



INTELLIGENCE AND SECURITY COMMITTEE OF PARLIAMENT



PRESS NOTICE

The Rt Hon. the Lord Beamish PC, Chairman of the Intelligence and Security Committee of Parliament (ISC), has provided the following statement on behalf of the Committee:

“In April 2024, the Crown Prosecution Service (CPS) authorised charges against Christopher Cash and Christopher Berry under section 1(1)(c) of the Official Secrets Act 1911 relating to activities between December 2021 and February 2023 which were uncovered, in conjunction with Counter-Terrorism Policing (CTP), by MI5 detection and disruption. The case against Cash and Berry was supported by three witness statements from the Deputy National Security Adviser (DNSA), Matthew Collins, which included the Government’s assessment of the threat of espionage by the Chinese state. However, on 15 September 2025, the CPS dropped the charges.

On 16 October, the Committee announced that it would be investigating issues relating to the discontinuation of the prosecution. The Committee said that it would follow the evidence wherever necessary, but would focus on the use of classified material in relation to the case, rather than the actions of the CPS, as the CPS does not fall within the Committee’s remit. We note that the role of the CPS in this case has been covered by the Joint Committee on the National Security Strategy’s Report.¹

The Committee received the initial intelligence background in November 2025. We commissioned further written evidence and took oral evidence from the Intelligence Community - including the National Security Adviser (NSA) and DNSA. This included receiving information about the 1 September 2025 meeting of senior officials which was chaired by the NSA.²

We note however that the FCDO has refused the Committee’s request to provide evidence. In February, the Committee requested the minutes of a meeting on 28 August 2025 to aid its understanding of events leading up to the decision not to prosecute. This was not provided. While the FCDO does not, at present, sit under the Memorandum of Understanding between the Intelligence and Security Committee of Parliament and the Prime Minister, the Committee was nevertheless disappointed that the FCDO was not willing to support the Committee in its work. We note, separately, that this is another instance which highlights the importance and urgency of a thorough update to the Committee’s Memorandum of Understanding.

¹ *Espionage Cases and the Official Secrets Act, published 3 December 2025.*

² *This meeting was held to discuss the management of the UK’s bilateral relationship with China. It was two days after this that the Director of Public Prosecutions chose to discontinue the prosecution of Mr Cash and Mr Berry.*

Wrong choice of witness

The Committee heard that the DNSA agreed to be a witness in this case, despite other options having been discussed with lawyers and senior members of MI5 and Homeland Security Group. This was the wrong choice.

The DNSA had been clear that he would need to speak to Government policy at the time of the case: as a result, he would not be able to state that China was an active and ongoing threat to UK national security since that was not, then, the Government position.

Nevertheless, the Government case should have been able to state that intelligence reports demonstrate that China poses a threat to the UK's security - a threat that this Committee has repeatedly sought to highlight. If DNSA was unable to say this, then MI5 should have.

MI5 told the Committee that the decision of who should have been the witness was for CTP and the CPS. Perhaps so, but in the Committee's opinion MI5 should have pushed, through lawyers and seniors, for a witness that could have seen the case to trial.

MI5's further argument was that the DNSA was the correct choice for Government witness on the same basis as in a separate case, known as the "Roussev" case. This shows a lack of understanding of the situation. The "Roussev" case centred around activities on behalf of the Russian state. Government policy was that Russia was an active threat to the UK - therefore the difficulty with the witness statement did not arise. The Committee cannot understand how the Senior Civil Servants involved - DNSA, Deputy Director General MI5 and Director General Homeland Security, and their associated lawyers - relied on a precedent which clearly did not match the circumstances before them. The Committee was unimpressed that the Government was not more proactive in ensuring that it fielded a witness who could state that China did pose a threat to the UK's national security.

Given that the statements provided by the DNSA were unable to express the balance - that China can represent both an economic opportunity for the UK, whilst also being a security risk - we questioned why a second witness could then not have been provided in addition to DNSA, so as to provide that second, critical, element. The Committee was not convinced by the Intelligence Community and CPS' argument that a second witness would have undermined the DNSA's original statement.

The Committee also notes that there was no strategic coordination of the Government's approach to the case, which might have enabled those involved to take a more holistic approach - and spot these obvious gaps. This brings into question - not for the first time - what the role of NSS is, if not to bring together policy and intelligence. This is a matter to which the Committee will return.

Need for New Legislation

In relation to the broader context of the case, this Committee has been clear that China is a strategic threat. As far back as June 2013, the Committee has said that China is suspected to be one of the main perpetrators of state-sponsored attacks, focusing on espionage and the acquisition of information. In July 2023, the Committee published its 'China' Report: a comprehensive overview of the intelligence threat posed by the Chinese state and HMG's response. The Report very clearly sets out that the UK is of significant interest to China when it comes to espionage, and that its state intelligence apparatus targets the UK and its interests prolifically and aggressively. The Committee was clearly told in evidence that despite offering economic opportunities for the UK, China is the main state security threat to British interests.

It is therefore frustrating that this case failed. The fundamental problem was that - as others have noted - the prosecution was being brought under antiquated legislation. The ISC had been calling for reform of the Official Secrets Act 1911 since the Committee's 'Russia' Report in 2020. Again in our China Report, we referred to the length of time being taken to reform the Official Secrets Act 1911 - under which the charges in this case were to be prosecuted - as "unconscionable", and we recommended that HMG ensure that modernised legislation was enacted as a matter of urgency. That delay is a substantial reason as to why the Government were unable to take this case to trial.

This legislation has now been reformed, in the form of the National Security Act 2023. The Committee was reassured to see the effective operation of the National Security Act in May 2026 as two men were convicted for illegally gathering information for the benefit of China.

However, the Official Secrets Act 1989 remains in place - in spite of continued recommendations throughout the passage of the National Security Act, in this Committee's 'Iran' Report and most recent Annual Report - that it too must be modernised as a matter of urgency. The failure to include those changes in the National Security Act 2023 means that the requirement to prove damage for certain unauthorised disclosures - which acts as a significant barrier to prosecutions - and the insufficient two-year maximum sentence, remain in place.

Successive Governments have shown no intention to reform this outdated legislation. The Committee will continue to exhort the Government to act, and to introduce these vital reforms as soon as possible. The Committee is encouraged to see a new National Security Bill for this Parliamentary session: this must be used as a vehicle to reform this outdated legislation.

If any lesson is to be learned from the frustration at the failure of this case, it is this - we must have the legislative tools to fight those who wish to cause this country harm."

NOTES TO EDITORS

1. The Intelligence and Security Committee of Parliament (ISC) is a statutory committee of Parliament. It is not a Select Committee and has quite different powers and responsibilities.
2. The Committee has responsibility for oversight of the intelligence and security activities of the UK Government. Established by the Intelligence Services Act 1994, it was reformed, and its powers significantly reinforced, by the Justice and Security Act 2013.
3. The Committee oversees the policies, expenditure, administration and operations of the UK Intelligence Community. This includes the intelligence Agencies - MI5, SIS (the Secret Intelligence Service or MI6) and the Government Communications Headquarters (GCHQ) - as well as: the Joint Intelligence Organisation and the National Security Secretariat in the Cabinet Office; Defence Intelligence in the Ministry of Defence; Homeland Security Group in the Home Office; and the National Cyber Force.
4. The Committee can require information to be provided to it. (The limited exception is in relation to information on ongoing intelligence and security operations - the Committee can still examine such material, however it is provided voluntarily rather than it being mandatory.)
5. The Committee consists of nine Members drawn from both Houses of Parliament, and appointed by Parliament, with the Chair being elected by its Members. The Committee was reconstituted in December 2024, following the July 2024 General Election, and its Members are:

The Rt Hon. the Lord Beamish PC (Chairman)
The Rt Hon. Sir Jeremy Wright KC MP (Deputy Chairman)
Baroness Brown of Cambridge DBE FREng FRS
Peter Dowd MP
Richard Foord MP
The Rt Hon. Sir John Hayes CBE MP
Dame Jessica Morden DBE MP
Derek Twigg MP
Admiral The Rt Hon. Lord West of Spithead GCB DSC PC.
6. The Members of the Committee are subject to Section 1(1)(b) of the Official Secrets Act 1989 and are routinely given access to highly classified material in carrying out their duties.
7. The Committee sets its own agenda and work programme. It takes evidence from Government Ministers, the Heads of the intelligence and security Agencies, officials from across the UK Intelligence Community, and other witnesses as required. The Committee makes an Annual Report on the discharge of its functions and also produces Reports on specific issues.
8. The Committee's dedicated Press Officer can be reached at:
Alexander.Hunt1@CabinetOffice.gov.uk or 07873702652

9. The Committee's 2023 'China' Report can be read here:
<https://isc.independent.gov.uk/wp-content/uploads/2023/07/ISC-China.pdf>
10. The Committee's 2020 'Russia' Report can be read here:
https://isc.independent.gov.uk/wp-content/uploads/2021/03/CCS207_CCS0221966010-001_Russia-Report-v02-Web_Accessible.pdf
11. The Committee's 2025 'Iran' Report can be read here:
<https://isc.independent.gov.uk/wp-content/uploads/2025/07/Intelligence-and-Security-Committee-of-Parliament-Iran.pdf>