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Committee Stage: Thursday 13 October 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 Any withdrawn amendments are listed at the end of the document.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.

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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 12 October 2022 (Standing Order 83C):*

That the order of the Committee of 7 July be varied as follows—

1. In paragraph (1)(g), leave out “13 September” and insert “18 October”.
2. In paragraph (4), leave out “13 September” and insert “18 October”.

*Tom Tugendhat 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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**Tom Tugendhat**

**Gov NC8**

To move the following Clause—

**“Disclosure orders**

Schedule (*Disclosure orders*) makes provision for disclosure orders.”

**Member's explanatory statement**

This new clause introduces the new Schedule inserted by NS1.

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Tom Tugendhat

Gov NC9

To move the following Clause—

**“Customer information orders**

Schedule (*Customer information orders*) makes provision for customer information orders.”

**Member's explanatory statement**

This new clause introduces the new Schedule inserted by NS2.

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Tom Tugendhat

Gov NC10

To move the following Clause—

**“Account monitoring orders**

Schedule (*Account monitoring orders*) makes provision for account monitoring orders.”

**Member's explanatory statement**

This new clause introduces the new Schedule inserted by NS3.

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Tom Tugendhat

Gov NC11

To move the following Clause—

**“Requirement to register foreign activity arrangements**

- (1) A person (“P”) who makes a foreign activity arrangement must register the arrangement with the Secretary of State before the end of the period of 10 days beginning with the day on which P makes the arrangement.
- (2) A “foreign activity arrangement” is an arrangement with a specified person pursuant to which the specified person directs P—
  - (a) to carry out activities in the United Kingdom, or
  - (b) to arrange for activities to be carried out in the United Kingdom.
- (3) “Specified person” means—
  - (a) a foreign power specified by the Secretary of State in regulations;
  - (b) a person, other than a foreign power, specified by the Secretary of State in regulations.
- (4) The regulations may specify a person other than a foreign power only if—
  - (a) the person is not an individual, and
  - (b) the Secretary of State reasonably believes the person is controlled by a foreign power.
- (5) A person is controlled by a foreign power if—

- (a) the foreign power holds, directly or indirectly, more than 25% of the shares in the person,
  - (b) the foreign power holds, directly or indirectly, more than 25% of the voting rights in the person,
  - (c) the foreign power holds, directly or indirectly, the right to appoint or remove an officer of the person, or
  - (d) the foreign power has the right to direct or control the person's activities (in whole or in part).
- (6) In subsection (5) "officer"—
- (a) in relation to a body corporate, means a director, member of the committee of management, chief executive, manager, secretary or other similar officer of the body, or a person purporting to act in any such capacity;
  - (b) in relation to a partnership, means a partner or person purporting to act as a partner;
  - (c) in relation to an unincorporated association other than a partnership, means a person who is concerned in the management or control of the association or purports to act in the capacity of a person so concerned.
- (7) The Secretary of State may make regulations specifying a foreign power or a person other than a foreign power only if the Secretary of State considers it reasonably necessary to do so to protect the safety or interests of the United Kingdom.
- (8) The requirement in subsection (1) does not apply to a foreign power.
- (9) Regulations specifying a foreign power or a person other than a foreign power may provide for subsection (1) to apply, with modifications specified in the regulations, in relation to a foreign activity arrangement made with the specified person before the regulations come into force.
- (10) A person who fails to comply with subsection (1) commits an offence if the person—
- (a) knows, or
  - (b) ought reasonably to know,
- that the arrangement in question is a foreign activity arrangement."

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

NC11 to NC28 require certain arrangements with, and activities of, foreign powers and foreign persons to be registered. They are intended to form a new Part 2A, referred to in explanatory statements as the registration scheme. This new clause requires registration of arrangements with specified persons to carry out activities in the UK.

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Tom Tugendhat

Gov NC12

To move the following Clause—

**“Offence of carrying out activities under an unregistered foreign activity arrangement**

- (1) A person commits an offence if—
  - (a) the person carries out an activity, or arranges for an activity to be carried out, in the United Kingdom pursuant to a foreign activity arrangement required to be registered under section (*Requirement to register foreign activity arrangements*)(1),
  - (b) the arrangement is not registered, and
  - (c) the person knows, or ought reasonably to know, that they are acting under the direction of a specified person.
- (2) Subsection (1) does not apply to a foreign power.”

**Member's explanatory statement**

This new clause makes it an offence to carry out activities under a foreign activity arrangement that should be, but is not, registered.

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Tom Tugendhat

Gov NC13

To move the following Clause—

**“Requirement to register activities of specified persons**

- (1) A specified person must not carry out activities in the United Kingdom unless the activities are registered with the Secretary of State.
- (2) The prohibition in subsection (1) does not apply to a foreign power.
- (3) A person who breaches the prohibition in subsection (1) commits an offence if the person—
  - (a) knows, or
  - (b) ought reasonably to know,that the activity in question is not registered.”

**Member's explanatory statement**

This new clause requires registration of activities carried out in the UK by a specified person.

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Tom Tugendhat

Gov NC14

To move the following Clause—

**“Requirement to register foreign influence arrangements**

- (1) A person who makes a foreign influence arrangement must register the arrangement with the Secretary of State before the end of the period of 10 days beginning with the day on which the person makes the arrangement.
- (2) A “foreign influence arrangement” is an arrangement with a foreign principal pursuant to which the foreign principal directs the person—
  - (a) to carry out political influence activities in the United Kingdom, or
  - (b) to arrange for such activities to be carried out in the United Kingdom.
- (3) “Foreign principal” means—
  - (a) a foreign power,
  - (b) a body incorporated under the law of a country or territory outside the United Kingdom, or
  - (c) an unincorporated association formed under the law of a country or territory outside the United Kingdom, other than an association of persons where each person is a United Kingdom national,but does not include a person within subsection (4).
- (4) Those persons are—
  - (a) a specified person;
  - (b) a body incorporated under the law of the Republic of Ireland, or an unincorporated association formed under the law of the Republic of Ireland;
  - (c) an international organisation.
- (5) The requirement in subsection (1) does not apply to a foreign power.
- (6) The requirement in subsection (1) does not apply to—
  - (a) a recognised news publisher, or
  - (b) a person who makes a foreign influence arrangement with a recognised news publisher where the purpose, or one of the purposes, of the arrangement is the publication of news-related material.
- (7) Subsection (1) applies in relation to a foreign influence arrangement made before the day on which this section comes into force as if, for the words from “10” to the end, there were substituted “3 months beginning with the day on which this section comes into force.”
- (8) A person who fails to comply with subsection (1) commits an offence if the person knows that the arrangement in question is a foreign influence arrangement.
- (9) In this section—

“international organisation” means a person (other than an individual) which—

  - (a) is governed by international law,

- (b) is set up by, or on the basis of, an agreement between two or more countries, or
  - (c) is recognised under an agreement between two or more countries and is specified by the Secretary of State in regulations;
- “news-related material” and “publish” have the meaning given by section 50(5) of the Online Safety Act 2022;
- “recognised news publisher” has the meaning given by section 50 of the Online Safety Act 2022 but as if, in subsection (2)(e) of that section, “in the United Kingdom” were omitted;
- “United Kingdom national” has the same meaning as in section 2.
- (10) Regulations under subsection (9) may specify a person or a description of persons.”

#### Member's explanatory statement

This new clause requires registration of arrangements with foreign principals to carry out political influence activities in the UK. Political influence activities are defined in NC15.

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Tom Tugendhat

Gov NC15

To move the following Clause—

#### “Meaning of “political influence activity”

- (1) An activity is a “political influence activity” if—
  - (a) it is within subsection (2), and
  - (b) the purpose, or one of the purposes, for which it is carried out is the purpose of influencing a matter or person within subsection (3).
- (2) The activities within this subsection are—
  - (a) making any communication to—
    - (i) a Minister of the Crown, a Northern Ireland Minister, a Scottish Minister or a Welsh Minister,
    - (ii) a Member of either House of Parliament, the Northern Ireland Assembly, the Scottish Parliament or Senedd Cymru, or an employee or other member of staff of such a Member,
    - (iii) an officer, trustee or agent of a UK registered political party or a member of such a party who exercises executive functions on behalf of the party,
    - (iv) a candidate at an election for a relevant elective office or a relevant Scottish elective office,
    - (v) a senior official or a special adviser, or
    - (vi) a person within a description of persons exercising functions on behalf of the Crown which is specified in regulations made by the Secretary of State;
  - (b) making a public communication, except where it is reasonably clear from the communication that it is made at the direction of the foreign principal;

- (c) distributing money, goods or services to UK persons.
- (3) The matters and persons within this subsection are—
- (a) the conduct of an election or referendum in the United Kingdom,
  - (b) a decision of the government of the United Kingdom, a Northern Ireland Minister or Northern Ireland Department, the Scottish Ministers or the Welsh Ministers,
  - (c) the proceedings of either House of Parliament, the Northern Ireland Assembly, the Scottish Parliament or Senedd Cymru,
  - (d) the proceedings of a UK registered political party, or
  - (e) a Member of either House of Parliament, the Northern Ireland Assembly, the Scottish Parliament or Senedd Cymru.
- (4) For the purposes of subsection (2)(b) a person makes a public communication if the person—
- (a) publishes or disseminates information, a document or other article, or
  - (b) produces information, a document or other article for publication or dissemination.
- (5) In this section—
- “Northern Ireland Minister” includes the First Minister and the deputy First Minister;
  - “relevant elective office” and “relevant Scottish elective office” have the same meanings as in section 37 of the Elections Act 2022;
  - “senior official” means a member of the Senior Civil Service or a member of the Senior Management Structure of His Majesty’s Diplomatic Service;
  - “special adviser” means a person who serves the government in a position in the civil service of the State and whose appointment to that position meets the requirements applicable to that position set out in section 15(1) of the Constitutional Reform and Governance Act 2010;
  - “UK person” has the same meaning as in section 2;
  - “UK registered political party” means a political party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000;
  - “Welsh minister” includes the First Minister, the Counsel General to the Welsh Government and a Deputy Welsh Minister.”

#### Member's explanatory statement

This new clause defines “political influence activity” for the purposes of the new registration scheme.

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Tom Tugendhat

Gov NC16

To move the following Clause—

#### **“Offence of carrying out political influence activities pursuant to unregistered foreign influence arrangement**

- (1) A person commits an offence if—

- (a) the person carries out a political influence activity in the United Kingdom pursuant to a foreign influence arrangement required to be registered under section (*Requirement to register foreign influence arrangements*)(1),
  - (b) the arrangement is not registered, and
  - (c) the person knows that the arrangement is not registered.
- (2) Subsection (1) does not apply to—
- (a) a foreign power;
  - (b) a recognised news publisher;
  - (c) a person within section (*Requirement to register foreign influence arrangements*)(6)(b)."

**Member's explanatory statement**

This new clause makes it an offence to carry out political influence activities under a foreign activity arrangement that should be, but is not, registered.

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Tom Tugendhat

Gov NC17

To move the following Clause—

**"Requirement to register political influence activities of foreign principals**

- (1) A foreign principal must not carry out political influence activities in the United Kingdom unless the activities are registered with the Secretary of State.
- (2) The prohibition in subsection (1) does not apply to—
  - (a) a foreign power;
  - (b) a recognised news publisher;
  - (c) a person within section (*Requirement to register foreign influence arrangements*)(6)(b).
- (3) A person who breaches the prohibition in subsection (1) commits an offence if the person knows that the activity in question is not registered."

**Member's explanatory statement**

This new clause requires registration of political influence activities carried out by a foreign principal.

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Tom Tugendhat

Gov NC18

To move the following Clause—

**"General exemptions**

- (1) The registration requirements do not apply—
  - (a) in relation to an arrangement that is a UK arrangement;
  - (b) to the extent that an arrangement relates to the provision of legal services.



- (2) The prohibitions do not apply—
  - (a) to activities carried out in accordance with a UK arrangement or a UK agreement;
  - (b) to the provision of legal services.
- (3) A “UK arrangement” or “UK agreement” is an arrangement or agreement to which—
  - (a) the United Kingdom is a party, or
  - (b) any person acting for or on behalf of, or holding office under, the Crown is (in that capacity) a party.
- (4) The registration requirement in section (*Requirement to register foreign activity arrangements*)(1) does not apply to the extent that the arrangement relates to the provision of goods or services which are reasonably necessary to support the efficient functioning of—
  - (a) a diplomatic mission,
  - (b) a consular post, or
  - (c) the permanent mission to a UK-based international organisation of a country which is a member of the organisation,(for example, the provision of catering or maintenance services).
- (5) The registration requirements do not apply to persons who—
  - (a) are members of the family of a principal person forming part of the principal person’s household, and
  - (b) make a foreign activity arrangement or a foreign influence arrangement pursuant to an activity carried out by the principal person in that capacity.
- (6) The prohibition in section (*Requirement to register political influence activities of foreign principals*) does not apply to persons who—
  - (a) are members of the family of a principal person forming part of the principal person’s household, and
  - (b) carry out an activity pursuant to an activity carried out by the principal person in that capacity.
- (7) For the purposes of subsections (5) and (6)—
  - (a) “principal person” means a person who is a member of staff of—
    - (i) a diplomatic mission,
    - (ii) a consular post, or
    - (iii) the permanent mission to a UK-based international organisation of a country which is a member of the organisation;
  - (b) the members of the family of a principal person forming part of the principal person’s household include a person who is living with the principal person as their partner in an enduring family relationship.
- (8) “Member of staff”—
  - (a) in the case of a diplomatic mission, means a member of the mission within the meaning given by Article 1 of the Vienna Convention on Diplomatic Relations (set out in Schedule 1 to the Diplomatic Privileges Act 1964);

- (b) in the case of a consular post, means a member of the consular post within the meaning given by Article 1 of the Vienna Convention on Consular Relations (set out in Schedule 1 to the Consular Relations Act 1968).
- (9) The Secretary of State may by regulations make provision for further cases to which the registration requirements or the prohibitions do not apply.
- (10) In this section—
- “consular post” has the meaning given by Article 1 of the Vienna Convention on Consular Relations (set out in Schedule 1 to the Consular Relations Act 1968);
  - “diplomatic mission” is to be read in accordance with the Vienna Convention on Diplomatic Relations done at Vienna on 18 April 1961;
  - “legal services” has the meaning given by section 8(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012;
  - “the prohibitions” means the prohibitions in sections (*Requirement to register activities of specified persons*) and (*Requirement to register political influence activities of foreign principals*);
  - “the registration requirements” means the requirements in sections (*Requirement to register foreign activity arrangements*)(1) and (*Requirement to register foreign influence arrangements*)(1);
  - “UK-based international organisation” means an international organisation which has its headquarters in the United Kingdom and on which privileges and immunities have been conferred under section 1 of the International Organisations Act 1968.”

#### Member's explanatory statement

This new clause creates exemptions to the registration requirements in NC11 and NC14 and the prohibitions in NC13 and NC16.

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Tom Tugendhat

Gov NC19

To move the following Clause—

#### “Registration information

- (1) The Secretary of State may by regulations make provision about the information a person is required to provide to the Secretary of State when registering—
- (a) a foreign activity arrangement under section (*Requirement to register foreign activity arrangements*),
  - (b) an activity under section (*Requirement to register activities of specified persons*),
  - (c) a foreign influence arrangement under section (*Requirement to register foreign influence arrangements*), or
  - (d) a political influence activity under section (*Requirement to register political influence activities of foreign principals*).

- (2) Regulations under subsection (1) may, in particular, require the person to provide information about any arrangements made by the person pursuant to the arrangement or activity which is required to be registered.
- (3) Where there is a material change to any information provided to the Secretary of State under this section or section (*Information notices*) in relation to a registered arrangement or a registered activity, the person who registered the arrangement or activity must inform the Secretary of State of the change before the end of the period of 14 days beginning with the day on which the change takes effect.
- (4) The Secretary of State—
  - (a) may by regulations make provision about the information to be provided to the Secretary of State under subsection (3),
  - (b) may issue guidance about what may or may not constitute a material change.
- (5) The provision which may be made by regulations under this section includes provision about the form in which information is to be provided.
- (6) A person who fails to comply with subsection (3) commits an offence if, as a result of the failure, the information provided to the Secretary of State in relation to the registered arrangement or registered activity is misleading, false or deceptive in a material way.”

#### Member's explanatory statement

This new clause provides for the information to be provided when registering arrangements and activities under the registration scheme.

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Tom Tugendhat

Gov NC20

To move the following Clause—

#### “Information notices

- (1) The Secretary of State may give an information notice to—
  - (a) a person who is a party to a foreign activity arrangement registered under section (*Requirement to register foreign activity arrangements*);
  - (b) a person who is a party to a foreign activity arrangement which is required to be, but is not, registered under that section;
  - (c) a person who has registered activities under section (*Requirement to register activities of specified persons*);
  - (d) a person the Secretary of State reasonably believes to be carrying out an activity in breach of the prohibition in that section.
- (2) The Secretary of State may give an information notice to—
  - (a) a person who is a party to a foreign influence arrangement registered under section (*Requirement to register foreign influence arrangements*);
  - (b) a person who is a party to a foreign influence arrangement which is required to be, but is not, registered under that section;

- (c) a person who has registered activities under section (*Requirement to register political influence activities of foreign principals*);
  - (d) a person the Secretary of State reasonably believes to be carrying out a political influence activity in breach of the prohibition in that section.
- (3) An information notice is a notice requiring the person to whom it is given to supply the information specified in the notice.
  - (4) An information notice must—
    - (a) specify the form in which the information must be supplied, and
    - (b) specify the date by which the information must be supplied.
  - (5) Where an information notice has been given to a person, the Secretary of State may cancel it by giving written notice to that effect to the person.
  - (6) The Secretary of State may by regulations make provision about—
    - (a) the minimum period between the date on which an information notice is given and the date specified under subsection (4)(b);
    - (b) other matters which may be specified in an information notice;
    - (c) the cancellation of information notices.
  - (7) A person commits an offence if, without reasonable excuse, the person fails to comply with an information notice.
  - (8) The Secretary of State may not give an information notice to a foreign power.”

**Member's explanatory statement**

This new clause permits the Secretary of State to give a notice to a person to provide information in connection with arrangements or activities registrable under the registration scheme.

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Tom Tugendhat

Gov NC21

To move the following Clause—

**“Confidential material**

- (1) Nothing in this Part is to be taken to require any person to disclose any information that the person is entitled to refuse to disclose in legal proceedings on grounds of legal professional privilege (in Scotland, confidentiality of communications).
- (2) Nothing in this Part is to be taken to require any person to disclose confidential journalistic material or to identify or confirm a source of journalistic information.
- (3) In this section—
  - “confidential journalistic material” has the same meaning as in section 264 of the Investigatory Powers Act 2016;
  - “source of journalistic information” has the same meaning as in section 263 of that Act.”

**Member's explanatory statement**

This new clause ensures that the obligations in connection with the registration scheme do not affect legal professional privilege or require the disclosure of confidential journalistic material.

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Tom Tugendhat

Gov NC22

To move the following Clause—

**“Offence of providing false information**

- (1) A person commits an offence if—
  - (a) the person provides information to the Secretary of State under section (*Registration information*) or (*Information notices*) in connection with a foreign activity arrangement, and
  - (b) the information is false, inaccurate or misleading in a material way.
- (2) A person commits an offence if—
  - (a) the person provides information to the Secretary of State under section (*Registration information*) or (*Information notices*) in connection with an activity which is required to be registered under section (*Requirement to register activities of specified persons*), and
  - (b) the information is false, inaccurate or misleading in a material way.
- (3) A person commits an offence if—
  - (a) the person provides information to the Secretary of State under section (*Registration information*) or (*Information notices*) in connection with a foreign influence arrangement,
  - (b) the information is false, inaccurate or misleading in a material way, and
  - (c) the person knows, or ought reasonably to know, that the information is false, inaccurate or misleading in a material way.
- (4) A person commits an offence if—
  - (a) the person provides information to the Secretary of State under section (*Registration information*) or (*Information notices*) in connection with a political influence activity which is required to be registered under section (*Requirement to register political influence activities of foreign principals*),
  - (b) the information is false, inaccurate or misleading in a material way, and
  - (c) the person knows, or ought reasonably to know, that the information is false, inaccurate or misleading in a material way.”

**Member's explanatory statement**

This new clause creates offences of providing false or misleading information in connection with the registration scheme.

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Tom Tugendhat

Gov NC23

To move the following Clause—

**“Offence of carrying out activities under arrangements tainted by false information**

- (1) A person commits an offence if—
  - (a) the person carries out an activity in the United Kingdom pursuant to a foreign activity arrangement required to be registered under section (*Requirement to register foreign activity arrangements*)(1),
  - (b) information provided to the Secretary of State under section (*Registration information*) or (*Information notices*) in connection with the arrangement, whether by the person or by another person, is false, inaccurate or misleading in a material way, and
  - (c) the person knows, or ought reasonably to know, that the facts are as mentioned in paragraph (b).
- (2) A person commits an offence if—
  - (a) the person carries out a political influence activity in the United Kingdom pursuant to a political influence arrangement required to be registered under section (*Requirement to register foreign influence arrangements*)(1),
  - (b) information provided to the Secretary of State under section (*Registration information*) or (*Information notices*) in connection with the arrangement, whether by the person or by another person, is false, inaccurate or misleading in a material way, and
  - (c) the person knows, or ought reasonably to know, that the facts are as mentioned in paragraph (b).
- (3) Subsections (1) and (2) do not apply to a foreign power.
- (4) Subsection (2) does not apply to—
  - (a) a recognised news publisher;
  - (b) a person within section (*Requirement to register foreign influence arrangements*)(6)(b).”

**Member's explanatory statement**

This new clause creates offences of carrying on activities under a registrable arrangement where false or misleading information has been provided in connection with the arrangement.

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Tom Tugendhat

Gov NC24

To move the following Clause—

**“Offences: penalties**

- (1) A person who commits a foreign activity offence is liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding 5 years or to a fine (or both);

- (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or to a fine (or both);
  - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum (or both);
  - (d) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or both).
- (2) "Foreign activity offence" means—
- (a) an offence under section (*Requirement to register foreign activity arrangements*)(10);
  - (b) an offence under section (*Offence of carrying out activities under an unregistered foreign activity arrangement*);
  - (c) an offence under section (*Requirement to register activities of specified persons*)(3);
  - (d) an offence under section (*Registration information*)(6) committed in relation to a foreign activity arrangement registered under section (*Requirement to register foreign activity arrangements*) or an activity registered under section (*Requirement to register activities of specified persons*);
  - (e) an offence under section (*Information notices*)(7) committed in relation to an information notice given under section (*Information notices*)(1);
  - (f) an offence under section (*Offence of providing false information*)(1) or (2);
  - (g) an offence under section (*Offence of carrying out activities under arrangements tainted by false information*)(1).
- (3) A person who commits a foreign influence offence is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine (or both);
  - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or to a fine (or both);
  - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or to a fine not exceeding the statutory maximum (or both);
  - (d) on summary conviction in Scotland, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or both).
- (4) "Foreign influence offence" means—
- (a) an offence under section (*Requirement to register foreign influence arrangements*)(8);
  - (b) an offence under section (*Offence of carrying out political influence activities pursuant to unregistered foreign influence arrangement*);
  - (c) an offence under section (*Requirement to register political influence activities of foreign principals*)(3);

- (d) an offence under section (*Registration information*)(6) committed in relation to a foreign influence arrangement registered under section (*Requirement to register foreign influence arrangements*) or a political influence activity registered under section (*Requirement to register political influence activities of foreign principals*);
- (e) an offence under section (*Information notices*)(7) committed in relation to an information notice given under section (*Information notices*)(2);
- (f) an offence under section (*Offence of providing false information*)(3) or (4);
- (g) an offence under section (*Offence of carrying out activities under arrangements tainted by false information*)(2)."

**Member's explanatory statement**

This new clause sets out the penalties for the offences created under the registration scheme.

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Tom Tugendhat

Gov NC25

To move the following Clause—

**"Publication and copying of information**

- (1) The Secretary of State may by regulations make provision about—
  - (a) publication of information provided to the Secretary of State under this Part;
  - (b) copying of information provided to the Secretary of State under this Part.
- (2) The power under subsection (1) includes in particular power to make provision about a description of information or material which is not to be published."

**Member's explanatory statement**

This new clause allows the Secretary of State to make regulations in relation to the publication and copying of information provided to the Secretary of State under the registration provisions.

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Tom Tugendhat

Gov NC26

To move the following Clause—

**"Offences: supplementary provision**

- (1) Section 28 (offences by body corporate etc) applies in relation to offences under this Part as it applies in relation to offences under Part 1.
- (2) Section 29(1) and (3) to (5) (offences committed outside the United Kingdom) applies in relation to offences under this Part as it applies in relation to offences under Part 1.
- (3) If it is necessary in the interests of national security, a court may exclude the public from any part of proceedings for an offence under this Part, except for the passing of sentence."



**Member's explanatory statement**

This new clause provides that officers of bodies corporate and other bodies may be held liable for offences committed by those bodies, that offences may be committed outside the United Kingdom, and that a court may exclude the public from proceedings for offences.

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Tom Tugendhat

Gov NC27

To move the following Clause—

**“Annual report**

- (1) The Secretary of State must, as soon as is practicable after the end of each relevant period—
  - (a) prepare a report in relation to that period, and
  - (b) lay a copy of the report before Parliament.
- (2) The report must provide details of—
  - (a) the total number of arrangements registered with the Secretary of State under section (*Requirement to register foreign activity arrangements*) or (*Requirement to register foreign influence arrangements*),
  - (b) the number of arrangements registered with the Secretary of State under section (*Requirement to register foreign activity arrangements*) or (*Requirement to register foreign influence arrangements*) during the relevant period,
  - (c) the total number of specified persons and foreign principals who have registered activities with the Secretary of State under section (*Requirement to register activities of specified persons*) or (*Requirement to register foreign influence activities of foreign principals*),
  - (d) the number of specified persons and foreign principals who have registered activities with the Secretary of State under section (*Requirement to register activities of specified persons*) or (*Requirement to register foreign influence activities of foreign principals*) during the relevant period,
  - (e) the number of information notices issued under section (*Information notices*) during the relevant period,
  - (f) the number of persons charged with an offence under this Part during the relevant period, and
  - (g) the number of persons convicted of an offence under this Part during the relevant period.
- (3) “Relevant period” means—
  - (a) the period of 12 months beginning with the day on which this section comes into force, and
  - (b) each subsequent period of 12 months.”

**Member's explanatory statement**

This new Clause requires the Secretary of State to provide an annual report to Parliament on matters relating to the registration scheme.

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Tom Tugendhat

Gov NC28

To move the following Clause—

**“Interpretation**

(1) In this Part—

“foreign activity arrangement” has the meaning given by section (*Requirement to register foreign activity arrangements*);

“foreign influence arrangement” has the meaning given by section (*Requirement to register foreign influence arrangements*);

“foreign power” has the same meaning as in Part 1 (see section 25), subject to subsection (2);

“foreign principal” has the meaning given by section (*Requirement to register foreign influence arrangements*);

“political influence activity” has the meaning given by section (*Meaning of “political influence activity”*);

“recognised news publisher” has the meaning given by section (*Requirement to register foreign influence arrangements*);

“registered activity” means an activity registered with the Secretary of State under section (*Requirement to register activities of specified persons*) or (*Requirement to register political influence activities of foreign principals*);

“registered arrangement” means an arrangement registered with the Secretary of State under section (*Requirement to register foreign activity arrangements*) or (*Requirement to register foreign influence arrangements*);

“specified person” has the meaning given by section (*Requirement to register foreign activity arrangements*).

(2) For the purposes of this Part references in section 25 to a foreign State, or a foreign country or territory, do not include the Republic of Ireland.

(3) Any provision of this Part which does not apply in relation to a person (“P”) does not apply in relation to—

(a) a person who holds office in or under, or is an employee or other member of staff of, P (acting in that capacity);

(b) a person whom the Secretary of State reasonably considers to be exercising functions on behalf of P as if they are a person who holds office in or under, or as if they are an employee or other member of staff of, P (acting in that capacity).”

**Member's explanatory statement**

This new clause contains definitions relevant to the registration scheme.

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**Tim Loughton**

**NC1**

Sir Iain Duncan Smith  
Mark Pawsey  
Damian Green  
Alicia Kearns  
Margaret Ferrier

Bob Seely

Mr David Davis

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.”

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**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.”

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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"

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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.”

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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.”

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**Mr Kevan Jones**

NC6

Joanna Cherry  
 Mr David Davis  
 Stewart Hosie  
 Stuart C McDonald  
 Chris Bryant

Layla Moran

Mr Alistair Carmichael

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.

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Holly Lynch

NC29

Jess Phillips

To move the following Clause—

**“Registration of former employees of foreign security services**

- (1) A former employee of a security or intelligence service of a foreign power who is present in the United Kingdom for more than 2 months must register their presence with the Secretary of State.
- (2) The Secretary of State may by regulations make provision about the information a person is required to provide to the Secretary of State when registering under this section.
- (3) Failure to register as required by subsection (1) is an offence.
- (4) A person commits an offence if, without reasonable excuse, the person fails to provide information required by virtue of subsection (2).
- (5) A person commits an offence if—
  - (a) the person provides information to the Secretary of State by virtue of subsection (2),
  - (b) the information is false, inaccurate or misleading in a material way, and
  - (c) the person knows, or ought reasonably to know, that the information is false, inaccurate or misleading in a material way.
- (6) An offence under this section is a foreign influence offence under section (*Offences: penalties*).”

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Tom Tugendhat

Gov NS1

To move the following Schedule—

**“SCHEDULE****DISCLOSURE ORDERS****PART 1****ENGLAND AND WALES AND NORTHERN IRELAND***Introductory*

- 1 (1) This Part of this Schedule applies in England and Wales and Northern Ireland.

- (2) “Relevant investigation” means an investigation into the identification of relevant property or its movement or use.
- (3) “Relevant property” means—
  - (a) money or other property which is likely to be used for the purposes of foreign power threat activity, or
  - (b) proceeds of involvement in foreign power threat activity.
- (4) The reference to proceeds of involvement in foreign power threat activity includes a reference to any money, other property or benefit in money’s worth, which wholly or partly, and directly or indirectly, represents the proceeds of the involvement (including payments or rewards in connection with the involvement).
- (5) “Appropriate officer” means—
  - (a) a constable, or
  - (b) a National Crime Agency officer.

#### *Disclosure orders*

- 2 (1) An appropriate officer may apply to a judge for a disclosure order.
- (2) The application must state that a person or property specified in the application is subject to a relevant investigation and the order is sought for the purposes of the investigation.
- (3) The judge may grant the application if satisfied that conditions 1 to 3 are met.
- (4) Condition 1 is that there are reasonable grounds for suspecting that the property specified in the application is relevant property.
- (5) Condition 2 is that there are reasonable grounds for believing that information which may be provided in compliance with a requirement imposed under the order is likely to be of substantial value, whether by itself or with other information, to the investigation.
- (6) Condition 3 is that there are reasonable grounds for believing that it is in the public interest for the information to be provided, having regard to the benefit likely to accrue to the investigation if the information is obtained.
- (7) A disclosure order is an order authorising an appropriate officer to give to any person the officer considers has relevant information notice in writing requiring the person to do any or all of the following with respect to any matter relevant to the investigation—
  - (a) answer questions, either at a time specified in the notice or at once, at a place so specified;
  - (b) provide information specified in the notice, by a time and in a manner so specified;
  - (c) produce documents, or documents of a description, specified in the notice, either at or by a time so specified or at once, and in a manner so specified.



- (8) “Relevant information” means information (whether or not contained in a document) which the appropriate officer considers to be relevant to the investigation.
- (9) A person is not bound to comply with a requirement imposed by a notice given under a disclosure order unless evidence of authority to give the notice is produced.
- (10) An appropriate officer may not make an application under this paragraph unless the officer is a senior officer or is authorised to do so by a senior officer.

### *Supplementary provision*

- 3 (1) A disclosure order does not confer the right to require a person—
  - (a) to answer any question,
  - (b) to provide any information, or
  - (c) to produce any document or other material,which the person would be entitled to refuse to answer, provide or produce on grounds of legal professional privilege in proceedings in the High Court.
- (2) But a lawyer may be required to provide the name and address of a client.
- (3) A disclosure order does not confer the right to require a person to produce excluded material.
- (4) A disclosure order has effect despite any restriction on the disclosure of information imposed by an enactment or otherwise.
- (5) An appropriate officer may take copies of any documents produced in compliance with a requirement to produce them imposed under a disclosure order.
- (6) The documents may be retained for so long as it is necessary to retain them (as opposed to a copy of them) in connection with the investigation for the purposes of which the order was made.
- (7) But if an appropriate officer has reasonable grounds for believing that—
  - (a) the documents may need to be produced for the purposes of any legal proceedings, and
  - (b) they might otherwise be unavailable for those purposes,they may be retained until the proceedings are concluded.
- (8) An appropriate officer may retain documents under sub-paragraph (7) only if the officer is a senior officer or is authorised to do so by a senior officer.

### *Applications*

- 4 An application for a disclosure order may be made without notice to a judge in chambers.

### *Discharge or variation*

- 5 (1) An application to discharge or vary a disclosure order may be made to the Crown Court by—

- (a) the person who applied for the order;
  - (b) any person affected by the order.
- (2) If the application for the disclosure order was made by a constable, an application to discharge or vary the order may be made by a different constable.
- (3) If the application for the disclosure order was made by a National Crime Agency officer, an application to discharge or vary the order may be made by a different National Crime Agency officer.
- (4) An appropriate officer may not make an application to discharge or vary a disclosure order unless the officer is a senior officer or is authorised to do so by a senior officer.
- (5) The Crown Court may—
  - (a) discharge the order;
  - (b) vary the order.

#### *Rules of court*

- 6 Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to disclosure orders.

#### *Offences*

- 7 (1) A person commits an offence if without reasonable excuse the person fails to comply with a requirement imposed under a disclosure order.
- (2) A person guilty of an offence under sub-paragraph (1) is liable—
  - (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both);
  - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- (3) A person commits an offence if, in purported compliance with a requirement imposed under a disclosure order, the person—
  - (a) makes a statement which the person knows to be false or misleading in a material particular, or
  - (b) recklessly makes a statement which is false or misleading in a material particular.
- (4) A person guilty of an offence under sub-paragraph (3) is liable—
  - (a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or a fine (or both);
  - (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding the general limit in a magistrates' court or a fine (or both);
  - (c) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding the statutory maximum (or both).

*Statements*

- 8 (1) A statement made by a person in response to a requirement imposed under a disclosure order may not be used in evidence against that person in criminal proceedings.
- (2) Sub-paragraph (1) does not apply on a prosecution for—
- (a) an offence under paragraph 7(3),
  - (b) an offence under section 5 of the Perjury Act 1911 or Article 10 of the Perjury (Northern Ireland) Order 1979 (S.I. 1979/1714 (N.I. 19)) (false statements), or
  - (c) some other offence where, in giving evidence, the person makes a statement inconsistent with the statement mentioned in sub-paragraph (1).
- (3) A statement may not be used against a person by virtue of sub-paragraph (2)(c) unless—
- (a) evidence relating to it is adduced, or
  - (b) a question relating to it is asked,
- by or on behalf of the person in the proceedings arising out of the prosecution.

*Interpretation*

- 9 (1) This paragraph applies for the interpretation of this Part of this Schedule.
- (2) “Disclosure order” has the meaning given by paragraph 2.
- (3) “Judge” means—
- (a) in relation to England and Wales, a judge entitled to exercise the jurisdiction of the Crown Court;
  - (b) in relation to Northern Ireland, a judge of the Crown Court.
- (4) “Senior officer” means—
- (a) a constable of at least the rank of superintendent;
  - (b) the Director General of the National Crime Agency or any other National Crime Agency officer authorised by the Director General (whether generally or specifically) for this purpose.
- (5) “Document” means anything in which information of any description is recorded.
- (6) “Excluded material”—
- (a) in relation to England and Wales, has the same meaning as in the Police and Criminal Evidence Act 1984;
  - (b) in relation to Northern Ireland, has the same meaning as in the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)).
- (7) The terms defined in paragraph 1 have the meanings given in that paragraph.

**PART 2**

## SCOTLAND

*Introductory*

- 10 (1) This Part of this Schedule applies in Scotland.
- (2) In this Part of this Schedule “relevant investigation” and “relevant property” have the same meaning as in Part 1 of this Schedule.

*Disclosure orders*

- 11 (1) The Lord Advocate may apply to the High Court of Justiciary for a disclosure order.
- (2) The application must state that a person or property specified in the application is subject to a relevant investigation and the order is sought for the purposes of the investigation.
- (3) The court may grant the application if satisfied that conditions 1 to 3 are met.
- (4) Condition 1 is that there are reasonable grounds for suspecting that the property specified in the application is relevant property.
- (5) Condition 2 is that there are reasonable grounds for believing that information which may be provided in compliance with a requirement imposed under the order is likely to be of substantial value, whether by itself or with other information, to the investigation.
- (6) Condition 3 is that there are reasonable grounds for believing that it is in the public interest for the information to be provided, having regard to the benefit likely to accrue to the investigation if the information is obtained.
- (7) A disclosure order is an order authorising the Lord Advocate to give to any person the Lord Advocate considers has relevant information notice in writing requiring the person to do any or all of the following with respect to any matter relevant to the investigation—
- (a) answer questions, either at a time specified in the notice or at once, at a place so specified;
  - (b) provide information specified in the notice, by a time and in a manner so specified;
  - (c) produce documents, or documents of a description, specified in the notice, either at or by a time so specified or at once, and in a manner so specified.
- (8) “Relevant information” means information (whether or not contained in a document) which the Lord Advocate considers to be relevant to the investigation.
- (9) A person is not bound to comply with a requirement imposed by a notice given under a disclosure order unless evidence of authority to give the notice is produced.

*Supplementary provision*

- 12 (1) A disclosure order does not confer the right to require a person—
- (a) to answer any question,
  - (b) to provide any information, or
  - (c) to produce any document,
- which the person would be entitled to refuse to answer, provide or produce in legal proceedings on grounds of confidentiality of communications.
- (2) A disclosure order has effect despite any obligation as to secrecy or other restriction on the disclosure of information imposed by an enactment or otherwise.
- (3) The Lord Advocate may take copies of any documents produced in compliance with a requirement to produce them imposed under a disclosure order.
- (4) The documents may be retained for so long as it is necessary to retain them (as opposed to a copy of them) in connection with the investigation for the purposes of which the order was made.
- (5) But if the Lord Advocate has reasonable grounds for believing that—
- (a) the documents may need to be produced for the purposes of any legal proceedings, and
  - (b) they might otherwise be unavailable for those purposes,
- they may be retained until the proceedings are concluded.

*Applications*

- 13 An application for a disclosure order may be made without notice to a judge of the High Court of Justiciary.

*Discharge or variation*

- 14 (1) An application to discharge or vary a disclosure order may be made to the High Court of Justiciary by—
- (a) the Lord Advocate;
  - (b) any person affected by the order.
- (2) The High Court of Justiciary may—
- (a) discharge the order;
  - (b) vary the order.

*Rules of court*

- 15 (1) Provision may be made in rules of court as to the discharge and variation of disclosure orders.
- (2) Rules of court are, without prejudice to section 305 of the Criminal Procedure (Scotland) Act 1995, to be made by act of adjournal.

*Offences*

- 16 (1) A person commits an offence if without reasonable excuse the person fails to comply with a requirement imposed under a disclosure order.
- (2) A person guilty of an offence under sub-paragraph (1) is liable on summary conviction to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).
- (3) A person commits an offence if, in purported compliance with a requirement imposed under a disclosure order, the person—
- (a) makes a statement which the person knows to be false or misleading in a material particular, or
  - (b) recklessly makes a statement which is false or misleading in a material particular.
- (4) A person guilty of an offence under sub-paragraph (3) is liable—
- (a) on conviction on indictment, to imprisonment for a term not exceeding two years or a fine (or both);
  - (b) on summary conviction, to imprisonment for a term not exceeding 12 months or a fine not exceeding the statutory maximum (or both).

*Statements*

- 17 (1) A statement made by a person in response to a requirement imposed under a disclosure order may not be used in evidence against that person in criminal proceedings.
- (2) Sub-paragraph (1) does not apply on a prosecution for—
- (a) an offence under paragraph 16(3),
  - (b) perjury, or
  - (c) some other offence where, in giving evidence, the person makes a statement inconsistent with the statement mentioned in sub-paragraph (1).
- (3) A statement may not be used against a person by virtue of sub-paragraph (2)(c) unless—
- (a) evidence relating to it is adduced, or
  - (b) a question relating to it is asked,
- by or on behalf of the person in the proceedings arising out of the prosecution.

*Interpretation*

- 18 (1) This paragraph applies for the interpretation of this Part of this Schedule.
- (2) "Disclosure order" has the meaning given by paragraph 11.
- (3) "Document" means anything in which information of any description is recorded."

**Member's explanatory statement**

This new Schedule provides for disclosure orders to be made. These orders authorise constables and NCA officers (the Lord Advocate in Scotland) to require information for the purpose of relevant investigations as defined in paragraph 1 of the Schedule.

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Tom Tugendhat

Gov NS2

To move the following Schedule—

“SCHEDULE

CUSTOMER INFORMATION ORDERS

*Customer information orders*

- 1 (1) An appropriate officer may apply to a judge for a customer information order.
- (2) The judge may grant the application if satisfied that—
  - (a) the order is sought for the purposes of an investigation into foreign power threat activity, and
  - (b) the order will enhance the effectiveness of the investigation.
- (3) “Appropriate officer” means—
  - (a) in relation to England and Wales or Northern Ireland, a constable or a National Crime Agency officer;
  - (b) in relation to Scotland, the procurator fiscal.
- (4) The application must state that—
  - (a) a person specified in the application is subject to an investigation within sub-paragraph (2)(a) and the order is sought for the purposes of the investigation;
  - (b) the order is sought against the financial institution or financial institutions specified in the application.
- (5) The application may specify—
  - (a) all financial institutions,
  - (b) a particular description, or particular descriptions, of financial institutions, or
  - (c) a particular financial institution or particular financial institutions.
- (6) A customer information order is an order authorising an appropriate officer to give to a financial institution covered by the application notice in writing requiring it to provide any customer information it has relating to the person specified in the application.
- (7) The financial institution must provide the information at or by the time, and in a manner, specified in the notice.
- (8) A financial institution is not bound to comply with a requirement imposed by a notice given under a customer information order unless evidence of authority to give the notice is produced.

- (9) An appropriate officer may not make an application under this paragraph unless the officer is a senior officer or is authorised to do so by a senior officer.
- (10) Sub-paragraph (9) does not apply in relation to Scotland.

#### *Supplementary provision*

- 2 A customer information order has effect despite any obligation as to secrecy or other restriction on the disclosure of information imposed by an enactment or otherwise.

#### *Applications*

- 3 An application for a customer information order may be made without notice to a judge in chambers.

#### *Discharge or variation*

- 4 (1) An application to discharge or vary a customer information order may be made to the court by—
- (a) the person who applied for the order;
  - (b) any person affected by the order.
- (2) If the application for the customer information order was made by a constable, an application to discharge or vary the order may be made by a different constable.
- (3) If the application for the customer information order was made by a National Crime Agency officer, an application to discharge or vary the order may be made by a different National Crime Agency officer.
- (4) An appropriate officer may not make an application under this paragraph unless the officer is a senior officer or is authorised to do so by a senior officer.
- (5) Sub-paragraph (4) does not apply in relation to Scotland.
- (6) The court may—
- (a) discharge the order;
  - (b) vary the order.

#### *Rules of court*

- 5 (1) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to customer information orders.
- (2) In Scotland rules of court are, without prejudice to section 305 of the Criminal Procedure (Scotland) Act 1995, to be made by act of adjournal.



*Offences*

- 6 (1) A person commits an offence if without reasonable excuse the person fails to comply with a requirement imposed under a customer information order.
- (2) A person guilty of an offence under sub-paragraph (1) is liable—
- (a) on summary conviction in England and Wales, to imprisonment for a term not exceeding the maximum term for summary offences or a fine (or both);
  - (b) on summary conviction in Northern Ireland, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both);
  - (c) on summary conviction in Scotland, to imprisonment for a term not exceeding 6 months or a fine not exceeding level 5 on the standard scale (or both).

*Statements*

- 7 (1) A statement made by a person in response to a requirement imposed under a customer information order may not be used in evidence against them in criminal proceedings.
- (2) Sub-paragraph (1) does not apply on a prosecution for an offence where, in giving evidence, the person makes a statement inconsistent with the statement mentioned in sub-paragraph (1).
- (3) A statement may not be used against a person by virtue of sub-paragraph (2) unless—
- (a) evidence relating to it is adduced, or
  - (b) a question relating to it is asked,
- by or on behalf of the person in the proceedings arising out of the prosecution.

*Interpretation*

- 8 (1) This paragraph applies for the interpretation of this Schedule.
- (2) "Appropriate officer" has the meaning given by paragraph 1(3).
- (3) "The court" means—
- (a) in relation to England and Wales or Northern Ireland, the Crown Court;
  - (b) in relation to Scotland, the sheriff.
- (4) "Customer information"—
- (a) in relation to England and Wales or Northern Ireland, has the meaning given by section 364 of the Proceeds of Crime Act 2002;
  - (b) in relation to Scotland, has the meaning given by section 398 of that Act.
- (5) "Financial institution" has the same meaning as in Schedule 6 to the Terrorism Act 2000 (see paragraph 6 of that Schedule).
- (6) "Judge" means—

- (a) in relation to England and Wales, a judge entitled to exercise the jurisdiction of the Crown Court;
  - (b) in relation to Northern Ireland, a judge of the Crown Court;
  - (c) in relation to Scotland, the sheriff.
- (7) “Senior officer” means—
- (a) a constable of at least the rank of superintendent;
  - (b) the Director General of the National Crime Agency or any other National Crime Agency officer authorised by the Director General (whether generally or specifically) for this purpose.”

#### Member's explanatory statement

This new Schedule provides for customer information orders to be made. These orders authorise constables and NCA officers (the procurator fiscal in Scotland) to obtain customer information from financial institutions.

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Tom Tugendhat

Gov NS3

To move the following Schedule—

#### “SCHEDULE

##### ACCOUNT MONITORING ORDERS

#### *Account monitoring orders*

- 1 (1) An appropriate officer may apply to a judge for an account monitoring order.
- (2) The judge may grant the application if satisfied that—
- (a) the order is sought for the purposes of an investigation into foreign power threat activity, and
  - (b) the order will enhance the effectiveness of the investigation.
- (3) “Appropriate officer” means—
- (a) in relation to England and Wales or Northern Ireland, a constable or a National Crime Agency officer;
  - (b) in relation to Scotland, the procurator fiscal.
- (4) The application must state that the order is sought against the financial institution specified in the application in relation to information which—
- (a) relates to an account or accounts held at the institution by the person specified in the application (whether solely or jointly with another), and
  - (b) is of the description so specified.
- (5) The application may specify information relating to—
- (a) all accounts held by the person specified in the application at the financial institution so specified,

- (b) a particular description, or particular descriptions, of accounts so held, or
  - (c) a particular account, or particular accounts, so held.
- (6) An account monitoring order is an order that the financial institution specified in the application must—
- (a) for the period specified in the order,
  - (b) in the manner so specified,
  - (c) at or by the time or times so specified, and
  - (d) at the place or places so specified,
- provide information of the description specified in the application to an appropriate officer.
- (7) The period stated in an account monitoring order must not exceed the period of 90 days beginning with the day on which the order is made.

### *Applications*

- 2 An application for an account monitoring order may be made without notice to a judge in chambers.

### *Discharge or variation*

- 3 (1) An application to discharge or vary an account monitoring order may be made to the court by—
- (a) the person who applied for the order;
  - (b) any person affected by the order.
- (2) If the application for the account monitoring order was made by a constable, an application to discharge or vary the order may be made by a different constable.
- (3) If the application for the account monitoring order was made by a National Crime Agency officer, an application to discharge or vary the order may be made by a different National Crime Agency officer.
- (4) The court may—
- (a) discharge the order;
  - (b) vary the order.

### *Rules of court*

- 4 (1) Rules of court may make provision as to the practice and procedure to be followed in connection with proceedings relating to account monitoring orders.
- (2) In Scotland rules of court are, without prejudice to section 305 of the Criminal Procedure (Scotland) Act 1995, to be made by act of adjournal.

### *Effect of orders*

- 5 (1) In England and Wales and Northern Ireland, an account monitoring order has effect as if it were an order of the court.

- (2) An account monitoring order has effect in spite of any obligation as to secrecy or other restriction on the disclosure of information imposed by an enactment or otherwise.

### *Statements*

- 6 (1) A statement made by a person in response to an account monitoring order may not be used in evidence against them in criminal proceedings.
- (2) But sub-paragraph (1) does not apply—
- (a) in the case of proceedings for contempt of court;
  - (b) on a prosecution for an offence where, in giving evidence, the person makes a statement inconsistent with the statement mentioned in sub-paragraph (1).
- (3) A statement may not be used against a person by virtue of sub-paragraph (2)(b) unless—
- (a) evidence relating to it is adduced, or
  - (b) a question relating to it is asked,
- by or on behalf of the person in the proceedings arising out of the prosecution.

### *Interpretation*

- 7 (1) This paragraph applies for the interpretation of this Schedule.
- (2) "Appropriate officer" has the meaning given by paragraph 1(3).
- (3) "The court" means—
- (a) in relation to England and Wales or Northern Ireland, the Crown Court;
  - (b) in relation to Scotland, the sheriff.
- (4) "Financial institution" has the same meaning as in Schedule 6 to the Terrorism Act 2000 (see paragraph 6 of that Schedule).
- (5) "Judge" means—
- (a) in relation to England and Wales, a judge entitled to exercise the jurisdiction of the Crown Court;
  - (b) in relation to Northern Ireland, a judge of the Crown Court;
  - (c) in relation to Scotland, the sheriff."

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

This new Schedule provides for account monitoring orders to be made. These orders may require financial institutions to provide specified information relating to accounts.

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**Tom Tugendhat**

**Gov 66**

Title, line 3, after "2007;" insert "for the registration of certain arrangements with, and activities of, specified persons and foreign principals;"

**Member's explanatory statement**

This amendment amends the long title to add a reference to the registration scheme.

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**Order of the House**

[6 June 2022, as amended 22 September 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 18 October 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.
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**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.