

National Security Bill

SECOND MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

The amendments have been marshalled in accordance with the Instruction of 30th January 2023, as follows –

Clauses 1 to 16	Clauses 52 to 54
Schedule 1	Schedule 10
Clauses 17 to 23	Clauses 55 to 58
Schedule 2	Schedule 11
Clause 24	Clause 59
Schedule 3	Schedule 12
Clause 25	Clauses 60 to 65
Schedule 4	Schedule 13
Clause 26	Clauses 66 to 70
Schedule 5	Schedule 14
Clause 27	Clauses 71 to 73
Schedule 6	Schedule 15
Clauses 28 to 39	Clauses 74 to 88
Schedule 7	Schedule 16
Clauses 40 to 43	Clauses 89 to 92
Schedule 8	Schedule 17
Clauses 44 to 51	Clauses 93 to 100
Schedule 9	Title

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 64

LORD SHARPE OF EPSOM

87 Clause 64, page 45, line 18, after “out” insert “relevant”

Member's explanatory statement

This amendment, together with Lord Sharpe's other amendments to Clause 64 relating to relevant activities, allow the Secretary of State to make regulations specifying which activities of a specified person are subject to the provisions about foreign activity arrangements.

LORD SHARPE OF EPSOM

88 Clause 64, page 45, line 19, after “for” insert “relevant”

Member's explanatory statement

This amendment, together with Lord Sharpe's other amendments to Clause 64 relating to relevant activities, allow the Secretary of State to make regulations specifying which activities of a specified person are subject to the provisions about foreign activity arrangements.

LORD SHARPE OF EPSOM

89 Clause 64, page 45, line 19, at end insert –

“(1A) In this section “relevant activities” –

- (a) if regulations under subsection (1B) apply in relation to the specified person, has the meaning given by the regulations, and
- (b) otherwise, means all activities.

(1B) The Secretary of State may by regulations make provision about activities which are relevant activities for the purposes of this section, either in relation to all specified persons or in relation to such specified persons as the regulations may provide.”

Member's explanatory statement

This amendment, together with Lord Sharpe's other amendments to Clause 64 relating to relevant activities, allow the Secretary of State to make regulations specifying which activities of a specified person are subject to the provisions about foreign activity arrangements.

LORD SHARPE OF EPSOM

90 Clause 64, page 45, line 23, leave out from beginning to “ought” in line 26 and insert “P commits an offence if P –

- (a) fails to comply with subsection (2), and
- (b) knows, or having regard to other matters known to them”

Member's explanatory statement

This amendment is to ensure consistency with subsections (1) and (2) of Clause 64, which refer to the person who makes the arrangement as “P”. It also clarifies the meaning of “ought reasonably to know”.

LORD WALLACE OF SALTIRE
BARONESS BROWN OF CAMBRIDGE

91 Clause 64, page 45, line 27, at end insert –

“(4) This section does not apply in relation to a foreign activity arrangement to the extent that it is an arrangement that is already registered with the Secretary of State or a government department.

- (5) Registration with the Secretary of State or a government department as set out in subsection (4) includes, but is not limited to—
- (a) provisions within the National Security and Investment Act 2021;
 - (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)."

Member's explanatory statement

This amendment removes the duplication of registration of arrangements by exempting those activities that have already been registered with the Secretary of State from the enhanced tier of the Foreign Influence Registration Scheme.

Clause 66

LORD SHARPE OF EPSOM

- 92 Clause 66, page 46, line 13, leave out from beginning to end of line 16 and insert—
- “(A1) This section applies where a person (“P”) makes a foreign activity arrangement required to be registered under section 64(2).
- (1) P commits an offence if—
- (a) P carries out a relevant activity, or arranges for a relevant activity to be carried out, in the United Kingdom pursuant to the arrangement,”

Member's explanatory statement

This amendment confines the offence in Clause 66(1) to the person who makes a foreign activity arrangement with a specified person.

LORD SHARPE OF EPSOM

- 93 Clause 66, page 46, line 18, leave out “the person knows, or” and insert “P knows, or having regard to other matters known to them”

Member's explanatory statement

This amendment is consequential on Lord Sharpe's amendment to Clause 66, page 46, line 13, and clarifies the meaning of “ought reasonably to know”.

LORD SHARPE OF EPSOM

- 94 Clause 66, page 46, leave out line 19 and insert “pursuant to a foreign activity arrangement.”

Member's explanatory statement

This amendment clarifies the mens rea where P acts pursuant to a foreign activity arrangement.

LORD SHARPE OF EPSOM

95 Clause 66, page 46, line 20, leave out subsection (2) and insert –

- “(2) A person other than P commits an offence if –
- (a) the person carries out a relevant activity, or arranges for a relevant activity to be carried out, in the United Kingdom pursuant to the arrangement,
 - (b) the arrangement is not registered, and
 - (c) the person knows, or having regard to other matters known to them ought reasonably to know, that they are acting pursuant to a foreign activity arrangement.
- (3) In proceedings for an offence under subsection (2) it is a defence to show that the person –
- (a) took all steps reasonably practicable to determine whether the arrangement was registered, and
 - (b) reasonably believed that the arrangement was registered.
- (4) A person is taken to have shown a matter mentioned in subsection (3) if –
- (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.
- (5) In this section “relevant activity” has the same meaning as in section 64.”

Member's explanatory statement

This amendment clarifies the applicable mens rea where a person other than P carries out the activities in question, or arranges for them to be carried out.

LORD CARLILE OF BERRIEW
BARONESS HAYTER OF KENTISH TOWN

96 Leave out Clause 66

Clause 67

LORD SHARPE OF EPSOM

97 Clause 67, page 46, line 22, after “out” insert “relevant”

Member's explanatory statement

This amendment, together with Lord Sharpe's other amendments to clause 67 relating to relevant activities, allow the Secretary of State to make regulations specifying which activities of a specified person are subject to clause 67.

LORD SHARPE OF EPSOM

98 Clause 67, page 46, line 26, at end insert “relevant”

Member's explanatory statement

This amendment, together with Lord Sharpe's other amendments to Clause 67 relating to relevant activities, allow the Secretary of State to make regulations specifying which activities of a specified person are subject to Clause 67.

LORD SHARPE OF EPSOM

99 Clause 67, page 46, line 30, at end insert "relevant"

Member's explanatory statement

This amendment, together with Lord Sharpe's other amendments to Clause 67 relating to relevant activities, allow the Secretary of State to make regulations specifying which activities of a specified person are subject to Clause 67.

LORD SHARPE OF EPSOM

100 Clause 67, page 46, line 36, at end insert –

“(3A) In this section “relevant activities” –

- (a) if regulations under subsection (3B) apply in relation to the specified person, has the meaning given by the regulations, and
- (b) otherwise, means all activities.

(3B) The Secretary of State may by regulations make provision about activities which are relevant activities for the purposes of this section, either in relation to all specified persons or in relation to such specified persons as the regulations may provide.”

Member's explanatory statement

This amendment, together with Lord Sharpe's other amendments to Clause 67 relating to relevant activities, allow the Secretary of State to make regulations specifying which activities of a specified person are subject to Clause 67.

LORD SHARPE OF EPSOM

101 Clause 67, page 47, line 6, leave out from “offence” to end of line 7.

Member's explanatory statement

This amendment removes the requirement for knowledge that an activity is not registered from the offence in Clause 67(7). Knowledge of registration is now dealt with in the defence inserted by Lord Sharpe's amendment to Clause 67, page 47, line 10.

LORD SHARPE OF EPSOM

102 Clause 67, page 47, line 9, after first “or” insert “having regard to other matters known to them”

Member's explanatory statement

This amendment clarifies the meaning of “ought reasonably to know”.

LORD SHARPE OF EPSOM

103 Clause 67, page 47, line 9, leave out “or (b)”

Member's explanatory statement

This amendment adjusts the test for committing an offence under Clause 67.

LORD SHARPE OF EPSOM

104 Clause 67, page 47, line 10, at end insert –

- “(9) In proceedings for an offence under subsection (7) or (8) it is a defence to show that the person –
- (a) took all steps reasonably practicable to determine whether the activities were registered, and
 - (b) reasonably believed that the activities were registered.
- (10) A person is taken to have shown a matter mentioned in subsection (9) if –
- (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.”

Member's explanatory statement

This amendment provides a defence to an offence under Clause 67(7) and (8).

LORD CARLILE OF BERRIEW
BARONESS HAYTER OF KENTISH TOWN

105 Leave out Clause 67

After Clause 67

LORD WALLACE OF SALTAIRE
BARONESS BROWN OF CAMBRIDGE

106 After Clause 67, insert the following new Clause –

“Assessing the impact of the introduction of the enhanced tier Foreign Influence Registration Scheme

- (1) Within 18 months of this Act being passed, and then once in every subsequent calendar year, the Secretary of State must lay before each House of Parliament a report on the impact of the enhanced tier of the Foreign Influence Registration Scheme.

- (2) The report must include, but not be limited to, the impact on UK international research collaborations.”

Member's explanatory statement

This amendment calls for the Government to lay a report before both Houses of Parliament on the impact of the Foreign Influence Registration Scheme.

Clause 68

LORD SHARPE OF EPSOM

- 107 Clause 68, page 47, line 14, leave out first “principal” and insert “power”

Member's explanatory statement

This amendment and Lord Sharpe’s other amendment to Clause 68(1) restrict the definition of foreign influence arrangements to arrangements with foreign powers.

LORD SHARPE OF EPSOM

- 108 Clause 68, page 47, line 14, leave out second “principal” and insert “power”

Member's explanatory statement

This amendment and Lord Sharpe’s other amendment to Clause 68(1) restrict the definition of foreign influence arrangements to arrangements with foreign powers.

LORD SHARPE OF EPSOM

- 109 Clause 68, page 47, line 17, at end insert –

“(1A) Where the foreign power is a specified person, the arrangement is not a foreign influence arrangement to the extent that it relates to political influence activities that are relevant activities for the purposes of section 64.”

Member's explanatory statement

This amendment prevents overlap between foreign activity arrangements required to be registered under Clause 64 and foreign influence arrangements required to be registered under Clause 68.

LORD SHARPE OF EPSOM

- 110 Clause 68, page 47, line 19, leave out “10” and insert “28”

Member's explanatory statement

This amendment increases the time limit for registering a foreign influence agreement after it has been made.

LORD ANDERSON OF IPSWICH
 LORD CARLILE OF BERRIEW
 LORD SHARPE OF EPSOM
This is intended to replace Amendment 111

- 110A** Clause 68, page 47, line 21, leave out “made before” and insert “which is made before, and which continues to have effect on,”

Member's explanatory statement

This amendment clarifies that the requirement to register foreign influence arrangements entered into before Clause 68 comes into force does not apply to arrangements which have ceased to have effect when the Clause comes into force.

LORD ANDERSON OF IPSWICH
 LORD CARLILE OF BERRIEW

- 111** [Withdrawn]

LORD SHARPE OF EPSOM

- 112** Clause 68, page 47, line 23, leave out “10” and insert “28”

Member's explanatory statement

This amendment is consequential on Lord Sharpe's amendment to Clause 68, page 47, line 19.

LORD SHARPE OF EPSOM

- 113** Clause 68, page 47, line 25, leave out from beginning to “knows” in line 26 and insert “P commits an offence if P –

(a) fails to comply with subsection (2), and”

Member's explanatory statement

This amendment is to ensure consistency with subsections (1) and (2) of Clause 68, which refer to the person who makes an arrangement as “P”.

LORD CARLILE OF BERRIEW
 BARONESS HAYTER OF KENTISH TOWN

- 114** Leave out Clause 68

Clause 69

LORD SHARPE OF EPSOM
 BARONESS HAYTER OF KENTISH TOWN

- 115** Leave out Clause 69

Member's explanatory statement

This amendment is consequential on Lord Sharpe's amendments to Clause 68(1).

Clause 70

LORD SHARPE OF EPSOM

- 116 Clause 70, page 48, line 25, leave out “principal” and insert “power”

Member's explanatory statement

This amendment is consequential on Lord Sharpe's amendments to Clause 68(1).

LORD SHARPE OF EPSOM

- 117 Clause 70, page 48, line 28, leave out “the conduct of”

Member's explanatory statement

This amendment adjusts the matters within subsection (3)(a), for consistency with Clause 14(3).

LORD SHARPE OF EPSOM

- 118 Clause 70, page 48, line 29, leave out “the government of the United Kingdom” and insert “a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975), a United Kingdom government department”

Member's explanatory statement

This amendment clarifies that the matters within Clause 70(3) include a decision of a Minister of the Crown or a government department.

LORD SHARPE OF EPSOM

- 119 Clause 70, page 48, line 32, leave out paragraph (c)

Member's explanatory statement

This amendment removes reference to the proceedings of Parliament, the Northern Ireland Assembly, the Scottish Parliament and Senedd Cymru. Persons in these assemblies are caught by other paragraphs in subsection (3).

LORD SHARPE OF EPSOM

- 120 Clause 70, page 48, line 38, at end insert “(acting in that capacity)”.

Member's explanatory statement

This amendment clarifies that the conduct of Members of Parliament etc is relevant only where those persons are acting in that capacity.

LORD CARLILE OF BERRIEW
BARONESS HAYTER OF KENTISH TOWN

121 Leave out Clause 70

Clause 71

LORD SHARPE OF EPSOM

122 Clause 71, page 49, line 13, leave out from beginning to “carries” in line 14 and insert—
“(A1) This section applies where a person (“P”) makes a foreign influence arrangement required to be registered under section 68(2).
(1) P commits an offence if—
(a) after the end of the registration period P”

Member's explanatory statement

This amendment and the remaining amendments to Clause 71 tabled by Lord Sharpe are to make separate provision for an offence under Clause 71 depending on whether the political influence activities in question are carried out by P or another person. It also provides that an offence under subsection (1) cannot be committed before the period for registering the arrangement has expired.

LORD SHARPE OF EPSOM

123 Clause 71, page 49, line 16, leave out from first “to” to end of line 17 and insert “the arrangement”

Member's explanatory statement

This amendment is consequential on Lord Sharpe's amendment to Clause 71, page 49, line 13.

LORD SHARPE OF EPSOM

124 Clause 71, page 49, line 19, leave out paragraph (c) and insert—
“(c) P knows, or having regard to other matters known to them ought reasonably to know, that they are acting pursuant to a foreign influence arrangement.”

Member's explanatory statement

This amendment adjusts the test in Clause 71(1)(c).

LORD SHARPE OF EPSOM

125 Clause 71, page 49, line 20, leave out subsection (2) and insert—
“(2) A person other than P commits an offence if—

- (a) after the end of the registration period the person carries out a political influence activity, or arranges for a political influence activity to be carried out, in the United Kingdom pursuant to the arrangement,
 - (b) the arrangement is not registered, and
 - (c) the person knows, or having regard to other matters known to them ought reasonably to know, that they are acting pursuant to a foreign influence arrangement.
- (3) In this section the “registration period” means the period before the end of which P must register the arrangement (see section 68(2) and (3)).
- (4) In proceedings for an offence under subsection (2) it is a defence to show that the person –
- (a) took all steps reasonably practicable to determine whether the arrangement was registered, and
 - (b) reasonably believed that the arrangement was registered.
- (5) A person is taken to have shown a matter mentioned in subsection (4) if –
- (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
 - (b) the contrary is not proved beyond reasonable doubt.”

Member's explanatory statement

This amendment clarifies the applicable mens rea where a person other than P carries out the political influence activities in question.

Clause 72

LORD SHARPE OF EPSOM

126 Clause 72, page 49, line 22, leave out subsections (1) and (2)

Member's explanatory statement

This amendment is consequential on Lord Sharpe's amendments to Clause 68(1).

LORD SHARPE OF EPSOM

127 Clause 72, page 49, line 30, leave out “a foreign principal who is”

Member's explanatory statement

This amendment is consequential on Lord Sharpe's amendments to Clause 68(1).

LORD SHARPE OF EPSOM

128 Clause 72, page 49, line 37, leave out “principal” and insert “power”

Member's explanatory statement

This amendment is consequential on Lord Sharpe's amendments to Clause 68(1).

LORD SHARPE OF EPSOM

129 Clause 72, page 49, line 37, at end insert –

“(3A) Where the foreign power is a specified person, the prohibition in subsection (3) does not apply to the extent that the political influence activities are relevant activities for the purposes of section 67.”

Member's explanatory statement

This amendment prevents overlap between the offence in Clause 67 and the offence in Clause 72.

LORD SHARPE OF EPSOM

130 Clause 72, page 50, line 7, leave out subsection (7)

Member's explanatory statement

This amendment is consequential on Lord Sharpe's amendment to leave out Clause 72(1) and (2).

LORD SHARPE OF EPSOM

131 Clause 72, page 50, line 11, after first “or” insert “having regard to other matters known to them”

Member's explanatory statement

This amendment clarifies the meaning of “ought reasonably to know”.

LORD SHARPE OF EPSOM

132 Clause 72, page 50, line 11, leave out “or (b)”

Member's explanatory statement

This amendment adjusts the test in subsection (8).

LORD SHARPE OF EPSOM

133 Clause 72, page 50, line 12, at end insert –

“(9) In proceedings for an offence under subsection (8) it is a defence to show that the person –

- (a) took all steps reasonably practicable to determine whether the activities were registered, and
- (b) reasonably believed that the activities were registered.

(10) A person is taken to have shown a matter mentioned in subsection (9) if –

- (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
- (b) the contrary is not proved beyond reasonable doubt.”

Member's explanatory statement

This amendment provides a defence to an offence under Clause 72(8).

Schedule 15

LORD SHARPE OF EPSOM

- 134 Schedule 15, page 184, line 7, leave out “(1) to”

Member's explanatory statement

This amendment is consequential on Lord Sharpe's amendments to omit Clause 72(1) and (2).

LORD SHARPE OF EPSOM

- 135 Schedule 15, page 184, line 16, after “66(1)” insert “or (2)”

Member's explanatory statement

This amendment is consequential on Lord Sharpe's amendment to clause 66, page 46, line 20.

LORD SHARPE OF EPSOM

- 136 Schedule 15, page 184, line 19, after “71(1)” insert “or (2)”

Member's explanatory statement

This amendment is consequential on Lord Sharpe's amendment to Clause 71, page 49, line 20.

LORD SHARPE OF EPSOM

- 137 Schedule 15, page 185, line 31, after “71(1)” insert “or (2)”

Member's explanatory statement

This amendment is consequential on Lord Sharpe's amendment to Clause 71, page 49, line 20.

LORD SHARPE OF EPSOM

- 138 Schedule 15, page 185, line 33 leave out paragraph (c)

Member's explanatory statement

This amendment is consequential on Lord Sharpe's amendments to omit Clause 72(1) and (2).

LORD SHARPE OF EPSOM

- 139 Schedule 15, page 185, line 37, leave out sub-paragraph (2)

Member's explanatory statement

This amendment is consequential on Lord Sharpe's amendments to omit Clause 72(1) and (2).

LORD SHARPE OF EPSOM

140 Schedule 15, page 186, line 5, after “71(1)” insert “or (2)”

Member's explanatory statement

This amendment is consequential on Lord Sharpe's amendment to Clause 71, page 49, line 20.

LORD SHARPE OF EPSOM

141 Schedule 15, page 186, line 10, leave out “principal” and insert “power”.

Member's explanatory statement

The amendment is consequential on Lord Sharpe's amendments to Clause 68(1).

LORD SHARPE OF EPSOM

142 Schedule 15, page 186, leave out lines 14 to 18 and insert –

““news-related material”, “publish”, and “recognised news publisher” have the meaning given by paragraph 4A.”

Member's explanatory statement

This amendment and Lord Sharpe's proposed new paragraph 4A of Schedule 15 incorporate the definitions of “news-related material”, “publish” and “recognised news publisher” in Schedule 15 rather than by cross-referring to the definitions in the Online Safety Bill.

LORD SHARPE OF EPSOM

143 Schedule 15, page 186, line 18, at end insert –

“4A (1) In paragraph 4, “recognised news publisher” means any of the following entities –

- (a) the British Broadcasting Corporation,
- (b) Sianel Pedwar Cymru,
- (c) the holder of a licence under the Broadcasting Act 1990 or 1996 who publishes news-related material in connection with the broadcasting activities authorised under the licence, and
- (d) any other entity which –
 - (i) meets all of the conditions in sub-paragraph (2),
 - (ii) is not an excluded entity (see sub-paragraph (3)), and
 - (iii) is not a sanctioned entity (see sub-paragraph (4)).

(2) The conditions referred to in sub-paragraph (1)(d)(i) are that the entity –

- (a) has as its principal purpose the publication of news-related material, and such material –
 - (i) is created by different persons, and
 - (ii) is subject to editorial control,

- (b) publishes such material in the course of a business (whether or not carried on with a view to profit),
 - (c) is subject to a standards code,
 - (d) has policies and procedures for handling and resolving complaints,
 - (e) has a registered office or other business address,
 - (f) is the person with legal responsibility for material published by it in the United Kingdom, and
 - (g) publishes –
 - (i) the entity’s name, the address mentioned in paragraph (e) and the entity’s registered number (if any), and
 - (ii) the name and address of any person who controls the entity (including, where such a person is an entity, the address of that person’s registered or principal office and that person’s registered number (if any)).
- (3) An “excluded entity” is an entity –
- (a) which is a proscribed organisation under the Terrorism Act 2000 (see section 3 of that Act), or
 - (b) the purpose of which is to support a proscribed organisation under that Act.
- (4) A “sanctioned entity” is an entity which –
- (a) is designated by name under a power contained in regulations under section 1 of the Sanctions and Anti-Money Laundering Act 2018 that authorises the Secretary of State or the Treasury to designate persons for the purposes of the regulations or of any provisions of the regulations, or
 - (b) is a designated person under any provision included in such regulations by virtue of section 13 of that Act (persons named by or under UN Security Council Resolutions).
- (5) For the purposes of sub-paragraph (2) –
- (a) news-related material is “subject to editorial control” if there is a person (whether or not the publisher of the material) who has editorial or equivalent responsibility for the material, including responsibility for how it is presented and the decision to publish it;
 - (b) “control” has the same meaning as it has in the Broadcasting Act 1990 by virtue of section 202 of that Act.
- (6) In this paragraph –
- “news-related material” means material consisting of –
 - (a) news or information about current affairs,
 - (b) opinion about matters relating to the news or current affairs, or
 - (c) gossip about celebrities, other public figures or other persons in the news;
 - “publish” means publish by any means (including by broadcasting), and references to a publisher and publication are to be construed accordingly;
 - “standards code” means –

- (a) a code of standards that regulates the conduct of publishers, that is published by an independent regulator, or
- (b) a code of standards that regulates the conduct of the entity in question, that is published by the entity itself.”

Member's explanatory statement

This amendment and Lord Sharpe's amendment to paragraph 4 of Schedule 15 incorporate the definitions of "news-related material", "publish" and "recognised news publisher" in Schedule 15 rather than by cross-referring to the definitions in the Online Safety Bill.

LORD SHARPE OF EPSOM

144 Schedule 15, page 186, line 29, leave out "(1) to"

Member's explanatory statement

This amendment is consequential on Lord Sharpe's amendment leaving out Clause 72(1) and (2).

Clause 74

LORD SHARPE OF EPSOM

145 Clause 74, page 50, line 22, leave out "an" and insert "a relevant"

Member's explanatory statement

This amendment is consequential on changes to the definition of foreign activity arrangement in Clause 64.

LORD SHARPE OF EPSOM

146 Clause 74, page 50, line 27, at end insert –

“(2A) Regulations under subsection (1)(c) may, in particular, require the person to provide information about any political influence activities carried out, or arranged to be carried out, during the registration period by any person pursuant to the arrangement which is required to be registered.

(2B) In subsection (2A) “registration period” has the same meaning as in section 71.”

Member's explanatory statement

This amendment clarifies the breadth of the regulation-making power in Clause 74(1), and is consequential on Lord Sharpe's amendment to Clause 71 allowing for political influence activities to be carried out during the registration period.

Clause 75

LORD SHARPE OF EPSOM

147 Clause 75, page 51, line 13, at end insert –

“(ba) a person the Secretary of State reasonably believes to be carrying out relevant activities, or arranging for relevant activities to be carried out, in the United Kingdom pursuant to a foreign activity arrangement within paragraph (a) or (b);”

Member's explanatory statement

This amendment allows the Secretary of State to give an information notice to persons carrying out relevant activities pursuant to a foreign activity arrangement who are not themselves a party to the arrangement.

LORD SHARPE OF EPSOM

148 Clause 75, page 51, line 14, after “registered” insert “relevant”

Member's explanatory statement

This amendment is consequential on changes to the definition of foreign activity arrangement in Clause 64.

LORD SHARPE OF EPSOM

149 Clause 75, page 51, line 15, at end insert “relevant”

Member's explanatory statement

This amendment is consequential on changes to the definition of foreign activity arrangement in Clause 64.

LORD SHARPE OF EPSOM

150 Clause 75, page 51, line 17, at end insert “relevant”

Member's explanatory statement

This amendment is consequential on changes to the definition of foreign activity arrangement in Clause 64.

LORD SHARPE OF EPSOM

151 Clause 75, page 51, line 24, at end insert –

“(ba) a person the Secretary of State reasonably believes to be carrying out political influence activities, or arranging for political influence activities to be carried out, in the United Kingdom pursuant to a foreign influence arrangement within paragraph (a) or (b);”

Member's explanatory statement

This amendment allows the Secretary of State to give an information notice to persons carrying out political influence activities pursuant to a foreign influence arrangement who are not themselves a party to the arrangement.

LORD SHARPE OF EPSOM

- 152 Clause 75, page 51, line 25, after “registered” insert “political influence”

Member's explanatory statement

This amendment is for consistency with subsection (2)(e).

LORD SHARPE OF EPSOM

- 153 Clause 75, page 51, line 26, at end insert “political influence”

Member's explanatory statement

This amendment is for consistency with subsection (3)(e).

LORD ANDERSON OF IPSWICH
LORD CARLILE OF BERRIEW

- 154 [Withdrawn]

LORD ANDERSON OF IPSWICH
LORD CARLILE OF BERRIEW
LORD SHARPE OF EPSOM
This is intended to replace Amendment 154

- 154A Clause 75, page 51, line 31, at end insert –
“(3A) An information notice may only specify information which the Secretary of State considers may be relevant to an arrangement or activity within subsection (1) or (2).”

Member's explanatory statement

This amendment clarifies the information which may be specified in an information notice.

Clause 77

LORD SHARPE OF EPSOM

- 155 Clause 77, page 52, line 24, leave out “an” and insert “a relevant”

Member's explanatory statement

This amendment is consequential on changes to the definition of foreign activity arrangement in Clause 64.

LORD SHARPE OF EPSOM

- 156 Clause 77, page 52, line 32, after “or” insert “having regard to other matters known to them”

Member's explanatory statement

This amendment clarifies the meaning of “ought reasonably to know”.

LORD SHARPE OF EPSOM

- 157 Clause 77, page 53, line 1, after “or” insert “having regard to other matters known to them”

Member's explanatory statement

This amendment clarifies the meaning of “ought reasonably to know”.

Clause 78

LORD SHARPE OF EPSOM

- 158 Clause 78, page 53, line 6, leave out first “an” and insert “a relevant”

Member's explanatory statement

This amendment is consequential on changes to the definition of foreign activity arrangement in Clause 64.

LORD SHARPE OF EPSOM

- 159 Clause 78, page 53, line 6, leave out second “an” and insert “a relevant”

Member's explanatory statement

This amendment is consequential on changes to the definition of foreign activity arrangement in Clause 64.

LORD SHARPE OF EPSOM

- 160 Clause 78, page 53, line 13, after “or” insert “having regard to other matters known to them”

Member's explanatory statement

This amendment clarifies the meaning of “ought reasonably to know”.

LORD SHARPE OF EPSOM

- 161 Clause 78, page 53, line 24, after “or” insert “having regard to other matters known to them”

Member's explanatory statement

This amendment clarifies the meaning of “ought reasonably to know”.

Clause 79

LORD SHARPE OF EPSOM

162 Clause 79, page 53, line 32, after “(1)” insert “(a)”

Member's explanatory statement

This amendment clarifies that Clause 79(2) only relates to the power in Clause 79(1)(a).

Clause 80

LORD SHARPE OF EPSOM

163 Clause 80, page 54, line 15, leave out “an” and insert “a relevant”

Member's explanatory statement

This amendment is consequential on changes to the definition of foreign activity arrangement in Clause 64.

LORD SHARPE OF EPSOM

164 Clause 80, page 54, line 36, leave out “(7) or”

Member's explanatory statement

This amendment is consequential on Lord Sharpe’s amendment omitting Clause 72(7).

Clause 82

LORD SHARPE OF EPSOM

165 Clause 82, page 55, line 21, leave out “principals” and insert “powers”

Member's explanatory statement

This amendment is consequential on Lord Sharpe’s amendments to Clause 68(1).

LORD SHARPE OF EPSOM

166 Clause 82, page 55, line 23, leave out “principals” and insert “powers”

Member's explanatory statement

This amendment is consequential on Lord Sharpe’s amendments to Clause 68(1).

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.

LORD PURVIS OF TWEED
LORD WALLACE OF SALTAIRE**166B★** After Clause 82, insert the following new Clause –**“Guidance in relation to the foreign influence registration scheme**

- (1) Within six months of this Act being passed, the Secretary of State must publish guidance in relation to the implementation of this Part for all persons required to register relevant activities.
- (2) Before publishing guidance under subsection (1), the Secretary of State must consult any such persons as the Secretary of State thinks appropriate.”

Member's explanatory statement

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

Clause 83

LORD SHARPE OF EPSOM

167 Clause 83, page 56, leave out line 3

Member's explanatory statement

This amendment omits the definition of “foreign principal” and is consequential on Lord Sharpe’s amendments to Clause 68(1).

Clause 84

LORD MARKS OF HENLEY-ON-THAMES
LORD PANNICK

168 Leave out Clause 84

Clause 85

LORD SHARPE OF EPSOM

169 Clause 85, page 57, line 18, leave out from “wrongdoing” to “and” on line 21 and insert “that –

- (i) involves the commission of a terrorism offence or other involvement in terrorism-related activity, and
- (ii) has a connection with the conduct of the Crown complained of in the proceedings,”

Member's explanatory statement

This amendment, together with the other Government amendments to this Clause, would mean that the court may consider the matters in Clause 85(3)(b) only if there was a connection between the terrorist wrongdoing and the conduct of the Crown complained of in the proceedings.

LORD SHARPE OF EPSOM

170 Clause 85, page 57, line 22, leave out “terrorist” and insert “such”

Member's explanatory statement

This amendment is consequential on the Government amendment to Clause 85(3)(a) removing the defined term “terrorist wrongdoing”.

LORD SHARPE OF EPSOM

171 Clause 85, page 57, line 23, after “wrongdoing” insert “and of its connection with the conduct of the Crown”

Member's explanatory statement

This amendment is consequential on the Government amendment to Clause 85(3)(a) requiring consideration of whether there was a connection between the wrongdoing and the conduct of the Crown before considering its extent.

LORD SHARPE OF EPSOM

172 Clause 85, page 57, line 26, leave out paragraph (a)

Member's explanatory statement

This amendment is consequential on the matters referred to in this paragraph being referred to in Clause 85(3) as a result of the Government amendments to that subsection.

LORD SHARPE OF EPSOM

173 Clause 85, page 57, line 30, leave out “that conduct” and insert “the conduct complained of in the proceedings”

Member's explanatory statement

This amendment is consequential on the Government amendment leaving out Clause 85(4)(a).

LORD MARKS OF HENLEY-ON-THAMES
BARONESS LUDFORD

174 Clause 85, page 57, line 33, leave out “or” and insert “and”

Member's explanatory statement

This amendment, along with Lord Marks' amendment to line 34, restrict the relevance of the Crown's reliance on a limitation on its ability to prevent alleged misconduct to cases where the alleged misconduct occurred overseas and was instigated by a third party.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS LUDFORD

175 Clause 85, page 57, line 34, leave out “in conjunction with” and insert “at the instigation of”

Member's explanatory statement

This amendment, along with Lord Marks' amendment to line 33, restrict the relevance of the Crown's reliance on a limitation on its ability to prevent alleged misconduct to cases where the alleged misconduct occurred overseas and was instigated by a third party.

LORD MARKS OF HENLEY-ON-THAMES
LORD PANNICK

176 Leave out Clause 85

Clause 86

LORD SHARPE OF EPSOM

- 177 Clause 86, page 58, line 19, leave out from “out” to “to” and insert “how the Crown considers the national security factors”

Member's explanatory statement

This amendment is consequential on the Government amendments to Clause 85.

LORD MARKS OF HENLEY-ON-THAMES

LORD PANNICK

- 178 Leave out Clause 86

Clause 87

LORD MARKS OF HENLEY-ON-THAMES

LORD PANNICK

- 179 Leave out Clause 87

Clause 88

LORD MARKS OF HENLEY-ON-THAMES

LORD PANNICK

- 180 Leave out Clause 88

Schedule 16

LORD SHARPE OF EPSOM

- 181 Schedule 16, page 188, line 21, leave out from “proceedings” to end of line 26 and insert –
- “(a) in relation to England and Wales, has the meaning given by section 75(3) of the Courts Act 2003;
 - (b) in relation to Northern Ireland, has the meaning given by Article 12(5) of the Family Law (Northern Ireland) Order 1993 (S.I. 1993/1576 (N.I. 6));
 - (c) in relation to Scotland, has the meaning given by section 135 of the Courts Reform (Scotland) Act 2014 and includes proceedings under the Children (Scotland) Act 1995 and the Children’s Hearings (Scotland) Act 2011 (asp 1).”

Member's explanatory statement

This amendment provides a definition of “family proceedings” in relation to Scotland and Northern Ireland, as well as England and Wales.

Clause 89

LORD SHARPE OF EPSOM

- 182 Clause 89, page 60, line 11, after “Schedule 1” insert “other than those in paragraph 12 of Schedule 1”

Member's explanatory statement

This amendment would remove the limitation on the availability of civil legal aid to an offender where the services are provided to them as victims of domestic violence in relation to a matter arising out of a family relationship in which there has been, or is a risk of, domestic violence.

LORD SHARPE OF EPSOM

- 183 Clause 89, page 60, line 17, at beginning insert “the Director determines that”

Member's explanatory statement

This amendment would clarify that the Director has to determine that one or more of the additional conditions is met in order for civil legal services to be available to offenders.

LORD SHARPE OF EPSOM

- 184 Clause 89, page 60, line 17, leave out “F” and insert “G”

Member's explanatory statement

This amendment is consequential on the amendment to this Clause inserting a new Condition G.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS LUDFORD

- 185 Clause 89, page 60, line 17, leave out “F” and insert “G1”

Member's explanatory statement

This amendment is consequential on Lord Marks' other amendment to this clause inserting a new Condition G1. Condition G1 will become Condition H if the amendment to be moved by Lord Sharpe of Epsom inserting a new Condition G is accepted.

LORD SHARPE OF EPSOM

- 186 Clause 89, page 60, line 35, at end insert –

“(7A) Condition G is met where –

- (a) the general case services are those described in paragraph 11, 33, 34 or 35 of Schedule 1 (services in relation to domestic violence and housing), and
- (b) the offender –
 - (i) was or is a victim of domestic violence occurring after the relevant date, or

(ii) is at risk of being a victim of domestic violence.

(7B) In subsection (7A)–

“domestic violence” has the meaning given in paragraph 12(9) of Schedule 1;

“relevant date” means the date five years before the application date.”

Member's explanatory statement

This amendment would allow offenders to access civil legal aid in relation to services relating to domestic violence and housing where they were at any time in the five years preceding their application, or at any time after their application, victims of domestic violence, or are at risk of being victims of domestic violence.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS LUDFORD

As an amendment to Amendment 186

186A★ After subsection (7A), insert–

“(7AA) Condition G1 is met where–

(a) the general case services are those described in paragraph 32 of Schedule 1 (services in relation to victims of trafficking in human beings), and

(b) the offender–

(i) was or is a victim of human trafficking, or

(ii) is at risk of being a victim of human trafficking.”

Member's explanatory statement

This amendment would allow offenders access to civil legal aid in relation to services relating to human trafficking where they were victims of human trafficking or are at risk of being victims of human trafficking.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS LUDFORD

As an amendment to Amendment 186

186B★ After subsection (7A), insert–

“(7AA) Condition G1 is met where–

(a) the general case services are those described in paragraph 39 of Schedule 1 (services in relation to sexual offences), and

(b) the offender was or is a victim of a sexual offence.”

Member's explanatory statement

This amendment would allow offenders access to civil legal aid in relation to services relating to sexual offences where they were victims of a sexual offence.

LORD MARKS OF HENLEY-ON-THAMES
BARONESS LUDFORD

187 Clause 89, page 60, line 35, at end insert –

“(7A) Condition G1 is met where the Director has made a determination, on the application of the offender, that the terrorism offence of which the offender was convicted has no relevant factual connection to the offender’s application for the general case determination.”

Member's explanatory statement

This amendment would allow an offender to access civil legal aid if the Director determined that the terrorism offence of which they had been previously convicted had no relevant factual connection with their application for legal aid. Condition G1 will become Condition H if the amendment to be moved by Lord Sharpe of Epsom inserting a new Condition G is accepted.

LORD PANNICK
LORD CARLILE OF BERRIEW
BARONESS LUDFORD

188 Clause 89, page 61, line 33, at end insert –

“(10A) This section only applies to an offender who has been sentenced to a term of imprisonment of seven years or more.”

Member's explanatory statement

This would confine the exclusion from legal aid to those convicted of very serious terrorist offences.

BARONESS LUDFORD
LORD PANNICK

189 Leave out Clause 89

Clause 90

BARONESS LUDFORD
LORD PANNICK

190 Leave out Clause 90

After Clause 91

LORD SHARPE OF EPSOM

191 After Clause 91, insert the following new Clause –

“Amendments of Terrorism Act 2000

Schedule (*Amendments of Terrorism Act 2000*) contains amendments to the Terrorism Act 2000.”

Member's explanatory statement

This amendment introduces the new Schedule inserted by Lord Sharpe before Schedule 17.

LORD COAKER

LORD WALLACE OF SALTAIRE

192 After Clause 91, 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 COAKER

193 After Clause 91, 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 WALLACE OF SALTAIRE

194 After Clause 91, insert the following new 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 COAKER

195 After Clause 91, insert the following new Clause –

“Proscription of organisations: hostile activity on behalf of another State

- (1) Within six months of this Act receiving Royal Assent, the Secretary of State must publish draft legislation establishing a process for the proscription of actors engaged in hostile activity within the meaning of paragraph 1(5) of Schedule 3 to the Counter-Terrorism and Border Security Act 2019.
- (2) Such legislation must have reference to the existing proscription process as governed by section 3 of the Terrorism Act 2000 (proscription).”

Member's explanatory statement

This amendment requires the Secretary of State to propose a new proscription process for actors engaged in hostile activity on behalf of other states.

Before Schedule 17

LORD SHARPE OF EPSOM

196 Before Schedule 17, insert the following new Schedule –

“SCHEDULE

AMENDMENTS OF TERRORISM ACT 2000

- 1 (1) Section 41 to the Terrorism Act 2000 (arrest without warrant) is amended as follows.
- (2) In subsection (3)(b) –
 - (a) for the words from “Schedule 7” to “2019,” substitute “a provision listed in subsection (3A)”;
 - (b) for “examination under that Schedule” substitute “detention under that provision”.

- (3) After subsection (3) insert –
- “(3A) Those provisions are –
- (a) section 24 of the Police and Criminal Evidence Act 1984;
 - (b) Article 26 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12));
 - (c) Schedule 7;
 - (d) section 1 of the Criminal Justice (Scotland) Act 2016 (asp 1);
 - (e) Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019;
 - (f) section 27 of the National Security Act 2022.”
- (4) After subsection (8) insert –
- “(8ZA) Subsection (8A) applies where –
- (a) a person is detained under this section in hospital, or
 - (b) a person detained under this section is removed to hospital because the person needs medical treatment.”
- (5) In subsection (8A) –
- (a) for the words before paragraph (a) substitute “Where this subsection applies”;
 - (b) in paragraph (a) after “hospital or” insert “(where this subsection applies by virtue of subsection (8ZA)(b))”;
 - (c) in paragraph (b) after “hospital or” insert “(where this subsection applies by virtue of subsection (8ZA)(b))”.
- 2 (1) Schedule 5 to the Terrorism Act 2000 (terrorist investigations) is amended as follows.
- (2) In paragraph 3 (power to search premises within cordoned area) –
- (a) in sub-paragraph (1) for the words from “Subject” to “superintendent” substitute “A constable”;
 - (b) in sub-paragraph (2) for the words from “who” to “paragraph” substitute “may exercise the power in sub-paragraph (1) only”.
- (3) In paragraph 15 (search and seizure in urgent cases: England, Wales and Northern Ireland) –
- (a) at the end of sub-paragraph (1) insert “(subject to sub-paragraph (1A))”;
 - (b) after sub-paragraph (1) insert –
 - “(1A) An order under this paragraph giving the authority which may be given by a search warrant under paragraph 11 does not authorise a constable to retain confidential journalistic material.
 - (1B) “Confidential journalistic material” means material which is excluded material by virtue of section 11(1)(c) of the Police and Criminal Evidence Act 1984.”

- (4) After paragraph 15 insert –
- “15A(1) This paragraph applies where confidential journalistic material is seized by virtue of an order under paragraph 15 giving the authority which may be given by a search warrant under paragraph 11.
- (2) A constable may apply to a Circuit judge for the issue of a warrant under this paragraph.
- (3) An application under sub-paragraph (2) must be made as soon as reasonably practicable after the material is seized.
- (4) The judge may grant an application under sub-paragraph (2) if satisfied that conditions 1 to 3 are met.
- (5) Condition 1 is that the warrant is sought for the purposes of a terrorist investigation.
- (6) Condition 2 is that there are reasonable grounds for believing that the material is likely to be of substantial value, whether by itself or with other material, to a terrorist investigation.
- (7) Condition 3 is that there are reasonable grounds for believing that it is in the public interest that the material should be retained having regard to the benefit likely to accrue to the terrorist investigation if the material is retained.
- (8) A warrant under this paragraph is a warrant authorising the retention of confidential journalistic material.
- (9) A warrant under this paragraph may impose conditions on the retention and use of the material.
- (10) If the judge does not grant an application for the issue of a warrant under this paragraph in relation to any of the material to which the application relates, the judge may direct that the material is –
- (a) returned to the person from whom it was seized, or
- (b) destroyed.
- (11) “Confidential journalistic material” has the same meaning as in paragraph 15.”
- (5) In paragraph 18 (application to Northern Ireland) before paragraph (f) insert –
- “(ea) the reference in paragraph 15(1B) to section 11(1)(c) of the Police and Criminal Evidence Act 1984 is to be taken as a reference to Article 13(1)(c) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)),”.
- (6) In paragraph 31 (search and seizure in urgent cases: Scotland) –
- (a) at the end of sub-paragraph (1) insert “(subject to sub-paragraph (1A)).”;
- (b) after sub-paragraph (1) insert –
- “(1A) An order under this paragraph does not authorise a constable to retain confidential journalistic material.

- (1B) “Confidential journalistic material” has the same meaning as in the Investigatory Powers Act 2016 (see section 264(6) and (7) of that Act).”
- (7) After paragraph 31 insert –
- “31A(1) This paragraph applies where confidential journalistic material is seized by virtue of an order under paragraph 31.
- (2) The procurator fiscal may apply to a sheriff for the issue of a warrant under this paragraph.
- (3) An application under sub-paragraph (2) must be made as soon as reasonably practicable.
- (4) The sheriff may grant an application under sub-paragraph (2) if satisfied that conditions 1 to 3 are met.
- (5) Condition 1 is that the warrant is sought for the purposes of a terrorist investigation.
- (6) Condition 2 is that there are reasonable grounds for believing that the material is likely to be of substantial value, whether by itself or with other material, to a terrorist investigation.
- (7) Condition 3 is that there are reasonable grounds for believing that it is in the public interest that the material should be retained having regard to the benefit likely to accrue to the terrorist investigation if the material is retained.
- (8) A warrant under this paragraph is a warrant authorising the retention of confidential journalistic material.
- (9) A warrant under this paragraph may impose conditions on the retention and use of the material.
- (10) If the sheriff does not grant an application for the issue of a warrant under this paragraph in relation to any of the material to which the application relates, the sheriff may direct that the material is –
- (a) returned to the person from whom it was seized, or
- (b) destroyed.
- (11) “Confidential journalistic material” has the same meaning as in paragraph 31.””

Member's explanatory statement

The amendments to section 41 of the Terrorism Act reflect provision in Clause 27 of the Bill. The amendments to paragraph 3 of Schedule 5 amend powers to authorise searches. The remaining amendments to Schedule 5 restrict powers to retain confidential journalistic material to reflect provision in Schedule 2 to the Bill.

Schedule 17

LORD MARKS OF HENLEY-ON-THAMES

197 Schedule 17, page 192, line 20, at end insert –

“(2A) After subsection (6) insert –

“(7) Section (*Public interest defence*) of the National Security Act 2023 applies to an offence under section 5(6).”

Member's explanatory statement

This amendment, and others in Lord Marks' name, are connected to Lord Marks' amendment after Clause 38 (Public interest defence) to apply a public interest defence to the offences under Clauses 1 to 5 of the Bill and to offences under Section 5(6) of the Official Secrets Act 1989.

LORD SHARPE OF EPSOM

198 Schedule 17, page 194, line 16, at end insert –

“Investigatory Powers Act 2016 (c. 25)

10 (1) Schedule 3 to the Investigatory Powers Act 2016 (exceptions to the exclusion of certain matters from legal proceedings) is amended as follows.

(2) After paragraph 8 insert –

“Proceedings under Part 2 of the National Security Act 2023

8A (1) Section 56(1) does not apply in relation to –

- (a) any proceedings which are relevant proceedings within the meaning of Part 2 of the National Security Act 2023 (see section 63(1) of that Act), or
- (b) any proceedings arising out of any proceedings within paragraph (a).

(2) But sub-paragraph (1) does not permit the disclosure of anything to –

- (a) any person, other than the Secretary of State, who is or was a party to the proceedings, or
- (b) any person who –
 - (i) represents such a person for the purposes of the proceedings, and
 - (ii) does so otherwise than by virtue of an appointment as a special advocate under Schedule 10 to the National Security Act 2023.”

(3) In paragraph 20(2) (proceedings for certain offences) –

(a) after paragraph (h) insert –

“(ha) an offence under section 1 or 3 of the National Security Act 2023 relating to any information, document or other

article which, or an offence under section 12 of that Act relating to any asset which—

- (i) incorporates, or relates to, the content of any intercepted communication or any secondary data obtained from a communication, or
 - (ii) tends to suggest that any interception-related conduct has or may have occurred or may be going to occur;
- (hb) an offence under section 18 of the National Security Act 2023 in relation to an offence falling within paragraph (ha);”

(b) in paragraph (i), for “(h)” substitute “(ha)”.”

Member's explanatory statement

This amendment makes consequential amendments to the Investigatory Powers Act 2016.

LORD SHARPE OF EPSOM

199 Schedule 17, page 194, line 16, at end insert—

“Counter-Terrorism and Border Security Act 2019 (c. 3)

- 10 In paragraph 62 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 (review of Schedule 3 by Investigatory Powers Commissioner) omit—
- (a) sub-paragraphs (1) to (5);
 - (b) sub-paragraphs (7) and (8).”

Member's explanatory statement

This amendment omits provision for the review of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 by the Investigatory Powers Commissioner. It is superseded by new Clause (Reviews: general), which provides for reviews of Schedule 3 by the independent reviewer appointed to review Parts 1 and 2 of the Bill.

Clause 94

LORD SHARPE OF EPSOM

200 Clause 94, page 64, line 19, at end insert—

“(za) regulations under section 64(1B);”

Member's explanatory statement

This amendment provides for the affirmative procedure to apply to regulations under Clause 64(1B), which is inserted by Lord Sharpe's amendment to Clause 64, page 45, line 19.

LORD SHARPE OF EPSOM

201 Clause 94, page 64, line 22, at end insert –

“(aa) regulations under section 67(3B);”

Member's explanatory statement

This amendment provides for the affirmative procedure to apply to regulations under Clause 67(3B), which is inserted by Lord Sharpe's amendment to Clause 67, page 46, line 36.

LORD SHARPE OF EPSOM

202 Clause 94, page 64, line 22, at end insert –

“(ab) regulations under section 79(1)(a);”

Member's explanatory statement

This amendment provides for the affirmative procedure to apply to regulations under Clause 79(1)(a) (provision about the publication of information provided to the Secretary of State under Clause 74 or 75).

LORD SHARPE OF EPSOM

203 Clause 94, page 65, line 3, leave out “63” and insert “64, 65 or 67”

Member's explanatory statement

This amendment is consequential on the additional regulation making powers in relation to specified persons conferred by Lord Sharpe's amendments to Clause 64, page 45, line 19 and Clause 67, page 46, line 36.

Clause 98LORD PURVIS OF TWEED
LORD WALLACE OF SALTAIRE

203A★ Clause 98, page 66, line 13, at end insert –

“(1A) The Secretary of State may not make regulations under subsection (1) to bring any of sections 64 to 82 into force until at least three months after the guidance under section (*Guidance in relation to the foreign influence registration scheme*) has been published.”

Member's explanatory statement

This amendment ensures that guidance under Lord Purvis's amendment to after Clause 82 has been published for at least three months before the foreign influence registration scheme can be brought into force.

Title

LORD SHARPE OF EPSOM

204 Title, line 7, after “terrorism;” insert “to amend the Terrorism Act 2000;”

Member's explanatory statement

This amendment is consequential on the new Schedule inserted by Lord Sharpe before Schedule 17.

National Security Bill

SECOND MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
ON REPORT

3 March 2023

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