

National Security Bill

AMENDMENTS
TO BE MOVED
ON REPORT

[Supplementary to the Marshalled List]

Amendment
No.

Clause 3

LORD COAKER

18A★ Clause 3, page 4, line 24, at end insert –

“(9A) Within six months of this Act being passed, the Secretary of State must consult, and publish a report of that consultation, on proposals for a public interest defence in relation to an offence under subsection (2).”

Member's explanatory statement

This amendment requires the government to formally consult on the introduction of a public interest defence for offences committed under Clause 3(2).

Clause 30

LORD ANDERSON OF IPSWICH
LORD CARLILE OF BERRIEW

As an amendment to amendment 66

This is a corrected version of Amendment 68

68★ In inserted section 50A(2)(b), leave out “a” and insert “an intelligence-related”

Member's explanatory statement

This amendment would restrict the application to the armed forces of the new defence to charges under Part 2 of the Serious Crime Act by limiting it to the exercise of intelligence-related functions.

After Clause 38

LORD PONSONBY OF SHULBREDE

79A★ After Clause 38, insert the following new Clause –

“Statutory Commissioner for the Investigation of Complaints by Whistleblowers

- (1) Within 90 days of this Act being passed, the Secretary of State must establish a Commissioner for the Investigation of Complaints by Whistleblowers.
- (2) The Commissioner is to be responsible for investigating reports made by public servants and others, including but not limited to employees of intelligence services, in relation to the commission of relevant offences.
- (3) The Commissioner must be appointed by the Prime Minister, and subject to a pre-scrutiny hearing by the Intelligence and Security Committee of Parliament.
- (4) The Commissioner is under an obligation to report to the Prime Minister, and to make reports of its investigations to the Intelligence and Security Committee of Parliament.
- (5) There is an automatic right of appeal by the complainant against decisions of the Commissioner, with such appeals heard by the Investigatory Powers Tribunal.
- (6) The Commissioner is subject to section 1(1)(b) of the Official Secrets Act 1989.
- (7) In this section –
 - “relevant offences” means offences created as a result of this Act;
 - “the Investigatory Powers Tribunal” means the Tribunal created by section 65 of the Regulation of Investigatory Powers Act 2000.”

Member's explanatory statement

This amendment requires the government to establish an independent statutory commissioner to investigate whistleblowing concerns raised by public servants and others, including members of the intelligence community, in relation to offences under the Bill.

LORD COAKER

79B★ After Clause 38, insert the following new Clause –

“Sections 1 to 5: non-governmental organisations and journalists

Within six months of this Act being passed, the Secretary of State must publish a report on the impact of offences under sections 1 to 5 of this Act and section 5(6) of the Official Secrets Act 1989, as amended by paragraph 6 of Schedule 17 to this Act, on the operation of non-governmental organisations and journalists.”

Member's explanatory statement

This means that the Secretary of State must publish a report on the impact of offences on the operation of non-governmental organisations and journalists.

After Clause 82

LORD WALLACE OF SALTAIRE

166A★ After Clause 82, insert the following new Clause –**“Consultation on expanding foreign influence regime**

The Secretary of State must, within the period of one year beginning with the day on which this Act is passed –

- (a) consult on the merits of introducing further regulation to impose transparency requirements in relation to control by a foreign power on persons conducting campaigning, research or advocacy work designed to influence public policy in the United Kingdom, including regulation to ensure the sources of funding from, revenue from, or share ownership by, foreign powers, or other foreign power control of activities are published in full by all persons conducting such work, and
- (b) publish the report under paragraph (a) and lay it before each House of Parliament.”

Member's explanatory statement

This amendment aims to ensure that the Government consults on potential loopholes to the regulations on foreign influence based around persons subject to the regulations being able to avoid disclosing their sources of revenue, funding, share ownership or other conditions that would make them subject to these regulations.

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28 February 2023
