

Are we heading for censorship?

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Parliament is on the verge of passing the National Security (State Threats) Bill, and I think far too few people understand what it could mean.

The government says this legislation is designed to protect Britain from hostile foreign states. That sounds reasonable. But when you look closely at what the bill actually says, serious questions emerge about its effect on journalism, research, blogging and public debate.

In this video, I explain why.

The bill allows organisations to be designated as state threats. Once that happens, obtaining information from them could itself become a criminal offence carrying a prison sentence of up to 14 years. Independent reviewers have already warned that the legislation is drafted so broadly that journalists may have to rely on prosecutorial discretion rather than clear legal protections.

That matters because reporting conflicts has always depended on speaking to every side. Whether the conflict is in Gaza, Ukraine, Sudan, Yemen or elsewhere, understanding events requires access to information from multiple sources, not just those governments approve of.

This is not simply a legal issue. It is an issue of political economy. Information is a public good. Democracy depends upon informed citizens. If access to information is reduced, rumour, misinformation and distrust are likely to grow.

Is this really the balance Parliament should be striking between national security and democratic accountability? If so, we should all be worried.

<https://www.youtube.com/watch?v=W7AmESPJ5L0?si=-lU3qPx1J-T9m-et>

This is the audio version:

https://www.podbean.com/player-v2/?i=g7bjd-1b0c952-pb&from=pb6admin&share=1&download=1&rtl=0&fonts=Arial&skin=f6f6f6&font-color=auto&logo_link=episode_page&btn-skin=c73a3a

The Debate Ammunition for this video is available here.

This is the transcript:

Right now Parliament is rushing through a new law, which I think is deeply dangerous to the well-being of this country and to anybody who comments within it.

The law is called the National Security (State Threats) Bill. It's almost reached Royal Assent. The House of Commons has discussed the House of Lords' amendments, and so it is only days away from becoming real law, and the government says it will strengthen national security, but I disagree.

The law is primarily aimed at supposedly hostile state organisations and the Iranian National Guard is its supposed target, but its reach extends far beyond spies and terrorists. It could change how information reaches us all. That matters. We need to understand the world we live in, and this law may prevent those who try to explain what is happening in the world from doing so, and that will penalise us all.

I think this bill does, therefore, matter to everyone. This is not just another national security measure. It changes who may gather and publish information.

It changes how conflicts can be reported: conflicts in places like Gaza, in Ukraine, in Sudan, in Yemen and beyond. It creates risks for journalists, bloggers, and researchers, and that makes it a political economy issue as much as it is a legal one.

What this bill actually does is give the Home Secretary the power to designate a body as a state threat. The system is modelled on terrorist proscription law, and we know there are difficulties with that. But as a consequence of any organisation being deemed to be a state threat, supporting or benefiting from that designated body then becomes a criminal offence. And the maximum prison sentence is 14 years. And the bill says that securing information from the organisation that has been prescribed is a material benefit.

Now think about what this means. If Hamas is designated to be a state threat, and that

is certainly possible, to report figures on casualties in Gaza supplied by Hamas will become an illegal act. But their data is what everybody has relied upon since 2023 to report casualties arising in that territory, because there is no other information. Reporting that data might now result in a 14-year prison sentence. This is the risk we face, and lawyers are worried because the bill contains no general reasonable excuse defence.

Independent reviewers have warned that the drafting is too broad and journalists may have to rely on prosecutorial discretion to prevent them being charged and sent to prison. And protection promised by ministers is not being written into the bill. It's only being written into the support notes, and that means no court needs to rely upon it.

This all creates uncertainty before anyone publishes a word of information about what might be happening in a conflict zone around the world, about which we may need information because decisions by our government will be taken based upon the fact that they have this information, but which will now be denied to us. That is critical.

This matters because journalism always depends on contacts. Reporters must speak to every side in a conflict, and we know they do. They talk about that fact. They always have. Even when the IRA was proscribed in the UK, there were always back channels to ensure that information was available. And that made sure that the conflict in Northern Ireland at that time was understood in the same way that we now need to understand conflicts elsewhere in the world.

And sources rarely come only from friendly governments, let's be clear. Information from one side only can create a deeply misleading, difficult, or dangerous impression of what is going on in a situation, and so sometimes people have to be spoken to who actually work for the other side in the conflict, even if we don't like that other side. Understanding the conflict requires us to see both sides of an issue, and this bill risks blurring that distinction and creating penalties where none need be in place.

This bill makes information itself the issue. And the information is how we understand the world.

Information explains why conflicts happen.

Information helps us judge government policy.

Information allows competing claims to be tested, and restricting information restricts understanding.

And journalists won't be able to test official claims if this bill is put in place. If their contacts become too risky to talk to, fewer facts may emerge. We will be forming our opinions based upon less reliable information, and nobody benefits from that.

Politics will be distorted.

International relations will be distorted.

And risks will be taken by people who want to discover what is really going on in the world.

And in all of this, bloggers face particular risks. Now, I don't think this is particularly a personal issue. I don't tend to report from conflict zones. I can try to avoid issues where this information is of consequence, but other bloggers do investigate and publish. And without them, there will be much less information in the world about what is really going on in those conflict zones. And bloggers don't have large legal departments to advise them. Many rely on open sources and direct contacts, and a mistake could have very serious consequences.

And that mistake may, for example, be secondhand. We don't know as yet if the United Nations reports a figure from one of these proscribed organisations, whether reporting the United Nations figure may in turn then become deemed to be the committing of an offence that carries a penalty of 14 years in prison. No malign intent may exist even where prosecution follows, in other words. And that means this is bad for political economy.

Information is a public good in a democracy. A public good is something provided basically free of charge that improves the quality of decision-making or the information available to the public on which they might wish to form an opinion. Less information leaves space for rumour and speculation, and misinformation grows where reliable information disappears. Society becoming less informed means that society becomes more insecure. That is what worries me.

And as a result of all of this, trust is put at risk. Governments need informed consent to govern well. That's a fact. We know that governments can only rule us if we provide them with the right to do so, and public trust depends upon access to information. Trust fails when information appears to be controlled. Again, we know that. And in most cases, there are questions arising now about why some information is being controlled.

Suspicion grows when reporting is made more difficult without obvious reason, and with undue penalties attached. That weakens confidence in democratic institutions, and rushed legislation of this sort, which has been pushed through Parliament far too quickly for any informed judgement to be made, does create risk.

Fast legislation receives less detailed scrutiny than it requires, and broad wording is harder to improve once enacted, and this bill is incredibly broadly worded. Important safeguards have not been properly debated, and whilst national security still requires careful lawmaking, we're not getting that.

The real choice that Parliament faces is that Britain needs strong protection against genuine state threats. I'm not disputing that. But it also needs free and responsible

reporting. Security and informed democracy should reinforce each other. They are not in conflict with each other. This goes back to the question I ask often. When we come to defence, what are we defending? And one of the things we should be defending is the right to information and informed decision-making. But this law seeks to undermine that by criminalising information.

This law does not meet the required standard for producing better outcomes in society, in my opinion, so Parliament should amend this bill before it becomes law to protect us from bad law, from misinformation, and a failure of democracy, which will arise if we do not have the information we need to form proper judgements.

That's my opinion. You may disagree. If you do, let us have your opinion. There's a poll down below, and of course, as usual, like this video if that's what you do. Subscribe to the channel. Share the video with whoever you want. And if you'd like to support our work, there is a link down below to our Ko-fi channel. And you can buy us a coffee there, and we'll be very grateful.

Poll

[poll id="450"]