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National Security Bill
HL Bill 68 of 2022–23

Author: James Tobin
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The National Security Bill 2022–23 is wide-ranging government legislation which would introduce measures designed to protect the UK against an evolving range of threats. In doing so, it would update and replace the existing framework contained within the Official Secrets Acts (OSA) 1911, 1920 and 1939. The bill would not reform many of the provisions of the OSA 1989, however, and this has been a source of debate and controversy.

The government contends that the new bill is necessary because the current security architecture was designed according to traditional perceptions of the threat posed by hostile foreign powers such as Nazi Germany. Threats in the modern world look very different and can take many different forms, from cyber operations to political interference carried out by a range of different actors. Consequently, the bill would implement a range of measures to deal with hostile state activity, including espionage, sabotage, and foreign interference in elections. It would also introduce new sanctions and police powers, such as arrest and detention without a warrant, and for state threat activity to be taken into account as an aggravating factor in sentencing.

The bill follows a review by the Law Commission and has been welcomed by the security services. However, the bill omits some elements of the Law Commission's recommendations—for example, the creation of a public interest defence for journalists and others charged with unauthorised disclosure under the 1989 OSA—and some of its provisions have also been criticised by observers such as the Joint Committee on Human Rights.

In Parliament, opposition parties have supported the aims and purpose of the bill. However, they too have raised several concerns, including changes to the legal basis for the security services and armed forces to act overseas; the public interest defence and lack of reforms to the 1989 OSA; legal aid provisions; and the proposed role of an independent reviewer to monitor the implementation of certain provisions.

The bill was first introduced in the House of Commons and was significantly amended by the government during committee and report stages. This included the introduction of a foreign influence registration scheme, requiring those acting for a foreign power to declare their political influencing activity.

This briefing examines those issues ahead of second reading in the House of Lords on 6 December 2022.

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1. Why is the government introducing the bill?

The government contends that the threat of hostile activity against the UK's interests from foreign states is growing. Ministers and the security services have reported that such nations are "becoming increasingly assertive" in how they advance their own objectives and undermine the safety and interests of the UK, operating covertly "in an attempt to interfere with the UK's national security, economy, and democracy".[1]

These threats can take many forms. The government's 2021 'Integrated review of security, defence, development and foreign policy' reported that the nature of these threats had diversified and evolved over time, and now included:[2]

- espionage
- political interference
- sabotage
- assassination and poisonings
- electoral interference
- disinformation
- propaganda
- cyber operations
- intellectual property theft

The integrated review also noted that non-state actors also use these methods, and that states increasingly work with non-state actors to achieve their goals, including using them as proxies. As a result, the line between state threats and other types of security threat, such as terrorism, has become blurred.[3]

Similarly, speaking in 2021, Ken McCallum, director general of MI5, noted the increasing impact on the public of such activity. This included physical attacks, such as the 2016 poisonings in Salisbury, but more frequently activities such as disruptive cyberattacks. Mr McCallum noted the potential of these tactics to affect large numbers of people and critical infrastructure, for example, where healthcare services are targeted. In addition, he observed the interest of foreign spies in areas such as scientific research, high-tech business and certain export markets, and the role of interference and the spreading of misinformation to sow division or influence discourse

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[1] Explanatory notes, p 6.
[2] HM Government, 'Global Britain in a competitive age: The integrated review of security, defence, development and foreign policy', March 2021, CP 403, p 72; and House of Commons Library, 'National Security Bill 2022–2023', 15 November 2022, p 6.
[3] HM Government, 'Global Britain in a competitive age: The integrated review of security, defence, development and foreign policy', March 2021, CP 403, p 72.

for political ends.

The government believes that the existing national security framework is now out of date in the wake of this new reality. That framework, and the criminal law provisions that protect official information, is primarily contained in the four Official Secrets Acts of 1911, 1920, 1939 and 1989. The government contends they were designed according to a traditional view of threat which does not reflect the modern world:

> The [national security] threat has evolved since the last time the UK substantively legislated on this issue. The Official Secrets Act 1911 and subsequent acts in 1920 and 1939 were primarily focused on the threat posed by early 20th century Germany. Since then, the global landscape has changed significantly, with collaboration between states offering benefits in a wide range of areas. The traditional way of viewing states as hostile and non-hostile often overlooks the complexity of modern international relations in an interconnected world, including complex international trade and supply chains.
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> In addition, new technologies and their widespread commercial availability have created new opportunities and significant vectors for attack, lowering the cost and risk to states to conduct espionage. Accordingly, while only a small number of states show the full range of capabilities and a willingness to use them, a large number of countries have both the capability and intent to conduct hostile activity against the UK, in some form.[4]

Law Commission review and Home Office consultation

The bill also follows a review by the Law Commission, conducted upon request by the Cabinet Office, which began in 2015 and concluded in 2020 (following a public consultation in 2017).[5]

Noting the age of the Official Secrets Acts and the evolving nature of the threats facing the UK discussed above, the Law Commission made 33 recommendations for the government. In the words of the Law Commission, they were designed to ensure that the:

- law governing both espionage and unauthorised disclosures addresses the nature and scale of the modern threat
- criminal law can respond effectively to illegal activity (by removing unjustifiable barriers to prosecution)
- criminal law provisions are proportionate and commensurate

[4] Explanatory notes, p 6.
[5] Law Commission, 'Protection of official data', 1 September 2020.

with human rights obligations[6]

The Law Commission summarised the purpose of its main recommendations as follows:

- Updating the archaic language of the Official Secrets Acts to ensure the legislation is fit for purpose. For example, we recommend replacing the word "enemy" with "foreign power", which would include terrorist organisations and companies controlled by a state.
- For prosecutions of public servants (crown servants and contractors) who leak information, we recommend removing the requirement to prove that the leak caused damage. Instead, the offence should require proof of a sufficiently culpable mental state (which should be decided by Parliament). For example, knowledge or belief that the disclosure would cause damage.
- For cases of espionage carried out against the UK from abroad, we recommend that an offence would be committed irrespective of whether the individual is a British citizen, provided there is a significant link between the individual's behaviour and the interests of the United Kingdom.
- A statutory public interest defence should be available for anyone—including civilians and journalists—charged with an unauthorised disclosure offence under the Official Secrets Act 1989. If it is found that the disclosure was in the public interest, the defendant would not be guilty of the offence.
- Public servants and civilians should be able to report concerns of wrongdoing to an independent statutory commissioner who would be tasked with investigating those concerns effectively and efficiently.
- Parliament should consider increased maximum sentences for the most serious offences in relation to leaks. However, we do not make a recommendation on what [those] new maximum sentences should be.[7]

The Home Office responded to the Law Commission's proposals as part of a consultation exercise which ran from May to July 2021, with a final report updated in July 2022.[8] In that document, the government stated its intention to:

- repeal the Official Secret Acts 1911–39 and replace them with new legislation, which would update the terminology, including

[6] Law Commission, 'Protection of official data', 1 September 2020.
[7] Law Commission, 'Protection of official data', 1 September 2020.
[8] Home Office, 'Consultation document: Legislation to counter state threats', updated 12 July 2022.

the use of the word "enemy", and the definition of espionage offences; and, broaden the territorial application of the espionage offences

- remove the requirement to show that an unauthorised disclosure caused damage in order to bring a prosecution for disclosure offences under the OSA 1989
- increase the maximum sentence for unauthorised disclosures to reflect the fact that they are now capable of causing far more serious damage than when the offence was first introduced, meaning that there is not necessarily a distinction in severity between espionage and the most serious disclosures
- extend the territorial extent of the unauthorised disclosure offences in the OSA 1989[9]

It also committed to giving further consideration to several other Law Commission recommendations when developing the legislation.

On the proposal for a statutory public interest defence, the government said that this would be considered in further detail. Its consultation response added:

> As part of these considerations, [ministers] will also reflect on the commission's comments regarding the compatibility of the act with article 10 of the European Convention on Human Rights—the right to freedom of expression. From our initial considerations, the government believes that existing offences are compatible with article 10 and that these proposals could in fact undermine our efforts to prevent damaging unauthorised disclosures, which would not be in the public interest.[10]

As stated in the explanatory notes to the bill, however, the government believes that the focus "first and foremost" needs to be on hostile activity and the UK's ability to counter it.[11] As such, ministers said that they have introduced the National Security Bill to "bring together a suite of new measures to further protect the UK's national security, the safety of the British public and the UK's vital interests from the hostile activities of foreign states".[12] It argues that these aims will be achieved by:

- Ensuring that the UK's law enforcement and intelligence agencies have the modern tools, powers, and protections they need to

[9] Home Office, 'Consultation document: Legislation to counter state threats', updated 12 July 2022.
[10] Home Office, 'Consultation document: Legislation to counter state threats', updated 12 July 2022.
[11] Explanatory notes, p 6.
[12] Explanatory notes, p 6.

counter those who seek to do the UK harm. With updated investigative powers and capabilities, those on the front line of the UK's defence will be able to do even more to counter state threats.

- Keeping the UK safe by making this country an even harder target for those states who seek to conduct hostile acts against the UK, steal the UK's information for commercial advantage, or interfere in the UK's society covertly.[13]

Together, the government contends that these powers will form a new baseline in the UK's counter state threats toolkit and "ensure the UK is a hard operating environment for those who wish to cause the UK harm".[14]

Ministers also contend that the bill will prevent the exploitation of the UK's civil legal aid and civil damage systems by convicted terrorists. They argue this will prevent public funds from being given to those who could use it to support terror. These provisions are examined below.

2. Measures in the bill in detail

As introduced in the House of Lords, the bill has 5 parts, 98 clauses and 16 schedules.[15] The bill was significantly amended at both committee and report stages in the House of Commons. This section provides an overview of the bill as it currently stands.[16]

2.1 Part 1: Espionage, sabotage and persons acting for foreign powers (clauses 1 to 36)

Part 1 of the bill would replace the existing regime of offences on espionage, sabotage and acting for foreign powers under the Official Secrets Acts 1911–1939, which would be repealed.

Clause 1 would provide that an offence is committed if a person obtains, copies, records, retains, or discloses protected information in circumstances where the person knows (or ought reasonably to know) their conduct is prejudicial to the safety or interests of the UK, and where the foreign power condition is met. (For a definition of the foreign power condition, see clause 29.)

These offences could be committed outside of the UK and would carry a maximum sentence of life imprisonment.[17] The explanatory notes provide

[13] Explanatory notes, p 6.
[14] Explanatory notes, p 6.
[15] UK Parliament, 'National Security Bill', accessed 21 November 2022.
[16] For more detail, see the explanatory notes.
[17] House of Commons Library, 'National Security Bill 2022–2023', 15 November 2022, p 22.

examples of how this would operate:

> **Example (1): where conduct is carried on for a foreign power**
> A person working for the police is asked by representatives of a foreign state to provide information to them on the identity of police officers who work with UK security and intelligence services and agrees to do so, and discloses the names, in return for a financial reward.
>
> **Example (2): where the person intends the conduct to benefit a foreign power**
> A person working for a UK intelligence agency has information on intelligence officers operating in a foreign state and offers to provide this information to that foreign state in return for a substantial financial sum. The foreign state does not commission or buy the information and, in fact, notifies the UK authorities who intervene and arrest the individual.
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> **Example (3): where the person intends to disclose information for financial gain or due to dissatisfaction**
> A person working as a contractor for the Ministry of Defence discloses classified information on a defence system that they retained from their work on it to a foreign state. Their act is motivated by past grievances and dissatisfaction with the UK. In disclosing this information, they understand that it would harm the UK's safety and interests, and that it would benefit a foreign state.[18]

Clause 2 would create an offence of obtaining or disclosing trade secrets. The types of information this would include would be as defined in clause 2(2) of the bill and the foreign power condition would also need to be met. Again, this could be committed outside the UK, but only if the trade secret is in the possession of a UK person. It would carry a maximum sentence of 14 years.[19]

The Home Office provides the following examples of behaviour which would be covered by these provisions:

> **Example (1): where a person is approached by a foreign power**
> Person A is approached by Person B, who works for a foreign power. At B's request, A intentionally discloses a trade secret relating to sensitive artificial intelligence technology, known only by a few people in their company, to B. The information is highly sought after by

[18] Explanatory notes, p 16.
[19] House of Commons Library, 'National Security Bill 2022–2023', 15 November 2022, p 22.

foreign powers and A is not permitted to disclose the information under the terms of their employment. A knows that B is being directed by a foreign power to obtain this company's trade secrets and, in disclosing the trade secret, intends for this information to benefit the foreign power in question. Both A and B have committed an offence.

Example (2): where a person approaches a foreign power

Person C is a disgruntled former employee of a UK company with expertise in civil nuclear technology known only by three other people. C travels to a country with an intention to benefit the foreign power through disclosing their retained trade secret information, despite it being prohibited by their former employer and the information being subject to protective measures. Person C has committed an offence.

Example (3): where a person provides access to information

Person D discloses access codes to a sensitive plan for a new clean energy technology (a trade secret), to Person E, whom D knows is working for a foreign power. With these codes, E is able to access the plans from overseas, sharing them widely in their organisation. The plans were kept locked, and the access codes were not widely known, as the plans had future commercial value. Both D and E have committed an offence.[20]

Clause 3 would create two offences of assisting a foreign intelligence service. The offences cover intentionally engaging in conduct to materially assist a foreign intelligence agency in carrying out UK-related activities or engaging in conduct that may assist a foreign intelligence agency, knowing that to be the case (or being reasonably expected to know). However, the measures would be subject to some exemptions, including if the person was acting in compliance with a legal obligation under UK law.

Clauses 4 to 11 would create a new regime of offences relating to entering prohibited places, for example sites important to the UK's national security. Definitions of what would constitute a prohibited place are set out in clauses 7 and 8, and these provisions were amended at committee and report stage to further expand and clarify these definitions.

Clause 12 would create a new offence of sabotage. This offence would be committed where a person intentionally or recklessly causes any damage to an asset for a purpose which they know (or could be reasonably expected to know) to be prejudicial to the safety or interests of the UK.

[20] Explanatory notes, p 18.

Clauses 13 and 14 would create two new offences relating to foreign interference: a general offence, which would cover a range of activities, and a second offence specifically in relation to foreign interference in UK elections. This would include, for example, using false identities to cast multiple proxy votes in a general election as part of a campaign by a foreign power, and a foreign power using influential members of its diaspora community to interfere in UK democracy.

Clause 15 would create offences related to obtaining material benefits from a foreign intelligence service. It was introduced by the government at committee stage, as discussed below.

Clause 16 would create a general preparatory offence. It would apply where a person engaged in preparatory conduct in relation to the commission of an offence of obtaining or disclosing protected information or trade secrets; entering a prohibited place; sabotage; or another serious offence where the foreign power condition was met.

Clauses 17 to 20 would provide for sentencing measures specifying that acting for a foreign power was an aggravating factor in such decisions. The provisions would apply across the UK and in armed services courts.

Clause 21 and schedule 2 would confer defined powers of entry, search, and seizure for specified offences.

Clause 22 and schedule 3 would provide for disclosure orders. These would enable investigators to give a notice to individuals or organisations compelling them to provide information, produce documents, and/or answer questions relevant to an investigation to identify property related to foreign power threat activity.

Clause 23 and schedule 4 would provide for customer information orders. These would enable investigators to give notice to a financial institution requiring it to provide any customer information it has on a person subject to an investigation into foreign power threat activity.

Clause 24 and schedule 5 would provide for account monitoring orders. These would require financial institutions to provide specified information relating to accounts.

Clause 25 and schedule 6 would provide for a power to arrest an individual without a warrant if they are reasonably suspected of involvement in foreign power threat activity. The bill sets out where that detention should take place, identification of the detained person, and video recording of interviews. It also sets out the rights of the detained person.

Such detention would be possible for a maximum of 48 hours, subject to review every 12 hours, unless extended by a warrant up to a maximum of 14 days. The bill would enable the secretary of state to make regulations extending this time limit to 28 days at a time when Parliament was dissolved if they considered it necessary to do so by reason of urgency.

Clause 26 would provide that a constable may use reasonable force if necessary when exercising a police power under part 1. The explanatory notes provide the following example of where this might be required:

> **Hypothetical example (use of reasonable force to take biometric data)**
> Under the powers within schedule 6, the police seek to take fingerprints from a detained person who they reasonably suspect is involved in foreign power threat activity. This person is uncooperative and does not give consent for their biometrics to be taken. In the absence of consent, a superintendent authorises the taking of the fingerprints as the officer reasonably believes the fingerprints will confirm or disprove the person's involvement in the activity. The person is informed that authorisation has been given to take their fingerprints without their consent, but the person remains uncooperative. The police therefore use reasonable force to take fingerprints.[21]

Clause 27 on border security would amend the Counter Terrorism and Border Security Act 2019 to allow for the retention of copies of confidential business material without the authorisation of the investigatory powers commissioner.

Clause 28 would amend schedule 4 of the Serious Crime Act 2007 to provide that the extra-territorial application of certain offences of assisting or encouraging the commission of an offence overseas does not apply if the behaviour was necessary for the proper exercise of any function of the intelligence agencies or the armed forces. These provisions were the focus of much debate at report stage of the bill, as examined below.

Clauses 29 to 31 would introduce definitions applicable to various aspects of the bill, including the "foreign power condition" upon which many of the provisions rely. The foreign power condition would be met in the following circumstances:[22]

- the conduct of the person in question is carried out for or on behalf of a foreign power, and they knew or ought to have known that was the case

[21] Explanatory notes, p 43.
[22] House of Commons Library, 'National Security Bill 2022–2023', 15 November 2022, p 20.

- conduct is carried out for or on behalf of a foreign power if:
  - it is instigated by a foreign power
  - it is directed or controlled by a foreign power
  - it is carried out with financial or other assistance from a foreign power
  - it is carried out in collaboration with or with the agreement of a foreign power
- the relationship between the conduct and the foreign power need not be direct
- the conduct may be carried out alone or with others
- the condition is also met if the person intends their conduct to benefit a foreign power, which need not be identified
- a person who holds office in or works for a foreign power may meet the condition

The clauses would also define what is meant by a "foreign power" and by "foreign power threat activity".

Clauses 32 to 36 would provide for supplementary provisions to part 1, including the definition of a number of further terms.

2.2 Part 2: Prevention and investigation measures (clauses 37 to 61)

Part 2 of the bill would provide for a regime of prevention and investigation measures (PIMs, or state threats prevention and investigation measures (STPIMs)) which could be imposed on individuals that the secretary of state reasonably believes are, or have been, involved in foreign power threat activity. These prevention and investigation measures are requirements, restrictions, and other provisions which would be specified in a "part 2 notice" served on the individual. The regime replicates that of terrorism prevention and investigation measures (TPIMs) provided for by the Terrorism Prevention and Investigation Measures Act 2011.[23]

Clause 37 and schedule 7 would provide that the secretary of state may by notice (a part 2 notice) impose specified prevention and investigation measures on a person if specified conditions are met. Those conditions are set out in clause 38, as follows:

- condition A: the secretary of state must reasonably believe that the individual is or has been involved in foreign power threat activity
- condition B: some or all the activity is new activity

[23] House of Commons Library, 'National Security Bill 2022–2023', 15 November 2022, p 28.

- condition C: the secretary of state reasonably considers it necessary to impose the measures in order to protect the UK from foreign power threat activity
- condition D: the secretary of state reasonably considers it necessary to impose the measures in order to prevent or restrict the individual's involvement in foreign power threat activity
- condition E: either:
    - the court gives permission for the imposition of the measures, or
    - the secretary of state reasonably considers that the case is sufficiently urgent for the measures to be imposed without the court's permission[24]

Clause 39 would impose a five-year limit for part 2 notices.

If the secretary of state decided that conditions A to D were met they would be required to apply to the court for permission to impose a part 2 notice.[25] They would also need to provide a draft of the proposed notice. Clause 40 would set out the function and powers of the court in such circumstances.

Clauses 41 to 43 would give effect to schedule 8, making provision for urgent cases where the secretary of state imposes measures on an individual without first obtaining the permission of the court. Having served the part 2 notice, the secretary of state would then be required to refer the case to the court. The court would then determine whether to quash, confirm or vary the notice. After a court grants permission for a notice or confirms one, the subject of the notice would then have opportunity to participate in a review hearing.

Clause 44 would place a requirement on the secretary of state to consult the chief officer of the police force investigating foreign power threat activity on whether there is evidence that could realistically be used to prosecute the individual(s) involved.

Clause 45 would require the secretary of state to keep the necessity of a part 2 notice under review, and clause 46 would make provision for the measures imposed under such a notice to be varied in different circumstances. Clause 47 would provide an individual subject to a part 2 notice with the right to request that the secretary of state revokes that notice. Clause 48 would make provision for circumstances in which a part 2 notice is quashed or directed to be revoked as a result of court proceedings

[24] House of Commons Library, 'National Security Bill 2022–2023', 15 November 2022, p 29.
[25] House of Commons Library, 'National Security Bill 2022–2023', 15 November 2022, p 29.

to allow the secretary of state to replace that notice according to certain conditions. Clause 49 and schedule 9 would introduce various further provisions, including that an individual convicted of an offence under clause 55 (contravention without reasonable excuse of any measure specified in the part 2 notice) has a right of appeal against that conviction if the part 2 notice is subsequently quashed.

Clause 50 would set out the broader rights of appeal of a person subject to a part 2 notice, and the function of the court in relation to such appeals. Related clauses 51 to 52, and schedule 10, would make further provision regarding the jurisdiction of the courts in relation to decisions under this part of the bill and court proceedings, including on prevention and investigation measures.

Clause 53 would require the secretary of state to report to Parliament on a quarterly basis on the exercise of certain powers under part 2. Clause 54 would also place a duty on the secretary of state to appoint an "independent reviewer" to prepare an annual report on the operation of part 2, and to lay that report before Parliament. The identity and remit of the reviewer was debated during the House of Commons stages (see below).

Clause 55 would provide for an offence of contravening, without reasonable excuse, any measure specified in a part 2 notice.

Clause 56 and schedule 11 would provide for powers of entry, search, seizure, and retention in several scenarios relating to part 2 notices. These include entry and search of premises without a warrant for various purposes, including discovering anything that might breach any measure specified in the part 2 notice.

Clause 57 and schedule 12 would make provision for the taking and retention of biometric material from individuals subject to a part 2 notice.

Clauses 58 to 61 would introduce various supplementary provisions to part 2, including access to legal aid in relation to part 2 notices.

2.3 Part 3: Foreign influence registration scheme (clauses 62 to 81)

Part 3 of the bill would introduce a foreign influence registration scheme (FIRS). This was added to the bill by the government at committee stage in the House of Commons and further amended at report stage.

The intended operation of the scheme is discussed in detail below in the summary of proceedings at committee stage. In brief, the scheme would require those acting for a foreign power or entity to declare political influencing activity and would criminalise those who do not.

The scheme would be two-tiered. The primary tier would require the registration of political influence activities within the UK at the direction of a foreign power or entity. The person would need to declare who they are in an arrangement with, what activity they have been directed to undertake, and when the arrangement was made. They must do this within 10 days of the direction, or in any case before the activity is carried out. Foreign entities would also be required to register their own political influence activities before carrying them out.[26]

Notable exceptions to those who would need to register include those working for a foreign power in their official capacity; those with diplomatic immunity; those who provide legal services; those working for domestic and foreign news publishers: and those subject to a UK government or Crown arrangement. The penalty for failing to register, carrying out activities that are not registered, providing false or misleading information or any other foreign influence offence, is a maximum of two years' imprisonment, a fine, or both.

The enhanced tier would allow the secretary of state to specify a foreign power or foreign power-controlled entity where necessary to protect the safety or interests of the UK. It would then make it an offence for anyone to carry out any activity in the UK at their direction without it being registered. There is no restriction on which states could be named, to enable the UK to respond to emerging threats from any foreign power. The penalty for these offences is up to five years' imprisonment, a fine, or both.[27]

The bill would create various provisions to allow for the operation of the scheme, including:

- the requirement to register foreign activity arrangements (clause 62)
- identifying who would be covered by the scheme (clause 63) and the circumstances in which a person would be deemed as controlled by a foreign power (schedule 13)
- establishing the nature of offences of carrying out activities under an unregistered foreign activity arrangement (clause 64)
- establishing the requirement to register activities of specified persons under the enhanced second-tier measures (clause 65)
- establishing the requirement to register foreign influence arrangements (clause 66)
- defining the meanings of "foreign principal" (clause 67) and "foreign influence activity" (clause 68)

[26] Home Office, 'Foreign influence registration scheme to make clandestine political activity illegal', 18 October 2022.
[27] Home Office, 'Foreign influence registration scheme to make clandestine political activity illegal', 18 October 2022.

- establishing the offence of carrying out political influence activities pursuant to unregistered foreign influence arrangement (clause 69)
- establishing the requirement to register political influence activities of foreign principals (clause 70) and introducing various exemptions to the registration requirements (clause 71 and schedule 14)
- identifying what information should be registered (clause 72)
- providing the power for the secretary of state to issue information notices (clause 73)
- establishing protections against the requirement to disclose confidential material (clause 74)
- creating an offence of providing false information (clause 75) and an offence of carrying out activities under arrangements tainted by false information (clause 76)
- introducing provisions regarding the copying and publication of information (clause 77)
- establishing the penalties imposable under the scheme (clause 78) and related supplementary provisions (clause 79)
- introducing a requirement that the secretary of state provide Parliament with an annual report on the operation of the scheme (clause 80) and on the interpretation of terms as part of the scheme (clause 81)

2.4 Part 4: Persons connected with terrorism—damages and legal aid (clauses 82 to 89)

Part 4 of the bill relates to damages and legal aid received by individuals convicted of terrorism offences or otherwise involved in terrorism-related activity. It follows concerns that individuals who have received damages awards (for example, those formerly detained in Guantanamo Bay) have subsequently used those funds for purposes associated with terrorism.

Clause 82 would set out the scope of the reforms intended by the bill, namely that they would apply to cases brought against the Crown and which relate to matters of national security. Clause 83 would require the court in such cases to consider a reduction (potentially to nothing) of damages payable as a result of national security factors. Clause 84 would detail supplementary provisions, including procedural requirements, and clause 85 would provide for interpretations of certain terms.

Clause 86 and schedule 13 would introduce provisions allowing a court to order the freezing or forfeiture of damage awards.

Clause 87 concerns legal aid for individuals convicted of terrorism offences. It would restrict access to civil legal aid for convicted terrorists, though the

bill would also specify several exemptions where that would not apply, including with regard to the age of the original conviction and age of the individual involved. Clause 88 would make provision for data-sharing to enable the enforcement of these restrictions. Clause 89 would also clarify how civil legal aid is available for TPIM proceedings heard on judicial review principles.

2.5 Part 5: General provisions (clauses 90 to 98)

Part 5 makes general provisions, including clause 90 and schedule 16 which make minor and consequential amendments. Clause 91 would provide the power to make consequential amendments, clause 92 provides regulation-making powers, and clause 93 the Crown application.

Clause 94 would provide for the territorial extent of the measures within the UK and clause 95 outside the UK. Subject to certain conditions, the bill would apply to all of the UK. Finally, clauses 96 to 98 would make commencement and transitional arrangements, and provide for the bill's short title.

3. Reaction to the bill

3.1 Security services

The security services are in favour of the measures. Giving his recent annual assessment of threats to the UK, the director general of MI5, Ken McCallum, said that the bill would introduce new measures to protect the public and "give MI5 and our policing partners a greater range of tools, and make the UK a harder operating environment".[28]

3.2 Independent reviewer of terrorism legislation

The independent reviewer of terrorism legislation, Jonathan Hall KC, published a note and gave evidence to the public bill committee on various issues relating to the bill, including the proposals on freezing and forfeiture of damages and restrictions on civil legal aid.[29]

In his note, published in May 2022, Jonathan Hall noted that a regime for freezing and forfeiture already exists under the Anti-terrorism, Crime and Security Act 2001 (ATCSA). He therefore questioned why a further regime

[28] Security Service Mi5, 'Director General Ken McCallum gives annual threat update', 16 November 2022.
[29] Independent Reviewer of Terrorism Legislation, 'Note on terrorism clauses in the National Security Bill', May 2022.

was required.[30] He suggested that enabling damages to be frozen at the point of award, rather than in separate proceedings, could have been achieved by adapting the procedures under the ATCSA 2001. He also made several observations about the fact that the provision would introduce a lower threshold than the existing regime. He concluded that the measures go further than necessary, and risk giving the impression that the government would have a special advantage not available to other unsuccessful parties in litigation if it is sued.

Addressing the legal aid proposals in the bill, Jonathan Hall suggested that they represented the first time that Parliament had been asked to consider automatic symbolic restrictions on terrorist offenders, and questioned their differential treatment on the basis of something other than risk.

3.3 Joint Committee on Human Rights

The Joint Committee on Human Rights published the results of its legislative scrutiny of the bill in October 2022.[31] In its report, the committee warned the bill risked "unnecessary interference with human rights" by over-extending powers relating to espionage offences and criminalising behaviour that does not pose a threat to national security.[32] It called upon the government to amend the bill to "ensure its scope is better defined and it contains adequate checks on its application".

The committee further warned that restricting the award of damages and denying access to legal aid on the basis of claimants' historic involvement in terrorism-related activity "risk[ed] undermining both their rights and fundamental principles of equal justice".[33]

In addition, the committee expressed concern about the late introduction of the foreign influence registration scheme without any human rights analysis. It said that the bill also failed to address issues related to the leaking of information and the need for a public interest whistleblowing defence, as highlighted in the Law Commission's review. Consequently, the committee called upon the government to revisit these findings and consult on reforming the Official Secrets Act 1989 to "ensure adequate protection for free speech".[34]

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[30] Independent Reviewer of Terrorism Legislation, 'Note on terrorism clauses in the National Security Bill', May 2022.
[31] Joint Committee on Human Rights, 'Legislative scrutiny: National Security Bill', 12 October 2022, HL Paper 73 of session 2022–23.
[32] Joint Committee on Human Rights, 'Committee calls for amendments to National Security Bill', 19 October 2022.
[33] Joint Committee on Human Rights, 'Committee calls for amendments to National Security Bill', 19 October 2022.
[34] Joint Committee on Human Rights, 'Committee calls for amendments to National Security Bill', 19 October 2022.

4. Second reading

Second reading of the bill in the House of Commons took place on 6 June 2022.[35] Introducing the measures, the then home secretary, Priti Patel, said that the UK must be protected from old challenges but also "confront new ones".[36] As such, she said:

> The bill brings together vital new measures to address the evolving and ever-changing threats that we face and to protect the British public—to protect our country and our citizens—by modernising aspects of counter-espionage laws.[37]

She said the bill would create a new suite of measures that would "enable our law enforcement and intelligence agencies to deter, detect and disrupt the full range of modern-day state threats".[38]

During the debate, Priti Patel responded to concerns regarding the absence of the foreign influence registration scheme (from the bill as introduced) saying that it remained the government's intention to bring forward such a scheme and that amendments would be introduced to give effect to it during the bill's later stages.[39]

Ms Patel also fielded questions from several members on the absence of reforms to the Official Secrets Act 1989 in the area of sentencing. Several members noted that the 1989 act carried a maximum sentence for unauthorised disclosures of two years, by contrast with the proposals in the bill for much higher sentences for comparable offences. For example, Kevan Jones (Labour MP for North Durham) said:

> I am at a bit of a loss to understand why the government have not brought forward reform of the 1989 act, because the security services, in evidence to the Intelligence and Security Committee, has said it is unfit for purpose—I think even the government have admitted that, and so has the Law Commission. If we do not amend or substantially change that act, we will have a situation where someone can get life for foreign espionage under this legislation, but only two years under the Official Secrets Act 1989.[40]

In response, the former home secretary said that reform of the 1989 act

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[35] HC Hansard, 6 June 2022, cols 568–640.
[36] HC Hansard, 6 June 2022, col 568.
[37] HC Hansard, 6 June 2022, col 570.
[38] HC Hansard, 6 June 2022, cols 575–6.
[39] House of Commons Library, 'National Security Bill 2022–2023', 15 November 2022, p 6.
[40] HC Hansard, 6 June 2022, col 572.

was "complicated and not straightforward".[41] She said that work on these reforms was ongoing:

> [A] wide range of work is required in terms of engaging stakeholders and looking at all aspects of the law itself. These issues take time, but the government are working on them right now, and I can assure the House that as soon as we can, when we find the right moment, we will come back to this.[42]

Ms Patel also confirmed that the government has been considering plans to reform the law of treason but did not intend to do so through this bill.[43]

Speaking for Labour, the shadow home secretary, Yvette Cooper, said that her party supported the bill and the measures within it to protect the UK's national security against threats from foreign powers, from hostile states and from terrorists and extremists.[44] She highlighted the importance of many of the provisions in the legislation, including measures to allow stronger action to be taken against those in the pay of a foreign intelligence agency seeking to do Britain harm, to defend the trade secrets of British businesses and to guard against damaging cyberattacks on critical infrastructure.[45]

However, Ms Cooper also said the bill contained several "gaping holes".[46] For example, she flagged the absence of the promised foreign agents registration scheme (which was not in the bill at that time) and the absence of reforms to the 1989 act. She also said her party had concerns over the areas of the bill relating to the ability of foreign powers to use misinformation and disinformation online, and attempts to interfere with the UK's democracy and elections. In addition, she expressed reservations about the risk from the use of shell companies to make donations to political parties, enabling hostile states to interfere in elections; whether the bill drew sufficient distinction between contact with foreign intelligence agencies which may be entirely legitimate, and that which is not; and what she called the weakness of proposals for an independent reviewer to provide oversight of some of the measures, particularly in comparison with the remit of the independent reviewer of terrorism legislation.[47]

For the Scottish National Party (SNP), Shadow Home Affairs Spokesperson Stuart McDonald said that his party also supported the aims of the bill but similarly had several reservations about the breadth and scope of the powers contained within it. For example, he questioned whether the powers to

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[41] HC Hansard, 6 June 2022, col 572.
[42] HC Hansard, 6 June 2022, col 572.
[43] House of Commons Library, 'National Security Bill 2022–2023', 15 November 2022, p 6.
[44] HC Hansard, 6 June 2022, col 583.
[45] HC Hansard, 6 June 2022, col 586.
[46] HC Hansard, 6 June 2022, col 586.
[47] HC Hansard, 6 June 2022, cols 588-9.

disapply certain extraterritorial provisions in relation to offences of encouraging and assisting crime under the Serious Crime Act 2007 went too far, and whether the introduction of state threat prevention and investigation measures (STPIMs) was justified.[48]

The chair of the parliamentary Intelligence and Security Committee, Dr Julian Lewis (Conservative MP for New Forest East), also spoke during the second reading debate. He said that whilst the bill represented progress in some areas, it still "fall[s] short in significant respects".[49] Again, this included reform to the 1989 Official Secrets Act and the then absence of a foreign influence registration scheme. On the need for reform of the 1989 act, Dr Lewis drew particular attention to the existing requirement to demonstrate "actual harm" caused by the publication of classified material by a civil servant or someone outside government. He contended that this requirement had led to some prosecutions being dropped:

> [T]he failure radically to reform the Official Secrets Act 1989 leaves in place a requirement to demonstrate that actual harm has been caused by a civil servant or someone outside government service when publishing classified information. However, the act of disclosing and specifying what harm has been done will often compound the problem and increase the damage; some prosecutions thus have to be dropped in order to prevent such further harm. Although the Law Commission has offered recommendations to cater for disclosures made genuinely in the public interest, those recommendations cannot even be considered other than in the context of the repeal, replacement or at least root-and-branch reform of the 1989 act.[50]

5. Committee stage

The bill was considered by a public bill committee in the House of Commons over 14 sittings between July and October 2022.[51] The committee took evidence from a range of stakeholders including: Jonathan Hall, the independent reviewer of terrorism legislation; former security service personnel; counter-terrorism officers; the Law Commission; thinktanks, NGOs and academics; and the Electoral Commission.[52]

Significant numbers of government amendments were introduced at committee stage for various purposes, including the:

- extension of financial and property investigation powers to state

[48] HC Hansard, 6 June 2022, col 595.
[49] HC Hansard, 6 June 2022, col 591.
[50] HC Hansard, 6 June 2022, col 593.
[51] UK Parliament, 'National Security Bill: Committee stage', accessed 16 November 2022.
[52] House of Commons Public Bill Committee, 'National Security Bill', 7 July 2022, session 2022–23, 1st sitting.

threat investigations
- establishment of a foreign influence registration scheme
- clarification of offences of assisting a foreign intelligence service
- expansion of the definition of "prohibited place" used in the bill
- allowing offences of foreign interference to be mapped across to priority offences in the Online Safety Bill
- introduction of an offence of foreign interference in elections
- introduction of technical amendments on the retention of biometric data
- provision for offences of obtaining benefits from a foreign intelligence service

These amendments, discussed in detail below, were all added to the bill without division. However, opposition parties were critical of the fact that they had been introduced after second reading and of the lack of explanatory memoranda to accompany them.

Several opposition amendments were tabled at committee, though all were either withdrawn or defeated on division. The government did commit to giving further consideration of some of the issues raised, however, including the introduction of a public interest defence, again as examined below.

5.1 Government amendments at committee stage

Financial and property investigative powers

In cases considering counter-state threats, property and finance investigations can be used to establish the link between the activity and the foreign power. Tom Tugendhat, minister of state for security, said in committee that this was particularly the case for investigations into obtaining material benefits from a foreign intelligence service.[53]

The minister moved several amendments at committee stage which would provide for constables and National Crime Agency (NCA) officers (or the Lord Advocate in Scotland) to apply to a court for an order requiring the provision of information where there are reasonable grounds for believing that it is likely to be of substantial value to an investigation. The amendments followed evidence to the public bill committee from Matt Jukes, the national lead for counter-terrorism policing, who said that financial investigation powers which were modelled on investigatory powers already contained in counter-terrorism legislation would assist with counter-state threat

[53] House of Commons Public Bill Committee, 'National Security Bill', 18 October 2022, session 2022–23, 13th sitting, col 338.

investigations.[54]

The government also introduced amendments that would provide for related powers to apply for customer information orders and account monitoring orders respectively from financial institutions. Again, the minister explained that these powers were modelled on existing powers from the Police and Criminal Evidence Act 1984, the Proceeds of Crime Act 2002 (POCA) and counter-terrorism legislation.[55]

Opposition parties said they supported the amendments, though they were critical of the lack of accompanying explanatory memoranda. The amendments were added to the bill without division.

Creation of a foreign influence registration scheme

The government moved amendments to introduce a new part to the bill which would introduce a foreign influence registration scheme (FIRS). This would require those acting for a foreign power or entity to declare political influencing activity and would criminalise those who do not.

As detailed in a government factsheet published alongside the amendments, the scheme would be two-tier. The first tier concerns the registration of foreign influence arrangements and political influence activities carried out by foreign principals. The second, enhanced, tier concerns registration of foreign activity arrangements and activities carried out by a 'specified person', as designated by the secretary of state.[56]

The government summarised the purpose of the scheme as follows:

> […] The overall aim of the two-tier scheme is to deter foreign power use of covert arrangements, activities and proxies. It does this by requiring greater transparency around certain activities that foreign powers direct, as well as where those activities are directed or carried out by entities established overseas or subject to foreign power control.[57]

The factsheet added that the government "continue[d] to welcome open and transparent engagement from foreign governments and entities". It

[54] House of Commons Library, 'National Security Bill 2022–2023: Progress of the bill', 15 November 2022, p 10.
[55] House of Commons Library, 'National Security Bill 2022–2023: Progress of the bill', 15 November 2022, p 10.
[56] Home Office, 'Foreign influence registration scheme (FIRS): National Security Bill factsheet', updated 8 September 2022.
[57] Home Office, 'Foreign influence registration scheme (FIRS): National Security Bill factsheet', updated 8 September 2022.

contended that the scheme "will play a critical role" in encouraging transparency, while simultaneously deterring foreign powers that wish to pursue their aims covertly.[58]

The government said that "foreign powers" would be excluded from the scheme, meaning that other governments would not be expected to register activity that they themselves are undertaking. Exemptions to the scheme would also include: individuals to whom privileges and immunities apply in international law, such as diplomatic and consular staff; legal services; arrangements to which the UK is party; and domestic and international news publishers (for the primary tier).[59]

The primary tier would operate as follows:

- The scheme will require the registration of:
    - arrangements to carry out political influence activities within the UK at the direction of a foreign principal (foreign influence arrangement). The person making the arrangement with the foreign principal will be responsible for registering with the scheme.
    - 'political influence activity' where the activity is being carried out by the foreign principal itself. The foreign principal will be responsible for registering political influence activities.[60]

As part of the scheme, the secretary of state would be able to define what constitutes a foreign power, part of a foreign power, or an entity subject to foreign power control, where it is considered necessary for the safety and interests of the UK. The use of this power would be subject to parliamentary approval. No entities have been specified in the text of the bill.[61]

The enhanced scheme would require the registration of arrangements to carry out any activity within the UK at the direction of a "specified power or entity", and activity carried out by specified foreign power-controlled entities. A specified entity would be responsible for registering with the scheme. Again, the government would not require specified foreign

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[58] Home Office, 'Foreign influence registration scheme (FIRS): National Security Bill factsheet', updated 8 September 2022.
[59] Home Office, 'Foreign influence registration scheme (FIRS): National Security Bill factsheet', updated 8 September 2022.
[60] Home Office, 'Foreign influence registration scheme (FIRS): National Security Bill factsheet', updated 8 September 2022.
[61] Home Office, 'Foreign influence registration scheme (FIRS): National Security Bill factsheet', updated 8 September 2022.

governments to register.[62]

Speaking about the scheme, Tom Tugendhat said it was being introduced in light of the Intelligence and Security Committee's recommendation in its report on Russian activities in 2020[63] and due to representations from the director general of MI5. He said it drew upon the experience of comparable schemes in the USA and Australia.[64] The minister argued that the scheme would have three main benefits:

- providing the government and the public with a greater understanding of the scale and extent of activity being undertaken for specified foreign powers and entities within the UK
- offences and penalties for non-compliance will increase the risks to those who seek to engage in covert activities for foreign powers
- the potential for earlier disruption of state threats activity[65]

Speaking for Labour, shadow minister Holly Lynch said her party supported the proposals, though again was critical of the absence of an explanatory memorandum. She also said, however, that there was considerable potential for "loopholes" and said it would be important to get the details right in regulations.[66]

Similarly, speaking for the SNP, Stuart McDonald was also supportive of the scheme in principle but questioned whether there were gaps in the provisions with respect to the liability of intermediaries.[67]

The amendments were agreed without division.

Clarification of offence of assisting a foreign intelligence service

The government tabled several amendments to provide clarification on offences of assisting a foreign intelligence service. Speaking to the provisions, then minister Stephen McPartland said they were intended to ensure that measures already in the bill would provide a defence rather than an

[62] Home Office, 'Foreign influence registration scheme (FIRS): National Security Bill factsheet', updated 8 September 2022.
[63] Intelligence and Security Committee, 'Russia', 21 July 2020, HC 632 of session 2019–21.
[64] House of Commons Library, 'National Security Bill 2022–2023: Progress of the bill', 15 November 2022, p 11.
[65] House of Commons Library, 'National Security Bill 2022–2023: Progress of the bill', 15 November 2022, p 12.
[66] House of Commons Public Bill Committee, 'National Security Bill', 18 October 2022, session 2022–23, 13th sitting, col 365.
[67] House of Commons Public Bill Committee, 'National Security Bill', 18 October 2022, session 2022–23, 13th sitting, col 358.

exception to such offences, and to require that the defendant produce evidence to establish that defence.[68] An example of a defence would be if a person contends that they are engaged in conduct compliant with a legal obligation under UK law.

The minister said these amendments had been drafted with the input of law enforcement and the Crown Prosecution Service and would make it easier to bring prosecutions for the offence. They were agreed without division.

Definition of a prohibited place

Stephen McPartland moved amendments affecting the definition of "prohibited place" used in the bill, to add sites used by the intelligence services. He said the sites included "some of our most sensitive locations" and therefore must be protected by the measures.[69] The amendments were added to the bill without division.

Foreign interference

The government also tabled an amendment to the provisions on foreign interference. Stephen McPartland explained this was designed to allow them to be mapped across to the priority offences in the Online Safety Bill, which will require online platforms to guard against and act swiftly to remove content that amounts to an offence.[70] The amendment was agreed without division.

Foreign interference in elections

Ministers tabled amendments which would expand provisions on foreign interference in elections. Specifically, the amendments added additional offences from the Electoral Law Act (Northern Ireland) 1962 to those already listed in schedule 1 of the bill. The amendments were agreed to without division.

Retention of biometric data

The government moved a series of technical amendments governing detention powers and biometric data. Stephen McPartland said the amendments would bring the provisions in the bill into line with their equivalents in the Police and Criminal Evidence Act 1984 and counter-

[68] House of Commons Library, 'National Security Bill 2022–2023: Progress of the bill', 15 November 2022, p 14.
[69] House of Commons Public Bill Committee, 'National Security Bill', 12 July 2022, session 2022–23, 4th sitting, col 115.
[70] House of Commons Public Bill Committee, 'National Security Bill', 12 July 2022, session 2022–23, 4th sitting, col 130.

terrorism legislation.[71] They were agreed without division.

Benefitting from a foreign intelligence service

Ministers moved a new clause which provided for two offences concerned with obtaining, accepting, agreeing to accept or retaining a material benefit from a foreign intelligence service. The offences would carry maximum sentences of 14 and 10 years.[72]

Speaking to the amendment, the security minister, Tom Tugendhat, said financial reward or similar incentives were a key inducement used by foreign intelligence services (FIS):

> FIS operations in the UK run contrary to our safety and interests. In order to operate successfully, a FIS needs to recruit, fund and support networks of agents to support their undeclared activity in the United Kingdom. One of the most important motivating factors that a FIS is able to deploy to recruit agents is financial inducement or the provision of benefits in kind. It is often the case—this is reflective of the tradecraft of such organisations—that only the money or other material benefits can be evidenced to a satisfactory criminal standard. The new offence will enable early intervention to prevent further harm from being caused and will further strengthen our ability to prevent FIS activity, building on clause 3.[73]

Mr Tugendhat said that benefits received for legitimate reasons would be excluded. He also indicated that the government would introduce further amendments at report stage to ensure that the enhanced powers and tools provided for elsewhere in the bill would be applicable to the more serious of the two offences.[74] The amendment was agreed without division.

5.2 Opposition amendments at committee stage

Legal aid for those convicted of terrorism offences

Shadow minister Jess Phillips tabled amendments to the powers in the bill restricting the availability of legal aid to those convicted of terrorism offences. The purpose of the amendments would be to exclude those

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[71] House of Commons Library, 'National Security Bill 2022–2023: Progress of the bill', 15 November 2022, p 15.
[72] House of Commons Library, 'National Security Bill 2022–2023: Progress of the bill', 15 November 2022, p 15.
[73] House of Commons Public Bill Committee, 'National Security Bill', 8 September 2022, session 2022–23, 12th sitting, col 327.
[74] House of Commons Library, 'National Security Bill 2022–23: Progress of the bill', 15 November 2022, p 16.

seeking civil legal aid in proceedings relating to domestic violence from the restrictions. Jess Phillips noted that, under the bill as drafted, a domestic abuse victim who received a non-custodial sentence for a historic terror offence would not be allowed to access legal aid to seek a protective injunction against an abusive partner.[75]

The minister Tom Tugendhat said the government would give further consideration to the proposals. The amendments were subsequently withdrawn.

Public interest defence

Kevan Jones (Labour MP for North Durham, and member of the Intelligence and Security Committee) tabled an amendment which would introduce a public interest defence to the new disclosure offence created by the bill and the section 5 disclosure offence in the Official Secrets Act 1989. The proposed defence would be modelled on the public interest defence in the Public Interest Disclosure Act 1998.

Speaking to his amendment, Mr Jones noted it had cross-party support, and said it followed recommendations from the Law Commission (as discussed above). He contended that a public interest defence should be defined in law rather than left for juries to interpret:

> [T]he Law Commission argued for a public interest defence. Are there strong reasons why there should be criminalisation of the leaking information under the Official Secrets Act 1989? Yes, there are, but I would also strongly argue that there has to be a defence in the public interest where someone is disclosing serious wrongdoing in government—that individual needs to be able to have recourse to that defence in the courts. The problem I have is that if we do nothing—which seems to be the government's approach—what we will have, which is what we have already, is leaving it up to juries. I would sooner have the defence outlined in law, so that people can use it and so that it is impossible for certain other people to use it.[76]

In response, Tom Tugendhat committed to engage with the opposition further on the issue, but noted the challenges with the creation of such a defence:

> It is also worth noting that other countries have a public interest defence, and we looked at them and the legislation. When considering

[75] House of Commons Library, 'National Security Bill 2022–23: Progress of the bill', 15 November 2022, p 16.
[76] House of Commons Public Bill Committee, 'National Security Bill', 18 October 2022, session 2022–23, 14th sitting, col 419.

> reform, we looked particularly at the Five Eyes countries [US, Canada, Australia and New Zealand], but it is important to recognise the UK context in wider circumstances, so it would not be right to assume that a public interest defence that works for others is exactly the same as for this instance. I appreciate the right hon gentleman's points, but I ask […] that he withdraw the clause and that we engage in further conversation.[77]

The amendment was subsequently withdrawn.

6. Report stage

Significant numbers of government amendments were also moved and added to the bill at report stage, held on 16 November 2022.[78] All but one of those government amendments were added to the bill without division. The exception was amendment 60 on the issue of modern slavery, which was added to the bill following a vote, as discussed in greater detail below.

Several opposition and cross-party amendments were also discussed, three of which were moved to a division. All were defeated and therefore none were added to the bill. All other amendments were withdrawn.

6.1 Government amendments at report stage

In summary, the government moved amendments at report stage to do the following:

- provide the police with the power to use "reasonable force" in carrying out their duties under part 1
- extend the definition of "UK person" to include a person who lives in the UK and narrow the circumstances in which an offence is committed under clause 3(2) on assisting a foreign intelligence service
- prevent the exemption in clause 3(7) (on assisting a foreign intelligence service) from applying where a person is acting in compliance with a private law obligation (such as a contract)
- further amend the definition of "prohibited place"
- amend clause 13(4) (on foreign interference) so it also covers offences outside the UK that would constitute an offence in any part of the UK, not just in England and Wales
- prevent the exemption in clause 15(8) (on obtaining material benefits from a foreign intelligence service) from applying where

[77] House of Commons Public Bill Committee, 'National Security Bill', 18 October 2022, session 2022–23, 14th sitting, col 423.
[78] HC Hansard, 16 November 2022, cols 722–91.

a person is acting in compliance with a private law obligation (again, such as a contract)

- 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
- amend the definition of foreign power threat activity to include the offence in section 15(1) (on obtaining material benefits from a foreign intelligence service), which was added to the bill at committee
- clarify who is required to register a foreign activity arrangement and the meaning of "foreign activity arrangement"
- introduce structural changes to the bill concerning clause 61 (on the requirement to register foreign activity arrangements) to rearrange its provisions and sub-divide it into two clauses, and to enable the related introduction of a new schedule on "control of a person by a foreign power"—this new schedule would include the conditions of such control and the power for the secretary of state to amend related thresholds
- provide that regulations under paragraph 15 of that new schedule (control of a person by a foreign power) are made using the affirmative resolution procedure
- clarify that an offence under clause 62 (carrying out activities under an unregistered foreign activity arrangement) may be committed by persons other than the person who entered into that arrangement, and to clarify the definition of those to whom clause 62 would apply
- amend clause 63 (on the requirement to register activities of specified persons) to further clarify who is required to register and make provision about the circumstances in which office holders and employees of specified persons are prohibited from carrying out unregistered activities
- introduce structural changes to clause 64 (on the requirement to register foreign influence arrangements) so that it would be divided into two clauses and introduce certain clarifications on who is required to register and the meaning of "international organisation" for example
- amend clause 65 (on the meaning of "political influence activity") to define and include more Northern Ireland officials
- amend clause 66 (on the offence of carrying out political influence activities pursuant to unregistered foreign influence arrangement) to clarify that an offence may be committed by persons other than the person who entered into the foreign activity arrangement and to add to the bill cases where a person arranges for a political influence activity to be carried out pursuant to a foreign influence arrangement

- amend clause 67 (on the requirement to register political influence activities of foreign principals) to: provide that subsection (1) does not apply to a foreign principal who is a foreign power; clarify it is the foreign principal that is required to register the activities with the secretary of state; and to make provision about the circumstances in which office holders and employees of foreign principals are prohibited from carrying out unregistered activities
- introduce another new schedule to the bill on "exemptions", which would bring together the exemptions previously found in clauses 68, 78 and other provisions in part 3 of the bill, and to adjust some of those exemptions
- correct the test in clause 69(6) where a person commits an offence for failing to update the secretary of state of any material changes to registered information
- amend clause 70 (on information notices) to provide that a notice may be given to a person whom the secretary of state reasonably believes is party to an unregistered foreign activity arrangement or an unregistered foreign influence arrangement
- amend clause 73 (on the offence of carrying out activities under arrangements tainted by false information) to add cases where a person arranges for an activity to be carried out pursuant to a foreign activity arrangement and/or pursuant to a foreign influence arrangement
- amend clause 74 (on the publication and copying of information) to clarify which information can be published or copied
- amend clause 78 (on interpretation) to provide 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
- amend clause 80 (on the duty to consider reduction in damages payable by the Crown) to ensure that national security factors are only considered if the claimant has committed terrorist wrongdoing
- clarify the places which may be designated for the detention of persons under section 25 (arrest without a warrant)
- amend schedule 6 (on detention under section 25) to identify the responsible chief officer of police in relation to fingerprints or samples taken by an NCA officer and to ensure that the grounds for postponing a review apply where a detained person is being questioned by an NCA officer
- amend schedule 12 (on fingerprints and samples) to include the NCA in the definition of "police force" and identify the responsible chief officer of police in relation to fingerprints or

samples taken by a NCA officer[79]

The minister, Tom Tugendhat, did not speak substantively to these measures in the debate, focusing instead on the key elements of the bill and responding to opposition amendments. All these government amendments were added to the bill without division.

Modern slavery provisions

The government also moved amendment 60, which would amend the Modern Slavery Act 2015 to provide that the defence set out in section 45 of the act is not available in the case of certain offences provided for by the National Security Bill. Tom Tugendhat did not speak to the amendment in his remarks and the government did not provide an explanatory statement.

Speaking for Labour, shadow minister Holly Lynch said that her party had grave reservations about the powers being added at this stage of proceedings and argued that they would lack adequate scrutiny as a result:

> [L]ike a number of modern slavery charities […] we are really concerned about the lateness of this addition to the bill and the scrutiny that has been avoided by adding it to the bill at the final Commons stages. Justice and Care, which does outstanding work in placing victim navigators within police forces up and down the country, was keen to stress that there has not been any consultation with modern slavery charities concerned that they, like us, have had insufficient time to fully consider the possible impact on modern slavery victims.[80]

Similarly, SNP spokesperson Stuart McDonald described the amendment as "absolutely outrageous", given that it had been introduced less than a week before the final stages of the bill "without explanation or evidence".[81]

Sir Iain Duncan Smith (Conservative MP for Chingford and Woodford Green) also expressed reservations about the amendment, adding:

> Peculiarly, [the amendment] sets out a series of offences to which it is no longer a defence to claim modern slavery. I am surprised that many of them are not already captured elsewhere. Some of them are very general, such as "entering a prohibited place" and "foreign interference: general". I always get worried when I see the government

[79] Please note: the clauses and clause numbering referred to in this list are those as contained in the bill version printed for report stage in the House Commons so that it is consistent with the marshalled list of amendments.
[80] HC Hansard, 16 November 2022, col 739.
[81] HC Hansard, 16 November 2022, cols 744–5.

> tabling amendments that say things like "in general", because it really means that they want to do something else that we do not know about. I accept that the amendment will make it into the bill today, but I want to see what comes back from the other place once the Lords have managed to probe it and find out about it.[82]

The House divided on amendment 60, and it was agreed by 275 votes to 209 and thus added to the bill.[83]

6.2 Opposition and backbench amendments at report stage

Removal of offences under part 2 of the Serious Crime Act 2007

David Davis (Conservative MP for Haltemprice and Howden) moved amendment 14, which had cross-party support, including from shadow Labour and SNP ministers and a range of backbench members (including Dan Jarvis, Labour MP for Barnsley Central, who co-signed the amendment). The amendment would remove clause 27 (as numbered in the bill at report stage) on offences under part 2 of the Serious Crime Act (SCA) 2007.

Clause 27 (now clause 28) would amend schedule 4 of the Serious Crime Act 2007 to provide that the extra-territorial application of certain offences of assisting or encouraging the commission of an offence overseas does not apply if the behaviour was necessary for the proper exercise of any function of the intelligence agencies or the armed forces.[84]

The government contends that this will ensure that those working for or on behalf of the intelligence agencies or armed forces would not be liable for support they provide to activity overseas, including in support of international partners, which is deemed necessary for the exercise of the intelligence agencies or armed forces functions.

Section 50 of the SCA already provides a defence of acting reasonably, including where the defendant believed certain circumstances to exist and that the belief was reasonable.[85] Factors relevant to determining whether the defendant acted reasonably include any purpose for which they were acting or any authority by which they were acting.

Consequently, analysis from the House of Commons Library states:

> The provision therefore appears to be intended to extend immunity

[82] HC Hansard, 16 November 2022, col 747.
[83] HC Hansard, 16 November 2022, cols 788–91.
[84] House of Commons Library, 'National Security Bill 2022–2023', 15 November 2022, p 28.
[85] House of Commons Library, 'National Security Bill 2022–2023', 15 November 2022, p 29.

> from criminal prosecution to actions which could not be proved to have been reasonable.[86]

Speaking to his amendment, David Davis said he had grave reservations about the provisions in the bill. Those concerns stemmed in part from measures included in previous legislation such as the Intelligence Services Act 1994, which he claimed had provided the legal basis for "acts of kidnap, rendition, torture and assassination".[87] Mr Davis said such "vague legislation" had afforded too much power to the authorities and thus allowed such abuses. He feared this bill was replicating the same mistake:

> We might therefore expect clause 27 to tighten up over-loose legislation to make ministers, officials and agents more conscious of their responsibilities, not less. Instead, it does the exact opposite. […] [It contains powers that] would effectively insulate ministers and officials from responsibility for assisting or encouraging heinous overseas crimes.[88]

Mr Davis contended that any further loosening of the powers of the security and intelligence services could lead to further mistakes of execution and policy. For example, he pointed to the fact that under the provisions the intelligence services or armed forces would be exempted if they are carrying out their proper function, and yet he said it was unclear what that would mean in practice. He added:

> In the law, there is already a defence of acting reasonably. There is no obvious reason to go further than that. The dangers of doing so are stark […] How can we reasonably criticise Saudi Arabia or Russia when they carry out foreign assassinations if they can point to our creating a law that allows us to do the same?[89]

Shadow minister Holly Lynch devoted much of her remarks to speaking to amendment 14. She noted that at second reading the measure had not received the support of Conservative members of the Intelligence and Security Committee, which she suggested was particularly notable given the committee's statutory responsibility for oversight of the UK intelligence community. Ms Lynch said that she had been unable to gain an operational understanding of why the powers were required and that they would lack critical safeguards:

> Crucially, the existing scheme requires the UK intelligence community to secure permission in advance from the secretary of state, requiring

[86] House of Commons Library, 'National Security Bill 2022–2023', 15 November 2022, p 29.
[87] HC Hansard, 16 November 2022, col 740.
[88] HC Hansard, 16 November 2022, col 740.
[89] HC Hansard, 16 November 2022, col 742.

> the secretary of state's personal approval, with safeguards in the decision-making process and oversight by the investigatory powers commissioner, who is a senior judge. None of those safeguards are present in clause 27; it simply removes the relevant criminal liability. There would be no need to go to a minister for approval; there would be no warrant for the investigatory powers commissioner to consider.[90]

Further, on the defence of reasonableness, Ms Lynch said it appeared that such powers had not been found to be insufficient, but rather were untested:

> As the minister knows, there is a reasonableness defence under section 50 of the Serious Crime Act, which recognises that there may be occasions when it can be shown that an individual's actions were justified in the circumstances. Of course, a prosecution would also have to be deemed to be in the public interest. On further probing of these defences, it seems that it is not the case that the reasonableness defence is not strong enough; rather, it is untested, as no such case has been brought. We do not believe that the fact that an apparently robust defence is untested makes a strong enough case for the proposals in clause 27.[91]

She added that the bill diminished the role of a minister in decision-making and accountability structures given that they no longer need to make the judgement, subsequently reviewed by the investigatory powers commissioner, of whether to grant an authorisation under section 7 of the Intelligence Services Act.[92]

Shadow SNP minister Stuart McDonald also said his party supported amendment 14. He said the bill provided "an enormous and unwarranted protection" from prosecution, even where ministers or officials provide information that leads to torture overseas.[93]

Similarly, Dan Jarvis said the scope of the clause was too wide and would result in there being little chance of obtaining justice in a criminal court for any crimes and human rights abuses abroad that have been enabled by UK ministers and senior officials.[94]

Sir Jeremy Wright (Conservative MP for Kenilworth and Southam), a member of the Intelligence and Security Committee, said that the committee

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[90] HC Hansard, 16 November 2022, col 735.
[91] HC Hansard, 16 November 2022, col 735.
[92] HC Hansard, 16 November 2022, col 735.
[93] HC Hansard, 16 November 2022, col 746.
[94] HC Hansard, 16 November 2022, col 748,

had received further evidence on clause 27 and was therefore not yet in a position to provide a view on it. However, he added:

> It is probably right that I reserve my final judgment until I have considered that further evidence but, speaking personally, I am not persuaded that, within the parameters of the reassurance and protection it is reasonable to offer those acting on behalf of the intelligence agencies or the armed forces, clause 27 achieves anything that the current section 50 defence does not. The minister will have to explain the difference between acting reasonably and acting in the proper exercise of a function, as this clause requires.
>
> […]
>
> [T]he only difference I can see is that it could be argued that "acting reasonably" may be applicable to more circumstances and, therefore, offer arguably broader protection than "acting in the proper exercise of a function". We have heard it argued that the current defence is not sufficiently legally certain but, from experience, legal certainty is an elusive quarry. The concept of reasonableness is very familiar to the courts in a variety of contexts. Anyone looking for absolute certainty in every case will not find it, because all cases are different and must be considered on their merits.[95]

For the Liberal Democrats, Alistair Carmichael (MP for Orkney and Shetland) added that it was "surely wrong that there should be protection for people who behave far outside British standards, notwithstanding government policy and indeed the law".[96]

Responding for the government, Tom Tugendhat said he was aware of the differences of opinion, but said:

> On areas such as the Serious Crime Act and the changes to statutory requirements, I believe that the government are right because the exercise of the functions of an officer of the state are exactly what should be the limiting functions of their powers. That is why this reform makes sense, although my right hon and learned friend the Member for Kenilworth and Southam (Sir Jeremy Wright) raised some important points and challenges that we will have to look at.[97]

The House divided on amendment 14, which was defeated by 283 votes to 212.[98]

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[95] HC Hansard, 16 November 2022, col 751.
[96] HC Hansard, 16 November 2022, col 753.
[97] HC Hansard, 16 November 2022, col 760.
[98] HC Hansard, 16 November 2022, cols 768–70.

Reviewing the operation of the legislation

The bill would introduce a requirement for the secretary of state to appoint an independent reviewer to prepare an annual report on the operation of part 2, and to lay that report before Parliament.

At report stage, Labour tabled new clause 3, which would go further, adding a requirement that the independent reviewer also report on the operation of parts 1, 4 and 5. This was similar to an amendment they had moved at committee stage.

Speaking to the amendment, Holly Lynch said that it was right that any provisions which include new and substantial powers are constantly evaluated for their efficacy and proportionality.[99] She said that need was recognised by the creation of the reporting requirement on part 2 and the appointment of an independent reviewer. However, she said there was a lack of clarity over who would undertake that role and in what timescales. She also stressed the need for all the new provisions in the bill to be considered in an annual review.

She compared the provisions in the bill with the remit provided to the independent reviewer of terrorism legislation, Jonathan Hall, and said she agreed with evidence he had provided to the public bill committee that such new responsibilities would complement his existing role. New clause 3 did, however, leave open whether the independent reviewer would be the independent reviewer of terrorism legislation or another individual appointed by the secretary of state.

The Joint Committee on Human Rights had made similar representations in its October 2022 report on the bill, as noted above.[100]

The minister, Tom Tugendhat, did not speak directly to new clause 3 at the end of the debate. In response to a similar amendment at committee stage, he said that there was "huge merit in ensuring that whoever is doing TPIMs has a very close connection with whomever is doing STPIMs", but he did not provide a commitment on who the individual would be or whether other parts of the bill would be included in the annual review.[101]

The House divided on new clause 3, which was defeated by 283 votes to 211.[102]

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[99] HC Hansard, 16 November 2022, col 736.
[100] Joint Committee on Human Rights, 'Committee calls for amendments to National Security Bill', 19 October 2022.
[101] House of Commons Public Bill Committee, 'National Security Bill', 8 September 2022, session 2022–23, 11th sitting, col 278.
[102] HC Hansard, 16 November 2022, cols 763–6.

Damages at risk of being used for the purposes of terrorism

The bill would enable a court to make a freezing order in relation to any damages awarded to a claimant if satisfied that there was a "real risk" of those damages being used for the purposes of terrorism.

Shadow SNP minister Stuart McDonald moved amendment 132, which would ensure that a court was satisfied on the balance of probabilities that damages were to be used for terrorism purposes before frozen funds could be forfeited entirely.

Speaking to the amendment, Mr McDonald said there were already powers to deal with this issue and argued that the measure in the bill "rather stink of Ministry of Justice virtue signalling and politics".[103] He said his amendment had been directly informed by the comments of Jonathan Hall and "would at least mean that there has to be proof on the balance of probabilities before damages can be permanently confiscated".[104]

The minister did not address the amendment substantively in his remarks at report stage. However, in response to a similar amendment at committee stage, Tom Tugendhat said:

> [T]he government believe it is important, fair and proportionate that damages can be frozen at source, at the point of award, where there is a real risk of their being used to support terrorism. We believe that the same test is appropriate for forfeiture of damages, where the real risk is ongoing and where the subject has also, on two prior occasions, been found to pose that risk.

The minister also said that, whilst the risk is the same threshold for both freezing and forfeiture, its application will be different:

> With respect to a freezing order, the court will be considering the risk of the duration of that order—two years—and that is what the evidence will have to address. The decision for a forfeiture order will be different. The court will be considering risk on a balance of probabilities, in the context of loss, of the award for all time. The evidential basis it considers will therefore necessarily be different. It should also be borne in mind that the forfeiture order application will not be considered in a vacuum. It will have followed two court proceedings over a four-year period, where evidence would have been assessed and properly tested by the claimant. The court will also have that evidence at its disposal to inform its conclusions. The evidential

[103] HC Hansard, 16 November 2022, col 746.
[104] HC Hansard, 16 November 2022, col 746.

> basis of a forfeiture order will therefore be much stronger.[105]

The House divided on amendment 132, which was defeated by 282 votes to 56.[106]

6.3 Other issues of note raised at report stage

A large number of opposition amendments were tabled at report stage, not all of which are discussed in this paper. Selected issues are highlighted below.

Foreign influence registration scheme

The fact that the foreign influence registration scheme had been introduced to the bill at committee stage was raised by several members, including Kevan Jones (Labour MP for North Durham) who expressed fears that it would lack appropriate scrutiny. Sir John Hayes (Conservative MP for South Holland and The Deepings), a member of the Intelligence and Security Committee, asked the minister whether he would write to the committee to explain how it would work in practice, particularly given that the second tier would be set out in secondary legislation. Tom Tugendhat agreed to this proposal.[107]

Clause 71 of the bill exempts arrangements that relate to the provision of legal services from the requirement to register under the foreign influence registration scheme. Sir Iain Duncan Smith moved amendments to remove this exemption, which he said were designed to "tighten up" these provisions amid concerns that they had been drafted too broadly. He added:

> The government seem almost to have cut and pasted some of the US legislation and possibly the Australian legislation. I know that the exemption for legal services appears in that legislation, but I am concerned. My amendment is a tightening-up exercise. I really wonder why we think it necessary to provide such a general exemption for legal services. I am sorry if there are practising lawyers present in the House, but if I know anything at all about how lawyers work, they will find ways to exercise the process of lobbying on behalf of organisations and individuals with no right to be here. They will not call it lobbying; they will find some term that is covered by "legal services" and then get on with it. That will also be a way of getting around the Crown prerogative.

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[105] House of Commons Public Bill Committee, 'National Security Bill', 8 September 2022, session 2022–23, 12th sitting, col 308.
[106] HC Hansard, 16 November 2022, cols 785–7.
[107] HC Hansard, 16 November 2022, col 731.

> I would be grateful if the minister looks at the issue carefully and understands that there is a problem. I have talked to a lot of lawyers, and most of them believe that the exemption for legal services is not necessary. There is no reason why they should be exempted; the rules should apply directly to them. Either the definition of what constitutes legal services needs to be tightened up very carefully, or the exemptions should be struck out as the amendments require. I would like some indication from the minister at the dispatch box that the government will look seriously at the matter in the Lords and act on it.[108]

The amendments were withdrawn without division.

Lack of reforms to the Official Secrets Act 1989

Again, several members raised the lack of reform to the Official Secrets Act 1989 in the bill. Kevan Jones said this was a missed opportunity which should be returned to in the House of Lords. Sir Robert Buckland (Conservative MP for South Swindon and the former Lord Chancellor and secretary of state for justice) agreed, and said he thought there were two key issues:

> There are two issues that arise from it that are of general application to the bill and to the future reform of the Official Secrets Act, which has to come. The first is the potential creation of a public interest defence, which in my view is an essential substitute to the rather random guessing game that we have at the moment, with jury trials—however well directed the juries might be—ending up with verdicts that, to many of us, seem perverse.
>
> The second relates to the recommendation to create a statutory commission to allow people to raise their concerns—to whistleblow, if you like—through an approved process. The Law Commission's report of September 2020 made those very clear and cogent recommendations[.][109]

Speaking to those issues, Tom Tugendhat said:

> Much of the debate has focused on whistleblowers and the public interest defence, and the way in which various people could argue that they are acting in the interests of the wider polity in raising different objections. This is a hugely important area and I understand that many hon. Members have raised different points. The head of MI5, the heads of various agencies and many others who have engaged on it have been

[108] HC Hansard, 16 November 2022, col 747.
[109] HC Hansard, 16 November 2022, col 749.

> absolutely clear on this point, however, because we need to make sure that we are not introducing any defence that forces the government to reveal the damage that has been done in order to provide a defence.
>
> The reality is that forcing the publication of damages may indeed be further damaging to the initial offence. That is why although I take the point about the public interest defence, which is a wider question for the whole of government and the whole country, and I take the point about whistleblowers, which is again a wider question and not specific to the bill, I am afraid that I hold with the head of MI5 and others who have been extremely clear on this point.[110]

Legal aid provisions

Similarly to committee stage, the Labour frontbench moved amendments directed at the powers in the bill restricting the availability of legal aid to those convicted of terrorism offences to exclude those seeking civil legal aid in proceedings relating to domestic violence.[111]

Legal aid was also the subject of amendments by Joanna Cherry (SNP MP for Edinburgh South West and chair of the Joint Committee on Human Rights). Her amendments would have removed 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. With limited time to speak to the amendments, Ms Cherry noted the concern of the Joint Committee on Human Rights about the proposed restrictions on the grant of legal aid and on the awarding of damages to those who have been involved in terrorism. She said these provisions risked "impeding access to basic rights and legal protections".[112]

In response, Tom Tugendhat said the government agreed that it was an essential principle that those who have access to legal rights should be able to exercise them without the state's intervention. He added that the government "have heard very clearly the points made about civil legal aid" which he said would be "receiving very serious consideration in the coming days, and I look forward to updating the House in due course on where that goes to".[113]

7. Third reading

Third reading of the bill in the House of Commons also took place on

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[110] HC Hansard, 16 November 2022, col 759.
[111] HC Hansard, 16 November 2022, col 736.
[112] HC Hansard, 16 November 2022, col 758.
[113] HC Hansard, 16 November 2022, col 761.

16 November 2022.[114] The minister, Tom Tugendhat, said that the bill was essential for tackling the modern threats faced by the UK. He also touched upon the role of the measures in the bill in defending UK democracy, noting that the prime minister had asked him to do further work in this area:

> Our democracy in this country has sadly been under attack for too long. We are not alone; we know that our friends in other parts of the country and other parts of the world have faced similar attacks and similar areas of influence. I am delighted that the taskforce that the prime minister has asked me to lead will get on with its work very shortly, updating the integrated review and helping to ensure that this country is ready for the changes in the threats that we face so that the ultimate sovereignty of our people—the right to choose—is guaranteed and defended long into the future. That means that we have to set up not just powers to empower those agents who work in our name, but the guardrails to defend that right.[115]

For Labour, shadow minister Holly Lynch said that her party would support the bill being given a third reading. She said it was the first job of every government to "defend our national security from hostile states that wish to do our country harm, and from malign actors and extremists who want to undermine our democracy and everything we stand for".[116]

However, she added that Labour remained concerned "about clause 27 in particular" (clause 28 in the Lords version of the bill), and other details in the bill. She said that her party "will continue to work with the government and all those in the other place to find resolutions to those outstanding issues".[117]

Speaking for the SNP, Stuart McDonald agreed that a bill of this nature was required, and in fact was "long overdue".[118] Yet he said that issues still remained, including ensuring that measures do not criminalise people which the bill does not intend to criminalise, or leave loopholes for people who should be criminalised, and that "we rein in some of the more excessive powers".[119] However, he said that the government had listened to some of his party's concerns and responded positively to some of the amendments. He added that he "just encourage[d] them to listen more as the bill proceeds".[120]

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[114] HC Hansard, 16 November 2022, cols 791–5.
[115] HC Hansard, 16 November 2022, col 792.
[116] HC Hansard, 16 November 2022, col 792.
[117] HC Hansard, 16 November 2022, col 793.
[118] HC Hansard, 16 November 2022, col 793.
[119] HC Hansard, 16 November 2022, col 793.
[120] HC Hansard, 16 November 2022, col 793.

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