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Committee Stage: Thursday 7 July 2022

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## National Security Bill (Amendment Paper)

This document lists all amendments tabled to the National Security Bill. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

☆ Amendments which will comply with the required notice period at their next appearance.

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### Resolution of the Programming Sub-Committee

*The Programming Sub-Committee appointed by the Speaker in respect of the Bill agreed the following Resolution at its meeting on 5 July (Standing Order 83C):*

That—

1. the Committee shall (in addition to its first meeting at 11.30 am on Thursday 7 July) meet—
  - (a) at 2.00 pm on Thursday 7 July;
  - (b) at 9.25 am and 2.00 pm on Tuesday 12 July;
  - (c) at 11.30 am and 2.00 pm on Thursday 14 July;
  - (d) at 9.25 am and 2.00 pm on Tuesday 19 July;
  - (e) at 9.25 am and 2.00 pm on Tuesday 6 September;
  - (f) at 11.30 am and 2.00 pm on Thursday 8 September;
  - (g) at 9.25 am and 2.00 pm on Tuesday 13 September;
2. the Committee shall hear oral evidence in accordance with the following Table;

Date	Time	Witness
Thursday 7 July	Until no later than 12.00 noon	Jonathan Hall QC, Independent Reviewer of Terrorism Legislation

- |                 |                              |   |
|-----------------|------------------------------|---|
| Thursday 7 July | Until no later than 12.40 pm | Sir Alex Younger, former Chief of the Secret Intelligence Service; Professor Sir David Omand, King's College London |
| Thursday 7 July | Until no later than 1.00 pm  | Paddy McGuinness, former Deputy National Security Adviser   |
| Thursday 7 July | Until no later than 2.40 pm  | Demos; Henry Jackson Society  |
| Thursday 7 July | Until no later than 3.00 pm  | Electoral Commission  |
| Thursday 7 July | Until no later than 3.20 pm  | Professor Ciaran Martin, Blavatnik School of Government, University of Oxford                                       |
| Thursday 7 July | Until no later than 4.00 pm  | The Law Commission; the Law Society   |
| Thursday 7 July | Until no later than 4.20 pm  | Reset   |
| Thursday 7 July | Until no later than 4.40 pm  | Reprieve  |
3. proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 14; Schedule 1; Clauses 15 to 20; Schedule 2; Clause 21; Schedule 3; Clauses 22 to 32; Schedule 4; Clauses 33 to 36; Schedule 5; Clauses 37 to 44; Schedule 6; Clauses 45 to 47; Schedule 7; Clauses 48 to 51; Schedule 8; Clause 52; Schedule 9; Clauses 53 to 61; Schedule 10; Clauses 62 to 65; Schedule 11; Clauses 66 to 73; new Clauses; new Schedules; remaining proceedings on the Bill;
  4. the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Tuesday 13 September.

*Damian Hinds has given notice of his intention to move a motion in the terms of the Resolution of the Programming Sub-Committee [Standing Order 83C].*

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**Damian Hinds**

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

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**Damian Hinds**

That, at this and any subsequent meeting at which oral evidence is to be heard, the Committee shall sit in private until the witnesses are admitted.

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**Damian Hinds**

**Gov 1**

- ☆ Clause 3, page 4, leave out line 1 and insert “In proceedings for an offence under this section it is a defence to show that the person engaged”

**Member's explanatory statement**

This amendment clarifies that the provision in clause 3(7) is a defence.

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**Damian Hinds**

**Gov 2**

- ☆ Clause 3, page 4, line 8, leave out “is” and insert “was”

**Member's explanatory statement**

This amendment is consequential on Amendment 1.

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**Damian Hinds**

**Gov 3**

- ☆ Clause 3, page 4, line 10, leave out “is” and insert “was”

**Member's explanatory statement**

This amendment is consequential on Amendment 1.

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**Damian Hinds**

**Gov 4**

- ☆ Clause 3, page 4, line 10, at end insert—

“(7A) A person is taken to have shown a matter mentioned in subsection (7) 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 that a defendant bears an evidential burden in relation to the defence in clause 3(7).

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**Damian Hinds**

**Gov 5**

- ☆ Clause 7, page 7, line 3, at end insert—

“(ca) any land or building in the United Kingdom or the Sovereign Base Areas of Akrotiri and Dhekelia which is—

- (i) owned or controlled by the Security Service, the Secret Intelligence Service or GCHQ, and

- (ii) used for the functions of the Security Service, the Secret Intelligence Service or GCHQ;”

**Member's explanatory statement**

This amendment and Amendments 7 and 8 make provision for sites used by the intelligence services to be prohibited places.

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**Damian Hinds**

**Gov 6**

- ☆ Clause 7, page 7, line 4, leave out “(including a part of a building)”

**Member's explanatory statement**

This amendment is consequential on Amendment 7.

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**Damian Hinds**

**Gov 7**

- ☆ Clause 7, page 7, line 24, at end insert—

““building” includes any part of a building;”

**Member's explanatory statement**

See Amendment 5.

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**Damian Hinds**

**Gov 8**

- ☆ Clause 7, page 7, line 37, at end insert—

““GCHQ” has the meaning given by section 3(3) of the Intelligence Services Act 1994;”

**Member's explanatory statement**

See Amendment 5.

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**Damian Hinds**

**Gov 9**

- ☆ Clause 13, page 12, line 13, at end insert—

“(12A) In the Online Safety Act 2022, in Schedule 7 (priority offences), before the italic heading “Inchoate offences” insert—

*“Foreign interference*

32A An offence under section 13 of the National Security Act 2022 (foreign interference).””

**Member's explanatory statement**

This amendment amends the Online Safety Act expected to result from the Online Safety Bill currently before Parliament to make foreign interference a priority offence for the purposes of that Act.

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**Damian Hinds**

**Gov 10**

☆ Schedule 1, page 51, line 5, at end insert—

**“Offences under the Electoral Law Act (Northern Ireland) 1962 (c.14 (N.I.))**

<i>An offence under any of these provisions of Schedule 9 to the Electoral Law Act (Northern Ireland) 1962 (c.14 (N.I.))</i>	<i>Maximum term of imprisonment</i>
Paragraph 1 (bribery)	4 years
Paragraph 2 (treating)	4 years
Paragraph 3 (undue influence)	4 years
Paragraph 4 (personation)	7 years
Paragraph 4A (postal and proxy votes)	7 years
Paragraph 5A (false statements in nomination papers etc)	4 years
Paragraph 26(2) (tampering with nomination papers etc)	7 years”

**Member's explanatory statement**

This amendment adds offences under the Electoral Law Act (Northern Ireland) 1962 to the list of offences to which clause 14 applies.

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**Damian Hinds**

**Gov 11**

☆ Schedule 1, page 52, line 27, at end insert—

*“Electoral Law Act (Northern Ireland) 1962 (c.14 (N.I.))*

- 1 (1) The Electoral Law Act (Northern Ireland) 1962 (c.14 (N.I.)) is amended as follows.
  - (2) In section 105 (restrictions on summary prosecution) after subsection (8) insert—
    - “(9) A corrupt practice or electoral offence in relation to which section 14 of the National Security Act 2022 (which provides for higher sentences in cases of foreign interference) applies is triable only on indictment.”
  - (3) In section 106 (prosecution of offences disclosed on election petition) after subsection (1) insert—
    - “(1A) The duty in subsection (1) to obey a direction given by an election court does not apply to a direction with respect to the prosecution of a corrupt practice or electoral offence in relation to which the Director has reasonable grounds to believe section 14 of the National Security Act 2022 (which provides for higher sentences in cases of foreign interference) applies.”

(4) In section 108 (penalties for corrupt practices) after subsection (4) insert—

“(5) This section does not apply where section 14 of the National Security Act 2022 (which provides for higher sentences in cases of foreign interference) applies in relation to the corrupt practice.”

(5) In section 111 (penalties for electoral offences) after subsection (2A) insert—

“(2B) Subsections (1) to (2A) do not apply where section 14 of the National Security Act 2022 (which provides for higher sentences in cases of foreign interference) applies in relation to the electoral offence.”

(6) In section 112(1H) (incapacities resulting from convictions) after “109” insert “or under section 14 of the National Security Act 2022 (which provides for higher sentences in cases of foreign interference)”.

(7) In section 118 (time limit for prosecutions) after subsection (3) insert—

“(4) This section does not apply where section 14 of the National Security Act 2022 (which provides for higher sentences in cases of foreign interference) applies in relation to the electoral misdemeanour.””

#### **Member's explanatory statement**

This amendment amends the Electoral Law Act (Northern Ireland) 1962 in relation to offences under that Act to which clause 14 applies, e.g. to prevent such offences being tried summarily and to remove time limits for prosecuting such offences.

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**Damian Hinds**

**Gov 12**

☆ Schedule 2, page 62, line 9, after “rules” insert “and magistrates’ courts rules”

#### **Member's explanatory statement**

This amendment enables Northern Ireland magistrates’ courts rules to make provision about proceedings under Schedule 2.

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**Damian Hinds**

**Gov 13**

☆ Schedule 3, page 81, line 26, leave out sub-paragraph (3) and insert—

“(3) In any other case, paragraph 19 material must be destroyed unless it is retained under any power conferred by paragraphs 20 or 21.”

#### **Member's explanatory statement**

This amendment and Amendments 15, 18 and 22 make provision for the indefinite retention of fingerprints, data and other samples taken from a person who is or previously has been convicted of a specified offence.

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**Damian Hinds**

**Gov 14**

☆ Schedule 3, page 82, line 22, leave out “or 42”

**Member's explanatory statement**

This amendment removes reference to paragraph 42 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019 from a list of provisions under which fingerprints, data and other samples may be taken. Reference to paragraph 42 is not needed because its contents are already covered by paragraph (e).

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**Damian Hinds**

**Gov 15**

☆ Schedule 3, page 82, line 26, leave out sub-paragraph (2) and insert—

“(2) Paragraph 19 material may be retained indefinitely if—

- (a) the person has previously been convicted—
  - (i) of a recordable offence (other than a single exempt conviction), or
  - (ii) in Scotland, of an offence which is punishable by imprisonment, or
- (b) the person is so convicted before the end of the period within which the material may be retained by virtue of this paragraph.

(2A) In sub-paragraph (2)—

- (a) the reference to a recordable offence includes an offence under the law of a country or territory outside the United Kingdom where the act constituting the offence would constitute—
  - (i) a recordable offence under the law of England and Wales if done there, or
  - (ii) a recordable offence under the law of Northern Ireland if done there,

(and, in the application of sub-paragraph (2) where a person has previously been convicted, this applies whether or not the act constituted such an offence when the person was convicted);

- (b) the reference to an offence in Scotland which is punishable by imprisonment includes an offence under the law of a country or territory outside the United Kingdom where the act constituting the offence would constitute an offence under the law of Scotland which is punishable by imprisonment if done there (and, in the application of sub-paragraph (2) where a person has previously been convicted, this applies whether or not the act constituted such an offence when the person was convicted).

(2B) Paragraph 19 material may be retained until the end of the retention period specified in sub-paragraph (3) if—

- (a) the person has no previous convictions, or
- (b) the person has only one exempt conviction.”

**Member's explanatory statement**

See Amendment 13.

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**Damian Hinds**

**Gov 16**

☆ Schedule 3, page 83, line 37, leave out “and Northern Ireland”

**Member's explanatory statement**

This amendment and Amendment 17 clarify the identity of the specified chief officer of police in Northern Ireland.

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**Damian Hinds**

**Gov 17**

☆ Schedule 3, page 84, line 5, at end insert “, and

- (c) the Chief Constable of the Police Service of Northern Ireland, where—
  - (i) the person from whom the material was taken resides in Northern Ireland, or
  - (ii) the chief constable believes that the person is in, or is intending to come to, Northern Ireland.”

**Member's explanatory statement**

See Amendment 16.

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**Damian Hinds**

**Gov 18**

☆ Schedule 3, page 84, line 5, at end insert—

“20A (1) For the purposes of paragraph 20, a person is to be treated as having been convicted of an offence if—

- (a) in relation to a recordable offence in England and Wales or Northern Ireland—
  - (i) the person has been given a caution or youth caution in respect of the offence which, at the time of the caution, the person has admitted,
  - (ii) the person has been found not guilty of the offence by reason of insanity, or
  - (iii) the person has been found to be under a disability and to have done the act charged in respect of the offence,
- (b) the person, in relation to an offence in Scotland punishable by imprisonment, has accepted or has been deemed to accept—
  - (i) a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995,
  - (ii) a compensation offer under section 302A of that Act,
  - (iii) a combined offer under section 302B of that Act, or
  - (iv) a work offer under section 303ZA of that Act,
- (c) the person, in relation to an offence in Scotland punishable by imprisonment, has been acquitted on account of the person’s insanity



- at the time of the offence or (as the case may be) by virtue of section 51A of the Criminal Procedure (Scotland) Act 1995,
- (d) a finding in respect of the person has been made under section 55(2) of the Criminal Procedure (Scotland) Act 1995 in relation to an offence in Scotland punishable by imprisonment,
  - (e) the person, having been given a fixed penalty notice under section 129(1) of the Antisocial Behaviour etc. (Scotland) Act 2004 in connection with an offence in Scotland punishable by imprisonment, has paid—
    - (i) the fixed penalty, or
    - (ii) (as the case may be) the sum which the person is liable to pay by virtue of section 131(5) of that Act, or
  - (f) the person, in relation to an offence in Scotland punishable by imprisonment, has been discharged absolutely by order under section 246(3) of the Criminal Procedure (Scotland) Act 1995.
- (2) Paragraph 20 and this paragraph, so far as they relate to persons convicted of an offence, have effect despite anything in the Rehabilitation of Offenders Act 1974 or the Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27)).
- (3) But a person is not to be treated as having been convicted of an offence if that conviction is a disregarded conviction or caution by virtue of section 92 or 101A of the Protection of Freedoms Act 2012.
- (4) For the purposes of paragraph 20—
- (a) a person has no previous convictions if the person has not previously been convicted—
    - (i) in England and Wales or Northern Ireland of a recordable offence, or
    - (ii) in Scotland of an offence which is punishable by imprisonment, and
  - (b) if the person has previously been convicted of a recordable offence in England and Wales or Northern Ireland, the conviction is exempt if it is in respect of a recordable offence, other than a qualifying offence, committed when the person was under 18 years of age.
- (5) In sub-paragraph (4) “qualifying offence”—
- (a) in relation to a conviction in respect of a recordable offence committed in England and Wales, has the meaning given by section 65A of the Police and Criminal Evidence Act 1984, and
  - (b) in relation to a conviction in respect of a recordable offence committed in Northern Ireland, has the meaning given by Article 53A of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)).
- (6) For the purposes of sub-paragraph (4)—
- (a) a person is to be treated as having previously been convicted in England and Wales of a recordable offence if—
    - (i) the person has previously been convicted of an offence under the law of a country or territory outside the United Kingdom, and

- (ii) the act constituting the offence would constitute a recordable offence under the law of England and Wales if done there (whether or not it constituted such an offence when the person was convicted);
  - (b) a person is to be treated as having previously been convicted in Northern Ireland of a recordable offence if—
    - (i) the person has previously been convicted of an offence under the law of a country or territory outside the United Kingdom, and
    - (ii) the act constituting the offence would constitute a recordable offence under the law of Northern Ireland if done there (whether or not it constituted such an offence when the person was convicted);
  - (c) a person is to be treated as having previously been convicted in Scotland of an offence which is punishable by imprisonment if—
    - (i) the person has previously been convicted of an offence under the law of a country or territory outside the United Kingdom, and
    - (ii) the act constituting the offence would constitute an offence punishable by imprisonment under the law of Scotland if done there (whether or not it constituted such an offence when the person was convicted);
  - (d) the reference in sub-paragraph (4)(b) to a qualifying offence includes a reference to an offence under the law of a country or territory outside the United Kingdom where the act constituting the offence would constitute a qualifying offence under the law of England and Wales if done there or (as the case may be) under the law of Northern Ireland if done there (whether or not it constituted such an offence when the person was convicted).
- (7) For the purposes of paragraph 20 and this paragraph—
  - (a) “offence”, in relation to any country or territory outside the United Kingdom, includes an act punishable under the law of that country or territory, however it is described;
  - (b) a person has in particular been convicted of an offence under the law of a country or territory outside the United Kingdom if—
    - (i) a court exercising jurisdiction under the law of that country or territory has made in respect of such an offence a finding equivalent to a finding that the person is not guilty by reason of insanity, or
    - (ii) such a court has made in respect of such an offence a finding equivalent to a finding that the person is under a disability and did the act charged against the person in respect of the offence.
- (8) If a person is convicted of more than one offence arising out of a single course of action, those convictions are to be treated as a single conviction for the purposes of calculating under paragraph 20 whether the person has been convicted of only one offence.”

**Member's explanatory statement**

See Amendment 13.

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**Damian Hinds**

**Gov 19**

☆ Schedule 3, page 84, line 21, at end insert—

- “(ca) the Chief Constable of the Ministry of Defence Police,
- (cb) the Chief Constable of the British Transport Police Force, or”

**Member's explanatory statement**

This amendment enables the Chief Constables of the Ministry of Defence Police and the British Transport Police Force to make a national security determination in relation to fingerprints, data and other samples.

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**Damian Hinds**

**Gov 20**

☆ Schedule 3, page 89, line 36, leave out paragraphs (j) to (l)

**Member's explanatory statement**

This amendment removes reference to the Royal Navy Police, the Royal Military Police and the Royal Air Force Police from the definition of “police force”. Those forces should not be included in that definition because members of those forces do not have the power to obtain fingerprints, data or other samples under Schedule 3.

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**Damian Hinds**

**Gov 21**

☆ Schedule 3, page 90, leave out lines 1 to 3

**Member's explanatory statement**

This amendment removes reference to the tri-service serious crime unit from the definition of “police force”. Members of that unit should not be included in that definition because they do not have the power to obtain fingerprints, data or other samples under Schedule 3.

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**Damian Hinds**

**Gov 22**

☆ Schedule 3, page 90, line 3, at end insert—

““recordable offence”—

- (a) in relation to a conviction in England and Wales, has the meaning given by section 118(1) of the Police and Criminal Evidence Act 1984, and
- (b) in relation to a conviction in Northern Ireland, has the meaning given by Article 2(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12));”

**Member's explanatory statement**

See Amendment 13.

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**Damian Hinds**

**Gov 23**

☆ Schedule 3, page 90, leave out lines 6 to 24 and insert—

““responsible chief officer of police” means—

- (a) in relation to fingerprints or samples taken by a constable of the Ministry of Defence Police, or a DNA profile derived from a sample so taken, the Chief Constable of the Ministry of Defence Police;
- (b) in relation to fingerprints or samples taken by a constable of the British Transport Police Force, or a DNA profile derived from a sample so taken, the Chief Constable of the British Transport Police Force;
- (c) otherwise—
  - (i) in relation to fingerprints or samples taken in England or Wales, or a DNA profile derived from a sample so taken, the chief officer of police for the relevant police area;
  - (ii) in relation to relevant physical data or samples taken or provided in Scotland, or a DNA profile derived from a sample so taken, the chief constable of the Police Service of Scotland;
  - (iii) in relation to fingerprints or samples taken in Northern Ireland, or a DNA profile derived from a sample so taken, the Chief Constable of the Police Service of Northern Ireland.”

**Member's explanatory statement**

This amendment and Amendment 24 make provision identifying the responsible chief officer of police in relation to fingerprints or samples taken by a constable of the Ministry of Defence Police or the British Transport Police Force.

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**Damian Hinds**

**Gov 24**

☆ Schedule 3, page 90, line 24, at end insert—

- “(2) In the definition of “responsible chief officer of police” in sub-paragraph (1), in paragraph (c)(i), “relevant police area” means the police area—
- (a) in which the material concerned was taken, or
  - (b) in the case of a DNA profile, in which the sample from which the DNA profile was derived was taken.”

**Member's explanatory statement**

See Amendment 23.

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**Damian Hinds**

**Gov 25**

☆ Schedule 9, page 133, line 1, leave out paragraph (f)

**Member's explanatory statement**

This amendment removes paragraph (f) from a list of provisions under which fingerprints, data and other samples may be taken. Paragraph (f) is not needed because its contents are already covered by paragraph (g).

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**Damian Hinds**

**Gov 26**

☆ Schedule 9, page 133, line 9, at end insert—

“(ia) any of the fingerprints, data or samples obtained under paragraph 1 or 4 of Schedule 6 to the Terrorism Prevention and Investigation Measures Act 2011, or information derived from such a sample;”

**Member's explanatory statement**

This amendment inserts a reference to the provisions of the Terrorism Prevention and Investigation Measures Act 2011 under which fingerprints, data or samples may be taken, so that fingerprints, data or samples obtained under paragraph 1 or 4 of Schedule 9 may be checked against fingerprints, data or samples taken under that Act.

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**Damian Hinds**

**Gov 27**

☆ Schedule 9, page 133, line 13, leave out paragraph (k)

**Member's explanatory statement**

This amendment removes paragraph (k) from a list of provisions under which fingerprints, data and other samples may be taken. Paragraph (k) is not needed because its contents are already covered by paragraph (g).

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**Damian Hinds**

**Gov 28**

☆ Schedule 9, page 133, line 30, after “paragraph 8” insert “, 8A”

**Member's explanatory statement**

This amendment is consequential on Amendment 31.

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**Damian Hinds**

**Gov 29**

☆ Schedule 9, page 134, line 4, at beginning insert—

“(Z1) This paragraph applies to paragraph 6 material taken from, or provided by, an individual who has no previous convictions or (in the case of England and Wales or Northern Ireland) only one exempt conviction.”

**Member's explanatory statement**

This amendment is consequential on Amendment 31.

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**Damian Hinds**

**Gov 30**

☆ Schedule 9, page 134, line 4, leave out “Paragraph 6” and insert “The”

**Member's explanatory statement**

This amendment is consequential on Amendment 29.

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**Damian Hinds**

**Gov 31**

☆ Schedule 9, page 134, line 26, at end insert—

“8A (1) This paragraph applies to paragraph 6 material taken from, or provided by, an individual—

- (a) who has been convicted of a recordable offence (other than a single exempt conviction) or of an offence in Scotland which is punishable by imprisonment, or
- (b) who is so convicted before the end of the period within which the material may be retained by virtue of paragraph 8.

(2) The material may be retained indefinitely.

8B (1) For the purposes of paragraphs 8 and 8A an individual is to be treated as having been convicted of an offence if—

- (a) in relation to a recordable offence in England and Wales or Northern Ireland—
  - (i) the individual has been given a caution or youth caution in respect of the offence which, at the time of the caution, the individual has admitted,
  - (ii) the individual has been found not guilty of the offence by reason of insanity, or
  - (iii) the individual has been found to be under a disability and to have done the act charged in respect of the offence,
- (b) the individual, in relation to an offence in Scotland punishable by imprisonment, has accepted or has been deemed to accept—
  - (i) a conditional offer under section 302 of the Criminal Procedure (Scotland) Act 1995,
  - (ii) a compensation offer under section 302A of that Act,
  - (iii) a combined offer under section 302B of that Act, or
  - (iv) a work offer under section 303ZA of that Act,
- (c) the individual, in relation to an offence in Scotland punishable by imprisonment, has been acquitted on account of the individual's insanity at the time of the offence or (as the case may be) by virtue of section 51A of the Criminal Procedure (Scotland) Act 1995,
- (d) a finding in respect of the individual has been made under section 55(2) of the Criminal Procedure (Scotland) Act 1995 in relation to an offence in Scotland punishable by imprisonment,

- (e) the individual, having been given a fixed penalty notice under section 129(1) of the Antisocial Behaviour etc. (Scotland) Act 2004 in connection with an offence in Scotland punishable by imprisonment, has paid—
    - (i) the fixed penalty, or
    - (ii) (as the case may be) the sum which the individual is liable to pay by virtue of section 131(5) of that Act, or
  - (f) the individual, in relation to an offence in Scotland punishable by imprisonment, has been discharged absolutely by order under section 246(3) of the Criminal Procedure (Scotland) Act 1995.
- (2) Paragraphs 8, 8A and this paragraph, so far as they relate to individuals convicted of an offence, have effect despite anything in the Rehabilitation of Offenders Act 1974 or the Rehabilitation of Offenders (Northern Ireland) Order 1978 (S.I. 1978/1908 (N.I. 27)).
- (3) But a person is not to be treated as having been convicted of an offence if that conviction is a disregarded conviction or caution by virtue of section 92 or 101A of the Protection of Freedoms Act 2012.
- (4) For the purposes of paragraphs 8 and 8A—
- (a) an individual has no previous convictions if the individual has not previously been convicted—
    - (i) in England and Wales or Northern Ireland of a recordable offence, or
    - (ii) in Scotland of an offence which is punishable by imprisonment, and
  - (b) if the individual has previously been convicted of a recordable offence in England and Wales or Northern Ireland, the conviction is exempt if it is in respect of a recordable offence, other than a qualifying offence, committed when the individual was aged under 18.
- (5) In sub-paragraph (4) “qualifying offence”—
- (a) in relation to a conviction in respect of a recordable offence committed in England and Wales, has the meaning given by section 65A of the Police and Criminal Evidence Act 1984, and
  - (b) in relation to a conviction in respect of a recordable offence committed in Northern Ireland, has the meaning given by Article 53A of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)).
- (6) For the purposes of sub-paragraph (4)—
- (a) a person is to be treated as having previously been convicted in England and Wales of a recordable offence if—
    - (i) the person has previously been convicted of an offence under the law of a country or territory outside the United Kingdom, and
    - (ii) the act constituting the offence would constitute a recordable offence under the law of England and Wales if done there (whether or not it constituted such an offence when the person was convicted);

- (b) a person is to be treated as having previously been convicted in Northern Ireland of a recordable offence if—
    - (i) the person has previously been convicted of an offence under the law of a country or territory outside the United Kingdom, and
    - (ii) the act constituting the offence would constitute a recordable offence under the law of Northern Ireland if done there (whether or not it constituted such an offence when the person was convicted);
  - (c) a person is to be treated as having previously been convicted in Scotland of an offence which is punishable by imprisonment if—
    - (i) the person has previously been convicted of an offence under the law of a country or territory outside the United Kingdom, and
    - (ii) the act constituting the offence would constitute an offence punishable by imprisonment under the law of Scotland if done there (whether or not it constituted such an offence when the person was convicted);
  - (d) the reference in sub-paragraph (4)(b) to a qualifying offence includes a reference to an offence under the law of a country or territory outside the United Kingdom where the act constituting the offence would constitute a qualifying offence under the law of England and Wales if done there or (as the case may be) under the law of Northern Ireland if done there (whether or not it constituted such an offence when the person was convicted).
- (7) For the purposes of paragraph 8, 8A or this paragraph—
- (a) “offence”, in relation to any country or territory outside the United Kingdom, includes an act punishable under the law of that country or territory, however it is described;
  - (b) a person has in particular been convicted of an offence under the law of a country or territory outside the United Kingdom if—
    - (i) a court exercising jurisdiction under the law of that country or territory has made in respect of such an offence a finding equivalent to a finding that the person is not guilty by reason of insanity, or
    - (ii) such a court has made in respect of such an offence a finding equivalent to a finding that the person is under a disability and did the act charged against the person in respect of the offence.
- (8) If an individual is convicted of more than one offence arising out of a single course of action, those convictions are to be treated as a single conviction for the purposes of calculating under paragraph 8 or 8A whether the individual has been convicted of one offence.”

**Member's explanatory statement**

This amendment and Amendment 36 make provision for the indefinite retention of fingerprints, data and other samples taken from a person who is or previously has been convicted of a specified offence.



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**Damian Hinds**

**Gov 32**

☆ Schedule 9, page 134, line 40, at end insert—

- “(d) the Chief Constable of the Ministry of Defence Police,
- (e) the Chief Constable of the British Transport Police Force, or
- (f) the Director General of the National Crime Agency.”

**Member's explanatory statement**

This amendment enables the Chief Constables of the Ministry of Defence Police and the British Transport Police Force and the Director General of the National Crime Agency to make a national security determination in relation to fingerprints, data and other samples.

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**Damian Hinds**

**Gov 33**

☆ Schedule 9, page 135, line 32, after “8” insert “, 8A”

**Member's explanatory statement**

This amendment is consequential on Amendment 31.

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**Damian Hinds**

**Gov 34**

☆ Schedule 9, page 137, line 34, leave out paragraphs (h) to (j)

**Member's explanatory statement**

This amendment removes reference to the Royal Navy Police, the Royal Military Police and the Royal Air Force Police from the definition of “police force”. Those forces should not be included in that definition because members of those forces do not have the power to obtain fingerprints, data or other samples under Schedule 9.

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**Damian Hinds**

**Gov 35**

☆ Schedule 9, page 137, leave out lines 38 to 40

**Member's explanatory statement**

This amendment removes reference to the tri-service serious crime unit from the definition of “police force”. Members of that unit should not be included in that definition because they do not have the power to obtain fingerprints, data or other samples under Schedule 9.

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**Damian Hinds**

**Gov 36**

☆ Schedule 9, page 137, line 40, at end insert—

““recordable offence” has—

- (a) in relation to a conviction in England and Wales, the meaning given by section 118(1) of the Police and Criminal Evidence Act 1984, and

- (b) in relation to a conviction in Northern Ireland, the meaning given by Article 2(2) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12));”

**Member's explanatory statement**

See Amendment 31.

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**Damian Hinds**

**Gov 37**

☆ Schedule 9, page 138, leave out lines 5 to 19 and insert—

““responsible chief officer of police” means—

- (a) in relation to fingerprints or samples taken by a constable of the Ministry of Defence Police, or a DNA profile derived from a sample so taken, the Chief Constable of the Ministry of Defence Police;
- (b) in relation to fingerprints or samples taken by a constable of the British Transport Police Force, or a DNA profile derived from a sample so taken, the Chief Constable of the British Transport Police Force;
- (c) otherwise—
  - (i) in relation to fingerprints or samples taken in England or Wales, or a DNA profile derived from a sample so taken, the chief officer of police for the relevant police area;
  - (ii) in relation to relevant physical data or samples taken or provided in Scotland, or a DNA profile derived from a sample so taken, the chief constable of the Police Service of Scotland;
  - (iii) in relation to fingerprints or samples taken in Northern Ireland, or a DNA profile derived from a sample so taken, the Chief Constable of the Police Service of Northern Ireland;”

**Member's explanatory statement**

This amendment and Amendment 38 make provision identifying the responsible chief officer or police in relation to fingerprints or samples taken by a constable of the Ministry of Defence Police or the British Transport Police Force.

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**Damian Hinds**

**Gov 38**

☆ Schedule 9, page 138, line 22, at end insert—

“(2) In the definition of “responsible chief officer of police” in sub-paragraph (1), in paragraph (c)(i), “relevant police area” means the police area—

- (a) in which the material concerned was taken, or
- (b) in the case of a DNA profile, in which the sample from which the DNA profile was derived was taken.”

**Member's explanatory statement**

See Amendment 37.

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**Damian Hinds**

**Gov 39**

- ☆ Schedule 11, page 141, line 29, after “offence” insert “under section 15 of the National Security Act 2022 or”

**Member's explanatory statement**

This amendment inserts a reference to offences under clause 15 (preparatory conduct) into the definition of “national security-related qualifying offence”.

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**Damian Hinds**

**Gov 40**

- ☆ Schedule 11, page 141, line 30, leave out “the National Security Act 2022” and insert “that Act”

**Member's explanatory statement**

This amendment is consequential on Amendment 39.

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**Damian Hinds**

**Gov 41**

- ☆ Schedule 11, page 142, line 8, after “offence” insert “under section 15 of the National Security Act 2022 or”

**Member's explanatory statement**

This amendment inserts a reference to offences under clause 15 (preparatory conduct) into the definition of “qualifying offence”.

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**Damian Hinds**

**Gov 42**

- ☆ Schedule 11, page 142, line 8, leave out “the National Security Act 2022” and insert “that Act”

**Member's explanatory statement**

This amendment is consequential on Amendment 41.

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**Damian Hinds**

**Gov 43**

- ☆ Schedule 11, page 142, line 15, after “offence” insert “under section 15 of the National Security Act 2022 or”

**Member's explanatory statement**

This amendment inserts a reference to offences under clause 15 (preparatory conduct) into the definition of “qualifying offence”.

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**Damian Hinds**

**Gov 44**

☆ Schedule 11, page 142, line 15, leave out “the National Security Act 2022” and insert “that Act”

**Member's explanatory statement**

This amendment is consequential on Amendment 43.

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**Ms Nusrat Ghani**

**NC1**

Tim Loughton  
 Sir Iain Duncan Smith  
 Richard Fuller  
 Mark Pawsey  
 Damian Green

Alicia Kearns  
 Mr David Davis

Margaret Ferrier

Bob Seely

To move the following Clause—

**“Granting of public contracts**

- (1) The Secretary of State may not grant a public contract to a company, and may intervene to prevent the granting of a public contract to a company where the contract is to be granted by someone other than the Secretary of State, if there is a real risk that the granting of such a contract to such a company would result in conduct which—
  - (a) is, or could be, contrary to the safety or interests of the UK,
  - (b) has, or could have, an effect within section 13(2), or
  - (c) enables, or could enable, involvement in foreign power threat activity (see section 26).
- (2) For the purposes of subsection (1), there is a real risk that the granting of a contract to a company may be used for the purposes mentioned in sections (1)(a) (b) and (c) if the—
  - (a) Secretary of State,
  - (b) National Cyber Security Centre, or
  - (c) Biometrics and Surveillance Camera Commissioner
 considers there to be such a risk.”

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## Order of the House

[6 June 2022]

That the following provisions shall apply to the National Security Bill:

**Committal**

1. The Bill shall be committed to a Public Bill Committee.

**Proceedings in Public Bill Committee**

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 13 September 2022.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

**Proceedings on Consideration and Third Reading**

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

**Other proceedings**

7. Any other proceedings on the Bill may be programmed.