



Baroness Neville-Rolfe DBE CMG
Minister of State
Cabinet Office 70 Whitehall London
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The Baroness Chapman of Darlington
House of Lords
London
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15 April 2024

Dear Jenny,

On Wednesday 20 March, during the committee of the Economic Activity of Public Bodies (Overseas Matters) Bill, I committed that my officials would provide further clarification in the Bill's Explanatory Notes on individual accountability for breaches of the ban, as requested by you and Lord Wallace of Saltaire.

I can confirm that my officials will update the Clause 1 Explanatory Notes in response to your question, following the Bill's passage through this House. I would like to take this opportunity to share the proposed change with you to reassure you that the commitment made on the floor of the House is being acted on. Please see the updated wording below:

For the purposes of this Bill, the "decision-maker" is a public authority to which the Bill applies. Public authorities will usually delegate decision-making to an individual or a group of individuals. This subsection recognises that it is the disapproval of those individuals or third parties seeking to influence those individuals that will be relevant to determining what has influenced the public authority. However, even when an individual, or group of individuals, makes a decision on behalf of a public authority, the ban only applies to the public authority itself and there is no personal liability for the individual(s).

In the debate, you also questioned how an enforcement authority would assess whether an individual was making a decision on behalf of a public authority. The Bill provides powers to the designated enforcement authorities to investigate and determine if the individual, or group of individuals, who made a particular decision had regard to a territorial consideration in a way that indicates they were influenced by moral or political disapproval of foreign state conduct and thus in breach of the ban. An enforcement authority will have the power to issue an information notice, enabling them to assess whether the individual or individuals who made the decision on behalf of the public authority were influenced by their own moral or political disapproval, or the disapproval of any other person seeking to persuade them.

I would also like to clarify that even if an individual, or group of individuals, were found to have breached the ban on behalf of a public authority, the ban would apply only to the public authority itself and the individual(s) would have no personal liability.

I trust that this letter reassures you and answers your questions, and thank you again for engaging on this important legislation.

I will place a copy of this letter in the Library of the House.

Warm regards

Lucy Neville-Rolfe

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