
Committee Stage: Wednesday 20 July 2022

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 Any withdrawn amendments are listed at the end of the document.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.

Stephen McPartland

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).

Stephen McPartland

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.

Stephen McPartland

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).

Stephen McPartland

Gov 28

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

Member's explanatory statement

This amendment is consequential on Amendment 31.

Stephen McPartland

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.

Stephen McPartland

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.

Stephen McPartland

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.

Stephen McPartland

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.

Stephen McPartland

Gov 33

Schedule 9, page 135, line 32, after "8" insert ", 8A"

Member's explanatory statement

This amendment is consequential on Amendment 31.

Stephen McPartland

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.

Stephen McPartland

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.

Stephen McPartland

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.

Stephen McPartland

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.

Stephen McPartland**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.

Jess Phillips**59**

Clause 58, page 42, line 2, at end insert—

- “(2A) If the court concludes following its consideration under subsection (2) that the claimant has not committed wrongdoing involving—
- (a) the commission of a terrorism offence, or
 - (b) other involvement in terrorism-related activity,
- subsection (3) does not apply.”

Stuart C McDonald**58**

Stewart Hosie

Schedule 10, page 140, line 12, leave out “there is a real risk that”

Member's explanatory statement

This amendment would ensure the court was satisfied on the balance of probabilities that damages were to be used for terrorism purposes before frozen funds could be forfeited.

Jess Phillips

61

Clause 62, page 44, line 21, leave out "F" and insert "G"

Member's explanatory statement

This amendment is a paving amendment for Amendment 60.

Jess Phillips

60

Clause 62, page 45, line 3, at end insert—

- "(7A) Condition G is met where the offender is seeking legal aid for the purposes of—
- (a) pursuing a civil order, where the purpose of the order is to protect a victim of domestic abuse, or
 - (b) participating in family court proceedings, and where the offender is a victim of domestic abuse."

Jess Phillips

62

Clause 62, page 45, line 42, at end insert—

"domestic abuse" has the same meaning as in the Domestic Abuse Act 2021;"

Member's explanatory statement

This amendment provides a definition of "domestic abuse" for the purposes of Amendment 60.

Stephen McPartland

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".

Stephen McPartland

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.

Stephen McPartland

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".

Stephen McPartland

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.

Stephen McPartland

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".

Stephen McPartland

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.

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 Commissionerconsiders there to be such a risk.”

Holly Lynch

NC2

Jess Phillips
Yvette Cooper

To move the following Clause—

“Reviews of Parts 1, 3 and 4

- (1) The operation of Parts 1, 3 and 4 of this Act must be reviewed by a person, or people, appointed by the Secretary of State.
- (2) The operation of Part 3 must be reviewed by the person appointed by the Secretary of State under section 36(1) of the Terrorism Act 2006.
- (3) The operation of Parts 1 and 4 must be reviewed by either—
 - (a) the person appointed by the Secretary of State under section 36(1) of the Terrorism Act 2006, or
 - (b) a different person appointed by the Secretary of State.
- (4) Reviews under this section must be carried out in respect of—
 - (a) the 12-month period beginning with the day on which any section in this Part comes into force, and
 - (b) each subsequent 12-month period.
- (5) Each review under subsection (1) must be completed as soon as reasonably practicable after the period to which it relates.

- (6) The person or people mentioned in subsections (2) and (3) must send to the Secretary of State a report on the outcome of each review carried out under subsection (1) as soon as reasonably practicable after completion of the review.
- (7) On receiving a report under subsection (6), the Secretary of State must lay a copy of it before Parliament.
- (8) Section 36(6) of the Terrorism Act 2006 shall be read such that the “expenses” and “allowances” mentioned therein may include the discharge by the person or people of their functions under this section.”

Holly Lynch

NC3

Jess Phillips
Yvette Cooper

To move the following Clause—

“Reporting on disinformation originating from foreign powers

- (1) The Secretary of State must appoint a person or body to review the extent of disinformation originating from foreign powers which presents a threat, or potential threat, to national security.
- (2) A review under subsection (1) must include an assessment of the extent of foreign interference in elections.
- (3) A review under subsection (1) may include—
 - (a) examining the number and scale of offences committed, and estimating the number and scale of instances where an offence is suspected to have been committed, under—
 - (i) section 13, where Condition C is met, and
 - (ii) section 14,
 - and,
 - (b) any other matters the person or body considers relevant to the matters mentioned in subsections (1) and (2).
- (4) The person or body appointed under subsection (1) may be the Intelligence and Security Committee of Parliament, or another person or body the Secretary of State considers appropriate.
- (5) A review must be carried out under this section in respect of—
 - (a) the 12-month period beginning with the day on which section 13 comes into force, and
 - (b) each subsequent 12-month period.
- (6) Each review under this section must be completed as soon as reasonably practicable after the period to which it relates.
- (7) The person or body must send to the Secretary of State a report on the outcome of each review carried out under this section as soon as reasonably practicable after completion of the review.

- (8) On receiving a report under subsection (7), the Secretary of State must lay a copy of it before Parliament.
- (9) The Secretary of State may pay to the person or body—
- (a) expenses incurred in carrying out the functions of the reviewer under this section, and
 - (b) such allowances as the Secretary of State determines,
- except where financial provision is already made to the person or body for the discharge of the person or body's functions, of which this section may form part"

Holly Lynch

NC4

Jess Phillips
Yvette Cooper

To move the following Clause—

"Proceedings relating to safety or interests of the United Kingdom

- (1) This section applies where a court is considering proceedings under Part 1 of this Act, where the proceedings involve the safety or interests of the United Kingdom.
- (2) In proceedings to which this section applies, the court must take account of how the interests of the Secretary of State or of the Government of the United Kingdom may differ from the interests of the United Kingdom, in order to satisfy itself that the interests of the United Kingdom have been appropriately identified and considered."

Holly Lynch

NC5

Jess Phillips
Yvette Cooper

To move the following Clause—

"Ministerial conduct

- (1) This section applies in relation to any Minister of the Crown who engages with, or intends to engage with, or ought reasonably to know that they are about to engage with, a person who is a part of a foreign intelligence service.
- (2) A Minister of the Crown may only engage with such a person if either of the following conditions are met—
 - (a) a senior civil servant is formally present at or party to the engagement, and a formal record of the engagement has been made by the senior civil servant; or
 - (b) a senior civil servant is not formally present at or party to the engagement, and a formal record of the engagement has not been made by a senior civil servant, but the written consent of the Prime Minister has been sought by the Minister of the Crown, and has been granted and formally recorded in writing.

- (3) In this section “engagement” includes meeting in person or via electronic means, and corresponding in writing or via electronic means.”

Mr Kevan Jones

NC6

Joanna Cherry

To move the following Clause—

“Defences

- (1) In any proceedings for an offence under section 2 of this Act or section 5 of the Official Secrets Act 1989, it shall be a defence—
- (a) that the disclosure in question was in the public interest, and
 - (b) the manner of the disclosure was also in the public interest.
- (2) Whether a disclosure was in the public interest shall be determined having regard to—
- (a) the subject matter of the disclosure,
 - (b) the harm caused by the disclosure, and
 - (c) any other relevant feature of the disclosure.
- (3) Whether the manner of disclosure was in the public interest shall be determined having regard to—
- (a) whether the disclosure has been made in good faith,
 - (b) if the disclosure relates to alleged misconduct, whether the individual reasonably believes that the information disclosed, and any allegation contained in it, are substantially true,
 - (c) whether the disclosure is made for the purposes of personal gain,
 - (d) the availability of any other effective authorised procedures for making the disclosure and whether those procedures were exercised, and
 - (e) whether, in all the circumstances of the case, it is reasonable for the disclosure to have been made in the relevant manner.”

Member's explanatory statement

This new clause introduces a public interest defence to the new disclosure offence created by clause 2, and the section 5 disclosure offence in the Official Secrets Act 1989. The proposed defence is modelled on the public interest defence in the Public Interest Disclosure Act 1998.

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.

Order of the Committee

[7 July 2022]

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.