

# National Security Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

*The amendments have been marshalled in accordance with the Instruction of 6th December 2022, as follows –*

Clauses 1 to 14	Schedule 9
Schedule 1	Clauses 50 to 52
Clauses 15 to 21	Schedule 10
Schedule 2	Clauses 53 to 56
Clause 22	Schedule 11
Schedule 3	Clause 57
Clause 23	Schedule 12
Schedule 4	Clauses 58 to 63
Clause 24	Schedule 13
Schedule 5	Clauses 64 to 71
Clause 25	Schedule 14
Schedule 6	Clauses 72 to 86
Clauses 26 to 37	Schedule 15
Schedule 7	Clauses 87 to 90
Clauses 38 to 41	Schedule 16
Schedule 8	Clauses 91 to 98
Clauses 42 to 49	Title

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

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**Clause 1**

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

**1** 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

- 2 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 COAKER

- 3 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.*

BARONESS LUDFORD

- 4 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).*

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

- 5 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

- 6 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

- 7 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.*

BARONESS LUDFORD

- 8 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.*

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

- 9 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

- 10 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”.*

LORD WALLACE OF SALTAIRE

- 11★ Clause 2, page 3, line 7, after first “citizen” insert “, a British citizen who is a dual national as a citizen also of a foreign power,”

***Member's explanatory statement***

*This amendment is to probe whether British citizens who hold dual nationality might have particular responsibilities or exemptions under this Act.*

### Clause 3

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

12 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

13 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

14 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

15 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.*

BARONESS LUDFORD

16 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 4

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

- 17 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

- 18 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

- 19 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

- 20 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.*

## BARONESS LUDFORD

21 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.*

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

22 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 6**

## BARONESS LUDFORD

23 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

24 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

25 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

- 26 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).*

LORD WALLACE OF SALTAIRE

- 27 Clause 7, page 6, line 39, after “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

- 28 Clause 7, page 7, line 10, after “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.*

**After Clause 7**

BARONESS LUDFORD

- 29 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 8**

LORD WALLACE OF SALTAIRE

- 30 Clause 8, page 8, line 15, after “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

- 31 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

- 32 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

- 33 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.*

BARONESS LUDFORD

34 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

35 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.*

**Clause 12**LORD MARKS OF HENLEY-ON-THAMES  
LORD PURVIS OF TWEED

36 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

37 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 SHARPE OF EPSOM

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

39 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”.*

LORD SHARPE OF EPSOM

40 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

41 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

42 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.*

**After Clause 14**

LORD PURVIS OF TWEED  
LORD WALLACE OF SALTAIRE

**43** 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.*

LORD CARLILE OF BERRIEW  
LORD WALLACE OF SALTAIRE  
LORD PONSONBY OF SHULBREDE

**44** 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

45 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 15**

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

46 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

47 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

48 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

- 49 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

- 50 Clause 16, page 15, line 25, at end insert –  
“(ia) 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

- 51 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.*

**Schedule 2**

LORD SHARPE OF EPSOM

- 52 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

53 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

54 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

55 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

56 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

57 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

58 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

59 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 COAKER

60★ Schedule 6, page 100, line 19, at end insert—

“(1A) The Secretary of State may only designate places at which persons may be detained under section 25 which are within the United Kingdom.”

***Member's explanatory statement***

*This amendment would clarify that places of detention must be in the UK.*

## BARONESS LUDFORD

61 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.*

## LORD SHARPE OF EPSOM

62 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.*

BARONESS LUDFORD

- 63 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 28**

LORD ANDERSON OF IPSWICH  
LORD CARLILE OF BERRIEW  
LORD JUDGE

- 64 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.*

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 29**

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

- 65 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

66 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 WALLACE OF SALTAIRE

67 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 PURVIS OF TWEED

68 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 WALLACE OF SALTAIRE

69 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

70 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”.*

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

- 71 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.*

**Clause 31**

BARONESS LUDFORD

- 72 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 34**

LORD SHARPE OF EPSOM

- 73 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 36**

BARONESS LUDFORD

- 74 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.*

**After Clause 36**

LORD MARKS OF HENLEY-ON-THAMES

**75★** After Clause 36, insert the following new Clause—

**“Public interest defence**

- (1) A person subject to proceedings for any offence under sections 1 to 5 of this Act may raise as a defence that the person reasonably believed the conduct alleged to constitute the offence was carried out in the public interest.
- (2) Where a defence under subsection (1) is raised, it is for the prosecution to prove that the conduct alleged was not in the public interest.
- (3) In determining whether such conduct was in the public interest the court must have regard to—
  - (a) the nature of the alleged conduct;
  - (b) the harm caused by the alleged conduct;
  - (c) whether the manner in which the person engaged in the alleged conduct was in the public interest;
  - (d) whether the person engaged in the alleged conduct in good faith;
  - (e) whether the person engaged in the alleged conduct for personal gain;
  - (f) the availability of any other effective authorised procedures for achieving the purpose of the alleged conduct and whether those procedures were exercised;
  - (g) any other relevant feature of the alleged conduct.”

***Member's explanatory statement***

*This amendment provides for a public interest defence to the offences under Clauses 1 to 5 of the Bill.*

**Schedule 7**

BARONESS LUDFORD

**76** 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.*

**Clause 44**

BARONESS LUDFORD

- 77 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

- 78 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

- 79 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

- 80 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.*

LORD ANDERSON OF IPSWICH  
 LORD CARLILE OF BERRIEW  
 LORD JUDGE  
 LORD PONSONBY OF SHULBREDE

81 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

82 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”.*



**After Clause 63**

LORD PONSONBY OF SHULBREDE

83★ After Clause 63, insert the following new Clause –

**“Definition of “specified persons”**

Within 60 days of this Act being passed, the Secretary of State must make regulations under section 63 to define “specified persons”.

***Member's explanatory statement***

*This amendment means that the Government must define “specified persons”.*

**Schedule 13**

LORD WALLACE OF SALTAIRE

84 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 65**

LORD SHARPE OF EPSOM

85 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

86 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

- 87 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.*

**After Clause 65**

## LORD PONSONBY OF SHULBREDE

- 88 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.*

**Clause 66**

## LORD SHARPE OF EPSOM

- 89 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  
BARONESS HAYTER OF KENTISH TOWN  
LORD WALLACE OF SALTIRE

*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  
BARONESS HAYTER OF KENTISH TOWN  
LORD WALLACE OF SALTAIRE

*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

- 90 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

- 91 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

- 92 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

- 93 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  
 BARONESS HAYTER OF KENTISH TOWN  
 LORD WALLACE OF SALTAIRE

*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  
 BARONESS HAYTER OF KENTISH TOWN  
 LORD WALLACE OF SALTAIRE

*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

- 94 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

- 95 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

- 96 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  
 BARONESS HAYTER OF KENTISH TOWN  
 LORD WALLACE OF SALTAIRE

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

**After Clause 70**

LORD WALLACE OF SALTAIRE

97★ After Clause 70, insert the following new Clause—

**“Higher education guidance**

- (1) Within three months of the day on which this Act is passed, the Secretary of State must publish guidance for the higher education and research sector in relation to provisions in this Act, which includes, but is not limited to—
  - (a) a clear explanation of the type of arrangements to be captured in respect of which higher education institutions must register with the Secretary of State;
  - (b) how the provisions of the Act affect research activities including those associated with contract research, unfunded academic collaborations, and joint research centres.
- (2) The Secretary of State must consult the higher education and research sector on draft guidance and include feedback in the final publication.”

***Member's explanatory statement***

*This amendment ensures that UK higher education institutions submit the correct information, and are not inhibited in other aspects of their international activities by concern about overstepping activities that remain permitted.*

**Before Schedule 14**

LORD SHARPE OF EPSOM

98 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

- 99 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

- 100 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

- 101 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

- 102 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

- 103 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.*



## LORD WALLACE OF SALTAIRE

104★ Schedule 14, page 183, line 37, at end insert –

*“Higher education activity*

- 6A (1) Section 62(2) (requirement to register foreign activity arrangements) does not apply in relation to a foreign activity arrangement to the extent that it is a higher education activity arrangement that is already registered with the Secretary of State or a government department.
- (2) Registration with the Secretary of State or a government department as set out in subsection (1) includes, but is not limited to –
- (a) provisions within the National Security and Investment Act 2022;
  - (b) provisions within the Academic Technology Approval Scheme;
  - (c) provisions within the Export Control Act 2002 and the Export Control Order 2008 (S.I. 2008/3231).
- (3) “Higher education activity arrangements” includes, but is not limited to –
- (a) research or teaching undertaken by university staff who are directly supported by foreign state funding, for example through scholarships, stipends, fellowships or direct employment by a specified person as set out in section 63(1);
  - (b) collaborative research projects underpinned by government and Research Council funding;
  - (c) memorandums of understanding, which could include, but are not limited to, commitments to joint education or research ventures, where some activity is to occur in the United Kingdom;
  - (d) consultancy or contract research for a specified person as defined in section 63(1);
  - (e) commercial arrangements.”

***Member's explanatory statement***

*This amendment is intended to prevent unnecessary duplication of reporting and oversight under different Acts.*

**Clause 77**

## LORD SHARPE OF EPSOM

105 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 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

106 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

107 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

108 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

109 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

**110** 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

**111** 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

**112** 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 SALTAIRE

113 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.*

LORD PURVIS OF TWEED  
LORD WALLACE OF SALTAIRE

114 After Clause 89, insert the following Clause –

**“Ministerial appointments: official advice**

- (1) The Cabinet Secretary must publish a memorandum in respect of any ministerial appointments made by the Prime Minister, where advice or concerns were communicated to the Prime Minister by civil servants that the appointment may be counter to the safety or interests of the United Kingdom including because of potential influence from a foreign power.
- (2) A memorandum under this section must set out that advice or concerns were communicated to the Prime Minister by civil servants, and in respect of which ministerial appointments.
- (3) A memorandum under this section may not include details of the advice or concerns, where the Cabinet Secretary considers that inclusion of those details may be prejudicial to the safety or interests of the United Kingdom.”

*Member's explanatory statement*

*This new Clause requires the Cabinet Secretary to publish a memorandum in circumstances where the Prime Minister made a ministerial appointment and where advice was that the appointment may be counter to the safety or interests of the United Kingdom.*

## LORD PONSONBY OF SHULBREDE

115 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

**116** 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

**117** 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.*

LORD PURVIS OF TWEED

**118★** After Clause 89, insert the following new Clause –

**“Reports of the ISC**

(1) The Justice and Security Act 2013 is amended as follows.

(2) In section 3 (reports of the ISC) after subsection (1) insert –

“(1A) The ISC may report on the provisions of the National Security Act 2022 insofar as they relate to its functions under section 2.””

***Member's explanatory statement***

*This amendment is intended to probe the remit of the Intelligence and Security Committee in regard to this Bill.*

LORD COAKER

**119★** After Clause 89, insert the following new Clause –

**“Assessment of interaction with the Official Secrets Act 1989**

The Secretary of State must publish an assessment of how this Act relates to the Official Secrets Act 1989.”

***Member's explanatory statement***

*This amendment intends to probe to what extent the Bill furthers the government's objective to update the Official Secrets Act 1989.*

## BARONESS KRAMER

120★ After Clause 89, insert the following new Clause –

**“Establishment of the Office of the National Security Whistleblower**

- (1) Within one year of the passing of this Act, the Secretary of State must by regulations establish an independent body called the Office of the National Security Whistleblower (“the Office”).
- (2) A statutory instrument containing regulations under subsection (1) may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.
- (3) The principal duty of the Office is to protect any person making a protected disclosure (a “whistleblower”) to relevant bodies or individuals on issues of national security.
- (4) The functions of the Office are –
  - (a) to set and monitor minimum standards for –
    - (i) whistleblowing policies, procedures and reporting structures including confidentiality and anonymity for the whistleblower, and
    - (ii) investigating reported offences,
  - (b) to assess disclosures and to process those that are not in its determination frivolous, malicious or vexatious, and
  - (c) to order redress for any detriment to the whistleblower caused by their protected disclosure, including through the payment of compensation.
- (5) A “protected disclosure” means any disclosure of information relating to the commission of an offence under this Act which is made in the public interest to persons specified as relevant bodies or individuals.
- (6) “Relevant bodies or individuals” are –
  - (a) the Office;
  - (b) where the disclosure is made by an employee of a regulated person, the relevant regulator;
  - (c) a public authority;
  - (d) an employer.
- (7) The Secretary of State must within one year of this Act coming into force lay a report before Parliament which reviews the effectiveness and functions of the Office.”

**Clause 92**

## LORD SHARPE OF EPSOM

121 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

**122** 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

**123** 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

**124** 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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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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*15 December 2022*

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