

Joint Committee on the National Security Strategy

Oral evidence: Espionage cases and the Official Secrets Acts

Monday 27 October 2025

5.45 pm

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Members present: Matt Western (The Chair); Lord Boateng; Dame Karen Bradley; Baroness Fall; Lord Hutton of Furness; Baroness Kidron; Mike Martin; Edward Morello; Lord Robathan; Lord Sedwill; Andy Slaughter; Emily Thornberry; Lord Tunncliffe; Baroness Tyler of Enfield; Lord Watts; Sir Gavin Williamson.

Evidence Session No. 2

Heard in Public

Questions 12 - 29

Witnesses

[I](#): Sir Chris Wormald, Cabinet Secretary and Head of the Civil Service; Matthew Collins, Deputy National Security Adviser, National Security Secretariat.

Examination of witnesses

Sir Chris Wormald and Matthew Collins.

Q12 **The Chair:** Welcome back to today's meeting of the Joint Committee on the National Security Strategy on espionage cases and the Official Secrets Acts. I would just like to remind witnesses of their obligations to Parliament and the expectation of providing as complete answers as possible. Can I start by just asking the witnesses to introduce themselves from my left?

Matthew Collins: I am deputy national security adviser.

Sir Chris Wormald: I am the Cabinet Secretary.

The Chair: Thank you for joining us. Sorry we are running slightly late. I will just forewarn you that there is the possibility of votes. We hope that we are going to conclude this before those votes get called, but hopefully we will be able to maintain quoracy through that time. Perhaps I could start with you, Matthew Collins. How do you feel about the collapse of this recent case?

Matthew Collins: Disappointed. I have worked at the cutting edge of national security issues for the last 10 years. Countering terrorism and countering state threats has been at the heart of successive Governments' responses to Russia's invasion into Ukraine. I very, very much wanted to secure a conviction in this case. A lot of people put a lot of effort into investigating the issues and building the evidential case. When I agreed to be a witness, I knew it was going to be tricky because of the nature of the Official Secrets Act 1911, but I was willing to put myself forward to give evidence in the best possible way to secure a successful conviction. I was expecting to provide evidence in an open court. I have to admit that I was not quite expecting to provide evidence at a Select Committee hearing, but I am very happy that I have the opportunity to set out what I would have said.

The Chair: One thing I wanted to ask you is that we have heard in recent months about the current Government's mantra of co-operate, compete and challenge. I am just keen to know: was that mantra prevailing at the time that this spying was alleged to have taken place, under the last Government?

Matthew Collins: No. Between 2021 and 2023? The mantra of the Labour Government had not necessarily been formulated at that point. I was very clear when I agreed to be a witness that I would do so in line with the government policy of the day. As a civil servant, you would expect no less.

The Chair: What was the prevailing attitude between 2021 and 2023?

Matthew Collins: Well, you can see several quotes from both the integrated review that was published in 2021 and the integrated review refresh that was published in 2023. I can read some of those excerpts if that would be helpful, but I think they stand, have been published and have set quite clearly the framework of the previous Government's policy towards China.

Q13 **Baroness Tyler of Enfield:** My questions are mainly for you, Mr Collins, and really flow from the discussions we have had in the first session. Just to kick off, when you gave your initial witness statement, which I think was back in December 2023—the one in which you described China as an "epoch-defining challenge" and also talked about "large scale espionage operations against the UK"—were you aware of the specific offence that the CPS was considering under the Official Secrets Act?

Matthew Collins: At the time of drafting—

Baroness Tyler of Enfield: Yes, of submitting that first statement. Sorry, may I just follow on from that? Were the specific evidential thresholds for this particular offence explained to you?

Matthew Collins: A couple of things: you have quoted the integrated review refresh, which I put into my witness statement to demonstrate what government policy was at that time. I had conversations with my own team, Cabinet Office lawyers and external counsel. In the

formulation of the first witness statement, we were clear about the OSA 1911 provisions that would be required, and the witness statement was put together specifically to try to ensure that at that point we could support a successful charging decision.

Baroness Tyler of Enfield: Just to clarify for my benefit, was the CPS involved in those discussions you have just talked about?

Matthew Collins: Not at that point, no. Discussions happened with counterterrorism police, with my team and with my legal team at that point. Oh, should I continue?

The Chair: Perhaps we could try and continue, if members are able to stagger your timings to vote.

Matthew Collins: Should I wait for the bell to finish?

The Chair: If you are able to persevere, that would be great.

Matthew Collins: I was just going to say that there were discussions with those sets of people—with counterterrorism police, my legal team, my own team—and then I consulted with the Cabinet Office PUS, the National Security Adviser at the time, and then sighted the then PM on the witness statement.

Baroness Tyler of Enfield: Right, but you feel that you were clear what those evidential tests would be for the specific offence that was being considered?

Matthew Collins: I understood that we were using an archaic piece of legislation. One of the reasons that I was asked to provide evidence, both in this case and in the Roussev case, was to help fulfil the evidential thresholds which would enable us to secure a successful prosecution.

Baroness Tyler of Enfield: Okay, thanks. I am just going to press on despite the bells. I am sorry; I know it is a bit tricky. If we could turn now to your second and third witness statements, can I ask you why you did not explicitly state that China's activities constituted a national security threat? What did you feel prevented you from making that statement?

Matthew Collins: In all of my statements, what I was trying to do was to demonstrate the range of ways China poses threats to our national security. In the first witness statement, I set out the range of espionage threats. In the second and third statements, I set out the cyber threats, the economic security threats and the threats to our democratic institutions. What I did not do was to define or label China as a threat in a generic term. But what I did try to do was to demonstrate the full range of national security threats that they were posing to the United Kingdom.

Baroness Tyler of Enfield: To help the committee on this point, because it is absolutely critical, I ask: was it basically that your decision not to describe China as a national security threat was a sort of judgment

call that you came to at the end of setting out all the things you mentioned in the statement? Was it your final sort of judgment call?

Matthew Collins: As I mentioned in my response to the Chair, when I started this process I was always clear that I would need to be in line with government policy at the time. I have quoted extensively the range of government policy documents at the time. The Government at that time did not go so far as to label China a threat in the generic sense. They did say in a range of ways that there are threats that we need to protect ourselves from. I know that is a very fine distinction. What I tried to do was evidence in all three of my witness statements the range of threats that China poses to our national security.

Baroness Tyler of Enfield: So in the way that you actually worded your statements, you were explicitly taking account of what government policy was in relation to China.

Matthew Collins: As you would expect of a civil servant.

Baroness Tyler of Enfield: Right. So could I ask a couple of follow-up questions then? What did the CPS precisely ask you for? When it was requesting the two further statements, what specifically did it ask you to provide in those two further witness statements?

Matthew Collins: They were asking me to provide evidence of national security threats. As it became clearer, and particularly towards August and then into September of 2025, it was clear that they were looking for a precise formulation of words.

The Chair: Matthew—sorry to come in—were they were asking for a view or were they asking for a statement of fact?

Matthew Collins: They were asking for my evidence as deputy national security adviser.

Sir Gavin Williamson: Were they asking for your judgment?

Matthew Collins: They were asking for my view as deputy national security adviser, providing evidence in this case. I was clear from 2023 that what I would provide in order to support a successful prosecution would be in line with government policy at the time. I also tried to demonstrate, as you have seen in my witness statements, a range of ways that China poses threats to our national security.

Baroness Tyler of Enfield: Okay. Just to pursue this point a little bit further, I need to ask you this: were you ever asked by anyone to ensure that your evidence did not establish that China was either an enemy or a threat to national security at the time of the offences? No one pushed you to say the things you said in the way you said them?

Matthew Collins: To be quite clear—and hopefully my letter set this out—there are a number of people who were involved in the formulation of my first witness statement, including my team and counterterrorism

police legal advisers. I sought clearance from the then Cabinet Office Permanent Secretary and National Security Adviser, and I sighted the then Prime Minister. After the charging decision, I was told that I was not able to share my witness statements because it may pervert the course of justice. I was a witness in a criminal case. I took that obviously very seriously. The preparation of witness statements 2 and 3 was done by that same small team within NSS and with my legal advisers, in consultation with counterterrorism police.

Baroness Tyler of Enfield: Right. Did you know, or did you suspect, that the trial would collapse if you did not yourself label China as an enemy or a threat to national security in your witness statement? Had you been told that, would you have been more explicit in your statement?

Matthew Collins: The first time I became aware that the trial might collapse was when I was asked to join the Cabinet Secretary's meeting with the DPP on 3 September.

Q14 **Mike Martin:** Mr Collins, if I may, the questions will be to you. You have been very clear that, at the beginning of the process, you were able to give evidence only on the basis of government policy. Would you say that it is fair to say that that was your evidence—that is, your evidence was what the government policy was?

Matthew Collins: I was able to draw from a range of sources and from the evidential bundle that operational partners had pulled together. However, in describing that through my witness statements, I was clear in the formulation of those statements in the autumn of 2023 that, as a civil servant, I would be able to give evidence only in line with the government policy at the time.

Mike Martin: Okay; thank you very much. You have this great perspective because you have straddled both Governments. In your view, with respect to China—in particular to this idea of whether or not China is, to use precise wording, an active threat to national security—would you say that there is any difference between the policies of the Labour Government and those of the previous Conservative Governments?

Matthew Collins: I would not say that there are huge differences, no. I think that there are differences in points of emphasis; there are definitely differences in the language that is used.

Mike Martin: Can you give me some specific examples of those differences?

Matthew Collins: I would say that, at the moment, the Labour Government have clearly been wanting to ensure that they engage with China. However, the previous Conservative Government also wanted to engage with China: a former Foreign Secretary travelled to Beijing for a series of meetings and the then Prime Minister met Prime Minister Lee in 2022, I believe, although my memory might be failing me on the specific date of that meeting. There are different degrees of emphasis but I would not say that there is a huge amount of difference.

Mike Martin: So, in essence, it is the same policy with respect to China and the specific question. You were very clear at the beginning that you could give evidence only through, if you like, the lens of government policy. We have established that the Government's policies did not change substantially either side of the general election in 2024. You are nodding; I say that because it will then go down on the written record.

We have just had the Director of Public Prosecutions in front of us. He was very clear that the CPS needs statements of fact; it does not care what government policy is. So, given the fact that you were clear at the very beginning that you would give evidence only through the lens of government policy, do you think that the CPS made a mistake in calling you as the star witness? You could never give a wholly factual account of whether China was an active national security threat because you could give that evidence only through the lens of government policy, in which the CPS was not interested.

Sir Chris Wormald: May I butt in at this point? I watched the previous hearing. I do not think that the DPP said at any point that he did not care what the Government's policy was; I do not think that he used that phrase.

Mike Martin: No—you are right; he did not—but he did say, "We are interested only in what the facts were". I put this question to you, Mr Collins: do you think that the CPS made an error in calling you as a witness to give facts on whether China was a national security threat when you were very clear from the beginning that, as you have told us, you could give evidence only through the lens of government policy, which did not change materially between the Conservative and Labour Governments?

Matthew Collins: I do not think that it was incorrect to ask me to be a witness given the position that I hold, what I see through the intelligence picture, what I see through the security brief and the fact that I have advised successive Governments on those threats.

I can say very clearly what I was able to say, which is that China poses a range of threats to our national security. I was able to say that these include espionage threats, cyber threats, threats to our democratic institutions and threats to our economic security. I would be able to say that these threats are very real and persistent, and that operational partners are dealing with them on a daily basis. Incidentally, I articulated all of that in my witness statements; all of those examples are in my witness statements.

Sir Chris Wormald: Can I add an additional point? As the DPP made clear, particularly in his exchanges with Ms Thornberry, the original witness statement met the bar for prosecution. So, on the question of whether Mr Collins was an appropriate witness, as I say—and as the DPP made clear in your previous session—witness statement 1 met the bar for prosecution at that time.

Q15 **Lord Robathan:** Mr Collins, I do not doubt your good intention—I am quite sure that you are disappointed that this case was not pursued—but, if I may, I shall read briefly the conclusion of your first witness statement, which has been mentioned. It says that “the suspects’ alleged activities were prejudicial to the safety or interests of the UK” and that they would be passed directly to the Chinese state. Something changed in December 2023. This document says, “They’re spying”. What changed? Why did you change your mind?

Matthew Collins: I have not changed my mind. I absolutely stand by every single word—

Lord Robathan: Apparently, you said to the CPS that it would be unwise of you, and that you would be unwilling, to describe China as a threat to national security; that is exactly what you said in your first witness statement.

Matthew Collins: I absolutely stand by what I said in all of my witness statements; I said that in all of the case conferences that I had with the CPS in preparation for the case. I was very clear in what I just said about what I would be able to say about the range of threats that China poses to our national security, including the espionage threat that I mentioned in my first witness statement.

Sir Chris Wormald: Again, in the previous session, the DPP was very clear on this point as to what he considered changed, which was the second case—the Roussev case. He set that out in considerable detail in the exchanges. So the straight answer from the DPP on what changed was the judgment in the Roussev case. Obviously, there was some debate between people who are much better qualified than I am around exactly what that case meant, but he was very clear that that was what changed—not Mr Collins’s evidence.

Matthew Collins: Just to quote from my third witness statement—

Lord Robathan: I am not interested in your third one; I am interested in your first one.

Matthew Collins: I reiterate the point in my third one, which said, “By way of a specific demonstration of the active espionage threat that China posed to the UK between 2021-23, in March 2024, the UK Government identified a pattern of malicious cyber activity by Chinese state-affiliated organisations and individuals targeting democratic institutions and parliamentarians as part of large-scale espionage campaigns that had taken place during that time period”.

Lord Robathan: Yes—and this is also the statement in which you, rather surprisingly, quoted the Labour Party manifesto.

Matthew Collins: I was asked to include a reference—

Lord Robathan: You were asked to include it? That is what I want to get to grips with.

Matthew Collins: Okay. I was asked by counterterrorism police to include a reference to the new Government's policy for fear that a wedge would be driven between my witness statements and the new Government's policy. I did that. Just as a point of fact, I drew from an Answer to a Parliamentary Question rather than the Labour Party manifesto.

Lord Robathan: So there was pressure put on you about this?

Matthew Collins: No. I was asked by CTP, as I was throughout all of my witness statements, to provide evidence in support of the case to secure a successful prosecution.

Q16 **Edward Morello:** Mr Collins, given the range of threats to national security that you outlined in your evidence, and the actions of espionage that you outline across your evidence, are these the acts of a friend or an enemy to the United Kingdom?

Matthew Collins: Well, we are going back to the previous questions. Successive Governments have not framed our relationship with China in those terms. Therefore, in my witness statement, I did not frame the argument that China was an enemy. As you have seen, I removed that from a draft in my first witness statement prior to the charging decision.

The Chair: In the previous session, Tom Little said that he looked you in the eyes, Matt Collins, on 14 August and you made it clear that you would not stand up in court and say that China was a threat. Is that your recollection of that meeting?

Matthew Collins: My recollection of the meeting on 14 August—and actually, it was very consistent with subsequent meetings on 3 September, and then again on 9 September—was that I would set out the range of threats that China poses to our national security, as I have done in my witness statements.

The Chair: Can we move on? I call Baroness Fall.

Q17 **Baroness Fall:** There has been a lot of interest about a meeting that you had with Sir Oliver Robbins on 1 September. From what you said early on in this session, you heard that there was a collapse of the case by 3 September, so those are two near events. Mr Collins, starting with you, you did attend a meeting. Who else was there and did the case come up?

Matthew Collins: The meeting on 1 September—

Baroness Fall: With Sir Oliver Robbins.

Matthew Collins: —involved a range of different civil servants and operational partners. It was to discuss a range of China issues, including the handling of this case. There were at least four lawyers in the room who ensured that there was no discussion about the evidence that was going forward in the case.

Baroness Fall: Did you discuss whether or not if the case went forward that would affect adversely the relationship with China?

Matthew Collins: We discussed a range of different scenarios and how we would handle them.

Baroness Fall: So you did have a discussion about whether or not, if the case did go forward, it might have an impact on the relationship with China?

Matthew Collins: As I say, it discussed a range of different scenarios and what we would do to ensure that we managed our diplomatic relations, not just with China but with other partners as well.

Baroness Fall: And two days later, you were told that the case had collapsed.

Matthew Collins: The Cabinet Secretary was informed that the DPP would not take the case forward. I was asked to join that meeting at the end to explain to me why.

Baroness Fall: So you did not know at the time that the case was going to collapse. Did you talk about whether or not to describe China as an enemy with something that you needed to say to make the case work?

Matthew Collins: No. As I say, there was no discussion about the substance of the evidence in that meeting.

Baroness Fall: Sir Chris, were you at the meeting?

Sir Chris Wormald: I was.

Baroness Fall: Who else was at the meeting? Was the National Security Adviser there as well?

Sir Chris Wormald: Yes, the National Security Adviser was there. The meeting was exactly as Mr Collins described. It was to discuss different scenarios and how they would be handled. It was not to discuss the evidence in the case, as Mr Collins has described and we have also described in our written evidence. Lawyers were present to ensure that the discussion stayed where it was supposed to be, which was: how would we handle different scenarios in our relationship to China? As a number of people around this table and on screen will know, holding meetings within government that discuss different scenarios and what the Government's response would be to different things happening is completely common, both within the national security world and within other types of policy.

Baroness Fall: At the time of that meeting, were you aware of the fact that the case needed some stronger language in order to—

Sir Chris Wormald: No, we did not discuss the nature of the case at all. It was exactly as I have described. It was about handling. I knew that the DPP's intention—and I use the word deliberately—was to present no

evidence at the meeting on 3 September that the DPP described, though, as he has described in both his written evidence and in the evidence that he gave you, he did not confirm that decision until 9 September. Also in his evidence, as you heard, the internal decisions within the CPS, as he described it, were prior to the meeting on 1 September, from his evidence to this committee.

Baroness Fall: Sir Chris, can I just have clarity on the fact that there was no sense that the scenarios, which you just said you did go through in that meeting, of adverse impact on the relationship with China had the case gone forward did not impact the decision two days later for the case not to go ahead?

Sir Chris Wormald: No, and the Crown Prosecution Service was not present at the meeting. All communications with the DPP and the CPS about ongoing cases are handled within very strict guidelines by the Attorney-General's office. I know you are talking to the Attorney-General tomorrow. I am sure he will go into considerably more detail about exactly what can be discussed in what circumstances, but it is all set out in the A-G's letter, and those rules were all followed.

Baroness Fall: Thank you. Just one more question: Mr Collins, it is back to you. Just so that we have absolute clarity on this for the committee: you did not change your wording around the description of "enemy" after the first meeting on 1 September before you heard that the case was not going ahead on 3 September?

Matthew Collins: Definitely not. The language about "enemy", as I articulated in my response back to the committee, was taken out of my first witness statement before it was submitted in December 2023 to be in line with government policy at the time.

Sir Chris Wormald: Just on that, as a point of fact, all three witness statements by Mr Collins were submitted well before the meeting on 1 September, and there was no witness statement after 1 September.

Baroness Fall: Mr Collins, when did you have the conversation with the counterterrorism police who asked you to add that clarifying line about the government policy on China of the day as opposed to that of the previous Government?

Matthew Collins: It came in during the various different back and forths that we had when I was asked to provide the second and third witness statements. I re-inserted it in the third witness statement because my legal team suggested that we needed to be as consistent as we possibly could be in all three witness statements.

Q18 **Lord Hutton of Furness:** Matthew, can I just go back to something you said earlier? By the way, I want to thank you for what you do to preserve national security in our country. You said you were disappointed by the dropping of the case but you could not have been surprised that this was going to be the outcome, could you?

Matthew Collins: I was a bit surprised, actually. I always knew it was going to be a challenge. When we discussed it with my team and with operational partners way back in 2023, it was always going to be more of a challenge in this case than the other case that I gave a witness statement to. That is because of the nature of the actor and the nature of the incidents in question. But throughout the period from the submission of that first witness statement until I was informed that the intention was to drop the case, I was trying to ensure that we could support a successful prosecution. So I was somewhat surprised when I was told on 3 September that the intention was to drop the case.

Lord Hutton of Furness: But you do identify a whole range of threats that Chinese espionage poses to the security of the UK. No one is disputing that, and we are thankful that you pointed all that out. But, clearly, the CPS wanted something extra from your witness statements that you felt unable to give. Your response to that is that you could not give that extra statement because that was not the then policy of the Government in relation to China, as it had not been in relation to the previous Government's policy in relation to China.

Matthew Collins: I was very clear from the outset, when I agreed to be a witness, that I would do so in line with government policy at the time—the time in question obviously being 2021 to 2023, so under the previous Conservative Government. I was surprised, when I was asked to join the Cabinet Secretary's meeting with the DPP, that that was the decision. I picked up only the last bits of evidence that the DPP gave at that meeting. I said exactly what I would say in an open court. That obviously gave him pause, because he asked for another meeting with counsel on 9 September, where I repeated very much the same refrain that I have given to you today about what I would be able to say.

Lord Hutton of Furness: So, Matthew, are you saying to us that you were prepared, if you had taken the witness stand in this case, to have said something more directly relevant to what the CPS was looking for—namely, that China did pose a threat to the national security of the UK?

Matthew Collins: What I said I would be able to say is that China poses a series of threats to the UK's national security. These include espionage threats, cyber threats, threats to our democratic institutions and threats to our economic security. I believe that they were asking me to use the generic term that China is a threat, or that China is an active threat, which was not in line with government policy at the time. However, the way I would have answered the question under cross-examination would have been to go through all the areas where I specified in my witness statements—I would do so again, verbally—the range of threats that we see from China.

Lord Hutton of Furness: But the DPP did not feel that they would ever get to that point in the trial, did they? They felt the defence lawyers would have struck out your witness statement as not disclosing an offence.

Matthew Collins: I do not know. I know what I was able to say—what I would have said in an open court. I know what I have said in my witness statements.

Lord Hutton of Furness: It is a great shame we never get to hear that. Chris, I have a quick question for you. When you met the DPP on 3 September, he came, according to his evidence to this committee, to tell you that the case was being dropped, but that is actually not what happened, is it? After that meeting, you had another go, as I understand it, to see whether you could stand up a case that would allow this trial to proceed. Is that not right? Did you ask the DPP to see whether he could find a way of making this go to trial?

Sir Chris Wormald: Not explicitly, no, but close—

Lord Hutton of Furness: Implicitly?

Sir Chris Wormald: The course of events was exactly as the DPP described. I now understand, although I did not know at the time, that he had seen the Attorney-General to inform the Attorney-General of his decision. He then came to inform me of the decision and explained his reasonings. I asked that Mr Collins join the meeting and the DPP explained his reasoning to Mr Collins. Mr Collins raised a number of questions about the statements that the DPP had made, and the DPP agreed—I cannot quite remember the exact words the DPP used in the hearing, but he covered this. He agreed to one more loop, which led to the meeting on 9 September.

Lord Hutton of Furness: Did you ask for that further meeting?

Sir Chris Wormald: No, we did not. Mr Collins—he might describe what he said—raised a series of questions, and the DPP volunteered to look into those questions. That is what led to the meeting on 9 September and his subsequent confirmation that he was going to fulfil his intention not to present evidence.

Lord Hutton of Furness: This was your last-gasp attempt to try to keep this case going, was it?

Matthew Collins: As I have described, I was somewhat surprised, on 3 September, to be asked to join the meeting. It was obvious when I joined that the decision had been made. I set out as plainly as I could, in response to the DPP, what I would say in an open court: I would say that China poses a range of threats to our national security, and highlight in detail the ways in which it does. As the Cabinet Secretary described, he then suggested that there was another loop just to make sure that there was no further scope to take this forward.

Q19 **Andy Slaughter:** This is just a codicil to Lord Hutton's question. Your surprise was because you thought that the range of threats that you very cogently explained were sufficient for the purpose—and, had you given evidence, you would have come to prove that, but you would not have gone beyond that. At the same time, the CPS is asking for more

information and more statements. Did that not make you think that there was more that you needed to say? You would not necessarily have done so, but would you have come to that conclusion? It does rather look, from that point of view, more cock-up than conspiracy, if I can put it that way. But it also seems to be one of the great misunderstandings of national security.

Matthew Collins: Every time a request came in for more information, I and the team, working with operational partners, did our best to service that request. I was advised throughout by external counsel, and I discussed several times with my legal team whether we felt we had given enough. It was his advice that he thought we had. You might want to ask him; he probably still thinks we have.

Sir Chris Wormald: To add to your question, I am not an expert in this case in the way that Mr Collins is—I was not involved up until the events we are discussing here—but, on 3 September, the new information I received from the DPP was the importance of the Roussev case, as discussed with Ms Thornberry. As I say, I am not a lawyer and I am not an expert on the case, but I left that meeting with the clear impression that that was what had changed. It was the Roussev case—the DPP described the impact in exactly the way he described it in this hearing—that had moved the bar in this case and had led the DPP to seek further evidence on top of that which had led to the original charging decision. As I say, I can speak only for myself, but that was what I thought the new information was that had been delivered to me and that explained what the change was. I do not know whether that was the same for you, Matt.

Q20 **Lord Boateng:** Mr Collins, you are an experienced and long-serving dedicated public servant who has been at the heart of our nation's security for a good many years now. Is it your view, as a matter of fact, that China's espionage operations in this country threaten the integrity of our democratic institutions?

Matthew Collins: Yes.

Lord Boateng: Did that expression of fact run through all three statements that you gave in this case?

Matthew Collins: Yes.

Lord Boateng: Then it is hardly a wonder that you are surprised that this prosecution was dropped.

Q21 **Mike Martin:** I will ask for a couple of clarifications of fact, perhaps from Chris first. The current NSA is a spad—a special adviser—so he is a political appointee. Does that in any way affect the nature of his engagement in handling the legal side of national security? Does it compare differently to previous National Security Advisers, such as Lord Sedwill, who sits on this committee?

Sir Chris Wormald: In some small regards, yes. Mr Powell fully complies with the special adviser code. He does not play a role in line management. So, unlike when Lord Sedwill was National Security

Adviser, Matt Collins reports directly to me in line management terms, not to the National Security Adviser. There are also limits on what executive decisions the National Security Adviser can take, in line with the special adviser code, and those specific decisions are either taken by me or by one of the deputy national security advisers. There is no restriction, obviously, on the advice that the National Security Adviser can give to the Government, which can obviously come from a special adviser or a civil servant.

In this particular case, the relevance is that, because we were discussing matters that happened before Mr Powell was National Security Adviser, he would have no role in the evidence, regardless of whether he was a special adviser, a Minister or a civil servant, because he was not in government at the time that the offences occurred.

Mike Martin: That is quite interesting. So Mr Collins reports to you as the Cabinet Secretary because he is unable to report to his special adviser, the National Security Adviser. I understood from your previous comments, Sir Chris, that you came quite late to this issue. It came across your desk in early September perhaps. Is that correct? Do you think you should have been across it earlier than that?

Sir Chris Wormald: In detail, yes. I knew the case was going on. I knew that Mr Collins was the witness. I knew that Mr Collins was providing witness statements. But, of course, I was not in government. Well, I was in government but I was not in the Cabinet Office or my current role between 2021 and 2023—I was in the Department of Health.

Mike Martin: Sorry to interrupt, but how long after you were appointed did you hear the details of what was happening in this case?

Sir Chris Wormald: On the case in detail, it was not until September. I knew the case existed. That is not a surprise. As I said, I was not in the Cabinet Office or a national security role between 2021 and 2023 and would have no reason to know the details. As Mr Collins set out earlier in this hearing, he was under very strict instructions as to whom he could share information with on a need-to-know basis—actually, beyond a need-to-know basis—and I had no need to know.

Q22 **Mike Martin:** I have a question for both of you, which a very short answer can probably handle, perhaps from Mr Collins first. Just for clarity, did Jonathan Powell seek to provide any views or influence any decisions at any point in this case?

Matthew Collins: No. I informed Jonathan that the case existed. I informed him that I would be a witness in that case when he took up the post. I did not discuss any further details about the case with him after that.

Mike Martin: Thank you, Mr Collins. Sir Chris, is that your understanding as well?

Sir Chris Wormald: Yes. I looked into this question, you will be unsurprised to hear, and spoke to Mr Collins and Mr Powell, as well as reviewing the written evidence. I have seen absolutely no evidence at all that there was any influence on the case from Mr Powell.

Mike Martin: No one from No. 10 or anyone else had any influence; Mr Collins was in his legal bubble—we can say that quite clearly, can we?

Matthew Collins: Yes.

Mike Martin: A final question to—

The Chair: We really do need to move on.

Q23 **Dame Karen Bradley:** Mr Collins, thank you for coming in front of us today. I am sure you did not expect that you would be doing this when you were involved in this case. I want to get to the nub of this point about the current threat at the time the offences were committed. When you were putting together your original witness statements, would you have referred to your line manager at that time, the National Security Adviser?

Matthew Collins: In putting together the original witness statements, as I think I mentioned in a response to Baroness Tyler, the team that work for me within NSS worked very closely with operational partners to pull that witness statement together. They consulted lawyers—external counsel—and I then consulted the National Security Adviser at the time and also the Cabinet Office Permanent Secretary. The reason I did not consult the Cabinet Secretary at the time is that he was on a period of medical leave. I then sighted the Prime Minister on the first witness statement.

Dame Karen Bradley: When the investigators came back to you and said they needed further evidence, did you at that point either consult your current line manager or refer back to previous line managers? Did you talk to the previous National Security Adviser to get more information about what the threat had been at the time?

Matthew Collins: After I submitted my first witness statement in, I think, April 2024, a charging decision was made. After that, my legal counsel advised me that I should not share my witness statements. So, in providing responses to the various requests for more information that came from, from our perspective, counterterrorism police, but which were obviously forwarded on from the CPS, the only people I consulted were the small team who had put together the statements for me, and my legal advisers.

Dame Karen Bradley: Were you asked by counterterrorism police to reflect the current Government's policy in your witness statement?

Matthew Collins: Yes.

Dame Karen Bradley: There is a potential issue here, because the

National Security Act, I appreciate, deals with a lot of the problems that this case had, and if the NSA had been in place and in force at the time, we would not be in this situation, but clearly there have been offences committed, and there may be other offences that were committed, during the time before the NSA was in force. You have said that you as a civil servant will reflect current government policy. So are we in the situation now where, if there was any case coming forward that had happened at a time under a previous Government, you would not be able to give the evidence that was needed to demonstrate what the threat was at the time, because you are under an obligation to give the position of the current Government?

Matthew Collins: If I am able to rewind a little bit, this is a very unique set of circumstances. Operational partners were for a long time frustrated that they were not able to bring exactly these types of offences to justice because of the difficulty of the Official Secrets Act 1911. If you read the provisions in the Act, you will see that it is, inevitably, written for a completely different time.

They have taken other disruptive action—you will have seen the espionage alert that MI5 put out around the activities of Christine Lee—but they did not feel that that was sufficient for the types of threats and activities that they were seeing. Therefore, I was asked to support the prosecutions both for the Roussev case and in this case as well. I took that on. I understood that that would be a challenge, in both cases, and I was prepared to give evidence in an open court—under the Roussev case as well. I was very thankful that I did not need to, but I was fully prepared to do so in this case, noting from the outset that it was always going to be a challenge.

Sir Chris Wormald: If I have understood your question correctly, the answer is no. Nothing in current government policy prevents us giving evidence about previous Governments, the threats and—

Dame Karen Bradley: My point was that Mr Collins had said that, as a civil servant, he was obliged to reflect the policy of the current Government. I absolutely understand that that is the role—

Sir Chris Wormald: That of the Government at the time of the offences, not of the current Government.

Dame Karen Bradley: But, clearly, a statement in the third witness statement was taken from an Answer to a Question given in the House of Commons by a current Minister, not a previous Minister. I just wonder why the previous Minister's statements were not reflected in the same way.

Matthew Collins: I was asked by counterterrorism police to include language from the current Government in my witness statement because they were, I believe, concerned about the defence trying to demonstrate that there was a difference in policy position. We were trying to negate that line of attack, basically.

Dame Karen Bradley: This is where I get confused. If that is the case, it means that you can never reflect the policy of the Government at the time of the offences because you are using, as a matter for the defence, the current Government's policy. That is where the contradiction comes.

Matthew Collins: As I understood it, all of my evidence related to the activity at the time, between 2021 and 2023. In delivering those witness statements, I said that I would be in line with the policy of the Government of the day. I was then asked for a specific addition; the paragraphs to which you are referring were the response to the specific addition that was asked of me by CTP.

Dame Karen Bradley: And you did not think about taking some of the statements from, for instance, Answers to Questions by Ministers who were in place at the time? I mean, there are plenty of examples on the record of Government Ministers suggesting at the time that China was a threat; many such statements had been made by Government Ministers. If you could use an Answer from a current Government Minister, could you not have used one from a previous Government Minister?

Matthew Collins: Throughout all of my witness statements, I drew from published government documents—namely, the integrated review and the integrated review refresh—to articulate what government policy was for the Conservative Government at the time.

Q24 **Sir Gavin Williamson:** Sir Chris, when were you first aware of the CPS's repeated requests for evidence?

Sir Chris Wormald: I knew that there was an ongoing process—

Sir Gavin Williamson: When was this?

Sir Chris Wormald: I knew that there was an ongoing process between Mr Collins and the CPS, but I did not know the detail of that until 3 September.

Sir Gavin Williamson: You knew before 3 September, did you not?

Sir Chris Wormald: I knew that there was a process of clarifying—

Sir Gavin Williamson: You knew about it in August, did you not? You knew much earlier than 3 September about the CPS requesting evidence of Mr Collins. Is that correct?

Sir Chris Wormald: Not what the nature of the request was, no.

Sir Gavin Williamson: It is probably fair to say that, as Cabinet Secretary, you would be in receipt of legal advice on many issues, is it not?

Sir Chris Wormald: Yes.

Sir Gavin Williamson: Regularly, I imagine. From listening to the evidence of the Director of Public Prosecutions, it is fair to say that it was

quite clear to both him and Mr Little, from where the evidence stood, that the case was going to collapse. You will probably have had a similar reading.

Sir Chris Wormald: No.

Sir Gavin Williamson: No? So you were not that interested in this case. Were you so detached from a case of this significance that you could not be bothered to ask any questions?

Sir Chris Wormald: If you would like to let me answer the question, maybe we will make some progress.

Sir Gavin Williamson: If you would answer the question, we would make even more progress.

Sir Chris Wormald: Would you like me to? It was an independent decision of the DPP.

Sir Gavin Williamson: Are you saying that, as Mr Collins's line manager, you were so negligent as to show no interest in where the case was?

Sir Chris Wormald: No. I follow the rule of law.

Sir Gavin Williamson: But you had no idea that repeated requests for evidence were being made because the case might collapse?

Sir Chris Wormald: As Mr Collins has set out, he was under a series of legal restrictions as to who he could share his evidence with, including up to contempt of court proceedings. He followed those correctly.

Sir Gavin Williamson: So this was a real bolt out of the blue because you were that far away from it all, come 3 September—shock, horror.

Sir Chris Wormald: No. We were following clear legal advice, which is what we do.

Sir Gavin Williamson: Mr Collins, it is quite fascinating that you continue to use the line "in line with government policy". It feels as if it is almost a defensive line. Of course there is government policy, but you offer your judgment continuously to government, do you not? In your judgment, not in relation to policy, is China an active national security threat? A lot of your colleagues—take Sir Ken McCallum, for example—seem to take the view that it is an active national security threat. What is your personal judgment—that is, not government policy?

Matthew Collins: I am a civil servant.

Sir Gavin Williamson: But you have a judgment, and you are bound to give this committee your view. We are not asking what the government policy is; we can read numerous documents on that. We are asking for your judgment, Mr Collins. What is your judgment? Do you, as deputy national security adviser, believe that China is an active national security

threat?

Matthew Collins: As deputy national security adviser, and as a civil servant, I see a lot of very concerning information. I see the information that Ken McCallum sees, and I see the range of threats that China poses to our national security.

Sir Gavin Williamson: So is Sir Ken McCallum wrong?

Sir Chris Wormald: I do not think—

Sir Gavin Williamson: Sorry, Sir Chris, but I was not asking you that question. I was asking Mr Collins.

Sir Chris Wormald: But this is a question of fact.

The Chair: Order. Excuse me. Can we have some decorum in this? Can we keep the questions more about the communications between the CPS and the Government? Sir Chris, you can answer.

Sir Chris Wormald: Just as a point of fact, I do not think that Sir Ken McCallum has ever used those words; if you have a reference to where he did, I would like to hear it.

Sir Gavin Williamson: Obviously, when the National Security Adviser was in China, he met his counterparts. Notes will have been taken at those meetings. Was this case raised in those meetings?

Matthew Collins: No.

Q25 **Lord Robathan:** I shall be extremely brief, not least because we are past our time. This question is specifically for the Cabinet Secretary, whom I see as representing the Government on this occasion.

Should somebody in the Government have intervened when it became apparent that the CPS needed more evidence and that Mr Collins's evidence was not sufficient for prosecution? Let me add to that. If you had concerns about the way in which an espionage case was progressing, would you raise them with officials and Ministers? What role does the Attorney-General play here? We have not heard about him. Are you satisfied with the Attorney-General's work in superintending? That is, I believe, the expression of the CPS.

Sir Chris Wormald: The answer to your first question is no. The circumstances in which the Government relate to the Crown Prosecution Service were set out—very clearly, I thought—in the Attorney-General's evidence to this committee. I am sure that he will talk about that tomorrow but, in my view, it is entirely appropriate for the Government to intervene in criminal trials in the way you describe.

Q26 **Lord Sedwill:** I want to come on to the lessons that you have learned from this case. Let me start with you, Matthew Collins. What lessons have you learned, and what changes do you think you need to make going forward?

Matthew Collins: The second question is easier than the first. The answer to the second question is obviously the National Security Act; as Dame Karen Bradley suggested, had it been in place, we would not be having this conversation. In terms of the lessons, a more open discussion, directly with the CPS, earlier on would have been helpful. Personally, I was quite clear from the outset about what I would be able to do and say. I have been annoyingly consistent, as my team will tell me, throughout—from autumn 2023 until this day—but, obviously, there was not a miscommunication but a place where what I was able to say was not at the level that the CPS required. If we had been able to have more conversations earlier, that may have been the lesson learned.

Sir Chris Wormald: I would agree with all of that, particularly around the 1911 Act. It was clearly deeply unsatisfactory that it was an Act written for a completely different age and not really appropriate for the 21st century. Therefore, the most important lesson was the passing of the new Act.

Q27 **The Chair:** In the light of what has happened, is there a risk that our judicial system could be seen by others—in particular, China—as being open to influence?

Sir Chris Wormald: I have not seen any evidence that our judicial system has been influenced in any way.

The Chair: Is there a prospect of it?

Sir Chris Wormald: I would say no, for the reason I set out: we have a very specific set of circumstances around how the wording of a very out-of-date Act of Parliament was used in this particular trial. That is a problem that Parliament has resolved with the passage of the new Act. So, in terms of the actions of other Governments—China's or anyone else's—going forward, I would assume that they would understand that Parliament has changed the law and that the bar for prosecution in these sorts of cases is now very different from what it was under the 1911 Act.

Q28 **Emily Thornberry:** Mr Collins, would you say that, between December 2021 and February 2023, China posed a range of active threats to the UK?

Matthew Collins: Yes.

Emily Thornberry: I say this to anybody having problems with Roussev and saying that it needed to be that China posed an active threat: we are talking about one angel on top of a pin as opposed to 14 angels on top of a pin.

Q29 **The Chair:** I want to put one final thing to you, going back to the meeting that took place on 1 September, which we discussed earlier. It was alleged in a *Times* article that the group suggested that the Attorney-General should raise their concerns with the CPS. Is that true, Sir Chris?

Sir Chris Wormald: No. I am sure that the Attorney-General will confirm this tomorrow; indeed, it is in his written evidence, I think. As a matter of routine, as I understand it, the Attorney-General's Office, along with the CPS, monitors the course of important and controversial trials. However, it has confirmed that it raised no issues of public interest or anything else with the CPS. I am sure that the Attorney-General will confirm that when you speak to him tomorrow.

The Chair: Okay. I thank you both for your time this afternoon; it is much appreciated. I appreciate that we have run over. That concludes our second panel of this session.