

National Security Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

LORD COAKER

Clause 1, page 1, line 13, at end insert –

“(1A) For the purposes of subsection (1)(b), a Minister of the Crown must lay a statement before each House of Parliament defining the interests of the United Kingdom.”

Member's explanatory statement

This amendment probes how and by whom the interests of the United Kingdom will be defined.

Clause 7

LORD WALLACE OF SALTAIRE

Clause 7, page 6, line 39, after “United Kingdom” insert “, the Crown Dependencies and Overseas Territories”

Member's explanatory statement

This amendment is to probe the exclusion of land in the Crown Dependencies and Overseas Territories from the scope of Clause 7.

LORD WALLACE OF SALTAIRE

Clause 7, page 7, line 10, after “United Kingdom” insert “, the Crown Dependencies and Overseas Territories”

Member's explanatory statement

This amendment is to probe the exclusion of land in the Crown Dependencies and Overseas Territories from the scope of Clause 7.

Clause 8

LORD WALLACE OF SALTAIRE

Clause 8, page 8, line 15, after “United Kingdom” insert “, the Crown Dependencies and Overseas Territories”

Member's explanatory statement

This amendment is to probe the exclusion of land in the Crown Dependencies and Overseas Territories from the scope of Clause 7.

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

Clause 8, page 8, line 21, after “or” insert “security or defence”

Member's explanatory statement

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

Clause 9

BARONESS LUDFORD

Clause 9, page 8, line 39, at end insert –

“and a cordon is necessary to secure and protect sensitive material until removal is completed.”

Member's explanatory statement

This amendment is based on a recommendation from the JCHR. It is intended to make it clear that Clause 9 is intended to refer to a military vehicle crash site, as set out in the Government’s Explanatory Notes to the Bill.

Clause 11

BARONESS LUDFORD

Clause 11, page 10, line 21, at end insert –

“(5A) A reasonable excuse includes but is not limited to protest and journalism.”

Member's explanatory statement

This amendment is based on a recommendation from the JCHR. The Committee’s report raises concerns that the provisions of Clause 11 impact unduly on the right to protest and on journalism. The amendment therefore introduces a clear exemption for protest and journalism.

BARONESS LUDFORD

Clause 11, page 10, line 26, at end insert –

- “(8) The Secretary of State must issue guidance on the use of powers in respect of a cordoned area to ensure that they are exercised in a proportionate manner that does not inappropriately impact on protests and journalism.”

Member's explanatory statement

This amendment is based on a recommendation from the JCHR. It requires guidance to be issued on the use of powers in respect of a cordoned area.

After Clause 14

LORD CARLILE OF BERRIEW

After Clause 14, insert the following new Clause –

“Foreign interference in elections: duties on political parties

- (1) A UK-registered political party must, within three months of the passing of this Act, publish a policy statement to ensure the identification of donations from a foreign power (whether made directly or through an intermediary), and must keep that policy updated in accordance with guidance issued under subsection (2).
- (2) Within three months of the passing of this Act the Secretary of State must publish guidance on the provisions of this section.
- (3) A UK-registered political party must include a statement of risk management in its annual accounts that identifies how risks relating to donations from a foreign power (whether made directly or through an intermediary) have been managed, and what measures have been put in place by the party to such effect.
- (4) In this section, “UK-registered political party” means a political party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000.”

LORD COAKER

After Clause 14, insert the following new Clause –

“Critical election incident public protocol

Within 12 months of the passing of this Act, a Minister of the Crown must publish draft legislation for the establishment of a critical election incident public protocol.”

Member's explanatory statement

This amendment would ensure draft legislation is published to establish a Critical Election Incident Public Protocol, reflecting the introduction of the system used in Canada.

Clause 28

LORD COAKER
LORD PURVIS OF TWEED

The above-named Lords give notice of their intention to oppose the Question that Clause 28 stand part of the Bill.

Clause 30

LORD MARKS OF HENLEY-ON-THAMES
LORD WALLACE OF SALTAIRE

Clause 30, page 22, line 6, at beginning insert “Subject to subsection (1A),”

Member's explanatory statement

This amendment is connected to the amendment to page 22, line 15.

LORD MARKS OF HENLEY-ON-THAMES
LORD WALLACE OF SALTAIRE

Clause 30, page 22, line 15, at end insert –

- “(f) a corporation or other economic or political entity that is in practice working on behalf of a foreign government, whether pursuant to contract or otherwise.”

LORD MARKS OF HENLEY-ON-THAMES
LORD WALLACE OF SALTAIRE

Clause 30, page 22, line 15, at end insert –

- “(1A) In this Part “foreign power” does not include –
- (a) any member of NATO, or
 - (b) any other nation excluded from the definition of “foreign power” by regulations made by the Secretary of State.”

Member's explanatory statement

This is a probing amendment to provide for exclusions to the definition of “foreign power”.

Clause 36

BARONESS LUDFORD

Clause 36, page 26, line 5, leave out “in the interests of national security” and insert “for the administration of justice, having regard to the risk to national security”

Member's explanatory statement

This amendment is based on a recommendation from the JCHR. It ensures this clause better complies with the right to a fair trial and the administration of justice.

Schedule 7

BARONESS LUDFORD

Schedule 7, page 137, line 14, at end insert –

“(2A) The requirement under paragraph 1(2)(c) must not exceed a 14-hour period.”

Member's explanatory statement

This amendment is based on a recommendation of the JCHR. It is designed to ensure that rights under Article 5 of the ECHR are not infringed, and therefore it sets a 14-hour limit on the time that the subject of Prevention and Investigation Measures could be required to remain in their residence.

After Clause 65

LORD PONSONBY OF SHULBREDE

After Clause 65, insert the following new Clause –

“Guidance in relation to the foreign influence registration scheme

Within six months of this Act being passed, the Secretary of State must publish guidance in relation to the implementation of sections 62 to 65 for –

- (a) universities;
- (b) charities;
- (c) journalists;
- (d) civil society;
- (e) any other groups deemed relevant by the Secretary of State.”

Member's explanatory statement

This amendment would ensure guidance is provided on the Foreign Influence Registration Scheme.

After Clause 89

LORD PONSONBY OF SHULBREDE

After Clause 89, insert the following new Clause –

“Impact assessment of legal aid provisions

Sections 87, 88 and 89 may not come into force until the Secretary of State has published an impact assessment on their implementation.”

Member's explanatory statement

This amendment would ensure an assessment of Clauses 87, 88 and 89 is published before they come into force.

LORD PONSONBY OF SHULBREDE

After Clause 89, insert the following new Clause –

“Reporting on disinformation originating from foreign powers

- (1) The Secretary of State must appoint a person or body to review the extent of disinformation originating from foreign powers which presents a threat, or potential threat, to national security.
- (2) A review under subsection (1) must include an assessment of the extent of foreign interference in elections.
- (3) A review under subsection (1) may include –
 - (a) examining the number and scale of offences committed, and estimating the number and scale of instances where an offence is suspected to have been committed, under –
 - (i) section 13, where Condition C is met, and
 - (ii) section 14, and
 - (b) any other matters the person or body considers relevant to the matters mentioned in subsections (1) and (2).
- (4) The person or body appointed under subsection (1) may be the Intelligence and Security Committee of Parliament, or another person or body the Secretary of State considers appropriate.
- (5) A review must be carried out under this section in respect of –
 - (a) the 12-month period beginning with the day on which section 13 comes into force, and
 - (b) each subsequent 12-month period.
- (6) Each review under this section must be completed as soon as reasonably practicable after the period to which it relates.
- (7) The person or body must send to the Secretary of State a report on the outcome of each review carried out under this section as soon as reasonably practicable after completion of the review.
- (8) On receiving a report under subsection (7), the Secretary of State must lay a copy of it before Parliament.
- (9) The Secretary of State may pay to the person or body –
 - (a) expenses incurred in carrying out the functions of the reviewer under this section, and
 - (b) such allowances as the Secretary of State determines, except where financial provision is already made to the person or body for the discharge of the

person or body’s functions, of which functions under this section may form part.”

Member's explanatory statement

This amendment would establish a review of the extent of disinformation originating from foreign powers.

LORD COAKER

After Clause 89, insert the following new Clause—

“Duty to implement recommendations of the ISC report on Russia

The Secretary of State has a duty to implement the recommendations of the report of the Intelligence and Security Committee of Parliament on Russia (HC 632 of Session 2019–21) insofar as they relate to national security.”

Member's explanatory statement

This amendment would ensure the government implements the ISC report on Russia.

National Security Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

14 December 2022

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS