

National Security Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

BARONESS LUDFORD

Clause 1, page 1, line 15, after “article” insert “with a Government security classification of “Secret” or “Top Secret””

Member's explanatory statement

This amendment is recommended by the JCHR and would confine the offence of obtaining or disclosing protected information to information that has been classified as secret or top secret (rather than to all information access to which is restricted in any way).

Clause 2

BARONESS LUDFORD

Clause 2, page 2, line 18, at end insert –

“(ca) the person’s conduct is significantly prejudicial to the safety or interests of the United Kingdom, and”

Member's explanatory statement

This amendment is recommended by the JCHR and would narrow the scope of the offence of obtaining or disclosing trade secrets so that it applies only to trade secrets that would prejudice the safety or interests of the UK.

Clause 3

BARONESS LUDFORD

Clause 3, page 3, line 34, at end insert “which are prejudicial to the safety or interests of the United Kingdom”

Member's explanatory statement

This amendment is recommended by the JCHR and would narrow the scope of the offence of assisting a foreign intelligence service in respect of activities within the UK so that it applies only

to assistance that would prejudice the safety or interests of the UK (rather than to assistance of any kind).

Clause 5

BARONESS LUDFORD

Clause 5, page 5, line 27, at end insert –

“(aa) that conduct is prejudicial to the safety or interests of the United Kingdom,”

Member's explanatory statement

This amendment is recommended by the JCHR and would confine the offence of unauthorised entry etc to a prohibited place so that it applies only to entry etc that is prejudicial to the safety or interests of the UK.

Clause 6

BARONESS LUDFORD

Clause 6, page 6, line 18, leave out paragraph (c)

Member's explanatory statement

This amendment is recommended by the JCHR and would remove the power of the police to order a person to leave an area “adjacent to” a prohibited place.

BARONESS LUDFORD

Clause 6, page 6, line 31, at end insert “, and

(b) without prior authorisation by an officer of at least the rank of Inspector, unless obtaining that authorisation is not reasonably practicable.”

Member's explanatory statement

This amendment is recommended by the JCHR and would impose a requirement that a police officer obtains authorisation from a more senior officer before exercising powers under Clause 6.

BARONESS LUDFORD

Clause 6, page 6, line 33, at end insert “which was necessary to protect the safety or interests of the United Kingdom and proportionate to that aim”

Member's explanatory statement

This amendment is recommended by the JCHR and would narrow the offence of failing to comply with an order made by a police constable in relation to a prohibited place so that it applies only to an order that was necessary and proportionate to protecting the safety or interests of the UK.

Clause 7

BARONESS LUDFORD

Clause 7, page 6, line 38, after “means” insert “a location entry to which could pose a risk to the safety or interests of the United Kingdom, comprising”

Member's explanatory statement

This amendment is recommended by the JCHR and would narrow the definition of prohibited place so that it applies only to locations relevant to the safety and interests of the United Kingdom (rather than any Ministry of Defence land).

After Clause 7

BARONESS LUDFORD

After Clause 7, insert the following new Clause –

“Requirement to inform public of prohibited places

The Secretary of State must by regulations make provision so as to ensure that the public are given sufficient notice –

- (a) that a location is a prohibited place within the meaning of section 7;
- (b) of the circumstances in which an offence may be committed under sections 4 to 6 in respect of that prohibited place.”

Member's explanatory statement

This amendment is recommended by the JCHR and would place an obligation on the Secretary of State to make regulations providing for the public to be given notice of prohibited places and the conduct which would amount to a criminal offence in relation to them.

Clause 11

BARONESS LUDFORD

Clause 11, page 10, line 8, leave out paragraph (c)

Member's explanatory statement

This amendment is recommended by the JCHR and would remove the power of the police to order a person to leave an area “adjacent to” a cordoned area.

After Clause 14

LORD PURVIS OF TWEED
LORD WALLACE OF SALTAIRE

After Clause 14, insert the following new Clause –

“Report requirement: protecting democratic institutions and processes

- (1) The Secretary of State must lay before Parliament a report, as soon as practicable after the end of –
 - (a) the period of 12 months beginning with the day on which this Act is passed, and
 - (b) every subsequent 12-month period, assessing the impact of sections 13 and 14 on protecting the integrity of the United Kingdom’s democratic processes.
- (2) “Democratic processes” includes local democracy.”

Member's explanatory statement

This new Clause requires the Secretary of State to lay an annual report before Parliament on the impact of Clauses 13 and 14 of the Bill on the integrity of the UK’s democratic processes.

Schedule 6

BARONESS LUDFORD

Schedule 6, page 104, line 19, leave out sub-paragraphs (4) and (5)

Member's explanatory statement

This amendment is recommended by the JCHR and would prevent it being permissible to delay informing a named person of an individual’s detention under Clause 25, or that individual consulting a solicitor, for the purposes of asset recovery.

BARONESS LUDFORD

Schedule 6, page 124, line 26, leave out paragraphs (b) and (c)

Member's explanatory statement

This amendment is recommended by the JCHR and would prevent it being permissible to postpone reviews of detention without warrant on the basis that the review officer is unavailable or, for any other reason, the review is not practicable.

Clause 31

BARONESS LUDFORD

Clause 31, page 23, line 3, leave out paragraph (c)

Member's explanatory statement

This amendment is recommended by the JCHR and would narrow the definition of foreign power threat activity to remove giving support and assistance (including support and assistance unrelated to espionage activity) to a person known or believed to be involved in offences under the Bill (but would retain conduct which facilitates or is intended to facilitate such offending).

Clause 44

BARONESS LUDFORD

Clause 44, page 30, line 24, leave out from “must” to “before” in line 25 and insert “obtain confirmation from the chief officer of the appropriate police force that the condition in subsection (2) is satisfied”

Member's explanatory statement

This amendment is recommended by the JCHR and would require the Secretary of State to receive confirmation from the police that prosecution is not realistic before imposing a PIM, rather than requiring only a consultation on the subject.

BARONESS LUDFORD

Clause 44, page 30, line 31, leave out “The matter is whether there is” and insert “The condition is that there is no”

Member's explanatory statement

This amendment is consequential to the amendment on page 30, line 24.

BARONESS LUDFORD

Clause 44, page 31, line 17, leave out “responding to consultation” and insert “providing confirmation”

Member's explanatory statement

This amendment is consequential to the amendment on page 30, line 24.

Clause 54

BARONESS LUDFORD

Clause 54, page 38, line 22, after “of” insert “Part 1 and”

Member's explanatory statement

This amendment is recommended by the JCHR and would extend the review function of the Independent Reviewer to cover Part 1 of the Bill in addition to Part 2.

Schedule 13

LORD WALLACE OF SALTAIRE

Schedule 13, page 175, line 33, at end insert –

“(3A) Condition 2A is that the foreign power contributes, directly or indirectly, more than 25% of the annual revenue of the person.”

Member's explanatory statement

This amendment adds an additional condition to determining if a person is controlled by a foreign power. It is intended to further increase transparency.

Clause 82

LORD WALLACE OF TANKERNESS

Lord Wallace of Tankerness gives notice of his intention to oppose the Question that Clause 82 stand part of the Bill.

Clause 83

LORD WALLACE OF TANKERNESS

Clause 83, page 55, line 37, at end insert –

“(ba) the court is satisfied that any damages awarded to the claimant in those proceedings are likely to be used for the purposes of terrorism,”

Member's explanatory statement

This amendment is recommended by the JCHR and would remove the duty on the court to consider reducing damages in Clause 83, unless the court considered the damages were likely to be used for the purposes of terrorism.

LORD WALLACE OF TANKERNESS

Clause 83, page 56, leave out lines 8 to 23

Member's explanatory statement

This amendment and related amendments from Lord Wallace of Tankerness to Clause 83 are intended to probe the implications of these provisions for claimants who have not committed terrorist offences.

LORD WALLACE OF TANKERNESS

Clause 83, page 56, line 14, leave out paragraph (a)

Member's explanatory statement

This amendment and related amendments from Lord Wallace of Tankerness to Clause 83 are intended to probe the implications of these provisions for claimants who have not committed terrorist offences.

LORD WALLACE OF TANKERNESS

Clause 83, page 56, line 17, leave out paragraph (b)

Member's explanatory statement

This amendment and related amendments from Lord Wallace of Tankerness to Clause 83 are intended to probe the implications of these provisions for claimants who have not committed terrorist offences.

LORD WALLACE OF TANKERNESS

Clause 83, page 56, line 19, leave out paragraph (c)

Member's explanatory statement

This amendment and related amendments from Lord Wallace of Tankerness to Clause 83 are intended to probe the implications of these provisions for claimants who have not committed terrorist offences.

BARONESS LUDFORD

Clause 83, page 56, line 30, at end insert “or which it would award under section 8 of that Act had the claim been brought under it”

Member's explanatory statement

This amendment would prevent the reduction of damages in claims that could have been brought as a human rights claim under the HRA 1998 but were in fact brought on other grounds.

LORD WALLACE OF TANKERNESS

Lord Wallace of Tankerness gives notice of his intention to oppose the Question that Clause 83 stand part of the Bill.

Clause 84

LORD WALLACE OF TANKERNESS

Lord Wallace of Tankerness gives notice of his intention to oppose the Question that Clause 84 stand part of the Bill.

Clause 85

LORD WALLACE OF TANKERNESS

Lord Wallace of Tankerness gives notice of his intention to oppose the Question that Clause 85 stand part of the Bill.

Clause 86

LORD WALLACE OF TANKERNESS

Lord Wallace of Tankerness gives notice of his intention to oppose the Question that Clause 86 stand part of the Bill.

Schedule 15

LORD WALLACE OF TANKERNESS

Lord Wallace of Tankerness gives notice of his intention to oppose the Question that Schedule 15 be the 15th Schedule to the Bill.

Clause 87

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 87 stand part of the Bill.

Member's explanatory statement

This amendment is recommended by the JCHR and would remove the proposed limits on access to legal aid for persons with a conviction for a terrorism offence and the consequential power to make information requests related to those limits.

Clause 88

BARONESS LUDFORD

Baroness Ludford gives notice of her intention to oppose the Question that Clause 88 stand part of the Bill.

Member's explanatory statement

This amendment is recommended by the JCHR and would remove the proposed limits on access to legal aid for persons with a conviction for a terrorism offence and the consequential power to make information requests related to those limits.

After Clause 89

LORD PURVIS OF TWEED
BARONESS SMITH OF NEWNHAM

After Clause 89, insert the following new Clause –

“Report on actions taken in response to the ISC report on Russia

Within six months of the passing of this Act, the Secretary of State must lay before Parliament a report on the effect of the action taken by the Government in response to the recommendations of the report of the Intelligence and Security Committee of Parliament on Russia (HC 632 of Session 2019–21).”

Member's explanatory statement

This new Clause requires the Secretary of State to report to Parliament on the actions the Government has taken in response to the report of the Intelligence and Security Committee on Russia.

LORD WALLACE OF SALTIRE

After Clause 89, insert the following Clause –

“Home Office review of the Tier 1 (Investor) visa scheme

Within two weeks after the day on which this Act is passed, the Secretary of State must publish any findings of the Home Office review of the Tier 1 (Investor) visa scheme which relate to foreign influence activity.”

Member's explanatory statement

This new Clause would require the Government to publish relevant findings of its review of Tier 1 (investor) visas granted between June 2008 and April 2015 within two weeks of the Bill being passed.

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