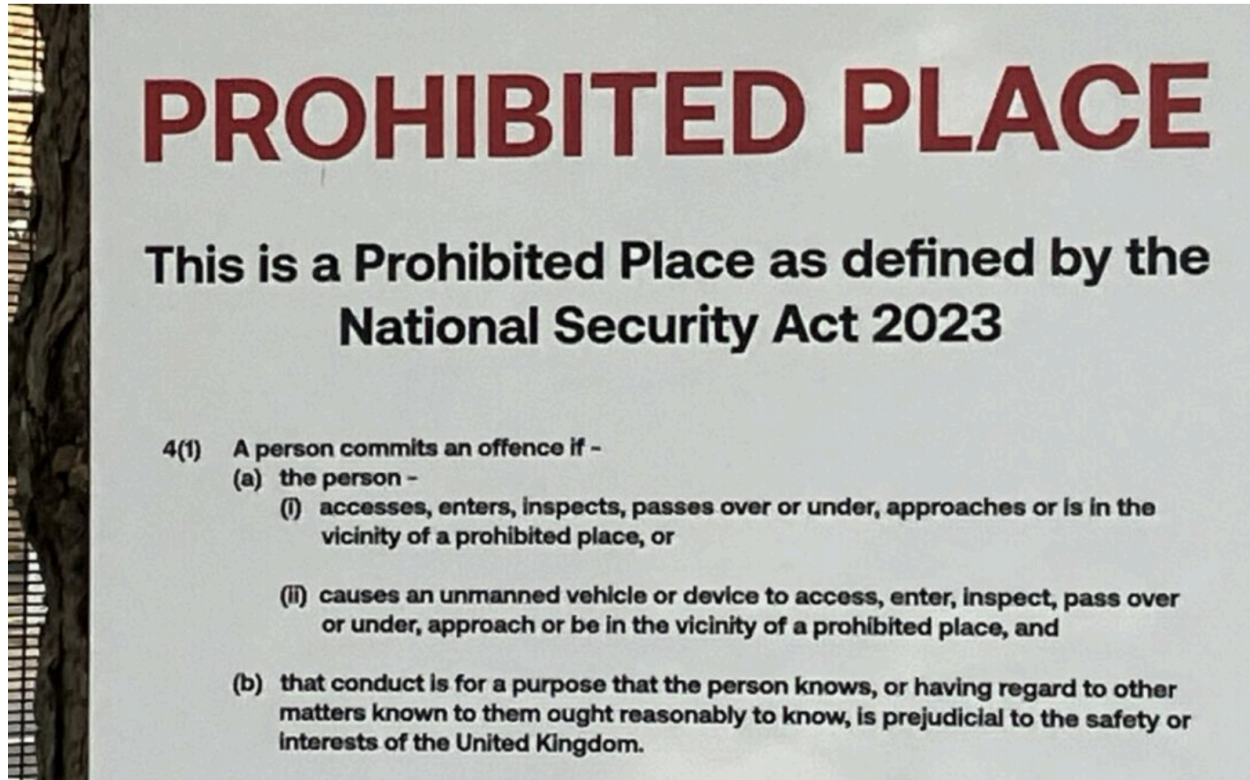
Instead of writing 'I did / I'm planning this - what will the police do?', try writing, 'If somebody were to do this, what might the consequences be?'.

Introduction

This guide is a briefing on the [National Security Act \(NSA\) 2023](#).

In spring 2024, campaigners in England reported a [concerning new use of the NSA](#) as a tactic to intimidate activists from protesting outside arms factories against the ongoing genocide in Palestine. Signs reading 'Prohibited place' appeared at arms factories, and leaflets quoting parts of the NSA were handed out by police at demonstrations. In Autumn 2024, the same signs appeared at Scottish arms factories that had previously been the target of Palestine-solidarity protests.

In 2025, two activists were arrested for Breach of the Peace after blocking the entrance to Leonardo weapons factory in Edinburgh by locking-on to a van. Whilst in custody, they were charged under section 5 of the NSA. Both activists were issued fiscal fines of £250 following an intervention from a senior procurator fiscal. To the best of our knowledge, the act has not been used against activists in Scotland on any other occasion.



'Prohibited Place' sign outside a weapons factory in England.

National Security Act 2023

The *National Security Act (NSA) 2023* replaced the *Official Secrets Act 1989* in July 2023. Section 7 of the act defines a 'prohibited place' as any **crown land or other land or vehicle used for defence of the UK or any other country.**

This covers all military establishments used by the MOD, including for policy, strategy, military planning and intelligence. Anywhere used for the invention, development, production, operation, storage or disposal of weapons or other equipment or capabilities of both the UK military and the forces of a foreign country (and research relating to it) are also covered by this section of the act.

Under section 8 of the act, the Secretary of State can designate any other land or buildings not covered by section 7 as a prohibited place if in use for UK defence purposes (including plans and measures for the maintenance of essential supplies and services that are or would be needed by the United Kingdom in time of war).

Whilst the majority of the act deals with foreign interference and espionage, a few sections may have impacts for activists, which are detailed in this guide.

Section 4. *Entering etc. a prohibited place for a purpose prejudicial to the UK*

It is an offence under section 4 of NSA if someone:

- 'Accesses, enters, inspects, passes over or under, approaches or is in the vicinity of a prohibited place **OR** uses an unmanned vehicle or device to do so
- **AND** that conduct is for a purpose that the person knows, [or] ought reasonably to know, is **prejudicial to the safety or interests of the UK**

It is important to be aware that 'inspecting' a prohibited place includes taking photographs, videos or other recordings (or viewing photographs, videos or other recordings of the prohibited place). This can be in person or remotely (including from outside the UK).

If you are prosecuted under this section, it has to be proven that you knew (or ought reasonably to have known) that your actions were prejudicial to the safety or interests of the UK.

The maximum sentence is 14 years imprisonment or a fine (or both).

[Note: Prosecution for section 4 of NSA would likely require discussing the activities of the 'prohibited place' and how this relates to UK safety and interests during the trial. The courts generally try to keep this kind of information out of trials, which may discourage this section from being used.]

Section 5. *Unauthorised entry etc. to a prohibited place*

Someone who ‘*accesses, enters, inspects, passes over or under a prohibited place without authority*’ is committing an offence under section 5 of NSA.

Unlike section 4, your actions do not need to be ‘prejudicial to the safety or interests of the UK’. You can be tried for the above simply on the grounds that you did not have authority. In this case, it would be sufficient for the security of a site to give evidence that you were not authorised to be there. The only defence is to prove you did have authority to be there.

The maximum sentence is **3 months imprisonment** or a **£2500 fine** (for summary cases).

[**Note:** This could be used instead of [Aggravated Trespass](#), where it must be shown that you intended to disrupt, obstruct or intimidate people engaged in *lawful* activity. A possible defence could be that weapons that are produced in the UK and sold to Israel are being used against civilians, which is a crime under international law. Under section 5 of NSA, you can be tried purely on the grounds that you did not have authority to be there.]

Section 6. Powers of police officers in relation to a prohibited place

A police officer of any rank can order you to stop or not engage in behaviours outlined in section 4 in relation to a prohibited place. If you have accessed or entered a prohibited place, you can be ordered to leave immediately. If you are in an area adjacent to the prohibited place, you can also be ordered to leave immediately (this includes public land).

If you are in charge of a vehicle or device (e.g., drone) in/around a prohibited place, you can be ordered to move the vehicle or device immediately. If you fail to do this, the police can seize your vehicle or device.

However, these powers should not be exercised unless a police officer **reasonably believes that exercising the power is necessary to protect the safety or interests of the UK**. It is up to the police officer’s discretion as to what counts as an ‘adjacent area’, and what counts as being ‘necessary to the safety or interests of the UK’. It would be up to a court to decide if the constable was reasonable in their beliefs.

The maximum sentence is **3 months imprisonment** or a **£2500 fine** (for summary cases).

Section 12. Sabotage

Under section 12 of NSA, it is an offence to intentionally or recklessly damage/interfere/contaminate etc. property or electronic systems/information with the intention of prejudicing the safety or interests of the United Kingdom. To be charged with this section, you also need to be knowingly acting for (or on behalf of) a foreign power, as per section 31 of the act.

The maximum sentence is **life imprisonment** or a **fine** (or both).