

# National Security Bill

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**Clause 1**

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 1, page 1, line 9, leave out “or ought reasonably to know”

***Member's explanatory statement***

*This amendment is intended to tighten the scope of the offence in Clause 1.*

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 1, page 1, line 10, after “or” insert “security or defence”

***Member's explanatory statement***

*This amendment is intended to clarify the definition of “interests of the UK”.*

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 1, page 1, line 15, after “or” insert “security or defence”

***Member's explanatory statement***

*This amendment is intended to clarify the definition of “interests of the UK.”*

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 1, page 2, line 1, leave out paragraph (b)

***Member's explanatory statement***

*This amendment removes a subjective element from the definition of “protected information”.*

**Clause 2**

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 2, page 2, line 17, leave out “or ought reasonably to know”

***Member's explanatory statement***

*This amendment is intended to tighten the scope of the offence in Clause 2.*

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 2, page 2, line 27, leave out “could reasonably be expected to be” and insert “is”

***Member's explanatory statement***

*This amendment removes a subjective element from the definition of “trade secret”.*

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 2, page 2, line 28, leave out from “persons” to end of line 29

***Member's explanatory statement***

*This amendment removes a subjective element from the definition of “trade secret”.*

**Clause 3**

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 3, page 3, line 23, at end insert –

“(c) intends that the conduct will prejudice the safety or security or defence interests of the United Kingdom.”

***Member's explanatory statement***

*This amendment adds a further intentional element to the offence in Clause 3.*

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 3, page 3, line 25, leave out “it is reasonably possible may materially” and insert “is likely materially to”

***Member's explanatory statement***

*This amendment provides for a higher threshold to be met for the offence in Clause 3.*

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 3, page 3, line 27, leave out “or ought reasonably to know”

***Member's explanatory statement***

*This amendment is intended to tighten the scope of the offence in Clause 3.*

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 3, page 3, line 29, at end insert –

“(c) intends that the conduct will prejudice the safety or security or defence interests of the United Kingdom.”

***Member's explanatory statement***

*This amendment adds a further intentional element to the offence in Clause 3.*

**Clause 4**

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 4, page 5, line 4, leave out “or ought reasonably to know”

***Member's explanatory statement***

*This amendment is intended to tighten the scope of the offence in Clause 4.*

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 4, page 5, line 5, after “or” insert “security or defence”

***Member's explanatory statement***

*This amendment is intended to clarify the definition of “interests of the UK”.*

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 4, page 5, line 6, at end insert –

“(c) the person intends that the conduct will prejudice the safety or security or defence interests of the United Kingdom.”

***Member's explanatory statement***

*This amendment adds a further intentional element to the offence in Clause 4.*

**Clause 5**

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 5, page 5, line 23, after “person” insert “, for a purpose which is prejudicial to the safety or security or defence interests of the United Kingdom,”

***Member's explanatory statement***

*This amendment adds a further intentional element to the offence in Clause 5.*

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 5, page 5, line 29, leave out “or ought reasonably to know”

***Member's explanatory statement***

*This amendment is intended to tighten the scope of the offence in Clause 5.*

**Clause 12**

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 12, page 10, line 33, leave out “or ought reasonably to know”

***Member's explanatory statement***

*This amendment is intended to tighten the scope of the offence in Clause 12.*

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 12, page 10, line 34, after “or” insert “security or defence”

***Member's explanatory statement***

*This amendment is intended to clarify the definition of “interests of the UK”.*

**Clause 13**

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 13, page 11, line 35, after “or” insert “security or defence”

***Member's explanatory statement***

*This amendment is intended to clarify the definition of “interests of the UK”.*

**Clause 15**

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 15, page 13, line 35, leave out “or ought reasonably to know”

***Member's explanatory statement***

*This amendment is intended to tighten the scope of the offence in Clause 15.*

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 15, page 13, line 36, at end insert –

“(d) the person knows that the foreign intelligence service providing the benefit intends thereby to prejudice the safety or security or defence interests of the United Kingdom.”

***Member's explanatory statement***

*This amendment adds a further intentional element to the offence in Clause 15.*

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 15, page 14, line 4, leave out “or ought reasonably to know”

***Member's explanatory statement***

*This amendment is intended to tighten the scope of the offence in Clause 15.*

**Clause 16**

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 16, page 15, line 18, at end insert “for a purpose which the person knows prejudices the safety or security or defence interests of the United Kingdom.”

***Member's explanatory statement***

*This amendment adds a further intentional element to the offence in Clause 16.*

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 16, page 15, line 25, at end insert –

“(iia) section 3 (assisting a foreign intelligence service);”

***Member's explanatory statement***

*This amendment is intended to probe the exclusion of offences under Clause 3 from the offence in Clause 16.*

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 16, page 15, line 27, at end insert –

“(iia) section 5 (unauthorised entry etc to a prohibited place);”

***Member's explanatory statement***

*This amendment is intended to probe the exclusion of offences under Clause 5 from the offence in Clause 16.*

**Clause 28**

LORD ANDERSON OF IPSWICH  
LORD CARLILE OF BERRIEW

Leave out Clause 28 and insert the following new Clause –

**“Offences under Part 2 of the Serious Crime Act 2007**

In section 7 of the Intelligence Services Act 1994 (authorisation of acts outside the British Islands) after subsection (9) insert –

“(9A) For the purposes of this section the reference in subsection (1) to an act done outside the British Islands also includes a reference to any relevant behaviour in respect of which the provisions of Schedule 4 to the Serious Crime Act 2007 apply.””

***Member's explanatory statement***

*This amendment would allow the Secretary of State, under the supervision of IPCO, to authorise the doing of acts falling within the scope of Schedule 4 to the Serious Crime Act 2007 if they are necessary for the proper discharge of a function of the Security and Intelligence Agencies and if satisfactory arrangements are in force.*

**Clause 29**

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 29, page 21, line 21, leave out “or ought reasonably to know”

***Member's explanatory statement***

*This amendment is intended to tighten the scope of the foreign power condition in Clause 29.*

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 29, page 21, line 21, at end insert –

“(c) the conduct in question is carried out for the purpose of prejudicing the safety or security or defence interests of the United Kingdom.”

***Member's explanatory statement***

*This amendment adds a further intentional element to the foreign power condition in Clause 29.*

**Clause 30**

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 30, page 22, line 14, leave out paragraph (e)

***Member's explanatory statement***

*This amendment removes an element from the definition of “foreign power”.*

LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

Clause 30, page 22, line 16, leave out subsections (2) and (3)

***Member's explanatory statement***

*This amendment is consequential on Lord Marks' amendment to page 22, line 14.*

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*13 December 2022*

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