
Report Stage: Friday 11 November 2022

National Security Bill, As Amended

(Amendment Paper)

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 Any withdrawn amendments are listed at the end of the document.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

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

Secretary Suella Braverman

Gov NC9

☆ To move the following Clause—

“Use of reasonable force

- (1) A power conferred on a constable by virtue of this Part—
 - (a) is additional to powers which the constable has at common law or by virtue of any other enactment, and
 - (b) is not to be taken as affecting those powers.
- (2) A constable may if necessary use reasonable force for the purpose of exercising a power conferred on the constable by virtue of this Part.”

Member's explanatory statement

This new clause confers on a constable the power to use reasonable force when exercising a power conferred on the constable by virtue of Part 1.

Chris Bryant

NC1

Dame Margaret Hodge

Liam Byrne

Bob Seely

Dame Diana Johnson

Mr David Davis

Stewart Malcolm McDonald

To move the following Clause—

“Offence of failing to declare participation in arrangement required to be registered

- (1) A person who carries out an activity, or arranges for an activity to be carried out, in the United Kingdom pursuant to—
 - (a) a foreign activity arrangement required to be registered under section 61(1), or
 - (b) a foreign influence arrangement required to be registered under section 64(1)
 must declare that they are party to the arrangement, when making a communication to those in section 65(2)(a)(i) to (vi).
- (2) A person who breaches the requirement in subsection (1) commits an offence.”

Member's explanatory statement

This new clause makes it an offence for a person to engage in activity pursuant to a foreign activity or foreign influence arrangement which is required to be registered, if the person does not declare that they are party to the arrangement when communicating with those in section 65(2)(a)(i) to (vi).

Chris Bryant

NC2

Mr David Davis

To move the following Clause—

“Offence of carrying out activities under a foreign activity arrangements: Disqualification from Parliament

- (1) A person who is a Member of the House of Commons or the House of Lords 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, and
 - (b) the persons knows, or ought reasonably to know, that they are acting under the direction of a specified person.
- (2) A person who is found guilty of an offence under subsection (1), and is a Member of the House of Commons, is disqualified from membership of the House of Commons.
- (3) A person who is found guilty of an offence under subsection (1), and is a Member of the House of Lords, is disqualified from sitting or voting in the House of Lords, and sitting or voting in a committee of the House of Lords or a joint committee of both Houses.
- (4) In this section, “foreign activity arrangement” has the same meaning as in section 61(2).”

Member's explanatory statement

This new clause would automatically disbar Members of the House of Commons and Lords who are found guilty of engaging in an activity pursuant to a foreign activity arrangement, where the person knows, or ought reasonably to know, that they are acting under the direction of a specified person.

Holly Lynch**NC3**Jess Phillips
Yvette Cooper

To move the following Clause—

“Reviews of Parts 1, 4 and 5

- (1) The operation of Parts 1, 4 and 5 of this Act must be reviewed by a person, or people, appointed by the Secretary of State.
- (2) The operation of Part 4 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 5 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**NC4**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.”

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

NC6

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.”

Joanna Cherry

NC7

☆ To move the following Clause—

“Requirement to inform public of prohibited places

The Secretary of State must by regulations make provision so as to ensure that the public are given sufficient notice—

- (a) that a location is a prohibited place within the meaning of section 7;
- (b) of the circumstances in which an offence may be committed under sections 4 to 6 in respect of that prohibited place.”

Member's explanatory statement

This new clause would place an obligation on the Secretary of State to make regulations providing for the public to be given notice of prohibited places and the conduct which would amount to a criminal offence in relation to them.

Mr Kevan Jones

NC8

Joanna Cherry
Mr Alistair Carmichael
Sir Robert Buckland

☆ 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.”

Mr Alistair Carmichael

NC10

Layla Moran
Richard Foord

☆ To move the following Clause—

“Independence of the Intelligence and Security Committee

- (1) The Justice and Security Act 2013 is amended as follows.
- (2) In section 1(4), leave out paragraph (a).

- (3) In section 1, leave out subsections (5) and (7).
- (4) In section 1(3), after “drawn” insert “, following an open election under arrangements put in place and overseen by the Speaker and Lord Speaker (as applicable)”.
- (5) In section 3, leave out subsection (4) and insert—
- “(4) The ISC must consult the Prime Minister on the contents of any report to Parliament, and consider any representations made by the Prime Minister that matter in the report may be prejudicial to the continued discharge of the functions of the Security Service, the Secret Intelligence Service, the Government Communications Headquarters or any person carrying out activities falling within section 2(2).”

Mr Alistair Carmichael

NC11

Layla Moran
Richard Foord

☆ To move the following Clause—

“Home Office review of the Tier 1 (Investor) visa scheme

Within two weeks of the passage of this Act, the Secretary of State must publish any findings of the Home Office review of the Tier 1 (Investor) visa scheme which relate to foreign influence activity.”

Mr Alistair Carmichael

NC12

Layla Moran
Richard Foord

☆ To move the following Clause—

“Report on actions taken in response to the ISC report on Russia

Within six months of the passage of this Act, the Secretary of State must lay before Parliament a report on the effect of the action taken by the Government in response to the recommendations of the report of the Intelligence and Security Committee of Parliament on Russia (HC 632 of Session 2019–21).”

Mr Alistair Carmichael

NC13

Layla Moran
Richard Foord

☆ To move the following Clause—

“Ministerial appointments: official advice

- (1) The Cabinet Secretary must publish a memorandum in respect of any ministerial appointments made by the Prime Minister, where advice or concerns were communicated to the Prime Minister by civil servants that the appointment may be counter to the safety or interests of the United Kingdom.
- (2) A memorandum under this section must set out that advice or concerns were communicated to the Prime Minister by civil servants, and in respect of which ministerial appointments.
- (3) A memorandum under this section may not include details of the advice or concerns, where the Cabinet Secretary considers that inclusion of those details may be prejudicial to the safety or interests of the United Kingdom.”

Mr Alistair Carmichael

NC14

Layla Moran
Richard Foord

☆ To move the following Clause—

“Report requirement: Protecting democratic institutions and processes

- (1) The Secretary of State must lay before Parliament a report, as soon as practicable after the end of—
 - (a) the period of 12 months beginning with the day on which this Act is passed, and
 - (b) every subsequent 12-month period, on his assessment of the impact sections 13 and 14 of this Act have had on protecting the integrity of the UK’s democratic processes.
- (2) In this section “democratic processes” includes local democracy.”

Stuart C McDonald

116

Stewart Hosie
Owen Thompson

☆ Clause 1, page 1, line 10, after “safety or” insert “critical”

Member's explanatory statement

This amendment seeks to clarify the tests to be met before the offence of obtaining or disclosing protected information is committed.

Joanna Cherry

17

- ☆ Clause 1, page 1, line 15, after “article” insert “with a Government Security Classification of Secret or Top Secret”

Member's explanatory statement

This amendment would confine the offence of obtaining or disclosing protected information to information that has been classified as secret or top secret (rather than to all information access to which is restricted in any way).

Joanna Cherry

18

- ☆ Clause 2, page 2, line 18, at end insert “(ca) the person’s conduct is prejudicial to the safety or interests of the United Kingdom, and”

Member's explanatory statement

This amendment would narrow the scope of the offence of obtaining or disclosing trade secrets so that it applies only to trade secrets that would prejudice the safety or interests of the UK.

Stuart C McDonald

117

Stewart Hosie
Owen Thompson

- ☆ Clause 2, page 3, line 1, after “national” insert “, a UK resident, or a person in the employment of a UK person as defined in paragraphs (b) or (c)”

Secretary Suella Braverman

Gov 40

- ☆ Clause 2, page 3, line 1, at end insert—

“(aa) an individual who lives in the United Kingdom;”

Member's explanatory statement

This amendment extends the definition of “UK person” to include a person who lives in the UK.

Secretary Suella Braverman

Gov 41

- ☆ Clause 3, page 3, line 24, leave out “of a kind”

Member's explanatory statement

This amendment and Amendment 42 narrow the circumstances in which an offence is committed under clause 3(2).

Secretary Suella Braverman

Gov 42

- ☆ Clause 3, page 3, line 27, leave out “the conduct is of that kind” and insert “it is reasonably possible their conduct may materially assist a foreign intelligence service in carrying out UK-related activities”

Member's explanatory statement

This amendment and Amendment 41 narrow the circumstances in which an offence is committed under clause 3(2).

Joanna Cherry

19

- ☆ Clause 3, page 3, line 32, after “Kingdom” insert “which are prejudicial to the safety or interests of the United Kingdom”

Member's explanatory statement

This amendment would narrow the scope of the offence of assisting a foreign intelligence service in respect of activities within the UK so that it applies only to assistance that would prejudice the safety or interests of the UK (rather than to assistance of any kind).

Secretary Suella Braverman

Gov 43

- ☆ Clause 3, page 4, line 7, at end insert “which is not a legal obligation under private law”

Member's explanatory statement

This amendment prevents the exemption in clause 3(7) from applying where a person is acting in compliance with a private law obligation (e.g. a contract).

Stuart C McDonald

119

Stewart Hosie
Owen Thompson

- ☆ Clause 3, page 4, after line 7, at end insert—

“(aa) with the knowledge and consent of the UK security and intelligence services,”

Member's explanatory statement

This amendment would clarify that activities undertaken with the knowledge and consent of the UK security and intelligence services would not constitute a criminal offence under this clause alone.

Stuart C McDonald

120

Stewart Hosie
Owen Thompson

☆ Clause 4, page 5, line 17, at end insert—

“(7) No offence is committed under (1) if the conduct is for the purposes of protest, unless the conduct is prejudicial to the safety of the United Kingdom.”

Member's explanatory statement

This amendment would restrict the circumstances in which access to a prohibited place for the purposes of protest would amount to an offence under this clause.

Joanna Cherry

20

☆ Clause 5, page 5, line 25, at end insert—

“(ba) the conduct is prejudicial to the safety or interests of the United Kingdom,”

Member's explanatory statement

This amendment would confine the offence of unauthorised entry etc to a prohibited place so that it applies only to entry etc that is prejudicial to the safety or interests of the UK.

Joanna Cherry

21

☆ Clause 6, page 6, line 17, leave out paragraph (c)

Member's explanatory statement

This amendment would remove the power of the police to order a person to leave an area “adjacent to” a prohibited place.

Joanna Cherry

22

☆ Clause 6, page 6, line 28, after “(2)” insert “, (a)”

Member's explanatory statement

This amendment is consequential on Amendment 23.

Joanna Cherry

23

☆ Clause 6, page 6, line 30, after “Kingdom” insert “, and (b) without prior authorisation by an officer of at least the rank of Inspector, unless obtaining that authorisation is not reasonably practicable”

Member's explanatory statement

This amendment would impose a requirement that a police officer obtains authorisation from a more senior officer before exercising powers under clause 6.

Joanna Cherry

24

- ☆ Clause 6, page 6, line 32 at end insert “which was necessary to protect the safety or interests of the United Kingdom and proportionate to that aim.”

Member's explanatory statement

This amendment would narrow the offence of failing to comply with an order made by a police constable in relation to a prohibited place so that it applies only to an order that was necessary and proportionate to protecting the safety or interests of the UK.

Joanna Cherry

25

- ☆ Clause 7, page 6, line 37, after “means” insert “a place, entry to which could pose a risk to the safety or interests of the United Kingdom, and which is”

Member's explanatory statement

This amendment would narrow the definition of prohibited place so that it applies only to locations relevant to the safety and interests of the United Kingdom (rather than any Ministry of Defence land).

Secretary Suella Braverman

Gov 44

- ☆ Clause 7, page 7, line 10, leave out “place” and insert “land or building”

Member's explanatory statement

This amendment substitutes a reference in the definition of “prohibited place” to a “place” with a reference to “land or building”.

Secretary Suella Braverman

Gov 45

- ☆ Clause 7, page 7, line 41, leave out second “land” and insert “any land or building”

Member's explanatory statement

This amendment provides that “Crown land” includes a reference to any land or building in which there is a Crown interest or a Duchy interest.

Stuart C McDonald

121

Stewart Hosie
Owen Thompson

- ☆ Clause 8, page 8, line 21, leave out “or interests”

Member's explanatory statement

This amendment would restrict the power to designate additional prohibited places by regulation to where it was necessary to protect the safety of the United Kingdom.

Joanna Cherry

26

- ☆ Clause 11, page 10, line 8, leave out paragraph (c)

Secretary Suella Braverman

Gov 46

- ☆ Clause 13, page 12, line 3, leave out “England and Wales” and insert “any part of the United Kingdom”

Member's explanatory statement

This amendment amends clause 13(4) to catch offences outside the UK that would constitute an offence in any part of the UK, not just in England and Wales.

Secretary Suella Braverman

Gov 47

- ☆ Clause 15, page 14, line 30, at end insert “which is not a legal obligation under private law”

Member's explanatory statement

This amendment prevents the exemption in clause 15(8) from applying where a person is acting in compliance with a private law obligation (e.g. a contract).

Mr David Davis

14

Dan Jarvis
Joanna Cherry
Dame Meg Hillier

Page 20, line 35, leave out Clause 27

Secretary Suella Braverman

Gov 48

- ☆ Clause 28, page 21, line 20, leave out “the financial or other assistance of” and insert “financial or other assistance provided by”

Member's explanatory statement

This amendment and Amendment 49 clarify that for the foreign power condition to be satisfied in relation to a person’s conduct by virtue of financial or other assistance, there must be a link between the conduct and the financial or other assistance.

Secretary Suella Braverman

Gov 49

- ☆ Clause 28, page 21, line 21, after “power” insert “for that purpose”

Member's explanatory statement

See the explanatory statement for Amendment 48.

Stuart C McDonald

124

Stewart Hosie
Owen Thompson

☆ Clause 28, page 21, line 23, at end insert—

“(2A) However, the conduct in question, or a course of conduct of which it forms part, is not to be treated as carried out for or on behalf of a foreign power if financial or other assistance of a foreign power under (2)(c) is provided otherwise than specifically for the conduct or course of conduct.”

Member's explanatory statement

This amendment ensures that organisations that receive funding from foreign powers are not guilty of offences under this act if that funding was not for the conduct or course of conduct that would otherwise amount to the offence.

Joanna Cherry

30

☆ Clause 30, page 22, line 40, leave out paragraph (c)

Member's explanatory statement

This amendment would narrow the definition of foreign power threat activity to remove giving support and assistance (including that unrelated to espionage activity) to a person known or believed to be involved in offences under the Bill (but would retain conduct which facilitates or is intended to facilitate such offending).

Secretary Suella Braverman

Gov 50

☆ Clause 30, page 23, line 12, at end insert—

“(vii) section 15(1) (obtaining material benefits from a foreign intelligence service);”

Member's explanatory statement

This amendment amends the definition of foreign power threat activity to include the offence in section 15(1), which was added to the Bill at committee.

Stuart C McDonald

118

Stewart Hosie
Owen Thompson

☆ Clause 31, page 23, line 25, at end insert—

““critical interests of the United Kingdom” include security and intelligence, defence, international relations, law and order, public health and economic interests;”

Member's explanatory statement

This amendment seeks to clarify the tests to be met before the offence of obtaining or disclosing protected information is committed.

Stuart C McDonald

125

Stewart Hosie
Owen Thompson

- ☆ Clause 37, page 26, line 25, leave out “reasonably believes” and insert “believes on the balance of probabilities”

Member's explanatory statement

This amendment would apply the usual civil standard of proof in relation to decision to impose Prevention and Investigation Measures.

Stuart C McDonald

126

Stewart Hosie
Owen Thompson

- ☆ Clause 38, page 27, line 35, leave out “four” and insert “two”

Member's explanatory statement

This amendment would mean the Secretary of State could seek to extend a part 2 notice on two occasions rather than four.

Joanna Cherry

31

- ☆ Clause 43, page 30, line 21, leave out from beginning to “before” and insert “The chief officer of the appropriate police force must confirm to the Secretary of State that the condition in subsection (2) is satisfied before”

Member's explanatory statement

This amendment, together with amendments 16 to 18, would require the Secretary of State to receive confirmation from the police that prosecution is not realistic before imposing a PIM, rather than requiring only a consultation on the subject.

Joanna Cherry

33

- ☆ Clause 43, page 30, line 28, leave out “The matter is whether there is” and insert “The condition is that there is not”

Joanna Cherry

34

- ☆ Clause 43, page 31, line 14, leave out “responding to consultation” and insert “providing confirmation”

Joanna Cherry

32

- ☆ Clause 43, page 31, line 26, leave out “(1) or”

Joanna Cherry

35

- ☆ Clause 53, page 38, line 13, leave out “this Part” and insert “Part 1 and Part 2”

Member's explanatory statement

This amendment would extend the review function of the Independent Reviewer to cover Part 1 of the Bill in addition to Part 2.

Holly Lynch

3

Jess Phillips
Yvette Cooper

Clause 58, page 41, line 8, at end insert—

- “(2) Within three months of the passing of this Act, the Secretary of State must publish a statement setting out how the Secretary of State intends to exercise the power under this section. The statement must include a list of illustrative examples of the kinds of contracts or other arrangements this power relates to.”

Secretary Suella Braverman

Gov 61

- ☆ Clause 61, page 43, line 15, leave out from beginning to “must” and insert “Where P makes a foreign activity arrangement, P”

Member's explanatory statement

This amendment clarifies that only P is required to register a foreign activity arrangement.

Secretary Suella Braverman

Gov 62

- ☆ Clause 61, page 43, line 18, leave out “with” and insert “between a person (“P”) and”

Member's explanatory statement

This amendment clarifies the meaning of “foreign activity arrangement”.

Secretary Suella Braverman

Gov

- ☆ That subsection (2) of Clause 61 be transferred to the end of line 14 on page 43.

Member's explanatory statement

This amendment moves the definition of "foreign activity arrangement" to the beginning of clause 61.

Stuart C McDonald

130

Stewart Hosie
Owen Thompson

- ☆ Clause 61, page 43, line 19, after "P" insert ", whether directly or through intermediaries"

Member's explanatory statement

This amendment would make clear that those making a foreign activity arrangement via intermediaries, would be required to register the arrangement.

Secretary Suella Braverman

Gov 63

- ☆ Clause 61, page 43, line 30, leave out subsections (5) and (6) and insert—

"(5) Schedule (*Control of a person by a foreign power*) makes provision about when a person is controlled by a foreign power."

Member's explanatory statement

This amendment makes provision introducing Schedule (*Control of a person by a foreign power*).

Secretary Suella Braverman

Gov 64

- ☆ Clause 61, page 44, line 16, leave out subsection (8)

Member's explanatory statement

This amendment is consequential on NS2 and Amendment 94.

Secretary Suella Braverman

Gov 65

- ☆ Clause 61, page 44, line 18, leave out "subsection (1)" and insert "section 61(1)"

Member's explanatory statement

This amendment is consequential on the motion to divide clause 61.

Secretary Suella Braverman

Gov

- ☆ That Clause 61 be divided into two clauses, the first (*Requirement to register foreign activity arrangements*) consisting of subsections (1), (2), and (10) and the second (*Meaning of "specified person"*) consisting of subsections (3) to (5), (7) and (9).

Member's explanatory statement

This amendment moves the provisions about specified persons to a separate clause.

Secretary Suella Braverman

Gov 66

- ☆ Clause 62, page 44, line 28, after "person" insert "(whether P or another person)"

Member's explanatory statement

This amendment makes clear that an offence under clause 62 may be committed by persons other than the person who entered into the foreign activity arrangement.

Secretary Suella Braverman

Gov 67

- ☆ Clause 62, page 44, line 34, at end insert—

"(1A) "P" has the same meaning as in section 61."

Member's explanatory statement

This amendment defines the reference to P inserted by Amendment 66.

Secretary Suella Braverman

Gov 68

- ☆ Clause 62, page 44, line 35, leave out subsection (2)

Member's explanatory statement

This amendment is consequential on NS2 and Amendment 94.

Secretary Suella Braverman

Gov 69

- ☆ Clause 63, page 44, line 37, after "person" insert "who is not a foreign power"

Member's explanatory statement

This amendment provides that subsection (1) does not apply to a specified person who is a foreign power. It is related to Amendment 71.

Secretary Suella Braverman

Gov 70

- ☆ Clause 63, page 44, line 38, leave out “activities are registered” and insert “specified person has registered the activities”

Member's explanatory statement

This amendment clarifies that it is the specified person that is required to register the activities with the Secretary of State.

Secretary Suella Braverman

Gov 71

- ☆ Clause 63, page 44, line 39, leave out subsections (2) and (3) and insert—

- “(2) A person who holds office in or under, or is an employee or other member of staff of, a specified person who is not a foreign power, must not carry out activities in the United Kingdom in that capacity unless the specified person has registered the activities with the Secretary of State.
- (3) A person who holds office in or under, or is an employee or other member of staff of, a specified person who is a foreign power must not carry out activities in the United Kingdom in that capacity if or to the extent that—
- (a) the person makes a misrepresentation about their activities or the capacity in which they act (whether generally or to a particular person), and
 - (b) the specified person has not registered the person’s activities with the Secretary of State.
- (4) A misrepresentation is a representation that a reasonable person would consider to be false or misleading in a material way.
- (5) A misrepresentation may be made by making a statement or by any other kind of conduct (including an omission), and may be express or implied.
- (6) A misrepresentation may in particular include—
- (a) a misrepresentation as to the person’s identity or purpose;
 - (b) presenting information in a way which amounts to a misrepresentation, even if some or all of the information is true.
- (7) A person who breaches a prohibition in subsection (1) or (2) commits an offence if the person knows, or ought reasonably to know, that the activities in question are not registered with the Secretary of State.
- (8) A person who breaches a prohibition in subsection (3) commits an offence if the person knows, or ought reasonably to know, that paragraph (a) or (b) of that subsection applies.”

Member's explanatory statement

This amendment makes provision about the circumstances in which office holders and employees of specified persons are prohibited from carrying out unregistered activities.

Secretary Suella Braverman

Gov 72

- ☆ Clause 64, page 45, line 8, leave out “A person who makes a foreign influence arrangement” and insert “Where P makes a foreign influence arrangement, P”

Member's explanatory statement

This amendment clarifies that only P is required to register a foreign influence arrangement.

Secretary Suella Braverman

Gov 73

- ☆ Clause 64, page 45, line 10, leave out “the person” and insert “P”

Member's explanatory statement

This amendment is consequential on Amendment 72.

Secretary Suella Braverman

Gov 74

- ☆ Clause 64, page 45, line 11, leave out “with” and insert “between a person (“P”) and”

Member's explanatory statement

This amendment clarifies the meaning of “foreign influence arrangement”.

Secretary Suella Braverman

Gov 75

- ☆ Clause 64, page 45, line 12, leave out “the person” and insert “P”

Member's explanatory statement

This amendment is consequential on Amendment 74.

Secretary Suella Braverman

Gov

- ☆ That subsection (2) of clause 64 be transferred to the end of line 7 on page 45.

Member's explanatory statement

This amendment moves the definition of “foreign influence arrangement” to the beginning of clause 64.

Secretary Suella Braverman

Gov 76

- ☆ Clause 64, page 45, line 21, leave out “is a United Kingdom national” and insert “qualifies as an overseas elector under section 1A of the Representation of the People Act 1985”

Member's explanatory statement

This amendment and Amendment 83 provide that an overseas unincorporated association formed entirely of overseas electors is not a foreign principal.

Secretary Suella Braverman

Gov 77

- ☆ Clause 64, page 45, line 29, leave out subsection (5)

Member's explanatory statement

This amendment is consequential on NS2 and Amendment 94.

Secretary Suella Braverman

Gov 78

- ☆ Clause 64, page 45, line 30, leave out subsection (6)

Member's explanatory statement

This amendment is consequential on NS2 and Amendment 94.

Secretary Suella Braverman

Gov 79

- ☆ Clause 64, page 46, line 7, leave out paragraph (a)

Member's explanatory statement

This amendment is consequential on Amendment 80.

Secretary Suella Braverman

Gov 80

- ☆ Clause 64, page 46, line 9, after "countries" insert "and is governed by international law"

Member's explanatory statement

This amendment clarifies the meaning of "international organisation".

Secretary Suella Braverman

Gov 81

- ☆ Clause 64, page 46, leave out lines 13 to 17

Member's explanatory statement

This amendment is consequential on NS2 and Amendment 94.

Secretary Suella Braverman

Gov 82

- ☆ Clause 64, page 46, leave out line 18

Member's explanatory statement

This amendment is consequential on Amendment 76.

Secretary Suella Braverman

Gov 83

☆ Clause 64, page 46, line 20, at end insert—

“(11) At any time before section 14 of the Elections Act 2022 comes into force, the reference in subsection (3)(c) to section 1A of the Representation of the People Act 1985 is to be read as a reference to section 1(2) of that Act.”

Member's explanatory statement

See Amendment 76.

Secretary Suella Braverman

Gov

☆ That clause 64 be divided into two clauses, the first (*Requirement to register foreign influence arrangements*) consisting of subsections (1), (2), (7) and (8) and the second (*Meaning of “foreign principal”*) consisting of subsections (3), (4) and (9) to (11).

Member's explanatory statement

This amendment moves the definition of foreign principal to a separate clause.

Secretary Suella Braverman

Gov 84

☆ Clause 65, page 47, line 22, at end insert “and a junior Minister”

Member's explanatory statement

This amendment includes junior Ministers within the definition of “Northern Ireland Minister”.

Secretary Suella Braverman

Gov 85

☆ Clause 65, page 47, line 25, after “Service” insert “or of the Northern Ireland Senior Civil Service”

Member's explanatory statement

This amendment clarifies the persons included within the meaning of “senior official”.

Secretary Suella Braverman

Gov 86

☆ Clause 65, page 47, line 31, at end insert “, or

(b) a person appointed to a position in the Northern Ireland Civil Service by a Northern Ireland Minister and whose appointment to that position

meets the conditions set out in section 1(3) and (4) of the Civil Service (Special Advisers) Act (Northern Ireland) 2013 (c. 8 (N.I)).”

Member's explanatory statement

This amendment includes special advisers in the Northern Ireland Civil Service within the definition of “special adviser”.

Secretary Suella Braverman

Gov 87

- ☆ Clause 66, page 47, line 39, after “person” insert “(whether P or another person)”

Member's explanatory statement

This amendment makes clear that an offence under clause 66 may be committed by persons other than the person who entered into the foreign activity arrangement.

Secretary Suella Braverman

Gov 88

- ☆ Clause 66, page 47, line 40, after “activity” insert “, or arranges for a political influence activity to be carried out,”

Member's explanatory statement

This amendment adds to clause 66(1)(a) the case where a person arranges for a political influence activity to be carried out pursuant to a foreign influence arrangement.

Secretary Suella Braverman

Gov 89

- ☆ Clause 66, page 48, line 1, at end insert—
“(1A) “P” has the same meaning as in section 64.”

Member's explanatory statement

This amendment defines the reference to P inserted by Amendment 87.

Secretary Suella Braverman

Gov 90

- ☆ Clause 66, page 48, line 2, leave out subsection (2)

Member's explanatory statement

This amendment is consequential on NS2 and Amendment 94.

Secretary Suella Braverman

Gov 91

- ☆ Clause 67, page 48, line 7, after “principal” insert “who is not a foreign power”

Member's explanatory statement

This amendment provides that subsection (1) does not apply to a foreign principal who is a foreign power. It is related to Amendment 93.

Secretary Suella Braverman

Gov 92

- ☆ Clause 67, page 48, line 8, leave out “activities are registered” and insert “foreign principal has registered the activities”

Member's explanatory statement

This amendment clarifies that it is the foreign principal that is required to register the activities with the Secretary of State.

Secretary Suella Braverman

Gov 93

- ☆ Clause 67, page 48, line 10, leave out subsections (2) and (3) and insert—

- “(2) A person who holds office in or under, or is an employee or other member of staff of, a foreign principal who is not a foreign power must not carry out political influence activities in the United Kingdom in that capacity unless the foreign principal has registered the activities with the Secretary of State.
- (3) A person who holds office in or under, or is an employee or other member of staff of, a foreign principal who is a foreign power must not carry out political influence activities in the United Kingdom in that capacity if or to the extent that—
- (a) the person makes a misrepresentation about their activities or the capacity in which they act (whether generally or to a particular person), and
 - (b) the foreign principal has not registered the person’s activities with the Secretary of State.
- (4) A misrepresentation is a representation that a reasonable person would consider to be false or misleading in a material way.
- (5) A misrepresentation may be made by making a statement or by any other kind of conduct (including an omission), and may be express or implied.
- (6) A misrepresentation may in particular include—
- (a) a misrepresentation as to the person’s identity or purpose;
 - (b) presenting information in a way which amounts to a misrepresentation, even if some or all of the information is true.
- (7) A person who breaches a prohibition in subsection (1) or (2) commits an offence if the person knows, or ought reasonably to know, that the activities in question are not registered with the Secretary of State.
- (8) A person who breaches a prohibition in subsection (3) commits an offence if the person knows, or ought reasonably to know, that paragraph (a) or (b) of that subsection applies.”

Member's explanatory statement

This amendment makes provision about the circumstances in which office holders and employees of foreign principals are prohibited from carrying out unregistered activities.

Secretary Suella Braverman

Gov 94

- ☆ Clause 68, page 48, line 18, leave out subsections (1) to (10) and insert—

“(1) Schedule (*Exemptions*) makes provision in relation to exemptions.”

Member's explanatory statement

This amendment and NS2 sets out the exemptions to certain requirements, prohibitions and offences set out in Part 3.

Sir Iain Duncan Smith

15

- ☆ Clause 68, page 48, line 20, leave out paragraph (b)

Sir Iain Duncan Smith

16

- ☆ Clause 68, page 48, line 25, leave out paragraph (b)

Secretary Suella Braverman

Gov 95

- ☆ Clause 69, page 50, line 29, leave out “misleading, false or deceptive” and insert “false, inaccurate or misleading”

Member's explanatory statement

This amendment corrects the test in clause 69(6) in relation to where a person commits an offence for failing to update the Secretary of State of any material changes to registered information.

Secretary Suella Braverman

Gov 96

- ☆ Clause 70, page 50, line 35, leave out “who is” and insert “the Secretary of State reasonably believes to be”

Member's explanatory statement

This amendment provides that an information notice may be given to a person whom the Secretary of State reasonably believes to be a party to an unregistered foreign activity arrangement.

Secretary Suella Braverman

Gov 97

☆ Clause 70, page 50, line 37, at end insert—

“(ca) a person the Secretary of State reasonably believes to be carrying out activities registered under that section;”

Member's explanatory statement

This amendment is consequential on Amendment 70.

Secretary Suella Braverman

Gov 98

☆ Clause 70, page 50, line 39, leave out “the” and insert “a”

Member's explanatory statement

This amendment is consequential on Amendment 71.

Secretary Suella Braverman

Gov 99

☆ Clause 70, page 51, line 4, leave out “who is” and insert “the Secretary of State reasonably believes to be”

Member's explanatory statement

This amendment provides that an information notice may be given to a person whom the Secretary of State reasonably believes to be a party to an unregistered foreign influence arrangement.

Secretary Suella Braverman

Gov 100

☆ Clause 70, page 51, line 6, at end insert—

“(ca) a person the Secretary of State reasonably believes to be carrying out activities registered under that section;”

Member's explanatory statement

This amendment is consequential on Amendment 92.

Secretary Suella Braverman

Gov 101

☆ Clause 70, page 51, line 8, leave out “the” and insert “a”

Member's explanatory statement

This amendment is consequential on Amendment 93.

Stuart C McDonald

131

Stewart Hosie
Owen Thompson

☆ Clause 70, page 51, line 10, at end insert—

“(3A) The information required of the person to whom an information notice is given must be limited to information the Secretary of State deems reasonably necessary to ensure the person is complying with the requirements of this Part.”

Member's explanatory statement

This amendment would place restrictions on the type of information the Secretary of State can require under clause 70.

Secretary Suella Braverman

Gov 102

☆ Clause 73, page 52, line 27, after “activity” insert “, or arranges for an activity to be carried out,”

Member's explanatory statement

This amendment adds to clause 73(1)(a) the case where a person arranges for an activity to be carried out pursuant to a foreign activity arrangement.

Secretary Suella Braverman

Gov 103

☆ Clause 73, page 52, line 37, after “activity” insert “, or arranges for a political influence activity to be carried out”

Member's explanatory statement

This amendment adds to clause 73(2)(a) the case where a person arranges for a political influence activity to be carried out pursuant to a foreign influence arrangement.

Secretary Suella Braverman

Gov 104

☆ Clause 73, page 52, line 38, leave out “political” and insert “foreign”

Member's explanatory statement

This amendment corrects a reference to a foreign influence arrangement.

Secretary Suella Braverman

Gov 105

☆ Clause 73, page 53, line 3, leave out subsections (3) and (4)

Member's explanatory statement

This amendment is consequential on NS2 and Amendment 94.

Secretary Suella Braverman

Gov 106

- ☆ Clause 74, page 53, line 10, leave out "this Part" and insert "section 69 or 70"

Member's explanatory statement

This amendment clarifies the information which may be published.

Secretary Suella Braverman

Gov 107

- ☆ Clause 74, page 53, line 11, leave out "this Part" and insert "either of those sections"

Member's explanatory statement

This amendment clarifies the information which may be copied.

Secretary Suella Braverman

Gov 108

- ☆ Clause 75, page 53, line 32, leave out "63(3) and insert "63(7) or (8)"

Member's explanatory statement

This amendment is consequential on Amendment 71.

Chris Bryant

1

Clause 75, page 53, line 39, at end insert—

"(h) an offence under section [Offence of failing to declare participation in arrangement required to be registered] committed in relation to a foreign activity arrangement required to be registered under section 61(1)."

Member's explanatory statement

This amendment is consequential on NC1.

Secretary Suella Braverman

Gov 109

- ☆ Clause 75, page 54, line 16, leave out "67(3)" and insert "67(7) or (8)"

Member's explanatory statement

This amendment is consequential on Amendment 93.

Chris Bryant

2

Clause 75, page 54, line 23, at end insert—

“(h) an offence under section [Offence of failing to declare participation in arrangement required to be registered] committed in relation to a foreign influence arrangement required to be registered under section 64(1).”

Member's explanatory statement

This amendment is consequential on NC1.

Secretary Suella Braverman

Gov 110

☆ Clause 78, page 55, leave out line 28

Member's explanatory statement

This amendment is consequential on NS2 and Amendment 94.

Secretary Suella Braverman

Gov 111

☆ Clause 78, page 55, line 35, at end insert—

“(2A) For the purposes of this Part references to an “arrangement” do not include an arrangement between a person (“P”) and—

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

Member's explanatory statement

This amendment provides that an arrangement between a specified person or a foreign principal and its employee or office holder is not an arrangement for the purposes of Part 3.

Secretary Suella Braverman

Gov 112

☆ Clause 78, page 55, line 36, leave out subsection (3)

Member's explanatory statement

This amendment is consequential on NS2 and Amendment 94.

Mr David Davis

8

Stuart C McDonald
Stewart Hosie
Dan Jarvis

Page 56, line 4, leave out Clause 79

Mr David Davis

9

Stuart C McDonald
Stewart Hosie
Dan Jarvis

Page 56, line 26, leave out Clause 80

Joanna Cherry

36

☆ Clause 80, page 56, line 31, at end insert—

“(ba) the court is satisfied that any damages awarded to the claimant in those proceedings are likely to be used for the purposes of terrorism,”

Member's explanatory statement

This amendment would remove the duty on the court to consider reducing damages in clause 58, unless the court considered the damages were likely to be used for the purposes of terrorism.

Secretary Suella Braverman

Gov 51

☆ Clause 80, page 56, line 37, after “consider” insert “the national security factors.

(2A) The national security factors are—

- (a) whether the claimant has committed wrongdoing involving—
 - (i) the commission of a terrorism offence, or
 - (ii) other involvement in terrorism-related activity, (“terrorist wrongdoing”), and
- (b) if the claimant has committed terrorist wrongdoing—
 - (i) the extent of that wrongdoing, and
 - (ii) the matters mentioned in subsection (2B).

(2B) The matters are”

Member's explanatory statement

This amendment ensures that the national security factors the amendment moves to new subsection (2A)(b) and (2B) are only considered if the claimant has committed terrorist wrongdoing.

Secretary Suella Braverman

Gov 52

☆ Clause 80, page 56, line 39, leave out paragraph (a)

Member's explanatory statement

This amendment is consequential on Amendment 51.

Secretary Suella Braverman

Gov 53

- ☆ Clause 80, page 57, line 2, leave out “conduct of the claimant” and insert “the claimant’s terrorist wrongdoing”

Member's explanatory statement

This amendment is consequential on Amendment 51.

Joanna Cherry

37

- ☆ Clause 80, page 57, line 18, at end insert “or which it would award under section 8 of that Act had the claim been brought under it.”

Member's explanatory statement

This amendment would prevent the reduction of damages in claims that could have been brought as a human rights claim under the HRA 1998 but were in fact brought on other grounds.

Mr David Davis

10

Stuart C McDonald
Stewart Hosie
Dan Jarvis

Page 57, line 30, leave out Clause 81

Mr David Davis

11

Stuart C McDonald
Stewart Hosie
Dan Jarvis

Page 58, line 5, leave out Clause 82

Mr David Davis

12

Dan Jarvis

Page 59, line 10, leave out Clause 83

Joanna Cherry

38

- ☆ Page 59, line 14, leave out Clause 84

Member's explanatory statement

This amendment, together with Amendment 39, would remove the proposed limits on access to legal aid for persons with a conviction for a terrorism offence and the consequential power to make information requests related to those limits.

Holly Lynch 5
 Jess Phillips
 Yvette Cooper

Clause 84, page 59, line 29, leave out "F" and insert "G"

Holly Lynch 6
 Jess Phillips
 Yvette Cooper

Clause 84, page 60, line 11, 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."

Holly Lynch 7
 Jess Phillips
 Yvette Cooper

Clause 84, page 61, line 6, at end insert—

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

Joanna Cherry 39

☆ Page 61, line 15, leave out Clause 85

Member's explanatory statement

See explanatory statement for Amendment 38.

Secretary Suella Braverman

Gov 113

☆ Clause 89, page 64, line 5, at end insert—

“(g) regulations under paragraph 15 of Schedule (*Control of a person by a foreign power*).”

Member's explanatory statement

This amendment provides that regulations under paragraph 15 of Schedule (*Control of a person by a foreign power*) are to be made using the affirmative resolution procedure.

Secretary Suella Braverman

Gov NS1

☆ To move the following Schedule—

“SCHEDULE

Section 61

CONTROL OF A PERSON BY A FOREIGN POWER

PART 1

CONDITIONS FOR CONTROL

- 1 (1) A person is controlled by a foreign power if one or more of the following conditions are met.
 - (2) Condition 1 is that the foreign power has the right to direct or control, or actually directs or controls, the person's activities (in whole or in part).
 - (3) Condition 2 is that the foreign power holds, directly or indirectly, more than 25% of the shares in the person.
 - (4) Condition 3 is that the foreign power holds, directly or indirectly, more than 25% of the voting rights in the person.
 - (5) Condition 4 is that the foreign power holds the right, directly or indirectly, to appoint or remove an officer of the person.
 - (6) Condition 5 is that—
 - (a) the trustees of a trust, or the members of a partnership, unincorporated association or other entity, that is not a legal person under the law by which it is governed meet one or more of conditions 1 to 4 (in their capacity as such) in relation to the person, and
 - (b) the foreign power has the right to direct or control, or actually directs or controls, the activities of that trust or entity (in whole or in part).
- 2 In this Schedule “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.

PART 2

INTERPRETATION OF PART 1

Interpretation

- 3 This Part makes provision about the interpretation of Part 1.

Joint interests

- 4 If a foreign power holds a share or right jointly with another person (whether or not a foreign power), each of those persons is to be taken to hold that share or right.

Joint arrangements

- 5 (1) If shares or rights held by a foreign power and shares or rights held by another person (whether or not a foreign power) are the subject of a joint arrangement between those persons, each of those persons is to be taken to hold the combined shares or rights of both persons.
(2) A “joint arrangement” is an arrangement between the holders of shares (or rights) that they will exercise all or substantially all the rights conferred by their respective shares (or rights) jointly in a way that is pre-determined by the arrangement.
(3) For the meaning of “arrangement”, see paragraph 12.

Calculating shareholdings

- 6 (1) In relation to a person that has a share capital, a reference to holding more than 25% of the shares in that person is to holding shares comprised in the issued share capital of that person of a nominal value exceeding (in aggregate) 25% of that share capital.
(2) In relation to a person that does not have a share capital—
 - (a) a reference to holding shares in that person is to holding a right to share in the capital or, as the case may be, profits of that person;
 - (b) a reference to holding more than 25% of the shares in that person is to holding a right or rights to share in more than 25% of the capital or, as the case may be, profits of that person.

Voting rights

- 7 (1) A reference to the voting rights in a person is to the rights conferred on shareholders in respect of their shares (or, in the case of a person not having a share capital, on members) to vote at general meetings of the person on all or substantially all matters.

- (2) In relation to a person that does not have general meetings at which matters are decided by the exercise of voting rights—
- (a) a reference to exercising voting rights in the person is to be read as a reference to exercising rights in relation to the person that are equivalent to those of a person entitled to exercise voting rights in a company;
 - (b) a reference to exercising more than 25% of the voting rights in the person is to be read as a reference to exercising the rights under the constitution of the person to block changes to the overall policy of the person or to the terms of its constitution.
- 8 In applying this Schedule, the voting rights in a person are to be reduced by any rights held by that person.

Shares or rights held "indirectly"

- 9 (1) A foreign power holds a share "indirectly" if the foreign power has a majority stake in a person and that person—
- (a) holds the share in question, or
 - (b) is part of a chain of persons—
 - (i) each of which (other than the last) has a majority stake in the person immediately below it in the chain, and
 - (ii) the last of which holds the share.
- (2) A foreign power holds a right "indirectly" if the foreign power has a majority stake in a person and that person—
- (a) holds that right, or
 - (b) is part of a chain of persons—
 - (i) each of which (other than the last) has a majority stake in the person immediately below it in the chain, and
 - (ii) the last of which holds that right.
- (3) For the purposes of sub-paragraphs (1) and (2), a foreign power has a "majority stake" in a person if—
- (a) the foreign power holds a majority of the voting rights in the person,
 - (b) the foreign power is a member of the person and has the right to appoint or remove an officer of the person,
 - (c) the foreign power is a member of the person and controls alone, or pursuant to an agreement with other shareholders or members, a majority of the voting rights in the person, or
 - (d) the foreign power has the right to exercise, or actually exercises, dominant influence or control over the person.

Shares held by nominees

- 10 A share held by a person as a nominee for another is to be treated as held by the other (and not by the nominee).

Rights treated as held by person who controls their exercise

- 11 (1) Where a person controls a right, the right is to be treated as held by that person (and not by the person who in fact holds the right, unless that person also controls it).
- (2) A person “controls” a right if, by virtue of any arrangement between that person and others, the right is exercisable only—
- (a) by that person,
 - (b) in accordance with that person’s directions or instructions, or
 - (c) with that person’s consent or concurrence.
- 12 (1) For the purposes of this Schedule, “arrangement” includes—
- (a) any scheme, agreement or understanding, whether or not it is legally enforceable, and
 - (b) any convention, custom or practice of any kind.
- (2) But something does not count as an arrangement unless there is at least some degree of stability about it (whether by its nature or terms, the time it has been in existence or otherwise).

Rights exercisable only in certain circumstances etc

- 13 (1) Rights that are exercisable only in certain circumstances are to be taken into account only—
- (a) where the circumstances have arisen, and for so long as they continue to obtain, or
 - (b) when the circumstances are within the control of the person having the rights.
- (2) But rights that are exercisable by an administrator or by creditors while a person is in relevant insolvency proceedings are not to be taken into account even while the person is in those proceedings.
- (3) “Relevant insolvency proceedings” means—
- (a) administration within the meaning of the Insolvency Act 1986,
 - (b) administration within the meaning of the Insolvency (Northern Ireland) Order 1989 (S.I. 1989/2405 (N.I. 19)), or
 - (c) proceedings under the insolvency law of another country or territory during which a person’s assets and affairs are subject to the control or supervision of a third party or creditor.
- (4) Rights that are normally exercisable but are temporarily incapable of exercise are to continue to be taken into account.

Rights attached to shares held by way of security

- 14 Rights attached to shares held by way of security provided by a person are to be treated for the purposes of this Schedule as held by that person—
- (a) where apart from the right to exercise them for the purpose of preserving the value of the security, or of realising it, the rights are exercisable only in accordance with that person’s instructions, and

- (b) where the shares are held in connection with the granting of loans as part of normal business activities and apart from the right to exercise them for the purpose of preserving the value of the security, or of realising it, the rights are exercisable only in that person's interests.

PART 3

POWER TO AMEND THRESHOLDS ETC

- 15 (1) The Secretary of State may by regulations amend this Schedule for a permitted purpose.
- (2) The permitted purposes are—
- (a) to replace any or all references in this Schedule to a percentage figure with references to some other (larger or smaller) percentage figure;
 - (b) to change or supplement Part 1 of this Schedule so as to include circumstances (for example, circumstances involving more complex structures) that give a foreign power a level of control over a person broadly similar to the level of control given by the conditions in paragraph 1;
 - (c) in consequence of any provision made by virtue of paragraph (b), to change or supplement Part 2 of this Schedule so that circumstances specified in that Part in which a person is to be regarded as holding an interest in another person correspond to any of the conditions in paragraph 1, or would do so but for the extent of the interest."

Member's explanatory statement

This new Schedule makes provision about when a person is controlled by a foreign power.

Secretary Suella Braverman

Gov NS2

☆ To move the following Schedule—

"SCHEDULE

Section 68

EXEMPTIONS

UK arrangements and agreements

- 1 (1) Sections 61(1) and 64(1) (requirements to register foreign activity arrangements and foreign influence arrangements) do not apply to arrangements that are UK arrangements.
- (2) The following provisions do not apply to activities carried out in accordance with a UK arrangement or a UK agreement—
- (a) section 63(1) to (3) (specified persons etc must not carry out unregistered activities);
 - (b) section 67(1) to (3) (foreign principals etc must not carry out unregistered political influence activities).

- (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.

Foreign powers

- 2 The following provisions do not apply to a foreign power—
- (a) section 61(1) (requirement to register foreign activity arrangements);
 - (b) section 62(1) (offence of carrying out activities under unregistered foreign activity arrangement);
 - (c) section 64(1) (requirement to register foreign influence arrangements);
 - (d) section 66(1) (offence of carrying out activities under unregistered foreign influence arrangement);
 - (e) section 73(1) and (2) (offences of carrying out activities tainted by false information).

Diplomatic missions etc

- 3 (1) Section 61(1) (requirement to register foreign activity arrangements) does not apply to the extent that the foreign activity 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).
- (2) Sections 61(1) and 64(1) (requirements to register foreign activity arrangements and foreign influence arrangements) do not apply where P (within the meaning of those sections)—
- (a) is a member of the family of a principal person forming part of the principal person’s household, and
 - (b) makes the arrangement pursuant to an activity carried out by the principal person in that capacity.
- (3) “Principal person” means a person who is a member of staff 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.
- (4) 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.
- (5) “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).
- (6) In this paragraph—
- “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;
 - “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.

Recognised news publishers

- 4 (1) The following provisions do not apply to a recognised news publisher—
- (a) section 64(1) (requirement to register foreign influence arrangements);
 - (b) section 66(1) (offence of carrying out activities under unregistered foreign influence arrangement);
 - (c) section 67(1) (foreign principal must not carry out unregistered activities);
 - (d) section 73(2) (offence of carrying out political influence activities tainted by false information).
- (2) Section 67(2) (employees etc of foreign principal must not carry out unregistered activities) does not apply to a person who holds office in or under, or is an employee or other member of staff of, a recognised news publisher (acting in that capacity).
- (3) The following provisions do not apply to a person who is not a recognised news publisher, where the arrangement in question is a news-related foreign influence arrangement—
- (a) section 64(1) (requirement to register foreign influence arrangements);
 - (b) section 66(1) (offence of carrying out activities under unregistered foreign influence arrangement);
 - (c) section 73(2) (offence of carrying out political influence activities tainted by false information).
- (4) A news-related foreign influence arrangement is a foreign influence arrangement made between a person and a foreign principal who is a recognised news publisher where the purpose, or one of the purposes, of the arrangement is the publication of news-related material.

(5) In this paragraph—

“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.

Legal activities

- 5 (1) Sections 61(1) and 64(1) (requirements to register foreign activity arrangements and foreign influence arrangements) do not apply in relation to a foreign activity arrangement or a foreign influence arrangement to the extent that the arrangement relates to the carrying on of a legal activity by a lawyer.
- (2) The following provisions do not apply to the carrying on of a legal activity by a lawyer—
- (a) section 63(1) to (3) (specified persons etc must not carry out unregistered activities);
 - (b) section 67(1) to (3) (foreign principals etc must not carry out unregistered political influence activities).
- (3) “Lawyer” means—
- (a) a person who for the purposes of the Legal Services Act 2007 is an authorised person in relation to an activity that constitutes a reserved legal activity (within the meaning of that Act),
 - (b) a solicitor or barrister in Northern Ireland,
 - (c) a solicitor or advocate in Scotland, or
 - (d) a person who is a member, and entitled to practise as such, of a legal profession regulated in a jurisdiction outside the United Kingdom.
- (4) “Legal activity” means—
- (a) in England and Wales, a legal activity within the meaning of section 12 of the Legal Services Act 2007,
 - (b) in Northern Ireland, a legal activity within the meaning of that section, but reading the reference to an activity which is a reserved legal activity as a reference to an activity corresponding to a reserved legal activity,
 - (c) in Scotland, the provision of legal services within the meaning of section 3 of the Legal Services (Scotland) Act 2010 (asp 16), or
 - (d) acting as an arbitrator or mediator.

Employees etc

- 6 (1) Where an exemption is conferred on a person (“P”) by this Schedule, the following are also exempt (subject to sub-paragraph (2))—
- (a) a person who holds office in or under, or is an employee or other member of staff of, P (acting in that capacity), or
 - (b) a person the Secretary of State reasonably considers to be exercising functions on behalf of P as if the person were within paragraph (a).

- (2) Where P is a foreign power, the exemption does not apply to persons within sub-paragraph (1)(a) if or to the extent that the person makes a misrepresentation about their activities or the capacity in which they act (whether generally or to a particular person).
- (3) A misrepresentation is a representation that a reasonable person would consider to be false or misleading in a material way.
- (4) A misrepresentation may be made by making a statement or by any other kind of conduct (including an omission), and may be express or implied.
- (5) A misrepresentation may in particular include—
 - (a) a misrepresentation as to the person’s identity or purpose;
 - (b) presenting information in a way which amounts to a misrepresentation, even if some or all of the information is true.

Power to provide for further exemptions

- 7 The Secretary of State may by regulations make provision for further cases to which any provision of this Part does not apply.”

Member's explanatory statement

This new Schedule brings together in one place exemptions previously found in clauses 68, 78 and other provisions of Part 3, and adjusts some of the exemptions.

Stuart C McDonald

123

Stewart Hosie
Owen Thompson

- ☆ Schedule 2, page 112, line 13, leave out from “if” to the end of line 20, and insert “the person has previously been convicted of an offence under this Act.”

Member's explanatory statement

This amendment would restrict the circumstances in which fingerprints and samples from someone detained under clause 25 could be retained indefinitely, instead of the usual 3 years under para 20(4) of Schedule 2.

Stuart C McDonald

128

Stewart Hosie
Owen Thompson

- ☆ Schedule 3, page 88, line 31, leave out sub-paragraph (4)

Member's explanatory statement

This amendment would prevent a disclosure order from having effect where disclosure is protected by an enactment.

Stuart C McDonald

129

Stewart Hosie
Owen Thompson

☆ Schedule 4, page 94, line 29, leave out sub-sub-paragraph (b), and insert—

- “(b) 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; and
- (c) 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.”

Member's explanatory statement

This amendment would require the court to be satisfied of the same tests for customer information notices as set out in relation to disclosure orders in Schedule 3.

Secretary Suella Braverman

Gov 54

☆ Schedule 6, page 100, line 19, at end insert—

“(1A) The power in sub-paragraph (1) may be exercised only in relation to land or a building in the United Kingdom which is owned or controlled by a police force.”

Member's explanatory statement

This amendment and Amendment 55 clarify the places which may be designated for the detention of persons under section 25.

Holly Lynch

4

Jess Phillips
Yvette Cooper

Schedule 6, page 100, line 19, at end insert—

- “(1A) A place designated by the Secretary of State under sub-paragraph (1) must be subject to an independent inspection by—
- (a) Her Majesty's Inspectorate of Constabulary, or
 - (b) a different person or body appointed by the Secretary of State.”

Secretary Suella Braverman

Gov 55

☆ Schedule 6, page 100, line 30, at end insert—

“(5) In this paragraph—

“building” includes any part of a building;
“police force” has the same meaning as in paragraph 28.”

Member's explanatory statement

See Amendment 54.

Joanna Cherry

27

☆ Schedule 6, page 104, line 12, leave out sub-paragraphs (4) and (5)

Member's explanatory statement

This amendment would prevent it being permissible to delay informing a named person of an individual's detention under clause 21, or that individual consulting a solicitor, for the purposes of asset recovery.

Secretary Suella Braverman

Gov 56

☆ Schedule 6, page 123, line 18, at end insert—

“(ba) in relation to fingerprints or samples taken by a constable who is a National Crime Agency officer, or a DNA profile derived from a sample so taken, the Director General of the National Crime Agency;”

Member's explanatory statement

This amendment identifies the responsible chief officer of police in relation to fingerprints or samples taken by a National Crime Agency officer.

Secretary Suella Braverman

Gov 57

☆ Schedule 6, page 124, line 9, leave out “police officer” and insert “constable”

Member's explanatory statement

This amendment ensures that the grounds for postponing a review apply where a detained person is being questioned by a constable who is a National Crime Agency officer.

Joanna Cherry

28

☆ Schedule 6, page 124, line 13, leave out sub-sub-paragraphs (b) and (c)

Member's explanatory statement

This amendment would prevent it being permissible to postpone reviews of detention without warrant on the basis that the review officer is unavailable or, for any other reason, the review is not practicable.

Stuart C McDonald

127

Stewart Hosie
Owen Thompson

☆ Schedule 7, page 144, line 17, leave out paragraph 12

Member's explanatory statement

This amendment would remove the power for the Secretary of State to impose participation in polygraph sessions as part of provisions in relation to Prevention and Investigation Measures.

Secretary Suella Braverman

Gov 58

☆ Schedule 12, page 173, line 40, at end insert—

“(ga) the National Crime Agency;”

Member's explanatory statement

This amendment includes the National Crime Agency in the definition of “police force”.

Secretary Suella Braverman

Gov 59

☆ Schedule 12, page 174, line 21, at end insert—

“(ba) in relation to fingerprints or samples taken by a constable who is a National Crime Agency officer, or a DNA profile derived from a sample so taken, the Director General of the National Crime Agency;”

Member's explanatory statement

This amendment identifies the responsible chief officer of police in relation to fingerprints or samples taken by a National Crime Agency officer.

Mr David Davis

13

Page 175, line 1, leave out Schedule 13

Secretary Suella Braverman

Gov 60

☆ Schedule 14, page 181, line 6, at end insert—

“Modern Slavery Act 2015 (c. 30)

9 In Schedule 4 to the Modern Slavery Act 2015 (offences to which defence in section 45 does not apply), after paragraph 36B insert—

“National Security Act 2022

36C An offence under any of the following provisions of the National Security Act 2022—

section 1 (obtaining or disclosing protected information);
section 2 (obtaining or disclosing trade secrets);
section 3 (assisting a foreign intelligence service);
section 4 (entering a prohibited place for a purpose prejudicial to the UK);
section 12 (sabotage);
section 13 (foreign interference: general);
section 15 (obtaining material benefits from a foreign intelligence service);
section 16 (preparatory conduct).””

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.