

# National Security Bill

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## LORDS AMENDMENTS

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*[The page and line references are to HL Bill 68, the Bill as first printed for the Lords]*

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### Clause 1

- 1 Clause 1, page 1, line 9, after “or” insert “having regard to other matters known to them”

### Clause 2

- 2 Clause 2, page 2, line 17, after “or” insert “having regard to other matters known to them”

### Clause 3

- 3 Clause 3, page 3, line 25, leave out “it is reasonably possible may” and insert “is likely to”

- 4 Clause 3, page 3, line 27, after “or” insert “having regard to other matters known to them”

- 5 Clause 3, page 3, line 27, leave out “it is reasonably possible their conduct may” and insert “their conduct is likely to”

- 6 Clause 3, page 3, line 30, after “may” insert “be likely to”

- 7 Clause 3, page 4, line 13, at end insert –

“(ba) as a lawyer carrying on a legal activity, or”

8 Clause 3, page 4, line 14, after “with” insert “, or in relation to UK-related activities carried out in accordance with,”

9 Clause 3, page 4, line 33, at end insert –

““lawyer” has the meaning given by paragraph 5(3) of Schedule 14;  
“legal activity” has the meaning given by paragraph 5(4) of Schedule  
14;”

#### **Clause 4**

10 Clause 4, page 5, line 4, after “or” insert “having regard to other matters known to them”

#### **Clause 5**

11 Clause 5, page 5, line 29, after “or” insert “having regard to other matters known to them”

#### **Clause 7**

12 Clause 7, page 8, line 1, after “a” insert “United Kingdom”

13 Clause 7, page 8, line 2, after “a” insert “United Kingdom”

#### **Clause 11**

14 Clause 11, page 10, line 21, leave out “prove” and insert “show”

15 Clause 11, page 10, line 21, at end insert –

“(5A) A person is taken to have shown a matter mentioned in subsection (5) if –  
(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and  
(b) the contrary is not proved beyond reasonable doubt.”

#### **Clause 12**

16 Clause 12, page 10, line 33, after “or” insert “having regard to other matters known to them”

**Clause 13**

- 17** Clause 13, page 11, line 18, leave out subsections (1) to (11) and insert –
- “(1) A person commits an offence if –
    - (a) the person engages in prohibited conduct,
    - (b) the foreign power condition is met in relation to the prohibited conduct, and
    - (c) the person intends the prohibited conduct, or a course of conduct of which it forms part, to have an interference effect.
  - (2) A person commits an offence if –
    - (a) the person engages in prohibited conduct,
    - (b) the foreign power condition is met in relation to the prohibited conduct, and
    - (c) the person is reckless as to whether the prohibited conduct, or a course of conduct of which it forms part, will have an interference effect.
  - (3) A person (“P”) commits an offence if –
    - (a) P engages in a course of conduct with one or more other persons,
    - (b) the foreign power condition is met in relation to conduct of P which forms part of the course of conduct,
    - (c) P intends the course of conduct to have an interference effect,
    - (d) as part of the course of conduct, a person other than P engages in prohibited conduct, and
    - (e) P intends or believes that as part of the course of conduct, a person other than P will engage in prohibited conduct.
  - (4) For the purposes of subsections (1)(c) and (2)(c) a course of conduct includes a course of conduct engaged in by the person alone, or by the person and one or more other persons.
  - (5) Subsections (1) and (2) apply whether the person’s conduct takes place in the United Kingdom or elsewhere.
  - (6) Subsection (3) applies whether P’s conduct or the prohibited conduct takes place in the United Kingdom or elsewhere.”
- 18** Clause 13, page 12, line 32, leave out subsection (13)
- 19** Clause 13, page 12, line 38, leave out from beginning to end of line 7 on page 13 and insert –
- ““interference effect” has the meaning given by section (*Foreign interference: meaning of “interference effect”*);
  - “prohibited conduct” has the meaning given by section (*Foreign interference: meaning of “prohibited conduct”*).”

**After Clause 13**

20 After Clause 13, insert the following new Clause –

**“Foreign interference: meaning of “interference effect”**

- (1) For the purposes of section 13 an “interference effect” means any of the following effects –
  - (a) interfering with the exercise by a particular person of a Convention right in the United Kingdom,
  - (b) affecting the exercise by any person of their public functions,
  - (c) interfering with whether, or how, any person makes use of services provided in the exercise of public functions,
  - (d) interfering with whether, or how, any person (other than in the exercise of a public function) participates in relevant political processes or makes political decisions,
  - (e) interfering with whether, or how, any person (other than in the exercise of a public function) participates in legal processes under the law of the United Kingdom, or
  - (f) prejudicing the safety or interests of the United Kingdom.
- (2) An effect may be an interference effect whether it relates to a specific instance of a matter mentioned in subsection (1), or to the matter in general.
- (3) In subsection (1)(d) “relevant political processes” means –
  - (a) an election or referendum in the United Kingdom;
  - (b) the proceedings of a local authority;
  - (c) the proceedings of a UK registered political party;
  - (d) the activities of an informal group consisting of or including members of –
    - (i) one or both of Houses of Parliament,
    - (ii) the Northern Ireland Assembly,
    - (iii) the Scottish Parliament, or
    - (iv) Senedd Cymru,(acting in that capacity).
- (4) In subsection (1)(d) “political decisions” means a decision of –
  - (a) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975) or a United Kingdom government department,
  - (b) a Northern Ireland Minister, the First Minister in Northern Ireland, the deputy First Minister in Northern Ireland, a person appointed as a junior Minister under section 19 of the Northern Ireland Act 1998, a Northern Ireland department or the Executive Committee of the Northern Ireland Assembly,
  - (c) the Scottish Ministers or the First Minister for Scotland,
  - (d) the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government, or
  - (e) a local authority.

(5) In this section—

“Convention rights” has the meaning given by section 1 of the Human Rights Act 1998;

the “law of the United Kingdom” includes the law of any part of the United Kingdom;

“local authority” means—

(a) in England—

- (i) a county council;
- (ii) a district council;
- (iii) a London borough council;
- (iv) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
- (v) a parish council;
- (vi) the Council of the Isles of Scilly;
- (vii) the Common Council of the City of London;
- (viii) the Sub-Treasurer of the Inner Temple;
- (ix) the Under Treasurer of the Middle Temple;

(b) in Wales, a county council, county borough council or community council;

(c) in Scotland, a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994;

(d) in Northern Ireland, a district council;

“public functions” means functions of a public nature—

- (a) exercisable in the United Kingdom, or
- (b) exercisable in a country or territory outside the United Kingdom by a person acting for or on behalf of, or holding office under, the Crown;

“UK registered political party” means a political party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000.”

21

After Clause 13, insert the following new Clause—

**“Foreign interference: meaning of “prohibited conduct”**

(1) Conduct is prohibited conduct for the purposes of section 13 if—

- (a) it constitutes an offence, or
- (b) if it takes place in a country or territory outside the United Kingdom, it would constitute an offence if it took place in any part of the United Kingdom.

(2) Conduct is prohibited conduct for the purposes of section 13 if it involves coercion of any kind, including coercion by—

- (a) using or threatening to use violence against a person;
- (b) damaging or destroying, or threatening to damage or destroy, a person’s property;
- (c) damaging or threatening to damage a person’s reputation;

- (d) causing or threatening to cause financial loss to a person;
  - (e) causing spiritual injury to, or placing undue spiritual pressure on, a person,
- (whether or not that person is the person to whom the interference effect relates).
- (3) Conduct is prohibited conduct for the purposes of section 13 if it involves making a misrepresentation.
  - (4) A “misrepresentation” is a representation –
    - (a) that a reasonable person would consider to be false or misleading in a way material to the interference effect, and
    - (b) that the person making the representation knows or intends to be false or misleading in a way material to the interference effect.
  - (5) A misrepresentation may be made by making a statement or by any other kind of conduct, and may be express or implied.
  - (6) A misrepresentation may in particular include –
    - (a) a misrepresentation as to a 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) In this section “interference effect” has the meaning given by section (*Foreign interference: meaning of “interference effect”*).

#### After Clause 14

22 After Clause 14, insert the following new Clause –

#### **“Foreign interference in elections: duties on political parties**

- (1) A UK-registered political party must, within three months of the passing of this Act, publish a policy statement to ensure the identification of donations from a foreign power (whether made directly or through an intermediary), and must keep that policy updated in accordance with guidance issued under subsection (2).
- (2) Within three months of the passing of this Act the Secretary of State must publish guidance on the provisions of this section.
- (3) A UK-registered political party must provide the Electoral Commission with an annual statement of risk management that identifies how risks relating to donations from a foreign power (whether made directly or through an intermediary) have been managed, and what measures have been put in place by the party to such effect.
- (4) In this section, “UK-registered political party” means a political party registered under Part 2 of the Political Parties, Elections and Referendums Act 2000.”

### Clause 15

- 23 Clause 15, page 13, line 35, after first “or” insert “having regard to other matters known to them”
- 24 Clause 15, page 14, line 4, after “or” insert “having regard to other matters known to them”
- 25 Clause 15, page 15, line 7, at end insert –  
““Crown employment”;

### Clause 28

- 26 Leave out Clause 28 and insert the following new Clause –
- “Offences under Part 2 of the Serious Crime Act 2007**
- (1) Part 2 of the Serious Crime Act 2007 (encouraging or assisting crime) is amended as follows.
- (2) After section 50 insert –
- “50A Extra-territorial offences: defence for intelligence services and armed forces**
- (1) This section applies where a person is charged with an offence under this Part by reason of a provision of Schedule 4 (extra-territorial jurisdiction).
- (2) It is a defence for the person to show that their act was necessary for –
- (a) the proper exercise of a function of an intelligence service, or
- (b) the proper exercise of a function of the armed forces.
- (3) A person is taken to have shown that their act was so necessary if –
- (a) sufficient evidence of that fact is adduced to raise an issue with respect to it, and
- (b) the contrary is not proved beyond reasonable doubt.
- (4) The head of each intelligence service must ensure that the service has in place arrangements designed to ensure that acts of a member of the service to which a provision of Schedule 4 applies are necessary for the proper exercise of a function of the service.
- (5) The Defence Council must ensure that the armed forces have in place arrangements designed to ensure that acts of –
- (a) a member of the armed forces, or

- (b) a civilian subject to service discipline when working in support of a member of the armed forces, to which a provision of Schedule 4 applies are necessary for the proper exercise of a function of the armed forces.
- (6) The arrangements which must be in place by virtue of subsection (4) or (5) must be arrangements which the Secretary of State considers to be satisfactory.
- (7) In this section –
- “armed forces” means His Majesty’s forces (within the meaning of the Armed Forces Act 2006);
  - “civilian subject to service discipline” has the same meaning as in the Armed Forces Act 2006;
  - “GCHQ” has the meaning given by section 3(3) of the Intelligence Services Act 1994;
  - “head” means –
    - (a) in relation to the Security Service, the Director General of the Security Service,
    - (b) in relation to the Secret Intelligence Service, the Chief of the Secret Intelligence Service, and
    - (c) in relation to GCHQ, the Director of GCHQ;
  - “intelligence service” means the Security Service, the Secret Intelligence Service or GCHQ.”
- (3) For the heading before section 50 substitute “Defences”.”

### Clause 29

- 27 Clause 29, page 21, line 21, after “or” insert “having regard to other matters known to them”

### Clause 31

- 28 Clause 31, page 23, line 3, leave out from “to” to end of line 4 and insert “a person (“P”), where the person who engages in the conduct –
- (i) knows or believes P to be involved in, and
  - (ii) engages in the conduct for the purpose of giving support or assistance to,”

### Clause 32

- 29 Clause 32, page 24, line 5, at end insert –
- ““information” includes information about tactics, techniques and procedures;”



**Clause 34**

- 30 Clause 34, page 25, line 20, leave out from “(1)” to end of line 21 and insert “is subject to sections 3(6) and 15(6) (commission of offences under sections 3 and 15 by conduct outside the United Kingdom).”

**Clause 35**

- 31 Clause 35, page 25, line 39, at end insert –
- “(e) Schedule 3 (disclosure orders);
  - “(f) Schedule 4 (customer information orders).”

**Clause 54**

- 32 Leave out Clause 54.

**After Clause 61**

- 33 After Clause 61, insert the following new Clause –
- “Reviews: general**
- (1) The Secretary of State must appoint a person (the “independent reviewer”) to review the operation of –
    - (a) Part 1, except section (*Offences under Part 2 of the Serious Crime Act 2007*);
    - (b) Part 2;
    - (c) Schedule 3 to the Counter-Terrorism and Border Security Act 2019, except the functions of the Investigatory Powers Commissioner under Part 1 of that Schedule.
  - (2) The independent reviewer –
    - (a) must carry out a review of the operation of those provisions for each calendar year (an “annual review”), and
    - (b) may carry out such other reviews of the operation of any of those provisions as they consider appropriate.
  - (3) An annual review must be completed as soon as reasonably practicable after the calendar year to which it relates.
  - (4) The independent reviewer must, by 31 January in each calendar year, inform the Secretary of State what (if any) reviews under subsection (2)(b) they intend to carry out in that year.
  - (5) The independent reviewer 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.

- (6) On receiving a report under this section, the Secretary of State must lay before Parliament—
  - (a) the report (but not any material removed under subsection (7)), and
  - (b) a statement as to whether any material has been removed under that subsection.
- (7) The Secretary of State may, after consulting the independent reviewer, remove from the report any material whose publication the Secretary of State thinks would be contrary to the public interest, or prejudicial to—
  - (a) national security,
  - (b) the prevention or detection of crime,
  - (c) the economic well-being of the United Kingdom, or
  - (d) the continued discharge of the functions of any public authority whose activities include activities that are subject to review by the independent reviewer.
- (8) “Public authority” means a public authority within the meaning of section 6 of the Human Rights Act 1998, other than a court or tribunal.
- (9) The Secretary of State may pay to the independent reviewer—
  - (a) expenses incurred in carrying out the functions of the reviewer under this section, and
  - (b) such allowances as the Secretary of State determines.”

**34**

After Clause 61, insert the following new Clause—

**“Reviews of detention under Part 1**

- (1) An annual review under section (*Reviews: general*)(2)(a) must in particular consider compliance with the relevant requirements in relation to persons detained under section 25 by virtue of a warrant of further detention under Part 6 of Schedule 6.
- (2) The relevant requirements are requirements imposed—
  - (a) by or under Parts 1 to 5, and paragraph 45, of Schedule 6;
  - (b) by any relevant code of practice under section 66 of the Police and Criminal Evidence Act 1984 or Article 65 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)).
- (3) The independent reviewer must ensure that a review is carried out into any case where—
  - (a) a person is detained under section 25 by virtue of a warrant of further detention under Part 6 of Schedule 6, and
  - (b) the period specified in that warrant is further extended under paragraph 44 of that Schedule to a time that is more than 14 days after the person’s arrest under section 25.
- (4) A review under subsection (3) may be carried out by the independent reviewer or by another person.

- (5) The independent reviewer must ensure that a report on the outcome of a review under subsection (3) is sent to the Secretary of State as soon as reasonably practicable after completion of the review.
- (6) Section (*Reviews: general*) (6) to (8) applies to a report of a review under subsection (3).
- (7) The expenses mentioned in section (*Reviews: general*)(9) include any expenses incurred by the independent reviewer in ensuring that another person carries out, and reports on, a review under subsection (3).
- (8) “Independent reviewer” has the same meaning as in section (*Reviews: general*).”

### Clause 62

- 35 Clause 62, page 43, line 23, after “an” insert “agreement or”
- 36 Clause 62, page 43, line 25, after “out” insert “relevant”
- 37 Clause 62, page 43, line 26, after “for” insert “relevant”
- 38 Clause 62, page 43, line 26, at end insert –  
“(1A) In this section “relevant activities” –  
    (a) if regulations under subsection (1B) apply in relation to the specified person, has the meaning given by the regulations, and  
    (b) otherwise, means all activities.  
(1B) The Secretary of State may by regulations make provision about activities which are relevant activities for the purposes of this section, either in relation to all specified persons or in relation to such specified persons as the regulations may provide.”
- 39 Clause 62, page 43, line 30, leave out from beginning to “ought” in line 33 and insert “P commits an offence if P –  
    (a) fails to comply with subsection (2), and  
    (b) knows, or having regard to other matters known to them”

### Clause 64

- 40 Clause 64, page 44, line 19, leave out from beginning to end of line 22 and insert –  
“(A1) This section applies where a person (“P”) makes a foreign activity arrangement required to be registered under section 62(2).

- (1) P commits an offence if—
  - (a) P carries out a relevant activity, or arranges for a relevant activity to be carried out, in the United Kingdom pursuant to the arrangement,”

**41** Clause 64, page 44, line 24, leave out “the person knows, or” and insert “P knows, or having regard to other matters known to them”

**42** Clause 64, page 44, leave out line 25 and insert “pursuant to a foreign activity arrangement.”

**43** Clause 64, page 44, line 26, leave out subsection (2) and insert—

- “(2) A person other than P commits an offence if—
  - (a) the person carries out a relevant activity, or arranges for a relevant activity to be carried out, in the United Kingdom pursuant to the arrangement,
  - (b) the arrangement is not registered, and
  - (c) the person knows, or having regard to other matters known to them ought reasonably to know, that they are acting pursuant to a foreign activity arrangement.
- (3) In proceedings for an offence under subsection (2) it is a defence to show that the person—
  - (a) took all steps reasonably practicable to determine whether the arrangement was registered, and
  - (b) reasonably believed that the arrangement was registered.
- (4) A person is taken to have shown a matter mentioned in subsection (3) if—
  - (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.
- (5) In this section “relevant activity” has the same meaning as in section 62.”

### Clause 65

**44** Clause 65, page 44, line 28, after “out” insert “relevant”

**45** Clause 65, page 44, line 29, leave out from second “the” to end of line 30 and insert “activities are registered with the Secretary of State by the specified person.”

**46** Clause 65, page 44, line 32, at end insert “relevant”

- 47 Clause 65, page 44, line 33, leave out from second “the” to end of line 34 and insert “activities are registered with the Secretary of State by the specified person.”
- 48 Clause 65, page 44, line 36, at end insert “relevant”
- 49 Clause 65, page 45, line 1, leave out from first “the” to end of line 2 and insert “activities are not registered with the Secretary of State by the specified person.”
- 50 Clause 65, page 45, line 2, at end insert –
- “(3A) In this section “relevant activities” –
- (a) if regulations under subsection (3B) apply in relation to the specified person, has the meaning given by the regulations, and
  - (b) otherwise, means all activities.
- (3B) The Secretary of State may by regulations make provision about activities which are relevant activities for the purposes of this section, either in relation to all specified persons or in relation to such specified persons as the regulations may provide.”
- 51 Clause 65, page 45, line 12, leave out from “offence” to end of line 13.
- 52 Clause 65, page 45, line 15, after first “or” insert “having regard to other matters known to them”
- 53 Clause 65, page 45, line 15, leave out “or (b)”
- 54 Clause 65, page 45, line 16, at end insert –
- “(9) In proceedings for an offence under subsection (7) or (8) it is a defence to show that the person –
- (a) took all steps reasonably practicable to determine whether the activities were registered, and
  - (b) reasonably believed that the activities were registered.
- (10) A person is taken to have shown a matter mentioned in subsection (9) if –
- (a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and
  - (b) the contrary is not proved beyond reasonable doubt.”

**Clause 66**

- 55 Clause 66, page 45, line 19, after “an” insert “agreement or”
- 56 Clause 66, page 45, line 20, leave out first “principal” and insert “power”
- 57 Clause 66, page 45, line 20, leave out second “principal” and insert “power”
- 58 Clause 66, page 45, line 22, at end insert –  
“(1A) Where the foreign power is a specified person, the arrangement is not a foreign influence arrangement to the extent that it relates to political influence activities that are relevant activities for the purposes of section 62.”
- 59 Clause 66, page 45, line 24, leave out “10” and insert “28”
- 60 Clause 66, page 45, line 26, leave out “made before” and insert “which is made before, and which continues to have effect on,”
- 61 Clause 66, page 45, line 28, leave out “10” and insert “28”
- 62 Clause 66, page 45, line 30, leave out from beginning to “knows” in line 31 and insert “P commits an offence if P –  
(a) fails to comply with subsection (2), and”

**Clause 67**

- 63 Leave out Clause 67

**Clause 68**

- 64 Clause 68, page 46, line 29, at end insert “a person listed in Schedule (*Public officials*);”
- 65 Clause 68, page 46, line 30, leave out sub-paragraphs (i) to (vi)
- 66 Clause 68, page 47, line 5, after “made” insert “by or”

- 67 Clause 68, page 47, line 6, leave out “principal” and insert “power”
- 68 Clause 68, page 47, line 9, leave out “the conduct of”
- 69 Clause 68, page 47, line 10, leave out from first “of” to end of line 12 and insert –
- “(i) a Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975) or a United Kingdom government department,
  - (ii) a Northern Ireland Minister, the First Minister in Northern Ireland, the deputy First Minister in Northern Ireland, a person appointed as a junior Minister under section 19 of the Northern Ireland Act 1998, a Northern Ireland department or the Executive Committee of the Northern Ireland Assembly,
  - (iii) the Scottish Ministers or the First Minister for Scotland, or
  - (iv) the Welsh Ministers, the First Minister for Wales or the Counsel General to the Welsh Government,”
- 70 Clause 68, page 47, line 13, leave out paragraph (c)
- 71 Clause 68, page 47, line 17, at end insert “(acting in that capacity)”.
- 72 Clause 68, page 47, leave out lines 24 and 25
- 73 Clause 68, page 47, leave out lines 26 to 41
- 74 Clause 68, page 48, leave out lines 1 and 2

#### Clause 69

- 75 Clause 69, page 48, line 5, leave out from beginning to “carries” in line 6 and insert –
- “(A1) This section applies where a person (“P”) makes a foreign influence arrangement required to be registered under section 66(2).
- (1) P commits an offence if –
    - (a) after the end of the registration period P”

- 76 Clause 69, page 48, line 8, leave out from first “to” to end of line 9 and insert “the arrangement”
- 77 Clause 69, page 48, line 11, leave out paragraph (c) and insert –  
“(c) P knows, or having regard to other matters known to them ought reasonably to know, that they are acting pursuant to a foreign influence arrangement.”
- 78 Clause 69, page 48, line 12, leave out subsection (2) and insert –  
“(2) A person other than P commits an offence if –  
(a) after the end of the registration period the person carries out a political influence activity, or arranges for a political influence activity to be carried out, in the United Kingdom pursuant to the arrangement,  
(b) the arrangement is not registered, and  
(c) the person knows, or having regard to other matters known to them ought reasonably to know, that they are acting pursuant to a foreign influence arrangement.  
(3) In this section the “registration period” means the period before the end of which P must register the arrangement (see section 66(2) and (3)).  
(4) In proceedings for an offence under subsection (2) it is a defence to show that the person –  
(a) took all steps reasonably practicable to determine whether the arrangement was registered, and  
(b) reasonably believed that the arrangement was registered.  
(5) A person is taken to have shown a matter mentioned in subsection (4) if –  
(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and  
(b) the contrary is not proved beyond reasonable doubt.”

### Clause 70

- 79 Clause 70, page 48, line 14, leave out subsections (1) and (2)
- 80 Clause 70, page 48, line 22, leave out “a foreign principal who is”
- 81 Clause 70, page 48, line 28, leave out from first “the” to end of line 29 and insert “activities are not registered with the Secretary of State by the foreign power.”



- 82 Clause 70, page 48, line 29, at end insert—  
“(3A) Where the foreign power is a specified person, the prohibition in subsection (3) does not apply to the extent that the political influence activities are relevant activities for the purposes of section 65.”
- 83 Clause 70, page 48, line 38, leave out subsection (7)
- 84 Clause 70, page 49, line 2, after first “or” insert “having regard to other matters known to them”
- 85 Clause 70, page 49, line 2, leave out “or (b)”
- 86 Clause 70, page 49, line 3, at end insert—  
“(9) In proceedings for an offence under subsection (8) it is a defence to show that the person—  
(a) took all steps reasonably practicable to determine whether the activities were registered, and  
(b) reasonably believed that the activities were registered.  
(10) A person is taken to have shown a matter mentioned in subsection (9) if—  
(a) sufficient evidence of the matter is adduced to raise an issue with respect to it, and  
(b) the contrary is not proved beyond reasonable doubt.”

#### Clause 72

- 87 Clause 72, page 49, line 13, leave out “an” and insert “a relevant”
- 88 Clause 72, page 49, line 18, at end insert—  
“(2A) Regulations under subsection (1)(c) may, in particular, require the person to provide information about any political influence activities carried out, or arranged to be carried out, during the registration period by any person pursuant to the arrangement which is required to be registered.  
(2B) In subsection (2A) “registration period” has the same meaning as in section 69.”

#### Clause 73

- 89 Clause 73, page 50, line 5, at end insert—

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

90 Clause 73, page 50, line 6, after “registered” insert “relevant”

91 Clause 73, page 50, line 7, at end insert “relevant”

92 Clause 73, page 50, line 9, at end insert “relevant”

93 Clause 73, page 50, line 16, at end insert –

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

94 Clause 73, page 50, line 17, after “registered” insert “political influence”

95 Clause 73, page 50, line 18, at end insert “political influence”

96 Clause 73, page 50, line 23, at end insert –

“(3A) An information notice may only specify information which the Secretary of State considers may be relevant to an arrangement or activity within subsection (1) or (2).”

#### Clause 75

97 Clause 75, page 51, line 16, leave out “an” and insert “a relevant”

98 Clause 75, page 51, line 24, after “or” insert “having regard to other matters known to them”

99 Clause 75, page 51, line 32, after “or” insert “having regard to other matters known to them”

**Clause 76**

- 100 Clause 76, page 51, line 37, leave out first “an” and insert “a relevant”
- 101 Clause 76, page 51, line 37, leave out second “an” and insert “a relevant”
- 102 Clause 76, page 52, line 3, after “or” insert “having regard to other matters known to them”
- 103 Clause 76, page 52, line 14, after “or” insert “having regard to other matters known to them”

**Clause 77**

- 104 Clause 77, page 52, line 20, leave out “copying” and insert “the disclosure”
- 105 Clause 77, page 52, line 22, after “(1)” insert “(a)”

**Clause 78**

- 106 Clause 78, page 53, line 3, leave out “an” and insert “a relevant”
- 107 Clause 78, page 53, line 24, leave out “(7) or”

**Clause 80**

- 108 Clause 80, page 54, line 12, leave out “principals” and insert “powers”
- 109 Clause 80, page 54, line 14, leave out “principals” and insert “powers”

**Clause 81**

- 110 Clause 81, page 54, leave out line 33

**Clause 83**

- 111 Clause 83, page 56, line 6, leave out from “wrongdoing” to “and” on line 9 and insert “that –

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

**112** Clause 83, page 56, line 10, leave out “terrorist” and insert “such”

**113** Clause 83, page 56, line 11, after “wrongdoing” insert “and of its connection with the conduct of the Crown”

**114** Clause 83, page 56, line 14, leave out paragraph (a)

**115** Clause 83, page 56, line 18, leave out “that conduct” and insert “the conduct complained of in the proceedings”

#### **Clause 84**

**116** Clause 84, page 57, line 8, leave out from “out” to “to” and insert “how the Crown considers the national security factors”

#### **Clause 87**

**117** Clause 87, page 59, line 4, after “Schedule 1” insert “other than those in paragraph 12 of Schedule 1”

**118** Clause 87, page 59, line 10, at beginning insert “the Director determines that”

**119** Clause 87, page 59, line 10, leave out “F” and insert “G”

**120** Clause 87, page 59, line 28, at end insert –

“(7A) Condition G is met where –

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

(7B) In subsection (7A) –

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

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

#### After Clause 89

121 After Clause 89, insert the following new Clause –

##### **“Amendments of Terrorism Act 2000**

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

122 After Clause 89, insert the following new Clause –

##### **“Duty to update the Intelligence and Security Committee of Parliament's memorandum of understanding**

- (1) The Prime Minister must ensure that the memorandum of understanding between the Prime Minister and the Intelligence and Security Committee of Parliament (the “ISC”) under section 2 of the Justice and Security Act 2013 (the “MoU”) is revised to reflect any changes to the intelligence or security activities of His Majesty’s Government as a result of this Act.
- (2) Any revisions to the MoU under subsection (1) must be agreed between the Prime Minister and the ISC in accordance with the process set out in section 2 of the Justice and Security Act 2013.
- (3) Any engagement between the Prime Minister and the ISC relating to revisions to the MoU under subsection (1) must commence within the 6-month period beginning with the day on which this Act is passed.”

#### Clause 92

123 Clause 92, page 63, line 10, at end insert –

“(za) regulations under section 62(1B);”

124 Clause 92, page 63, line 11, after “63” insert “specifying a foreign power, or a person other than a foreign power, who is not specified immediately before the regulations are made”

125 Clause 92, page 63, line 11, at end insert –

“(aa) regulations under section 65(3B);”

126 Clause 92, page 63, line 11, at end insert –

“(ab) regulations under section 77(1)(a);”

127 Clause 92, page 63, line 12, leave out paragraph (b)

128 Clause 92, page 63, line 17, at end insert –

“(fa) regulations under paragraph 27 of Schedule (*Public officials*);”

129 Clause 92, page 63, line 31, leave out “63” and insert “62, 63 or 65”

#### Clause 95

130 Clause 95, page 64, line 13, at end insert –

“(1A) His Majesty may by Order in Council provide for any provision of this Act other than section 20 to extend (with or without modifications) to the Sovereign Base Areas of Akrotiri and Dhekelia.

(1B) An Order in Council under subsection (1A) may make consequential, supplementary, incidental, transitional or saving provision.”

#### Schedule 2

131 Schedule 2, page 70, line 15, at end insert –

“(v) Schedule 3 (disclosure orders);

(vi) Schedule 4 (customer information orders);”

132 Schedule 2, page 73, line 17, at end insert –

“4A An application for an order under paragraph 3 or 4 may be made without notice to a judge in chambers.”

133 Schedule 2, page 73, line 42, at end insert –

“6A An order under paragraph 3 or 4 has effect as if it were an order of the court.”

134 Schedule 2, page 74, leave out line 31 and insert “produce the material”

135 Schedule 2, page 74, line 32, leave out from beginning to “it” in line 33

- 136 Schedule 2, page 74, line 35, leave out paragraphs (c) and (d) and insert—  
“(c) the investigation may be seriously prejudiced unless a constable can secure immediate access to the material.”
- 137 Schedule 2, page 75, line 25, at end insert—  
“(1A) An application for an order under this paragraph may be made without notice to a judge in chambers.”
- 138 Schedule 2, page 75, line 35, at end insert—  
“(5) An order under this paragraph has effect as if it were an order of the court.”
- 139 Schedule 2, page 79, line 15, leave out from “judge” to end of line 18 and insert “entitled to exercise the jurisdiction of the Crown Court;”
- 140 Schedule 2, page 79, line 19, leave out “a judge of the High Court or”
- 141 Schedule 2, page 79, line 32, at end insert—  
“(v) Schedule 3 (disclosure orders);  
(vi) Schedule 4 (customer information orders);”
- 142 Schedule 2, page 82, line 1, at end insert—  
“18A An application for an order under paragraph 17 or 18 may be made without notice to a sheriff in chambers.”
- 143 Schedule 2, page 82, line 25, leave out “Provision may be made” and insert “Without prejudice to section 305 of the Criminal Procedure (Scotland) Act 1995, provision may be made by the High Court of Justiciary”
- 144 Schedule 2, page 83, leave out line 25 and insert “produce the material”
- 145 Schedule 2, page 83, line 26, leave out from beginning to “it” in line 27
- 146 Schedule 2, page 83, line 29, leave out paragraphs (c) and (d) and insert—

“(c) the investigation may be seriously prejudiced unless a constable can secure immediate access to the material.”

147 Schedule 2, page 84, line 16, at end insert—

“(1A) An application for an order under this paragraph may be made without notice to a sheriff in chambers.”

#### Schedule 6

148 Schedule 6, page 114, line 14, leave out “sheriff principal” and insert “Sheriff Appeal Court”

149 Schedule 6, page 122, line 37, at end insert “or, in Northern Ireland, Article 53(1) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12))”

#### Schedule 12

150 Schedule 12, page 174, line 5, at end insert “or, in Northern Ireland, Article 53(1) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12))”

151 Schedule 12, page 174, line 7, at end insert “or, in Northern Ireland, Article 53(1) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12))”

152 Schedule 12, page 175, line 18, at end insert “or, in Northern Ireland, Part 6 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I.12)) (see Article 53(1) and (3) of that Order)”

#### Before Schedule 14

153 Before Schedule 14, insert the following new Schedule—

“SCHEDULE

Section 68

PUBLIC OFFICIALS

#### *Ministers*

1 A Minister of the Crown (within the meaning of the Ministers of the Crown Act 1975).



- 2 A Northern Ireland Minister, the First Minister in Northern Ireland, the deputy First Minister in Northern Ireland or a person appointed as a junior Minister under section 19 of the Northern Ireland Act 1998.
- 3 The First Minister for Scotland, a Minister appointed under section 47 of the Scotland Act 1998 or a junior Scottish Minister.
- 4 The First Minister for Wales, a Welsh Minister appointed under section 48 of the Government of Wales Act 2006, the Counsel General to the Welsh Government or a Deputy Welsh Minister appointed under section 50 of that Act.

*MPs etc*

- 5 A member of either House of Parliament.
- 6 A member of the Northern Ireland Assembly.
- 7 A member of the Scottish Parliament.
- 8 A member of Senedd Cymru.
- 9 An employee or other member of staff of a person within any of paragraphs 5 to 8.

*Local government*

- 10 The Mayor of London.
- 11 A mayor for the area of a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009.

*Political parties*

- 12 An officer, trustee or agent of a UK registered political party (within the meaning of section 68).
- 13 A member of such a political party who exercises executive functions on behalf of the party.

*Election candidates*

- 14 A candidate at an election for a relevant elective office (within the meaning of section 37 of the Elections Act 2022).
- 15 A candidate at an election for a relevant Scottish elective office (within the meaning of that section).

*Civil servants*

- 16 (1) A member of—
  - (a) the Senior Civil Service;
  - (b) the Northern Ireland Senior Civil Service;
  - (c) the Senior Management Structure of Her Majesty's Diplomatic Service.

- (2) 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 (special advisers).
- (3) A person appointed to a position in the Northern Ireland Civil Service by a Northern Ireland Minister (within the meaning of section 68) 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.)) (special advisers).

*Military personnel*

- 17 (1) An officer subject to service law who is of or above the rank of commodore, brigadier or air commodore.
- (2) In sub-paragraph (1), “subject to service law” has the same meaning as in the Armed Forces Act 2006 (see section 374 of that Act).

*Police*

- 18 The chief constable or deputy chief constable of a police force maintained under section 2 of the Police Act 1996.
- 19 A police and crime commissioner.
- 20 A person of one of the following ranks of the metropolitan police force –
  - (a) Commissioner of Police of the Metropolis;
  - (b) Deputy Commissioner of Police of the Metropolis;
  - (c) Assistant Commissioner of Police of the Metropolis;
  - (d) Deputy Assistant Commissioner of Police of the Metropolis.
- 21 The Commissioner of Police for the City of London or an Assistant Commissioner of Police for the City of London.
- 22 The chief constable or deputy chief constable of the Police Service of Northern Ireland.
- 23 The chief constable or a deputy chief constable of the Police Service of Scotland.
- 24 The chief constable or a deputy chief constable of the Ministry of Defence Police.
- 25 The chief constable or deputy chief constable of the British Transport Police Force.
- 26 The chief constable or deputy chief constable of the Civil Nuclear Constabulary.

*Persons exercising public functions*

- 27 (1) A person exercising public functions who is specified by the Secretary of State in regulations.
- (2) “Public functions” means functions of a public nature –
  - (a) exercisable in the United Kingdom, or

- (b) exercisable in a country or territory outside the United Kingdom by a person acting for or on behalf of, or holding office under, the Crown.”

#### Schedule 14

- 154 Schedule 14, page 180, line 7, at end insert “foreign activity arrangements or foreign influence”
- 155 Schedule 14, page 180, line 10, leave out “or a UK agreement”
- 156 Schedule 14, page 180, line 13, leave out “(1) to”
- 157 Schedule 14, page 180, line 15, leave out “or “UK agreement””
- 158 Schedule 14, page 180, line 23, after “64(1)” insert “or (2)”
- 159 Schedule 14, page 180, line 26, after “69(1)” insert “or (2)”
- 160 Schedule 14, page 182, line 1, after “69(1)” insert “or (2)”
- 161 Schedule 14, page 182, line 3 leave out paragraph (c)
- 162 Schedule 14, page 182, line 7, leave out sub-paragraph (2)
- 163 Schedule 14, page 182, line 12, after “the” insert “foreign influence”
- 164 Schedule 14, page 182, line 15, after “69(1)” insert “or (2)”
- 165 Schedule 14, page 182, line 20, leave out “principal” and insert “power”
- 166 Schedule 14, page 182, leave out lines 24 to 28 and insert—  
““news-related material”, “publish”, and “recognised news publisher”  
have the meaning given by paragraph 4A.”

167 Schedule 14, page 182, line 28, at end insert –

- “4A (1) In paragraph 4, “recognised news publisher” means any of the following entities –
- (a) the British Broadcasting Corporation,
  - (b) Sianel Pedwar Cymru,
  - (c) the holder of a licence under the Broadcasting Act 1990 or 1996 who publishes news-related material in connection with the broadcasting activities authorised under the licence, and
  - (d) any other entity which –
    - (i) meets all of the conditions in sub-paragraph (2),
    - (ii) is not an excluded entity (see sub-paragraph (3)), and
    - (iii) is not a sanctioned entity (see sub-paragraph (4)).
- (2) The conditions referred to in sub-paragraph (1)(d)(i) are that the entity –
- (a) has as its principal purpose the publication of news-related material, and such material –
    - (i) is created by different persons, and
    - (ii) is subject to editorial control,
  - (b) publishes such material in the course of a business (whether or not carried on with a view to profit),
  - (c) is subject to a standards code,
  - (d) has policies and procedures for handling and resolving complaints,
  - (e) has a registered office or other business address,
  - (f) is the person with legal responsibility for material published by it in the United Kingdom, and
  - (g) publishes –
    - (i) the entity’s name, the address mentioned in paragraph (e) and the entity’s registered number (if any), and
    - (ii) the name and address of any person who controls the entity (including, where such a person is an entity, the address of that person’s registered or principal office and that person’s registered number (if any)).
- (3) An “excluded entity” is an entity –
- (a) which is a proscribed organisation under the Terrorism Act 2000 (see section 3 of that Act), or
  - (b) the purpose of which is to support a proscribed organisation under that Act.
- (4) A “sanctioned entity” is an entity which –
- (a) is designated by name under a power contained in regulations under section 1 of the Sanctions and Anti-Money Laundering Act 2018 that authorises the Secretary of State or the Treasury to designate persons for the purposes of the regulations or of any provisions of the regulations, or

- (b) is a designated person under any provision included in such regulations by virtue of section 13 of that Act (persons named by or under UN Security Council Resolutions).
- (5) For the purposes of sub-paragraph (2) –
- (a) news-related material is “subject to editorial control” if there is a person (whether or not the publisher of the material) who has editorial or equivalent responsibility for the material, including responsibility for how it is presented and the decision to publish it;
  - (b) “control” has the same meaning as it has in the Broadcasting Act 1990 by virtue of section 202 of that Act.
- (6) In this paragraph –
- “news-related material” means material consisting of –
- (a) news or information about current affairs,
  - (b) opinion about matters relating to the news or current affairs, or
  - (c) gossip about celebrities, other public figures or other persons in the news;
- “publish” means publish by any means (including by broadcasting), and references to a publisher and publication are to be construed accordingly;
- “standards code” means –
- (a) a code of standards that regulates the conduct of publishers, that is published by an independent regulator, or
  - (b) a code of standards that regulates the conduct of the entity in question, that is published by the entity itself.”

168 Schedule 14, page 182, line 39, leave out “(1) to”

### Schedule 15

169 Schedule 15, page 184, line 28, leave out from “proceedings” to end of line 33 and insert –

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

### Before Schedule 16

170 Before Schedule 16, insert the following new Schedule—

#### “SCHEDULE

#### AMENDMENTS OF TERRORISM ACT 2000

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

“(3A) Those provisions are—

    - (a) section 24 of the Police and Criminal Evidence Act 1984;
    - (b) Article 26 of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12));
    - (c) Schedule 7;
    - (d) section 1 of the Criminal Justice (Scotland) Act 2016 (asp 1);
    - (e) Part 1 of Schedule 3 to the Counter-Terrorism and Border Security Act 2019;
    - (f) section 25 of the National Security Act 2023.”
  - (4) After subsection (8) insert—
 

“(8ZA) Subsection (8A) applies where—

    - (a) a person is detained under this section in hospital, or
    - (b) a person detained under this section is removed to hospital because the person needs medical treatment.”
  - (5) In subsection (8A)—
    - (a) for the words before paragraph (a) substitute “Where this subsection applies”;
    - (b) in paragraph (a) after “hospital or” insert “(where this subsection applies by virtue of subsection (8ZA)(b))”;
    - (c) in paragraph (b) after “hospital or” insert “(where this subsection applies by virtue of subsection (8ZA)(b))”.
- 2 (1) Schedule 5 to the Terrorism Act 2000 (terrorist investigations) is amended as follows.
  - (2) In paragraph 3 (power to search premises within cordoned area)—
    - (a) in sub-paragraph (1) for the words from “Subject” to “superintendent” substitute “A constable”;
    - (b) in sub-paragraph (2) for the words from “who” to “paragraph” substitute “may exercise the power in sub-paragraph (1) only”.

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

- (5) In paragraph 18 (application to Northern Ireland) before paragraph (f) insert—
- “(ea) the reference in paragraph 15(1B) to section 11(1)(c) of the Police and Criminal Evidence Act 1984 is to be taken as a reference to Article 13(1)(c) of the Police and Criminal Evidence (Northern Ireland) Order 1989 (S.I. 1989/1341 (N.I. 12)),”.
- (6) In paragraph 31 (search and seizure in urgent cases: Scotland)—
- (a) at the end of sub-paragraph (1) insert “(subject to sub-paragraph (1A)).”;
- (b) after sub-paragraph (1) insert—
- “(1A) An order under this paragraph does not authorise a constable to retain confidential journalistic material.
- (1B) “Confidential journalistic material” has the same meaning as in the Investigatory Powers Act 2016 (see section 264(6) and (7) of that Act).”
- (7) After paragraph 31 insert—
- “31A(1) This paragraph applies where confidential journalistic material is seized by virtue of an order under paragraph 31.
- (2) The procurator fiscal may apply to a sheriff for the issue of a warrant under this paragraph.
- (3) An application under sub-paragraph (2) must be made as soon as reasonably practicable.
- (4) The sheriff may grant an application under sub-paragraph (2) if satisfied that conditions 1 to 3 are met.
- (5) Condition 1 is that the warrant is sought for the purposes of a terrorist investigation.
- (6) Condition 2 is that there are reasonable grounds for believing that the material is likely to be of substantial value, whether by itself or with other material, to a terrorist investigation.
- (7) Condition 3 is that there are reasonable grounds for believing that it is in the public interest that the material should be retained having regard to the benefit likely to accrue to the terrorist investigation if the material is retained.
- (8) A warrant under this paragraph is a warrant authorising the retention of confidential journalistic material.
- (9) A warrant under this paragraph may impose conditions on the retention and use of the material.
- (10) If the sheriff does not grant an application for the issue of a warrant under this paragraph in relation to any of the material to which the application relates, the sheriff may direct that the material is—
- (a) returned to the person from whom it was seized, or



- (b) destroyed.
- (11) “Confidential journalistic material” has the same meaning as in paragraph 31.””

### Schedule 16

171 Schedule 16, page 190, line 22, at end insert –

*“Investigatory Powers Act 2016 (c. 25)*

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

(2) After paragraph 8 insert –

*“Proceedings under Part 2 of the National Security Act 2023*

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

- (a) any proceedings which are relevant proceedings within the meaning of Part 2 of the National Security Act 2023 (see section 61(1) of that Act), or
- (b) any proceedings arising out of any proceedings within paragraph (a).

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

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

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

(a) after paragraph (h) insert –

“(ha) an offence under section 1 or 3 of the National Security Act 2023 relating to any information, document or other article which, or an offence under section 12 of that Act relating to any asset which –

- (i) incorporates, or relates to, the content of any intercepted communication or any secondary data obtained from a communication, or
- (ii) tends to suggest that any interception-related conduct has or may have occurred or may be going to occur;

- (hb) an offence under section 16 of the National Security Act 2023 in relation to an offence falling within paragraph (ha);”
- (b) in paragraph (i), for “(h)” substitute “(ha)”.”

**172** Schedule 16, page 190, line 22, at end insert –

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

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

#### **Title**

**173** Title, line 4, leave out “principals” and insert “powers”

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

# National Security Bill

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## LORDS AMENDMENTS

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Ordered, by The House of Commons,  
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