

# National Security and Investment Bill

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## COMMONS REASON

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*[The page and line references are to HL Bill 165, the bill as first printed for the Lords]*

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### Clause 61

#### LORDS AMENDMENTS 11 AND 15

- 11** Page 36, line 15, at end insert “, except for any confidential annex prepared under subsection (2A)”
- 15** Page 36, line 33, at end insert—
- “(m) in respect of final notifications given, and final orders made, varied or revoked—
    - (i) a summary of the decision of the Secretary of State under section 26(1), and
    - (ii) a summary provided by the Security Services of any national security risk assessment provided under section 26(3)(a)(ii) relating to each decision under section 26(1).
- (2A) Where the Secretary of State considers that publication of any information listed in subsection (2)(m) would be contrary to the interests of national security, those details may be excluded from publication and instead must be included in a confidential annex to the report provided to the Intelligence and Security Committee of Parliament on the same day that the rest of the report is laid before each House of Parliament.”

## COMMONS REASON

*The Commons disagree to Lords Amendments 11 and 15 for the following Reason –*

- 11A** *Because it is appropriate and sufficient for oversight and scrutiny of decisions made by the Secretary of State for BEIS to be conducted by their departmental select committee.*

#### LORDS NON-INSISTENCE AND AMENDMENTS IN LIEU

*The Lords do not insist on their Amendments 11 and 15, to which the Commons have disagreed for their Reason 11A, and do propose Amendments 11B and 11C in lieu –*

- 11B** Page 36, line 15, at end insert “, except for any confidential annex prepared under subsection (2B) while that subsection is in force”
- 11C** Page 36, line 33, at end insert –
- “(2A) Until the condition in subsection (2C) is met, each report must also provide, in respect of final notifications given, and final orders made, varied or revoked –
- (a) a summary of the decision of the Secretary of State under section 26(1), and
  - (b) a summary provided by the Security Services of any national security risk assessment provided under section 26(3)(a)(ii) relating to each decision under section 26(1).
- (2B) Until the condition in subsection (2C) is met, where the Secretary of State considers that publication of any information listed in subsection (2A) would be contrary to the interests of national security, those details may be excluded from publication and instead must be included in a confidential annex to the report provided to the Intelligence and Security Committee of Parliament on the same day that the rest of the report is laid before each House of Parliament.
- (2C) Subsections (2A) and (2B) have effect only until a revised memorandum of understanding between the Prime Minister and the Intelligence and Security Committee of Parliament under section 2 of the Justice and Security Act 2013 has been laid before Parliament which provides for oversight by the Intelligence and Security Committee of the activities of the Secretary of State under section 26 of this Act.”

#### COMMONS REASON

*The Commons disagree to Lords Amendments 11B and 11C for the following Reason –*

- 11D** *Because it is appropriate and sufficient for oversight and scrutiny of decisions made by the Secretary of State for BEIS to be conducted by their departmental select committee.*



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COMMONS REASON

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*28 April 2021*

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