



HOUSE OF COMMONS

LONDON SW1A 0AA

5th August 2022

Jean Contrevent

RE: NATIONAL SECURITY BILL

Thank you for your recent correspondence in respect of the *National Security Bill*; your comments upon which I have read with great interest.

As the Minister for Crime, Policing, VAWG and Victims, I am sure you will understand that I recognise that this is a very important piece of legislation, and as such, I am providing you with a substantive response. I have also enclosed a copy of a recent 'Dear Colleague' letter from the Home Secretary, the Rt. Hon Priti Patel MP, which I trust will be of considerable interest to you.

Let me respond to the question of press freedom which you raise. I should like to underline that the threat from hostile states is a growing, diversifying and evolving one, manifesting itself in several different forms. Our espionage laws date back to 1911 and I know my ministerial colleagues are concerned that they do not account for how threats to our national security have changed over time.

The UK's espionage legislation is contained within the *Official Secrets Act* 1911, 1920 and 1939. While the Government has already strengthened our ability to deter, withstand and respond to hostile state activity, (including through Schedule 3 to the *Counter Terrorism and Border Security Act 2019* which grants an examining officer at UK ports and the border area several powers when a person appears to be involved in espionage on behalf of a foreign government), more can be done to update our laws for the 21st Century.

Through the new *National Security Bill*, the Government aims to deter, detect and disrupt state actors who seek to harm the UK. The Bill seeks to reform existing espionage legislation to tackle modern threats and bring in new offences to address state-backed sabotage, interference, the theft of trade secrets and assisting a foreign intelligence service. Crucially, it will also make it an offence to be an undeclared foreign spy working in the UK.

Furthermore, a Foreign Influence Registration Scheme will be introduced, requiring individuals to register certain arrangements with foreign governments to deter and disrupt state threats activity in the UK. This sits alongside new civil measures which could be used as a tool of last resort where prosecution of a hostile actor is not possible.



I would like to underline that the freedom of the press is a cornerstone of our democracy and I am committed to protecting the rights and values we all hold dear. Reports that the legislation will treat journalists like spies are incorrect; the media will continue to be free to hold Ministers to account. I simply would not support legislation that limits or erodes press freedom.

The new *National Security Bill* will keep pace with the changing threat and will keep our country safe by making the UK an even harder target for those states who seek to conduct hostile acts.

Once again, thank you for having taken the time to contact me and if I can ever be of any further assistance to you, then please do not hesitate to contact me again.

With best wishes,

A handwritten signature in blue ink, appearing to be 'Tom Pursglove'.

**TOM PURSGLOVE MP
MEMBER OF PARLIAMENT
CORBY & EAST NORTHAMPTONSHIRE**

7 June 2022

To: All MPs

Dear Colleague,

National Security Bill

I am pleased to update you on the passage of the National Security Bill, as it passes second reading and further to my letter on 12 May.

National security and the safety of the public are the foremost responsibility of this Government, and I am grateful to the many interested and supportive Parliamentarians who have discussed this Bill with us to date.

The threat of hostile activity from states targeting the UK's democracy, economy and values is ever evolving and we need to stay one step ahead. The National Security Bill will keep pace with the changing threat and will keep our country safe by making the UK an even harder target for those states who seek to conduct hostile acts against the UK.

The Bill provides a full suite of measures to deter, detect and disrupt state actors who seek to harm the UK by covertly targeting our national interests, sensitive information, trade secrets and democratic way of life.

Crucially, we are hardening our resilience against these threats today and for years to come, by focusing on the activity rather than the origin of the threat. The measures included in the National Security Bill are state agnostic to future-proof them against the evolving threat.

The core measures in the legislation will:

- o For the first time, make it an offence to be an undeclared foreign spy working in the UK.
- o Create a modern set of offences to protect the UK against espionage, focusing on obtaining and disclosing of protected information and trade secrets and assisting a foreign intelligence service. It repeals and replaces existing espionage laws which were primarily designed to counter the threat from German spies before and after the First World War.
- o Provide our law enforcement and intelligence agencies with new offences, tools and powers to detect, deter and disrupt threats from those acting on behalf of foreign states with a harmful purpose in the UK.
- o Modernise the regime which governs access to, in and around the UK's sensitive sites that require higher levels of deterrence against unlawful access.

- o Provide the police with a modern suite of investigative tools to pursue state threats activity.
- o Create new offences to tackle state-backed sabotage and foreign interference, as well as a preparatory conduct offence that will allow disruptive action to be taken at an earlier stage (thereby reducing the harm done).
- o Enable sentences for other offences where there is a state link (e.g. kidnap) to be aggravated (increased) to reflect the additional seriousness of the issue.
- o Introduce a new suite of state threat 'Prevention and Investigation Measures' to use as a tool of last resort to manage those who pose a threat but whom it has not been possible to prosecute.
- o Amend the Serious Crime Act to ensure it protects the security and intelligence agencies and MOD personnel when undertaking properly authorised national security operations.

I would also like to draw your attention to the following measures in particular, and to provide more details.

Foreign Interference

A critical aspect of this Bill is the link between the activity we are prohibiting and a foreign power.

The foreign power condition at clause 24 of the Bill provides a clear approach to determining whether activity is state linked. The activity must be that which a person knows, or ought reasonably to know, is for or on behalf of a foreign power. Our intention here is to ensure that the relevant sections of the Bill only capture activity which is linked to a foreign state and that the Bill's serious criminal sanctions will only apply in serious cases such as this.

The UK must have the powers to counter and withstand an increasing range of threats from aggressive and authoritarian foreign states who seek to disrupt our political system, and interfere with our democracy, rights and freedoms. It is, and always will be, an absolute priority to protect the UK against foreign interference.

Foreign interference can be classed as malign activity, carried out for, on behalf of or for the benefit of, foreign states, that is intended to sow discord, manipulate public discourse, discredit the political system, undermine the development of policy, or prejudice the safety or interests of the UK.

A new foreign interference offence will enable the disruption of illegitimate interference, which is conducted on behalf of a foreign state and designed to advance their interests or harm the UK. It will be an offence for foreign powers to improperly interfere with the UK's democracy and civil society through covert influence, disinformation, and attacks against our electoral processes. As the Russian invasion of Ukraine has demonstrated, information can be weaponised, and it is vital that we strengthen our defences.

In addition, the Bill will introduce provisions relating to foreign interference in elections. These will allow for substantially increased maximum penalties where a person acting for, on behalf of, or with the intention to benefit, a foreign power commits certain existing electoral offences.

Foreign Influence Registration Scheme

As announced in my Written Ministerial Statement of 12 May and my previous letter, the Government is committed to bringing forward a Foreign Influence Registration Scheme through Government amendment as soon as possible.

The scheme will follow the precedents of our U.S. and Australian partners by requiring the registration of specific arrangements with foreign governments. While further detail on the

scheme's requirements will be forthcoming, our objective is to strengthen UK efforts to deter and disrupt state threats activity.

Requiring specific arrangements with foreign governments to be registered with the UK Government will provide greater transparency and scrutiny of those arrangements. For those who seek to obfuscate or hide such arrangements, and do not declare them with the scheme, they will commit an offence. Those seeking to engage in covert activity will face a choice between registering with the scheme and exposing their activity, or risk prosecution for not doing so. It is important to reiterate, however, that there is no intention to create unnecessary barriers or deter those engaged in legitimate activity within the UK. We recognise that governments routinely seek to influence each other's policies. The message of this scheme is that such influence should be open and transparent.

Measures connected to Terrorism

The Bill also includes a measure to restrict access to civil legal aid in England and Wales for individuals convicted of terrorism or terrorism-connected offences since 2001. When someone commits an act of terrorism, they are rejecting the democratic state that provides the benefit of civil legal aid and therefore it is only right that they are not able to rely on that state for civil legal aid. I can confirm, of course, that access to legal aid for criminal defence is not affected by these changes.

Where there is an exceptional case for civil legal aid, a process will exist for an individual to apply and to benefit from this. This policy is in support of our Government's strategy 'to ensure extremists never receive public money'.

Further, this Bill contains measures designed to address the risk that might be posed where terrorists receive damages. Currently full awards of damages are made irrespective of a claimant's involvement in terrorism, or any assessment of a risk that they would use any award to fund further acts of terrorism.

Under this Bill, courts will be required to consider whether a judgement confirming the opinion of the Court should be made in lieu of financial damages in relevant cases. Prosecutors will also be able to apply for freezing orders to prevent damages being awarded where the court judges there is a risk they could be used for terrorism, with them being seized if this risk is ongoing. Where the risk is assessed as an ongoing one, prosecutors may apply for a forfeiture order to withhold damages permanently.

Territorial Extent and Application

The state threats measures contained in the Bill will apply to the whole of the UK. The terrorism damages measures will apply UK-wide, and the terrorism legal aid measures will apply in England and Wales only. The relevant offences in the Serious Crime Act 2007 apply in England, Wales and Northern Ireland.

The Next Steps

The threat of hostile activity from states is persistent and it is diverse. It can present itself in a variety of ways: espionage, foreign interference in our political system, sabotage, disinformation, cyber operations, and even assassinations and poisonings. These actions often take place in the shadows, but the harm is very real.

I am sure you will agree that we have presented a comprehensive and world-leading suite of tools, which will benefit greatly from the scrutiny of the House. My team and I are very happy to discuss

the proposals, objectives, and the detailed consideration behind each measure. If you wish to engage further, please do not hesitate to contact me.

W.L. are your wishes
P

Rt. Hon. Priti Patel MP
Home Secretary