

# National Security Bill

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FIFTH 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 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 MARKS OF HENLEY-ON-THAMES

- 105A** Clause 82, page 55, line 20, at end insert “provided that such evidence or submissions are not merely incidental to the principal issues in the proceedings”

***Member's explanatory statement***

*This amendment restricts the definition of ‘national security proceedings’ to correspond with the ordinary meaning of that phrase, and not merely because some national security-related evidence has been adduced. It also prevents a public body from avoiding accountability by categorising proceedings as ‘national security proceedings’.*

LORD WALLACE OF TANKERNESS  
LORD PURVIS OF TWEED  
LORD PANNICK

*The above-named Lords give notice of their intention to oppose the Question that Clause 82 stand part of the Bill.*

**Clause 83**

LORD WALLACE OF TANKERNESS  
LORD PURVIS OF TWEED  
LORD PANNICK

- 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  
LORD PURVIS OF TWEED  
LORD PANNICK

- 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  
LORD PURVIS OF TWEED  
LORD PANNICK

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  
LORD PURVIS OF TWEED  
LORD PANNICK

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  
LORD PURVIS OF TWEED  
LORD PANNICK

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  
LORD PANNICK

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 MARKS OF HENLEY-ON-THAMES

- 111A** Clause 83, page 56, line 30, at end insert “, or  
 (b) where such a reduction would be inconsistent with granting the claimant appropriate access to justice.”

***Member's explanatory statement***

*This amendment ensures damages may not be reduced where it would be inconsistent with granting the claimant appropriate access to justice.*

LORD WALLACE OF TANKERNESS  
 LORD PURVIS OF TWEED  
 LORD PANNICK

*The above-named Lords give notice of their intention to oppose the Question that Clause 83 stand part of the Bill.*

**Clause 84**

LORD WALLACE OF TANKERNESS  
 LORD PURVIS OF TWEED  
 LORD PANNICK

*The above-named Lords give notice of their intention to oppose the Question that Clause 84 stand part of the Bill.*

**Clause 85**

LORD WALLACE OF TANKERNESS  
 LORD PURVIS OF TWEED  
 LORD PANNICK

*The above-named Lords give notice of their intention to oppose the Question that Clause 85 stand part of the Bill.*

**Clause 86**

LORD WALLACE OF TANKERNESS  
 LORD PURVIS OF TWEED  
 LORD PANNICK

*The above-named Lords give notice of their intention to oppose the Question that Clause 86 stand part of the Bill.*

**Schedule 15**

LORD WALLACE OF TANKERNESS  
LORD PURVIS OF TWEED  
LORD PANNICK

*The above-named Lords give notice of their intention to oppose the Question that Schedule 15 be the 15th Schedule to the Bill.*

**Clause 87**

BARONESS LUDFORD  
LORD PANNICK

*The above-named Lords give notice of their 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  
LORD PANNICK

*The above-named Lords give notice of their 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.”

LORD COAKER

**120A** After Clause 89, insert the following new Clause –

**“Duty to update the Intelligence and Security Committee of Parliament's memorandum of understanding**

- (1) The Prime Minister must ensure that the memorandum of understanding between the Prime Minister and the Intelligence and Security Committee of Parliament (the “ISC”) under section 2 of the Justice and Security Act 2013 (the “MoU”) is revised to reflect any changes to the intelligence or security activities of His Majesty’s Government as a result of this Act.
- (2) Any revisions to the MoU under subsection (1) must be agreed between the Prime Minister and the ISC in accordance with the process set out in section 2 of the Justice and Security Act 2013.
- (3) Any engagement between the Prime Minister and the ISC relating to revisions to the MoU under subsection (1) must commence within the 6-month period beginning with the day on which this Act is passed.”

*Member's explanatory statement*

*This amendment ensures that the ISC’s Memorandum of Understanding is updated to reflect this Act.*

LORD COAKER

**120B** After Clause 89, insert the following new Clause –

**“Public interest defence**

Within 90 days of this Act being passed, a Minister of the Crown must publish an assessment of the potential merits of introducing further legislation for the purposes of providing a public interest defence in relation to offences under this Act.”

*Member's explanatory statement*

*This amendment means that a Minister must publish an assessment of the potential merits of introducing a public interest defence.*

**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).*

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LIST OF AMENDMENTS  
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*16 January 2023*

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