

# National Security Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**Clause 13**

LORD SHARPE OF EPSOM

Clause 13, page 11, line 18, leave out subsections (1) to (11) and insert –

- “(1) A person commits an offence if –
- (a) the person engages in prohibited conduct,
  - (b) the foreign power condition is met in relation to the prohibited conduct, and
  - (c) the person intends the prohibited conduct, or a course of conduct of which it forms part, to have an interference effect.
- (2) A person commits an offence if –
- (a) the person engages in prohibited conduct,
  - (b) the foreign power condition is met in relation to the prohibited conduct, and
  - (c) the person is reckless as to whether the prohibited conduct, or a course of conduct of which it forms part, will have an interference effect.
- (3) A person (“P”) commits an offence if –
- (a) P engages in a course of conduct with one or more other persons,
  - (b) the foreign power condition is met in relation to conduct of P which forms part of the course of conduct,
  - (c) P intends the course of conduct to have an interference effect,
  - (d) as part of the course of conduct, a person other than P engages in prohibited conduct, and
  - (e) P intends or believes that as part of the course of conduct, a person other than P will engage in prohibited conduct.
- (4) For the purposes of subsections (1)(c) and (2)(c) a course of conduct includes a course of conduct engaged in by the person alone, or by the person and one or more other persons.
- (5) Subsections (1) and (2) apply whether the person’s conduct takes place in the United Kingdom or elsewhere.

- (6) Subsection (3) applies whether P’s conduct or the prohibited conduct takes place in the United Kingdom or elsewhere.”

***Member's explanatory statement***

*This amendment adds two new ways of committing an offence under Clause 13. Under subsection (2) the offence may be committed recklessly. Under subsection (3) it may be committed by a person where another person engages in prohibited conduct, if both are engaged in the same course of conduct.*

LORD SHARPE OF EPSOM

Clause 13, page 12, line 38, leave out from beginning to end of line 7 on page 13 and insert –

““interference effect” has the meaning given by section (*Foreign interference: meaning of “interference effect”*);

“prohibited conduct” has the meaning given by section (*Foreign interference: meaning of “prohibited conduct”*).”

***Member's explanatory statement***

*This amendment updates the definitions in Clause 13.*

**After Clause 13**

LORD SHARPE OF EPSOM

After Clause 13, insert the following new Clause –

**“Foreign interference: meaning of “interference effect”**

- (1) For the purposes of section 13 an “interference effect” means any of the following effects –
  - (a) interfering with the exercise by a particular person of a Convention right, as it has effect under the law of the United Kingdom,
  - (b) affecting the exercise by any person of their public functions,
  - (c) interfering with whether, or how, any person makes use of services provided in the exercise of public functions,
  - (d) interfering with whether, or how, any person participates in political processes or makes political decisions,
  - (e) interfering with whether, or how, any person participates in legal processes under the law of the United Kingdom, or
  - (f) prejudicing the safety or interests of the United Kingdom.
- (2) An effect may be an interference effect whether it relates to a specific instance of a matter mentioned in subsection (1), or to the matter in general.
- (3) In subsection (1)(d) “political processes” means –
  - (a) an election or referendum in the United Kingdom;

- (b) the proceedings of either House of Parliament, the Northern Ireland Assembly, the Scottish Parliament or Senedd Cymru;
  - (c) the proceedings of a local authority;
  - (d) the proceedings of a UK registered political party.
- (4) In subsection (1)(d) “political decisions” means a decision of—
- (a) the government of the United Kingdom, a Northern Ireland Minister, a Northern Ireland department, the Scottish Ministers or the Welsh Ministers;
  - (b) a local authority.
- (5) In this section—
- “Convention rights” has the meaning given by section 1 of the Human Rights Act 1998;
- the “law of the United Kingdom” includes the law of any part of the United Kingdom;
- “local authority” means—
- (a) in England—
    - (i) a county council,
    - (ii) a district council,
    - (iii) a London borough council,
    - (iv) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009,
    - (v) a parish council,
    - (vi) the Council of the Isles of Scilly,
    - (vii) the Common Council of the City of London,
    - (viii) the Sub-Treasurer of the Inner Temple,
    - (ix) the Under Treasurer of the Middle Temple;
  - (b) in Wales, a county council, county borough council or community council;
  - (c) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;
  - (d) in Northern Ireland, a district council;
- “Northern Ireland Minister” includes the First Minister, the deputy First Minister and a junior Minister;
- “public functions” means functions of a public nature—
- (a) exercisable in the United Kingdom, or
  - (b) exercisable in a country or territory outside the United Kingdom by a person acting for or on behalf of, or holding office under, the Crown;
- “UK registered political party” means a political party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000;
- “Welsh Minister” includes the First Minister, the Counsel General to the Welsh Government and a Deputy Welsh Minister.”

**Member's explanatory statement**

This new Clause defining “interference effect” replaces Clause 13(2) and (3). Subsection (1)(c) to (e) now use “interfering” not “manipulating” because of the introduction of recklessness in Clause 13, and political processes and decisions are defined. There are drafting changes consequential on Lord Sharpe’s amendments to Clause 13.

## LORD SHARPE OF EPSOM

After Clause 13, insert the following new Clause—

**“Foreign interference: meaning of “prohibited conduct”**

- (1) Conduct is prohibited conduct for the purposes of section 13 if—
  - (a) it constitutes an offence, or
  - (b) if it takes place in a country or territory outside the United Kingdom, it would constitute an offence if it took place in any part of the United Kingdom.
- (2) Conduct is prohibited conduct for the purposes of section 13 if it involves coercion of any kind, including coercion by—
  - (a) using or threatening to use violence against a person;
  - (b) damaging or destroying, or threatening to damage or destroy, a person’s property;
  - (c) damaging or threatening to damage a person’s reputation;
  - (d) causing or threatening to cause financial loss to a person;
  - (e) causing spiritual injury to, or placing undue spiritual pressure on, a person, (whether or not that person is the person to whom the interference effect relates).
- (3) Conduct is prohibited conduct for the purposes of section 13 if it involves making a misrepresentation.
- (4) A “misrepresentation” is a representation—
  - (a) that a reasonable person would consider to be false or misleading in a way material to the interference effect, and
  - (b) that the person making the representation knows or intends to be false or misleading in a way material to the interference effect.
- (5) A misrepresentation may be made by making a statement or by any other kind of conduct, and may be express or implied.
- (6) A misrepresentation may in particular include—
  - (a) a misrepresentation as to a person’s identity or purpose;
  - (b) presenting information in a way which amounts to a misrepresentation, even if some or all of the information is true.
- (7) In this section “interference effect” has the meaning given by section (*Foreign interference: meaning of “interference effect”*).

**Member's explanatory statement**

*This new Clause defines “prohibited conduct”. It replaces Clause 13(4) to (9). There are changes to the opening words of the definition of coercion in subsection (2), and the definition of misrepresentation in subsection (4), as well as drafting changes consequential on Lord Sharpe’s amendments to Clause 13.*

**Schedule 2**

LORD SHARPE OF EPSOM

Schedule 2, page 73, line 17, at end insert –

“4A An application for an order under paragraph 3 or 4 may be made without notice to a judge in chambers.”

**Member's explanatory statement**

*This amendment provides that an application for a production order may be made without notice to a judge in chambers. Schedules 3 to 5 already make equivalent provision for orders under those Schedules.*

LORD SHARPE OF EPSOM

Schedule 2, page 73, line 42, at end insert –

“6A An order under paragraph 3 or 4 has effect as if it were an order of the court.”

**Member's explanatory statement**

*This amendment provides that a production order has effect as if it were a court order. This means that failure to comply can be dealt with as contempt of court.*

LORD SHARPE OF EPSOM

Schedule 2, page 75, line 25, at end insert –

“(1A) An application for an order under this paragraph may be made without notice to a judge in chambers.”

**Member's explanatory statement**

*This amendment provides that an application for an order under paragraph 8 of Schedule 2 (explanations) may be made without notice to a judge in chambers. Schedules 3 to 5 already make equivalent provision for orders under those Schedules.*

LORD SHARPE OF EPSOM

Schedule 2, page 75, line 35, at end insert –

“(5) An order under this paragraph has effect as if it were an order of the court.”

***Member's explanatory statement***

*This amendment provides that an order under paragraph 8 of Schedule 2 (explanations) has effect as if it were a court order. This means that failure to comply can be dealt with as contempt of court.*

LORD SHARPE OF EPSOM

Schedule 2, page 79, line 15, leave out from “judge” to end of line 18 and insert “entitled to exercise the jurisdiction of the Crown Court;”

***Member's explanatory statement***

*This amendment adjusts the drafting of the definition of “judge”, in relation to England and Wales, for consistency with Schedules 3 to 5.*

LORD SHARPE OF EPSOM

Schedule 2, page 79, line 19, leave out “a judge of the High Court or”

***Member's explanatory statement***

*This amendment adjusts the drafting of the definition of “judge”, in relation to Northern Ireland, for consistency with Schedules 3 to 5.*

LORD SHARPE OF EPSOM

Schedule 2, page 82, line 1, at end insert—

“18A An application for an order under paragraph 17 or 18 may be made without notice to a sheriff in chambers.”

***Member's explanatory statement***

*This amendment provides that an application for a production order may be made without notice to a sheriff in chambers. Schedules 3 to 5 already make equivalent provision for orders under those Schedules.*

LORD SHARPE OF EPSOM

Schedule 2, page 84, line 16, at end insert—

“(1A) An application for an order under this paragraph may be made without notice to a sheriff in chambers.”

***Member's explanatory statement***

*This amendment provides that an application for an order under paragraph 23 of Schedule 2 (explanations) may be made without notice to a sheriff in chambers. Schedules 3 to 5 already make equivalent provision for orders under those Schedules.*

## Schedule 6

LORD SHARPE OF EPSOM

Schedule 6, page 114, line 14, leave out “sheriff principal” and insert “Sheriff Appeal Court”

*Member's explanatory statement*

*This amendment corrects the definition of “relevant appeal court” in relation to appeals in Scotland.*

## Clause 34

LORD SHARPE OF EPSOM

Clause 34, page 25, line 20, leave out from “(1)” to end of line 21 and insert “is subject to sections 3(6) and 15(6) (commission of offences under sections 3 and 15 by conduct outside the United Kingdom).”

*Member's explanatory statement*

*This amendment provides that clause 34(1) is subject to specific provisions in clauses 3 and 15 about when conduct taking place outside the UK can constitute an offence under those clauses.*

## Clause 54

LORD ANDERSON OF IPSWICH  
LORD CARLILE OF BERRIEW

Leave out Clause 54 and insert the following new Clause –

**“Reviews of Parts 1, 2, 4 and 5**

- (1) The operation of Parts 1, 2, 4 and 5 of this Act must be reviewed by a person, or people, appointed by the Secretary of State.
- (2) The operation of Part 4 must be reviewed by the person appointed by the Secretary of State under section 36(1) of the Terrorism Act 2006.
- (3) The operation of Parts 1, 2 and 5 must be reviewed by either –
  - (a) the person appointed by the Secretary of State under section 36(1) of the Terrorism Act 2006, or
  - (b) a different person appointed by the Secretary of State.
- (4) Reviews under this section must be carried out in respect of –
  - (a) the 12-month period beginning with the day on which any section in this Part comes into force, and
  - (b) each subsequent 12-month period.
- (5) Each review under subsection (1) must be completed as soon as reasonably practicable after the period to which it relates.

- (6) The person or people mentioned in subsections (2) and (3) must send to the Secretary of State a report on the outcome of each review carried out under subsection (1) as soon as reasonably practicable after completion of the review.
- (7) On receiving a report under subsection (6), the Secretary of State must lay a copy of it before each House of Parliament.
- (8) Section 36(6) of the Terrorism Act 2006 has effect as if the references to “expenses” and “allowances” in that subsection included “expenses” and “allowances” in connection with the discharge by the person or people of functions under this section.”

***Member's explanatory statement***

*This amendment would provide for the regular review of the operation of Parts 1, 4, and 5 of the Act as well as of Part 2.*

**Clause 62**

LORD SHARPE OF EPSOM

Clause 62, page 43, line 23, after “an” insert “agreement or”

***Member's explanatory statement***

*This amendment clarifies that agreements can be “foreign activity arrangements”.*

**Clause 65**

LORD SHARPE OF EPSOM

Clause 65, page 44, line 29, leave out from second “the” to end of line 30 and insert “activities are registered with the Secretary of State by the specified person.”

***Member's explanatory statement***

*This amendment clarifies that the activities being carried out must be registered at the time they are carried out.*

LORD SHARPE OF EPSOM

Clause 65, page 44, line 33, leave out from second “the” to end of line 34 and insert “activities are registered with the Secretary of State by the specified person.”

***Member's explanatory statement***

*This amendment clarifies that the activities being carried out must be registered at the time they are carried out.*

LORD SHARPE OF EPSOM

Clause 65, page 45, line 1, leave out from first “the” to end of line 2 and insert “activities are not registered with the Secretary of State by the specified person.”



***Member's explanatory statement***

*This amendment clarifies that the activities being carried out must be registered at the time they are carried out.*

**Clause 66**

LORD SHARPE OF EPSOM

Clause 66, page 45, line 19, after “an” insert “agreement or”

***Member's explanatory statement***

*This amendment clarifies that agreements can be “foreign influence arrangements”.*

LORD ANDERSON OF IPSWICH  
LORD CARLILE OF BERRIEW

*The above-named Lords give notice of their intention to oppose the Question that Clause 66 stand part of the Bill.*

**Clause 67**LORD ANDERSON OF IPSWICH  
LORD CARLILE OF BERRIEW

*The above-named Lords give notice of their intention to oppose the Question that Clause 67 stand part of the Bill.*

**Clause 68**

LORD SHARPE OF EPSOM

Clause 68, page 46, line 29, at end insert “a person listed in Schedule (*Public officials*);”

***Member's explanatory statement***

*This amendment inserts a reference to the new Schedule inserted by Lord Sharpe after Schedule 13.*

LORD SHARPE OF EPSOM

Clause 68, page 46, line 30, leave out sub-paragraphs (i) to (vi)

***Member's explanatory statement***

*This amendment removes the list of persons in clause 68(2)(a). Those persons are now listed (with additional persons) in the new Schedule inserted by Lord Sharpe after Schedule 13.*

## LORD SHARPE OF EPSOM

Clause 68, page 47, line 5, after “made” insert “by or”

***Member's explanatory statement***

*This amendment provides that public communications are not within clause 68(2) if it is reasonably clear they are made by a foreign principal.*

## LORD SHARPE OF EPSOM

Clause 68, page 47, leave out lines 26 to 41

***Member's explanatory statement***

*This amendment removes definitions that are no longer needed in clause 68 because the terms they define have been removed by Lord Sharpe's amendment to clause 68, page 46, line 30.*

LORD ANDERSON OF IPSWICH  
LORD CARLILE OF BERRIEW

*The above-named Lords give notice of their intention to oppose the Question that Clause 68 stand part of the Bill.*

**Clause 69**LORD ANDERSON OF IPSWICH  
LORD CARLILE OF BERRIEW

*The above-named Lords give notice of their intention to oppose the Question that Clause 69 stand part of the Bill.*

**Clause 70**

## LORD SHARPE OF EPSOM

Clause 70, page 48, line 15, leave out from second “the” to end of line 16 and insert “activities are registered with the Secretary of State by the foreign principal.”

***Member's explanatory statement***

*This amendment clarifies that the political influence activities being carried out must be registered at the time they are carried out.*

## LORD SHARPE OF EPSOM

Clause 70, page 48, line 20, leave out from first “the” to end and insert “activities are registered with the Secretary of State by the foreign principal.”

***Member's explanatory statement***

*This amendment clarifies that the political influence activities being carried out must be registered at the time they are carried out.*

LORD SHARPE OF EPSOM

Clause 70, page 48, line 28, leave out from first “the” to end of line 29 and insert “activities are not registered with the Secretary of State by the foreign principal.”

***Member's explanatory statement***

*This amendment clarifies that the political influence activities being carried out must be registered at the time they are carried out.*

LORD ANDERSON OF IPSWICH  
LORD CARLILE OF BERRIEW

*The above-named Lords give notice of their intention to oppose the Question that Clause 70 stand part of the Bill.*

**Before Schedule 14**

LORD SHARPE OF EPSOM

Before Schedule 14, insert the following new Schedule –

“SCHEDULE

Section 68

PUBLIC OFFICIALS

*Ministers*

- 1 A Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975).
- 2 A Northern Ireland Minister (within the meaning of section 68).
- 3 A Scottish Minister.
- 4 A Welsh Minister (within the meaning of section 68).

*MPs etc*

- 5 A member of either House of Parliament.
- 6 A member of the Northern Ireland Assembly.
- 7 A member of the Scottish Parliament.
- 8 A member of Senedd Cymru.
- 9 An employee or other member of staff of a person within any of paragraphs 5 to 8.

*Local government*

- 10 The Mayor of London.
- 11 A mayor for the area of a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.

*Political parties*

- 12 An officer, trustee or agent of a UK registered political party (within the meaning of section 68).
- 13 A member of such a political party who exercises executive functions on behalf of the party.

*Election candidates*

- 14 A candidate at an election for a relevant elective office (within the meaning of section 37 of the Elections Act 2022).
- 15 A candidate at an election for a relevant Scottish elective office (within the meaning of that section).

*Civil servants*

- 16 (1) A member of—
- (a) the Senior Civil Service;
  - (b) the Northern Ireland Senior Civil Service;
  - (c) the Senior Management Structure of Her Majesty’s Diplomatic Service.
- (2) A person who serves the government in a position in the civil service of the State and whose appointment to that position meets the requirements applicable to that position set out in section 15(1) of the Constitutional Reform and Governance Act 2010 (special advisers).
- (3) A person appointed to a position in the Northern Ireland Civil Service by a Northern Ireland Minister (within the meaning of section 68) and whose appointment to that position meets the conditions set out in section 1(3) and (4) of the Civil Service (Special Advisers) Act (Northern Ireland) 2013 (c. 8 (N.I.)) (special advisers).

*Military personnel*

- 17 (1) An officer subject to service law who is of or above the rank of commodore, brigadier or air commodore.
- (2) In sub-paragraph (1), “subject to service law” has the same meaning as in the Armed Forces Act 2006 (see section 374 of that Act).

*Police*

- 18 The chief constable or deputy chief constable of a police force maintained under section 2 of the Police Act 1996.

- 19 A police and crime commissioner.
- 20 A person of one of the following ranks of the metropolitan police force –
- (a) Commissioner of Police of the Metropolis;
  - (b) Deputy Commissioner of Police of the Metropolis;
  - (c) Assistant Commissioner of Police of the Metropolis;
  - (d) Deputy Assistant Commissioner of Police of the Metropolis.
- 21 The Commissioner of Police for the City of London or an Assistant Commissioner of Police for the City of London.
- 22 The chief constable or deputy chief constable of the Police Service of Northern Ireland.
- 23 The chief constable or a deputy chief constable of the Police Service of Scotland.
- 24 The chief constable or a deputy chief constable of the Ministry of Defence Police.
- 25 The chief constable or deputy chief constable of the British Transport Police Force.
- 26 The chief constable or deputy chief constable of the Civil Nuclear Constabulary.

*Persons exercising public functions*

- 27 (1) A person exercising public functions who is specified by the Secretary of State in regulations.
- (2) “Public functions” means functions of a public nature –
- (a) exercisable in the United Kingdom, or
  - (b) exercisable in a country or territory outside the United Kingdom by a person acting for or on behalf of, or holding office under, the Crown.”

***Member's explanatory statement***

*This new Schedule expands the list of persons, communication with whom is capable of being a political influence activity. It includes the persons previously listed in clause 68(2)(a), and additional persons.*

**Schedule 14**

LORD SHARPE OF EPSOM

Schedule 14, page 180, line 7, at end insert “foreign activity arrangements or foreign influence”

***Member's explanatory statement***

*This amendment clarifies that the exemption for UK arrangements applies to agreements and arrangements within the meaning of “foreign activity arrangement” or “foreign influence arrangement”.*

## LORD SHARPE OF EPSOM

Schedule 14, page 180, line 10, leave out “or a UK agreement”

***Member's explanatory statement***

*This amendment is consequential on Lord Sharpe's amendment to Schedule 14, page 180, line 15.*

## LORD SHARPE OF EPSOM

Schedule 14, page 180, line 15, leave out “or “UK agreement””

***Member's explanatory statement***

*This amendment adjusts the definition of UK arrangements to include agreements.*

## LORD SHARPE OF EPSOM

Schedule 14, page 182, line 12, after “the” insert “foreign influence”

***Member's explanatory statement***

*This amendment clarifies that the exemption for news-related foreign influence arrangements applies to agreements and arrangements within the meaning of “foreign influence arrangement”.*

## LORD CLEMENT-JONES

Schedule 14, page 182, line 30, leave out paragraph 5

***Member's explanatory statement***

*This amendment is to probe the exemption for legal activities from Part 3 of the Bill.*

**Clause 77**

## LORD SHARPE OF EPSOM

Clause 77, page 52, line 20, leave out “copying” and insert “the disclosure”

***Member's explanatory statement***

*This amendment clarifies that the power in clause 77(1)(b) relates to the onward disclosure of information provided to the Secretary of State under clause 72 or 73.*

**Clause 92**

## LORD SHARPE OF EPSOM

Clause 92, page 63, line 11, after “63” insert “specifying a foreign power, or a person other than a foreign power, who is not specified immediately before the regulations are made”

**Member's explanatory statement**

*This amendment provides that regulations under clause 63 attract the affirmative procedure only if they specify a foreign power or other person not already specified. Regulations revoking a specification will be subject to the negative procedure.*

LORD SHARPE OF EPSOM

Clause 92, page 63, line 12, leave out paragraph (b)

**Member's explanatory statement**

*This amendment is consequential on Lord Sharpe's amendment to clause 68, page 46, line 30, which omits the regulation making power in clause 68.*

LORD SHARPE OF EPSOM

Clause 92, page 63, line 17, at end insert –

“(fa) regulations under paragraph 27 of Schedule (*Public officials*);”

**Member's explanatory statement**

*This amendment provides that regulations under the new Schedule inserted by Lord Sharpe after Schedule 13 are subject to the affirmative procedure.*

**Clause 95**

LORD SHARPE OF EPSOM

Clause 95, page 64, line 13, at end insert –

“(1A) His Majesty may by Order in Council provide for any provision of this Act other than section 20 to extend (with or without modifications) to the Sovereign Base Areas of Akrotiri and Dhekelia.

(1B) An Order in Council under subsection (1A) may make consequential, supplementary, incidental, transitional or saving provision.”

**Member's explanatory statement**

*This amendment confers power to extend the Bill to the Sovereign Base Areas of Akrotiri and Dhekelia. Clause 20 is excluded from the power because clause 20 is extended to the Sovereign Base Areas by clause 95(1)(b).*

# National Security Bill

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AMENDMENTS  
TO BE MOVED  
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*12 December 2022*

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