



House of Commons

Tuesday 12 April 2016

PUBLIC BILL COMMITTEE

New Amendments handed in are marked thus ★

☆ *Amendments which will comply with the required notice period at their next appearance*

Amendments tabled since the last publication: 105 to 229 and 231 to 249

INVESTIGATORY POWERS BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [24 March 2016].

Mr John Hayes

That the Order of the Committee of 24 March 2016 be varied so that the Committee shall meet at 4.30 pm and 7.00 pm on Tuesday 3 May instead of at 9.25 am and 2.00 pm on that day.

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

57

Clause 13, page 10, line 16, after “content”, insert “or secondary data”

Member’s explanatory statement

This amendment, and others to Clause 13, seek to expand the requirement of targeted examination warrants to cover the examination of all information or material obtained through bulk interception warrant, or bulk equipment interference warrant, irrespective of whether the information is referable to an individual in the British Islands. They would also expand the requirement of targeted examination warrants to cover the examination of “secondary data”

Investigatory Powers Bill, *continued*

obtained through bulk interception warrants and “equipment data” and “information” obtained through bulk equipment interference warrants.

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

58

Clause 13, page 10, line 17, leave out from “examination” to end of line 18

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

59

Clause 13, page 10, line 17, leave out from “examination.” to end of line 18 and insert “of material referable to an individual known to be in the British Islands at that time, or British citizen outside the British Islands at that time.”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

60

Clause 13, page 10, line 17, leave out from “examination.” to end of line 18 and insert “of material referable to an individual known to be in the British Islands at that time, or British, Canadian, American, New Zealand or Australian citizen outside the British Islands at that time.”

Joanna Cherry
Gavin Newlands

83

Clause 13, page 10, line 22, after “6”, insert—
“In this Part “secondary data” means—

- (a) in relation to a communication transmitted by means of a postal service, means any data falling within subsection (5);
 - (b) in relation to a communication transmitted by means of a telecommunication system, means any data falling within subsection (5) or (6).”
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Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

84

Page 11, line 15, leave out Clause 14

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

4

Clause 15, page 12, line 3, leave out “or organisation”

Member’s explanatory statement

This amendment, and others to Clause 15, seek to preserve the capacity of a single warrant to permit the interception of multiple individuals while requiring an identifiable subject matter or premises to be provided.

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

5

Clause 15, page 12, line 8, after “activity” insert “where each person is named or otherwise identified”

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

6

Clause 15, page 12, line 9, leave out “or organisation”

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

7

Clause 15, page 12, line 11, after “operation”, insert “where each person is named

 Investigatory Powers Bill, *continued*

or otherwise identified”

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

8

Clause 15, page 12, line 12, leave out paragraph (2)(c)

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

9

Clause 15, page 12, line 13, leave out subsection (3)

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

10

Clause 17, page 13, line 4, leave out “Secretary of State” and insert “Judicial Commissioners”

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

11

Clause 17, page 13, line 5, leave out “Secretary of State” and insert “Judicial Commissioners”

Member’s explanatory statement

This amendment, and others to Clause 17, seeks to remove the role of the Secretary of State in formally issuing interception warrants and instead requires Judicial Commissioners to issue such warrants.

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock Sue Hayman

Clause 17, page 13, line 8, leave out “Secretary of State” and insert “Judicial Commissioners” **12**

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock Sue Hayman

Clause 17, page 13, line 10, leave out “Secretary of State” and insert “Judicial Commissioners” **13**

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock Sue Hayman

Clause 17, page 13, line 12, leave out “Secretary of State” and insert “Judicial Commissioners” **14**

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock Sue Hayman

Clause 17, page 13, line 16, leave out paragraph (1)(d) **15**

 Investigatory Powers Bill, *continued*

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

Clause 17, page 13, line 20, leave out “Secretary of State” and insert “Judicial Commissioners” **16**

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

Clause 17, page 13, line 22, leave out “Secretary of State” and insert “Judicial Commissioners” **17**

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

Clause 17, page 13, line 24, leave out “Secretary of State” and insert “Judicial Commissioners” **18**

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

Clause 17, page 13, line 27, leave out “Secretary of State” and insert “Judicial Commissioners” **19**

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock Sue Hayman

Clause 17, page 13, line 31, leave out paragraph (2)(d)

20

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock Sue Hayman

Clause 17, page 13, line 35, leave out “Secretary of State” and insert “Judicial Commissioners”

21

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock Sue Hayman

Clause 17, page 13, line 37, leave out “Secretary of State” and insert “Judicial Commissioners”

22

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock Sue Hayman

Clause 17, page 13, line 39, leave out “Secretary of State” and insert “Judicial Commissioners”

23

 Investigatory Powers Bill, *continued*

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

Clause 17, page 13, line 42, leave out “Secretary of State” and insert “Judicial Commissioners” 24

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

Clause 17, page 13, line 45, leave out paragraph (3)(d) 25

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Clause 17, page 14, line 1, leave out subsection (4) and insert— 61
 “(4) No warrant issued under this Part will be proportionate if the information sought could reasonably be obtained by other less intrusive means”

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

Clause 17, page 14, line 5, leave out “Secretary of State” and insert “Judicial Commissioners” 26

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

Clause 17, page 14, line 8, leave out “Secretary of State” and insert “Judicial 27”

Investigatory Powers Bill, *continued*

Commissioners”

Joanna Cherry
Gavin Newlands

101

Clause 17, page 14, line 11, leave out “For the power of the Scottish Ministers to issue warrants under this Chapter, see section 19.”

Member’s explanatory statement

This amendment reflects the removal of the role of the Scottish Ministers in formally issuing interception warrants sought by Amendment 36 (which proposes leaving out section 19).

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

28

Clause 17, page 14, line 13, leave out “Secretary of State” and insert “Judicial Commissioners”

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

29

Clause 18, page 14, line 16, leave out “Secretary of State” and insert “Judicial Commissioners”

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

30

Clause 18, page 14, line 20, after “security”, insert “or”

Joanna Cherry
Gavin Newlands

85

Clause 18, page 14, line 20, after “security” insert “where there is a reasonable

Investigatory Powers Bill, *continued*

suspicion that a serious criminal offence has been or is likely to be committed”

Member’s explanatory statement

This amendment, and others to Clause 18, seeks to require that the grounds for an interception or examination warrant are tied to a threshold of reasonable suspicion of criminal behaviour; and that reference to a separate ground of “economic well-being, etc.” is deleted from the face of the bill.

Joanna Cherry
Gavin Newlands

86

Clause 18, page 14, line 21, after “crime” insert “where there is a reasonable suspicion that a serious criminal offence has been or is likely to be committed”

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

31

Clause 18, page 14, line 21, leave out “or”

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

32

Clause 18, page 14, line 22, leave out paragraph (2)(c)

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

33

Clause 18, page 14, line 30, leave out “Secretary of State” and insert “Judicial Commissioners”

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

Clause 18, page 14, line 31, leave out “Secretary of State” and insert “Judicial Commissioners” 34

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

Clause 18, page 14, line 33, leave out subsection (4) 35

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

Page 14, line 39, leave out Clause 19 36
Member’s explanatory statement
This amendment would remove the role of Scottish Ministers in formally issuing interception warrants and instead require Judicial Commissioners to issue such warrants.

Joanna Cherry
Gavin Newlands

Page 16, line 8, leave out Clause 20 87
Member’s explanatory statement
This amendment is consequential on the leaving out of clause 19

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

Clause 21, page 17, line 4, leave out from “must” to “the following matters” in line 5 and insert “determine” 62

Joanna Cherry
Gavin Newlands

Clause 21, page 17, line 10, leave out subsection (2) 89

Mr John Hayes

Clause 21, page 17, line 13, leave out from “a” to “grounds” and insert “decision of the Secretary of State to issue a warrant,” 2

Member’s explanatory statement

This amendment makes a minor drafting change to take account of the fact that Clause 21 may also apply in a case where a warrant has already been issued (see Clause 22).

Mr John Hayes

Clause 21, page 17, line 15, leave out from “a” to “grounds” and insert “decision of the Scottish Ministers to issue a warrant,” 3

Member’s explanatory statement

This amendment makes a minor drafting change to take account of the fact that Clause 21 may also apply in a case where a warrant has already been issued (see Clause 22).

Joanna Cherry
Gavin Newlands

Clause 21, page 17, line 23, at end insert— 102

“(6) In consideration of any warrant pursuant to this Part, a Judicial Commissioner may instruct a special advocate to represent the interests of any person or persons subject to the warrant or the wider public interest.

(7) A Judicial Commissioner must instruct a special advocate when considering applications for a warrant—

(a) in the interests of national security; or

(b) involving the consideration of items subject to legal professional privilege.

(8) For the purposes of these proceedings special advocates are persons appointed by the relevant law officer.

(9) The “appropriate law officer” is—

(a) in relation to warrants in England and Wales, the Attorney General,

(b) in relation to warrants in Scotland, in relation to (7)(a), the Advocate General for Scotland, and in relation to (7)(b), the Lord Advocate, and

(c) in relation to warrants in Northern Ireland, the Advocate General for Northern Ireland.

Investigatory Powers Bill, *continued*

- (10) A person may be appointed as a special advocate only if—
- (a) in the case of an appointment by the Attorney General, the person has a general qualification for the purposes of section 71 of the Courts and Legal Services Act 1990,
 - (b) in the case of an appointment by the Advocate General for Scotland or the Lord Advocate, the person is an advocate or a solicitor who has rights of audience in the Court of Session or the High Court of Justiciary by virtue of section 25A of the Solicitors (Scotland) Act 1980, and
 - (c) in the case of an appointment by the Advocate General for Northern Ireland, the person is a member of the Bar of Northern Ireland.”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnoek
 Sue Hayman

38

Clause 21, page 17, line 23, at end add—

- “(6) In considering a warrant pursuant to this Part, a Judicial Commissioner may instruct a special advocate to represent the interests of any person or persons subject to the warrant or the wider public interest.
- (7) In considering a warrant pursuant to this Part which is being sought—
- (a) in the interests of national security;
 - (b) in the interest of the economic well-being of the United Kingdom in so far as those interests are also relevant to the interests of national security; or
 - (c) involving the consideration of items subject to legal professional privilege,
- a Judicial Commissioner must instruct a special advocate to represent the interests of any person or persons subject to the warrant or the wider public interest.
- (8) For the purposes of this section a special advocate is a person appointed by the appropriate law officer for the country of the United Kingdom to which the warrant relates or mostly relates—
- (a) for England and Wales, the Attorney General,
 - (b) for Scotland, the Advocate General for Scotland, and
 - (c) for Northern Ireland, the Advocate General for Northern Ireland.
- (9) A person may only be appointed as a special advocate by the—
- (a) Attorney General, if the person has a general qualification for the purposes of section 71 of the Courts and Legal Services Act 1990,
 - (b) the Advocate General for Scotland, if the person is an advocate or a solicitor who has rights of audience in the Court of Session or the High Court of Justiciary by virtue of section 25A of the Solicitors (Scotland) Act 1980, and
 - (c) the Advocate General for Northern Ireland, if the person is a member of the Bar of Northern Ireland.”

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

39

Clause 21, page 17, line 23, at end insert—

- “(6) In consideration of any warrant pursuant to this Part, a Judicial Commissioner may instruct a special advocate to represent the interests of any person or persons subject to the warrant or the wider public interest.
- (7) For the purposes of this section a special advocate is a person appointed by the appropriate law officer for the country of the United Kingdom to which the warrant relates or mostly relates—
- (a) for England and Wales, the Attorney General,
 - (b) for Scotland, the Advocate General for Scotland, and
 - (c) for Northern Ireland, the Advocate General for Northern Ireland.
- (8) A person may only be appointed as a special advocate by the—
- (a) Attorney General, if the person has a general qualification for the purposes of section 71 of the Courts and Legal Services Act 1990,
 - (b) the Advocate General for Scotland, if the person is an advocate or a solicitor who has rights of audience in the Court of Session or the High Court of Justiciary by virtue of section 25A of the Solicitors (Scotland) Act 1980, and
 - (c) the Advocate General for Northern Ireland, if the person is a member of the Bar of Northern Ireland.”

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

37

Page 17, line 1, leave out Clause 21

Member’s explanatory statement

A paving amendment for new clause (Power of Secretary of State to certify warrants).

Joanna Cherry
 Gavin Newlands

91

Clause 22, page 17, line 29, at end insert—

- “(1A) A warrant under this section can only be issued in an emergency situation posing immediate danger of death or serious physical injury to a person.”

Member’s explanatory statement

This amendment, and others to Clause 22, seek to require urgent warrants can only be issued where it is necessary in an emergency situation posing immediate danger of death or serious physical injury; require that a Judicial Commissioner must immediately be informed that such a

Investigatory Powers Bill, *continued*

warrant has been issued; and reduce the period within which a Judicial Commissioner must decide whether to authorise the warrant to 24 hours after issue.

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock Sue Hayman

40

Clause 22, page 17, line 30, after “must”, insert “immediately”

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock Sue Hayman

41

Clause 22, page 17, line 35, leave out from “ending” to the end of line 36 and insert “24 hours after the warrant was issued.”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

42

Clause 22, page 17, line 35, leave out from “ending” to the end of line 36 and insert “48 hours after the warrant was issued.”

Joanna Cherry
Gavin Newlands

90

Page 17, line 24, leave out Clause 22

Member’s explanatory statement

This amendment seeks to leave out Clause 22, which provides for the modification of warrants without judicial authorisation.

 Investigatory Powers Bill, *continued*

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

43

Clause 23, page 18, line 7, leave out “may” and insert “must”

Member’s explanatory statement

This amendment, and others to Clause 23, would require a Judicial Commissioner to order that material collected under an emergency warrant which he does not subsequently authorise, be destroyed, except in exceptional circumstances.

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

44

Clause 23, page 18, line 9, leave out paragraphs (3)(b) and (c) and insert—

“(3A) If the Judicial Commissioner determines that there are exceptional circumstances, the Judicial Commissioner must instead impose conditions as to the use or retention of any of that material.”

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

45

Clause 23, page 18, line 22, after “addressed”, insert—

“(c) any Special Advocate appointed.”

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

46

Clause 23, page 18, line 23, after “warrant”, insert “, or any Special Advocate appointed,”

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

104

Clause 24, page 18, line 38, leave out subsections (1) and (2) and insert—

- “(1) This section applies where a warrant issued under this Part would seek to authorise any activity which may involve access to special procedure material.
- (2) Special procedure material subject to subsection (1) will include—
- (a) communications which are subject to legal professional privilege;
 - (b) journalistic material which a person holds in confidence; and
 - (c) communications sent by, or intended for, a member of the relevant legislature.
- (3) The warrant subject to subsection (1) may only be granted on application to a Judicial Commissioner.
- (4) The Judicial Commissioner must be satisfied that there are reasonable grounds for believing that—
- (a) a criminal offence has been committed;
 - (b) the material is likely to be of substantial value to the investigation of that offence;
 - (c) other proportionate methods of obtaining the information have been tried without success or were not tried because they were bound to fail;
 - (d) it is in the public interest that the warrant is granted, having regard to the—
 - (i) benefit likely to accrue to the investigation and prosecution if the information is accessed,
 - (ii) importance of the prosecution, and
 - (iii) importance of maintaining public confidence in the confidentiality of material subject to legal professional privilege, the integrity of journalists’ sources, and/or communications with members of relevant legislature.
- (5) Material is subject to legal professional privilege means—
- (a) communications between a professional legal adviser and his client or any person representing his client made in connection with the giving of legal advice to the client;
 - (b) communications between a professional legal adviser and his client or any person representing his client and any other person with or in contemplation of legal proceedings or for the purposes of such proceedings;
 - (c) items enclosed with or referred to in such communications and made in—
 - (i) connection with the giving of legal advice, or
 - (ii) connection with the contemplation of legal proceedings or for the purposes of such proceedings.
 - (d) communications made with the intention of furthering a criminal purpose are not subject to legal professional privilege.
- (6) A person holds journalistic material in confidence for the purposes of this section if—
- (a) it is held subject to such an undertaking, restriction or obligation;
 - (b) it has been continuously held (by one or more persons) subject to such an undertaking, restriction or obligation since it was first acquired or created for the purposes of journalism.”

Member’s explanatory statement

This amendment establishes a consistent approach to the safeguards afforded to parliamentarians, legally privileged material and journalists seeking to protect their sources.

Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

92

Clause 24, page 18, line 38, leave out subsections (1) and (2) and insert—

- “(1) This section applies where a warrant issued under this Part would seek to authorise any activity which may involve access to special procedure material.
- (2) Special procedure material under subsection (1) will include—
- (a) communications which are subject to legal professional privilege;
 - (b) journalistic material which a person holds in confidence;
 - (c) communications sent by, or intended for, a member of a relevant legislature.
- (3) A warrant under subsection (1) may only be granted on application to a Judicial Commissioner.
- (4) To approve a warrant under subsection (3), a Judicial Commissioner must be satisfied that there are reasonable grounds for believing that—
- (a) a criminal offence has been committed,
 - (b) the material is likely to be of substantial value to the investigation of that offence,
 - (c) other proportionate methods of obtaining the information have been tried without success or were not tried because they were bound to fail, and
 - (d) it is in the public interest that the warrant is granted, having regard to the—
 - (i) the benefit likely to accrue to the investigation and prosecution if the information is accessed,
 - (ii) the importance of the prosecution, and
 - (iii) the importance of maintaining public confidence in the confidentiality of material subject to legal professional privilege, the integrity of journalists’ sources, and/or communications with members of a relevant legislature.
- (5) Material subject to legal professional privilege means—
- (a) communications between a professional legal adviser and his client or any person representing his client made in connection with the giving of legal advice to the client;
 - (b) communications between a professional legal adviser and his client or any person representing his client and any other person with or in contemplation of legal proceedings or for the purposes of such proceedings;
 - (c) items enclosed with or referred to in such communications and made—
 - (i) in connection with the giving of legal advice or;
 - (ii) in connection with the contemplation of legal proceedings or for the purposes of such proceedings.
 - (d) communications made with the intention of furthering a criminal purpose are not subject to legal professional privilege.
- (6) A person holds journalistic material in confidence for the purposes of this section if—
- (a) it is held subject to such an undertaking, restriction or obligation; or

Investigatory Powers Bill, continued

- (b) it has been continuously held (by one or more persons) subject to such an undertaking, restriction or obligation since it was first acquired or created for the purposes of journalism.”

Member's explanatory statement

This amendment establishes a consistent approach to the safeguards afforded to parliamentarians, legally privileged material and journalists seeking to protect their sources.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

63

Clause 24, page 19, line 7, leave out subsection (2)

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

64

Clause 24, page 19, line 8, at end insert—

- “(2A) Where a warrant is likely to cover special procedure material, the procedure set out in subsection (2C) applies.
- (2B) Where a warrant is likely to cover excluded procedure material, the procedure set out in subsection (2D) applies.
- (2C) Further to requirements set out elsewhere in this part, the Judicial Commissioner may only issue a warrant likely to cover special procedure material if—
- (a) There are reasonable grounds for believing that an indictable offence has been committed,
 - (b) There are reasonable grounds for believing that the material is likely to be of substantial value to the investigation in connection to the offence at (a),
 - (c) Other proportionate methods of obtaining the material have been tried without success or have not been tried because it appeared that they were bound to fail,
 - (d) It is in the public interest having regard to—
 - (i) the democratic importance of freedom of expression under article 10 ECHR to grant the warrant; or
 - (ii) the democratic interest in the confidentiality of correspondence with members of a relevant legislature.
- (2D) Further to the requirements set out elsewhere in this part, the Judicial Commissioner may only issue a warrant likely to cover excluded procedure material in accordance with provisions in Schedule 1 of the Police and Criminal Evidence Act 1984 (PACE) and Schedule 5 of the Terrorism Act 2000.
- (2E) An application for a warrant under this Part must not be granted where the information could be sought using a warrant under Schedule 1 of PACE, unless seeking this information under PACE would defeat the purpose of the investigation.
- (2F) In this section “special procedure material” means—
- (a) special material as defined in section 14 of the Police and Criminal Evidence Act 1984; or

Investigatory Powers Bill, *continued*

- (b) correspondence sent by or intended for a member of the relevant legislature.
- (2G) In this section “excluded procedure material” has the same meaning as in section 11 of the Police and Criminal Evidence Act 1984.”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Clause 25, page 19, line 22, after ‘items’, insert ‘presumptively’

49

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Clause 25, page 19, line 31, leave out paragraph (3)(a) and insert—

- “(a) that compelling evidence indicates that the items in question consist of, or relate to, communications made for a criminal purpose such that it is necessary to authorise the interception, or (in the case of a targeted examination warrant) selection for examination, of those items, and”

51

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

Page 19, line 38, leave out Clause 25

48

Joanna Cherry
Gavin Newlands

Clause 27, page 21, line 6, at end insert—

- “(2A) A warrant issued under this Chapter must state the specific purpose that is to be achieved by the warrant.
- (2B) A warrant issued under this Chapter must outline the options for obtaining the relevant data and confirm that other less intrusive options have been tried but

93

Investigatory Powers Bill, continued

failed or have not been tried because they were bound to fail and the reasons why.”

Member’s explanatory statement

This amendment, and others to Clause 27, seek to preserve the capacity of a single warrant to permit the interception of multiple individuals but would require an identifiable subject matter or premises to be provided (in similar vein to the amendments to Clause 15).

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

52

Clause 27, page 21, line 7, leave out ‘or organisation’

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

53

Clause 27, page 21, line 8, leave out ‘or organisation’

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

54

Clause 27, page 21, line 13, leave out ‘or describe as many of those persons as is reasonably practicable to name or describe’ and insert ‘or otherwise identify all of those persons’

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

55

Clause 27, page 21, line 15, leave out ‘or organisation’

 Investigatory Powers Bill, *continued*

Joanna Cherry
 Gavin Newlands
 Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle

Stephen Kinnock

Sue Hayman

56

Clause 27, page 21, line 19, leave out ‘or describe as many of those persons or organisations or as many of those sets of premises, as it is reasonably practicable to name or describe’ and insert ‘all of those persons or sets of premises’

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

68

Clause 30, page 23, line 41, leave out paragraph (5)(c)

Joanna Cherry
 Gavin Newlands

94

Clause 30, page 24, line 3, leave out subsections (7), (11) and (13)

Member’s explanatory statement

This amendment, and others to Clause 30, seeks to circumscribe the power to modify warrants without judicial authorisation.

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

69

Clause 30, page 24, line 5, leave out paragraphs (6)(d) and (e)

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

70

Clause 30, page 24, line 8, leave out subsections (7) and (8)

Joanna Cherry
 Gavin Newlands

95

Clause 30, page 24, line 32, after “major”, insert “or minor”

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

96

Clause 30, page 24, line 32, leave out from “warrant” to end of line 33 and insert “pursuant to subsection (5) or (6), if a Judicial Commissioner determines”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

71

Clause 30, page 24, line 46, leave out subsection (11) and insert—

“(11) In any case where a major modification of a warrant is sought under paragraph (4)(a), section 21 (Approval of warrant by Judicial Commissioners) applies to the decision to modify a warrant as it applies in relation to a decision to issue a warrant.

(11A) In a case where any modification under subsection (4) is sought to a warrant to which section 24 (Members of Parliament etc.) or section 25 (Items subject to legal privilege) applies, section 21 (Approval of warrant by Judicial Commissioners) applies to the decision to modify the warrant as it applies in relation to a decision to issue the warrant.”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

72

Clause 30, page 25, line 3, leave out subsection (12)

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

67

Page 23, line 20, leave out Clause 30

Joanna Cherry
Gavin Newlands

103

Page 23, line 20, leave out Clauses 30 and 31.

Member’s explanatory statement

This amendment seeks to remove the power to modify warrants without judicial authorisation.

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

74

Clause 31, page 26, line 13, at end insert—

“(8) Where, by virtue of section 30(11), section 25 (items subject to legal privilege) applies in relation to the making of a major modification of a warrant pursuant to section 30(7), this section applies as if each reference in subsections (2), (5) and (6) to a designated senior official were a reference to a Judicial Commissioner.”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

73

Page 25, line 22, leave out Clause 31.

Joanna Cherry
 Gavin Newlands

97

Page 29, line 3, leave out Clause 35

Member’s explanatory statement

This amendment, and amendment 98, seeks to remove provisions that purport to give interception warrants extraterritorial effect.

Joanna Cherry
 Gavin Newlands

98

Page 29, line 31, leave out Clause 36

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

82

Clause 37, page 31, line 7, at end insert—

Investigatory Powers Bill, *continued*

- “(3) But this section does not authorise interception of a communication containing items presumptively subject to legal privilege.”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

75

Clause 42, page 33, line 30, at end insert—

- “(4) But this section, nor section 43 or section 44, do not authorise interception of a communication containing items presumptively subject to legal privilege.”

Joanna Cherry
Gavin Newlands

99

Page 34, line 21, leave out Clause 44

Member’s explanatory statement

This amendment seeks to prevent the creation of additional interception rules in immigration detention facilities.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

76

Clause 45, page 35, line 9, at end insert—

- “(5) But this section does not authorise interception of a communication containing items subject to legal privilege.”

Joanna Cherry
Gavin Newlands

100

Page 37, line 32, leave out Clause 48

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Clause 49, page 39, line 2, after “not”, insert “, without reasonable excuse,”

77

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Clause 49, page 39, line 19, at end insert—

“(3A) For the purposes of subsection (1), it is, in particular, a reasonable excuse if the disclosure is made with the permission of the person issuing the warrant or the person to whom it is issued.”

Member’s explanatory statement

This provision adds a “reasonable excuse” defence to the “unauthorised disclosure” offence and expressly provides that the defence applies where the permission is given by the person issuing the warrant or the person to whom it is issued, the equivalent of a similar provision in clause 73(2) in relation to communications data authorisations.

78

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Clause 50, page 40, line 27, leave out paragraph (7)(a)

65

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Clause 50, page 40, line 35, leave out “under Chapter 1 of this Part” and insert “described in sub-paragraphs (2)(a)(i) and (ii) of section 49.”

66

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands
Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle

Stephen Kinnock

Sue Hayman

79

Clause 51, page 41, line 18, at end insert—

“(4) In proceedings against any person for an offence under this section in respect of any disclosure, it is a defence for the person to show that the disclosure was in the public interest.”

Member’s explanatory statement

This amendment seeks to provide a public interest defence to the offence of disclosure in relation to a warrant issued under this Part.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

118

★ Clause 53, page 42, line 14, leave out subsection (1) and insert—

“(1) A Judicial Commissioner may grant a communications data access warrant where the judicial commissioner considers—

- (a) that it is necessary to obtain the data for the purposes of a specific investigation or a specific operation, and
- (b) that the conduct authorised by the warrant is proportionate to what is sought to be achieved.

(2) The grant of a warrant is subject to restrictions set out in the rest of this Part.”

Joanna Cherry
Gavin Newlands

228

★ Clause 53, page 42, line 21, leave out subsection (1)(b)(ii)

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

125

★ Clause 53, page 42, line 25, at end insert—

“(1A) The Judicial Commissioner may grant a warrant on application from—

Investigatory Powers Bill, *continued*

- (a) an officer from a relevant public authority involved in the relevant investigation; or,
- (b) an individual designated by the relevant public authority to make applications for warrants to the Judicial Commissioner.”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnoack
Sue Hayman

Joanna Cherry

Gavin Newlands

126

★ Clause 53, page 42, line 25, at end insert—

“(1B) A warrant must—

- (a) name or otherwise identify the person or persons, organisation, premises, or location to which the warrant relates; and
- (b) describe the investigation or operation to which the warrant relates.”

Joanna Cherry
Gavin Newlands

229

★ Clause 53, page 42, line 26, leave out from beginning to end of line and insert “A warrant granted by a judicial commissioner may authorise the applicant or a telecommunications operator to”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnoack
Sue Hayman

119

★ Clause 53, page 42, line 26, leave out “designated senior officer” and insert “warrant”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnoack
Sue Hayman

Joanna Cherry

Gavin Newlands

120

★ Clause 53, page 42, line 32, leave out subsection (3)

Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

★ Clause 53, page 43, line 4, leave out “authorisation” and insert “warrant”

121

Joanna Cherry
Gavin Newlands

★ Clause 53, page 43, line 5, leave out subsection (4)(d)

231

Member’s explanatory statement

These amendments to Clause 53 provide that in order to access communications data, a relevant public authority must seek a warrant from a Judicial Commissioner rather than undertake a system of internal authorisation. These amendments also provide for warrants to authorise conduct of a relevant public authority and require steps be taken by a telecommunications operator, removing the need for separate “authorisations” to public authorities and “authorisation notices” to telecommunications operators.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

★ Clause 53, page 43, line 14, leave out “authorisation” and insert “warrant”

122

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

★ Clause 53, page 43, line 16, leave out “authorisation” and insert “warrant”

123

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

★ Clause 53, page 43, line 25, leave out “authorisation” and insert “warrant”

124

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

109

★ Clause 53, page 43, line 39, leave out “or of preventing disorder”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

110

★ Clause 53, page 43, line 39, after “detecting”, insert “serious”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

111

★ Clause 53, page 43, line 40, at end insert “which includes to assist in investigations into alleged miscarriages of justice”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

112

★ Clause 53, page 43, line 41, leave out subsections (7)(c) to (f)

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

114

★ Clause 53, page 44, line 1, after first “or”, insert “serious”

Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

★ Clause 53, page 44, line 1, after “any”, insert “serious”

115

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

★ Clause 53, page 44, line 2, after “any”, insert “serious”

116

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

★ Clause 53, page 44, line 3, at beginning insert “serious”

117

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

★ Clause 53, page 44, line 5, leave out subsections (7)(i) and (j)

113

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

★ Clause 54, page 44, line 20, leave out subsections (1), (2) and (3)

127

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

★ Clause 55, page 45, line 15, leave out “authorisation” and insert “warrant”

130

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

★ Clause 55, page 45, line 16, leave out subsection (1)(a)

128

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

★ Clause 55, page 45, line 24, leave out subsection (2)

131

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

★ Clause 55, page 45, leave out line 31

132

Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

★ Clause 55, page 45, line 37, leave out subsection (4)

129

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

★ Clause 57, page 46, line 20, leave out “authorisation” and insert “warrant”

133

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

★ Clause 57, page 46, line 24, leave out “authorisation” and insert “warrant”

134

Joanna Cherry
Gavin Newlands

★ Page 46, line 40, leave out Clause 58

232

Joanna Cherry
Gavin Newlands

★ Page 47, line 36, leave out Clause 59

233

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

234

- ★ Page 48, line 16, leave out Clause 60

Member's explanatory statement

Clauses 58 to 60 would remove provisions for the establishment and use of a filter to gather communications data.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

135

- ★ Clause 61, page 49, line 32, leave out subsections (1) and (2) and insert—

“(1) For the purposes of this Part, a relevant public authority is—

- (a) a police force maintained under section 2 of the Police Act 1996,
- (b) the Metropolitan police force,
- (c) the City of London police force,
- (d) the Police Service of Scotland,
- (e) the Police Service of Northern Ireland,
- (f) the British Transport Police Force,
- (g) the Ministry of Defence Police,
- (h) the Royal Navy Police,
- (i) the Royal Military Police,
- (j) the Royal Air Force Police,
- (k) the Security Service
- (l) the Secret Intelligence Service,
- (m) the GCHQ,
- (n) the National Crime Agency and
- (o) the Criminal Cases Review Commission.

- (2) For the purposes of authorisations sought pursuant to section 53(7)(g) a relevant public authority also includes—

- (a) a National Health Service Trust established under section 5 of the National Health Service and Community Care Act 1990 whose functions include the provision of emergency ambulance service,
- (b) a fire and rescue authority under the Fire and Rescue Services Act 2004,
- (c) the Northern Ireland Ambulance Service Health and Social Care trust,
- (d) the Northern Ireland Fire and Rescue Service Board
- (e) the Scottish Ambulance Service Board and
- (f) the Welsh Ambulance Services National Health Service Trust.

- (3) For the purposes of authorisations sought pursuant to Section 53(7)(h), a relevant public authority also includes—

- (a) the Criminal Cases Review Commission and
- (b) the Scottish Criminal Cases Review Commission”

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

236

- ★ Clause 61, page 49, line 34, leave out subsection (2) and insert—
- “(2) For the purposes of this Part, a relevant public authority is—
- (a) a police force maintained under section 2 of the Police Act 1996,
 - (b) the Metropolitan Police Force,
 - (c) the City of London Police Force,
 - (d) the Police Service of Scotland,
 - (e) the Police Service of Northern Ireland,
 - (f) the British Transport Police Force,
 - (g) the Ministry of Defence Police,
 - (h) the Royal Navy Police,
 - (i) the Royal Military Police,
 - (j) the Royal Air Force Police,
 - (k) the Security Service,
 - (l) the Secret Intelligence Service,
 - (m) GCHQ,
 - (n) the National Crime Agency,
 - (o) the Criminal Cases Review Commission, or
 - (p) the Scottish Criminal Cases Review Commission.
- (2A) For the purposes of authorisations sought pursuant to 53(7)(g), a relevant public authority also includes—
- (a) a National Health Service Trust established under section 5 of the National Health Service and Community Care Act 1990 whose functions include the provision of emergency ambulance service,
 - (b) a fire and rescue authority under the Fire and Rescue Services Act 2004,
 - (c) the Northern Ireland Ambulance Service Health and Social Care trust,
 - (d) the Northern Ireland Fire and Rescue Service Board,
 - (e) the Scottish Ambulance Service Board, and
 - (f) the Welsh Ambulance Services National Health Service Trust.
- (2B) For the purposes of authorisations sought pursuant to Section 57(3)(h), a relevant public authority also includes—
- (a) the Criminal Cases Review Commission and
 - (b) the Scottish Criminal Cases Review Commission.”

Member's explanatory statement

This amendment ensures that only police forces and security agencies may request a communications data warrant, except where the warrant is issued for the purpose of preventing death, in which circumstances emergency and rescue services also fall within the definition.

Mr John Hayes

105

- ★ Schedule 4, page 206, line 40, at end insert—

 Investigatory Powers Bill, *continued*

“An ambulance trust in England	Duty Manager of Ambulance Trust Control Rooms	All	(g)”
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Member’s explanatory statement

This amendment and amendments 106 and 108 replace the existing entry for ambulance trusts in England with a new entry containing a revised definition for such trusts and restricting the purposes for which data may be obtained.

Mr John Hayes

106

- ★ Schedule 4, page 207, leave out lines 24 to 35

Member’s explanatory statement

See the explanatory statement for amendment 105.

Mr John Hayes

107

- ★ Schedule 4, page 207, line 39, leave out—

“Group Manager (Control) All (b) and (d)”

Member’s explanatory statement

This amendment prevents the Northern Ireland Fire and Rescue Service Board from obtaining data for the purpose of preventing or detecting crime or of preventing disorder, or in the interests of public safety.

Mr John Hayes

108

- ★ Schedule 4, page 208, line 10, after “Schedule” insert “—

“ambulance trust in England” means—

- (c) an NHS trust all or most of whose hospitals, establishments and facilities are in England and which provides ambulance services, or

- (d) an NHS foundation trust which provides such services,”

Member’s explanatory statement

See the explanatory statement for amendment 105.

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

136

★ Page 50, line 22, leave out Clause 62

Joanna Cherry
 Gavin Newlands

237

★ Page 50, line 35, leave out Clause 63

Joanna Cherry
 Gavin Newlands

238

★ Page 51, line 9, leave out Clause 64

Member's explanatory statement

This amendment to Clause 64 would delete the provision that states that local authorities are relevant public authorities for the purposes of the Bill and would delete associated Clauses 65 and 66.

Joanna Cherry
 Gavin Newlands

239

★ Page 51, line 30, leave out Clause 65

Joanna Cherry
 Gavin Newlands

240

★ Page 52, line 6, leave out Clause 66

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

241

- ★ Clause 67, page 53, line 8, leave out subsections (4)(a) and (b) and insert—
- “(a) is an officer appointed by the Investigatory Powers Commissioner;
 - (b) works subject to the supervision of the Investigatory Powers Commissioner; and is responsible for advising—
 - (i) officers of the relevant public authorities about applying for authorisations; or
 - (ii) designated senior officers of public authorities about granting authorisations.”

Member’s explanatory statement

The amendment provides for the SPoC scheme to be operated under the authority of the Investigatory Powers Commissioner.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

137

- ★ Clause 67, page 53, line 25, leave out “, and”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

138

- ★ Clause 67, page 53, line 26, at end insert—
- “() the public interest in the protection of privacy and the integrity of personal data; and
 - () the public interest in the integrity of communications systems and computer networks.”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

139

- ★ Clause 67, page 53, line 37, leave out “, and”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

140

- ★ Clause 67, page 53, line 38, at end insert—

 Investigatory Powers Bill, *continued*

- “() the public interest in the protection of privacy and the integrity of personal data; and
 () the public interest in the integrity of communications systems and computer networks.”
-

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

141

★ Clause 68, page 54, leave out lines 3 to 13 and insert—

- “(4) An application for an order shall be made on notice to the journalist or journalists affected unless the Judicial Commissioner determines that an application without such notice is required in order to avoid prejudice to the investigation.
- (5) Paragraphs 7 – 9 of Schedule 1 to the Police and Criminal Evidence Act 1984 shall apply in relation to the service of a notice of application for an order under subsection (1) as if the application were for an order under Schedule 1 Police and Criminal Evidence Act 1984.
- (6) Criminal Procedure Rules may make provision about proceedings under this section where the Judicial Commissioner determines that an application without such notice is required.
- (7) A Judicial Commissioner may only make an order if the person making the application has convincingly established that—
- (a) the order is directed to one or more of the legitimate aims specified in Article 10.2 of the Convention, and
 - (b) there is an overriding public interest necessitating the order, and
 - (c) reasonable alternative measures to the order do not exist or have been exhausted, and
 - (d) the order is proportionate to the legitimate aim or aims being pursued.
- (8) The costs of any application and of anything done or to be done in pursuance of an order made under it shall be in the discretion of the Judicial Commissioner”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

Joanna Cherry

Gavin Newlands

142

★ Clause 68, page 54, line 5, leave out from “data” to “and” on line 7 and insert “further to this Part”

Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

143

★ Clause 68, page 54, line 18, leave out “considers” and insert “determines”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Joanna Cherry

Gavin Newlands

144

★ Clause 68, page 54, line 19, leave out subsections (5) (a) and (b) and insert—

- “() that the conduct permitted by the authorisation is necessary for one or more of the purposes in section 53(7); and
- () that the conduct permitted by the authorisation is proportionate to what is sought to be achieved by that conduct.”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

145

★ Clause 68, page 54, line 29, leave out subsection (7) and insert—

- “() The Investigatory Powers Commissioner may for the purposes of approving authorisations under this Section appoint Deputy Judicial Commissioners.
- () A “Deputy Judicial Commissioner” must be—
 - (a) in relation to England and Wales, a justice of the peace,
 - (b) in relation to Scotland, a sheriff, and
 - (c) in relation to Northern Ireland, a district judge (magistrates’ courts) in Northern Ireland.
- () An authorisation under this Section may not grant authorisation in relation to the obtaining by a relevant public authority of communications data—
 - (a) insofar as the communication consists of matters subject to legal privilege; or
 - (b) related communications data, insofar as the data relate to the communication of matters subject to legal privilege.
- () For the purposes of subsection (1), legal privilege means—
 - (a) communications between a professional legal adviser and his client or any person representing his client made in connection with the giving of legal advice to the client;
 - (b) communications between a professional legal adviser and his client or any person representing his client and any other person with or in

Investigatory Powers Bill, *continued*

- contemplation of legal proceedings or for the purposes of such proceedings;
- (c) items enclosed with or referred to in such communications and made—
 - (i) In connection with the giving of legal advice or
 - (ii) In connection with the contemplation of legal proceedings or for the purposes of such proceedings.
 - (d) communications made with the intention of furthering a criminal purpose are not subject to legal privilege.
- () An application which contains a statement that the purpose of a warrant is to access communications data in connection with communications made for the purpose of furthering a criminal purpose, but which would otherwise attract legal privilege must be considered by a Judicial Commissioner.
- () A Judicial Commissioner may issue an authorisation sought under subsection (3), if satisfied that—
- (a) there are reasonable grounds to believe that the communications data relates to communications made with the intent of furthering a criminal purpose;
 - (b) that the data is likely to be of substantial value to the investigation in connection with which the application is made; and
 - (c) that the data concerned is likely to be relevant evidence;
 - (d) other proportionate methods of obtaining the data have been tried without success or were not tried because they were bound to fail;
 - (e) it is in the public interest that the authorisation is granted, having regard to—
 - (i) the benefit likely to accrue to the investigation and prosecution if the data is accessed,
 - (ii) the importance of the prosecution and
 - (iii) the importance of maintaining public confidence in the confidentiality of material subject to legal professional privilege,
- () A code of practice issued under Schedule 6 must contain provision about—
- (a) the steps to be taken to minimise the risk of conduct undertaken pursuant to a warrant to which this section applies resulting in accidental acquisition of a communication, or communications data, falling within subsection (1);
 - (b) the steps to be taken if it appears that such conduct has accidentally resulted in acquisition of such a communication or data.
- () Where an authorisation issued under this Part would seek to authorise any activity which may involve access to special procedure material, the following subclauses apply.
- () Special procedure material subject to subsection (1) will include—
- (a) journalistic material other than material which a person holds in confidence and
 - (b) communications sent by, or intended for, a member of the relevant legislature.
- () The special procedure authorisation may only be granted on application to a Judicial Commissioner.
- () The Judicial Commissioner must be satisfied that there are reasonable grounds to believe that—
- (a) a criminal offence has been committed,
 - (b) the material is likely to be of substantial value to the investigation of that offence,

Investigatory Powers Bill, *continued*

- (c) other proportionate methods of obtaining the information have been tried without success or were not tried because they were bound to fail and
- (d) it is in the public interest that the warrant is granted, having regard to—
 - (i) the benefit likely to accrue to the investigation and prosecution if the information is accessed,
 - (ii) the importance of the prosecution,
 - (iii) the importance of maintaining public confidence in the integrity of journalists' work product, and/or communications with members of relevant legislatures and
 - (iv) the public interest in the freedom of expression enjoyed by journalists and the members of the relevant legislatures, including as protected by Article 10 ECHR.
- () Where data could reasonably be obtained by means of a search and seizure order pursuant to the Police and Criminal Evidence Act 1984, a warrant under this Part will not be in the public interest.
- () An application for an authorisation concerning journalistic material held in confidence or information for the purpose of identifying or confirming a source of journalistic information, may only be considered by the Investigatory Powers Commissioner, who must be satisfied that there are reasonable grounds to believe—
 - (a) a criminal offence has been committed,
 - (b) the communications data is likely to be of substantial value to the investigation of that offence,
 - (c) other proportionate methods of obtaining the information have been tried without success or were not tried because they were bound to fail and
 - (d) it is in the public interest that the authorisation is granted, having regard to—
 - (i) the benefit likely to accrue to the investigation and prosecution if the information is accessed;
 - (ii) the importance of the prosecution;
 - (iii) the importance of maintaining public confidence in the integrity of journalists' work product and
 - (iv) the public interest in the freedom of expression enjoyed by journalists and the members of the relevant legislatures, including as protected by Article 10 ECHR.
- () In considering an authorisation concerning journalistic material held in confidence, the Investigatory Powers Commissioner must give notice to the journalist concerned, unless it would not be in the public interest to do so.
- () If an authorisation is considered without notice, the Investigatory Powers Commissioner must appoint a Special Advocate to represent the interests of the journalist and the person to whom confidence is owed, and the wider public interest in the integrity of journalists sources and freedom of expression, including as protected by Article 10 ECHR.
- () Journalistic material is held in confidence for the purposes of this section if—
 - (a) it is held subject to such an undertaking, restriction or obligation and
 - (b) it has been continuously held (by one or more persons) subject to such an undertaking, restriction or obligation since it was first acquired or created for the purposes of journalism.”

Joanna Cherry
Gavin Newlands

Investigatory Powers Bill, *continued*

- “() The Investigatory Powers Commissioner may for the purposes of approving authorisations under this Section appoint Deputy Judicial Commissioners.
- () A “Deputy Judicial Commissioner” must be—
 - (a) in relation to England and Wales, a justice of the peace,
 - (b) in relation to Scotland, a sheriff, and
 - (c) in relation to Northern Ireland, a district judge (magistrates’ courts) in Northern Ireland.
- () An authorisation under this Section may not grant authorisation in relation to the obtaining by a relevant public authority of communications data—
 - (a) insofar as the communication consists of matters subject to legal privilege; or
 - (b) related communications data, insofar as the data relate to the communication of matters subject to legal privilege.
- () For the purposes of subsection (1), legal privilege means—
 - (a) communications between a professional legal adviser and his client or any person representing his client made in connection with the giving of legal advice to the client;
 - (b) communications between a professional legal adviser and his client or any person representing his client and any other person with or in contemplation of legal proceedings or for the purposes of such proceedings;
 - (c) items enclosed with or referred to in such communications and made—
 - (i) in connection with the giving of legal advice, or
 - (ii) in connection with the contemplation of legal proceedings or for the purposes of such proceedings.
 - (d) communications made with the intention of furthering a criminal purpose are not subject to legal privilege.
- () An application which contains a statement that the purpose of a warrant is to access communications data in connection with communications made for the purpose of furthering a criminal purpose, but which would otherwise attract legal privilege must be considered by a Judicial Commissioner.
- () A Judicial Commissioner may issue an authorisation sought under subsection (3), if satisfied that—
 - (a) there are reasonable grounds to believe that the communications data relates to communications made with the intent of furthering a criminal purpose;
 - (b) that the data is likely to be of substantial value to the investigation in connection with which the application is made;
 - (c) that the data concerned is likely to be relevant evidence;
 - (d) other proportionate methods of obtaining the data have been tried without success or were not tried because they were bound to fail;
 - (e) it is in the public interest that the authorisation is granted, having regard to the—
 - (i) benefit likely to accrue to the investigation and prosecution if the data is accessed;
 - (ii) importance of the prosecution; and
 - (iii) importance of maintaining public confidence in the confidentiality of material subject to legal professional privilege.
- () A code of practice issued under Schedule 6 must contain provision about—
 - (a) the steps to be taken to minimise the risk of conduct undertaken pursuant to a warrant to which this section applies resulting in accidental

Investigatory Powers Bill, *continued*

- acquisition of a communication, or communications data, falling within subsection (1);
- (b) the steps to be taken if it appears that such conduct has accidentally resulted in acquisition of such a communication or data.
- () Where an authorisation issued under this Part would seek to authorise any activity which may involve access to special procedure material, the following subclauses apply.
- () Special procedure material subject to subsection (1) will include—
- (a) journalistic material other than material which a person holds in confidence;
- (b) communications sent by, or intended for, a member of the relevant legislature.
- () The special procedure authorisation may only be granted on application to a Judicial Commissioner.
- () The Judicial Commissioner must be satisfied that there are reasonable grounds to believe that—
- (a) a criminal offence has been committed;
- (b) the material is likely to be of substantial value to the investigation of that offence;
- (c) other proportionate methods of obtaining the information have been tried without success or were not tried because they were bound to fail;
- (d) it is in the public interest that the warrant is granted, having regard to the—
- (i) benefit likely to accrue to the investigation and prosecution if the information is accessed;
- (ii) importance of the prosecution;
- (iii) importance of maintaining public confidence in the integrity of journalists' work product; and
- (iv) public interest in the freedom of expression enjoyed by journalists and the members of the relevant legislatures, including as protected by Article 10 ECHR.
- () In considering an authorisation concerning journalistic material held in confidence, the Investigatory Powers Commissioner must give notice to the journalist concerned, unless it would not be in the public interest to do so.
- () If an authorisation is considered without notice, the Investigatory Powers Commissioner must appoint a Special Advocate to represent the interests of the journalist and the person to whom confidence is owed, and the wider public interest in the integrity of journalists sources and freedom of expression, including as protected by Article 10 ECHR.
- () Journalistic material is held in confidence for the purposes of this section if—
- (a) it is held subject to such an undertaking, restriction or obligation;
- (b) it has been continuously held (by one or more persons) subject to such an undertaking, restriction or obligation since it was first acquired or created for the purposes of journalism.”

Member's explanatory statement

This amendment proposes special procedures for communications data subject to legal professional privilege and for the protection of journalistic material and the communications data of politicians. It also provides for the Investigatory Powers Commissioner to appoint Deputy

Investigatory Powers Bill, *continued*

Judicial Commissioners to consider applications for the authorisation of access to Communications Data.

Joanna Cherry
Gavin Newlands

243

★ Page 54, line 33, leave out Clause 69

Member's explanatory statement

This amendment is consequential on amendments to clause 67, which provide for the senior point of contact scheme to be operated under the authority of the Investigatory Powers Commissioner.

Joanna Cherry
Gavin Newlands

244

★ Page 55, line 39, leave out Clause 70

Member's explanatory statement

See explanatory statement for amendment 243.

Joanna Cherry
Gavin Newlands

245

★ Page 56, line 16, leave out Clause 71

Member's explanatory statement

See explanatory statement for amendment 243.

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

146

★ Clause 72, page 57, line 27, leave out from “by” to “and” in line 29 and insert “a warrant”

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

- 147**
- ★ Clause 72, page 57, line 30, leave out “authorisation or notice” and insert “warrant”

Joanna Cherry
 Gavin Newlands

- 246**
- ★ Clause 72, page 57, line 35, leave out from “subsection (1)” to end of line 40
Member’s explanatory statement
This amendment ensures that if conduct cannot be justified it must remain unlawful.

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

- 148**
- ★ Clause 72, page 57, line 36, leave out paragraph (b)
-

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

- 149**
- ★ Clause 73, page 58, line 33, at end insert—
 “(4) In proceedings against any person for an offence under this section in respect of any disclosure, it is a defence for the person to show that the disclosure was in the public interest.”
-

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

227

- ★ Page 58, line 34, leave out Clause 74
-

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

150

- ★ Clause 76, page 59, line 26, after “Kingdom”, insert “the notice shall be served at that person’s principal office outside the United Kingdom where it is established for the provision of services. Where it is considered unfeasible or inappropriate in the circumstances,”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

151

- ★ Clause 76, page 59, line 39, leave out subsection (4) and insert—
- “(4) Subsections (1) or (2) of section 57 shall not be applicable where the taking of any steps by a relevant operator outside the United Kingdom—
- (a) would cause the operator to act contrary to any laws or restrictions under the law of the country or territory where it is established, for the provision of services, or
 - (b) could be achieved via a notice served pursuant to an international mutual assistance agreement or subject to an EU mutual assistance instrument.”

Joanna Cherry
 Gavin Newlands

247

- ★ Page 59, line 21, leave out Clause 76

Member’s explanatory statement

This amendment and amendment 248 would delete provisions which purport to give communications data access authorisations (authorisations and notices issued under Part 3) and data retention notices (notices issued under Part 4) extraterritorial effect.

Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

164

- ★ Clause 78, page 61, line 5, leave out subsection (1) and insert—
- “(1) A Judicial Commissioner may issue a data retention warrant under this Part to authorise the retention of relevant communications data if the Judicial Commissioner considers that the authorisation is necessary and proportionate for one or more of the following purposes—
- (a) in the interests of national security, or
 - (b) for the purpose of preventing or detecting serious crime, or
 - (c) for the purpose of preventing death or serious injury.”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

165

- ★ Clause 78, page 61, line 10, leave out “A retention notice may” and insert “A data retention warrant must”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

154

- ★ Clause 78, page 61, line 19, leave out “notice” and insert “warrant”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

155

- ★ Clause 78, page 61, line 30, leave out “retention notice” and insert “retention warrant”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

235

- ★ Clause 78, page 61, line 30, leave out second “notice” and insert “warrant”

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

★ Clause 78, page 61, line 32, leave out “notice” and insert “warrant”

156

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

★ Clause 78, page 61, line 33, leave out “notice” and insert “warrant”

157

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

★ Clause 78, page 61, line 34, leave out “notice” and insert “warrant”

158

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

★ Clause 78, page 61, line 36, leave out “notice” and insert “warrant”

159

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

★ Clause 78, page 61, line 36, at end insert “, and

152

(c) only when approved by the Investigatory Powers Commissioner.

(5A) In deciding whether to approve a notice, the Investigatory Powers Commissioner must determine whether a notice is—

- (a) that the conduct required by the notice is necessary for one or more of the purposes in section 53(7); and
- (b) that the conduct required by the notice is proportionate to what is sought to be achieved by that conduct.”

Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

160

★ Clause 78, page 61, line 37, leave out “notice” and insert “warrant”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

153

★ Clause 78, page 61, line 38, leave out “Secretary of State” and insert “Investigatory Powers Commissioner”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

161

★ Clause 78, page 61, line 38, leave out “Secretary of State” and insert “Judicial Commissioner”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

162

★ Clause 78, page 61, line 41, leave out “notice” and insert “warrant”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

163

★ Clause 78, page 62, line 23, at end insert—

“78A Persons who may apply for issue of warrant

- (1) Each of the following organisations may apply for a communications data retention warrant—
 - (a) a police force maintained under section 2 of the Police Act 1996,
 - (b) the Metropolitan Police Force,
 - (c) the City of London Police Force,
 - (d) the Police Service of Scotland,

Investigatory Powers Bill, *continued*

- (e) the Police Service of Northern Ireland,
 - (f) the British Transport Police Force,
 - (g) the Ministry of Defence Police,
 - (h) the Royal Navy Police,
 - (i) the Royal Military Police,
 - (j) the Royal Air Force Police,
 - (k) the Security Service,
 - (l) the Secret Intelligence Service,
 - (m) the GCHQ, and
 - (n) the National Crime Agency”
-

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

★ Clause 79, page 62, line 26, leave out “notice” and insert “warrant”

166

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

★ Clause 79, page 62, line 26, leave out “Secretary of State” and insert “Judicial Commissioner”

220

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

★ Clause 79, page 62, line 26, leave out “notice” and insert “warrant”

167

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

★ Clause 79, page 62, line 28, leave out “notice” and insert “warrant”

168

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

★ Clause 79, page 62, line 30, leave out “notice” and insert “warrant”

169

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

★ Clause 79, page 62, line 31, leave out “notice” and insert “warrant”

170

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

★ Clause 79, page 62, line 32, leave out “notice” and insert “warrant”

171

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

★ Clause 79, page 62, line 33, leave out “notice” and insert “warrant”

172

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

★ Clause 79, page 62, line 34, at end insert—

175

- “() the public interest in the protection of privacy and the integrity of personal data; and
- () the public interest in the integrity of communications systems and computer networks.”

Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

173

★ Clause 79, page 62, line 35, leave out “notice” and insert “warrant”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

174

★ Clause 79, page 62, line 35, leave out “Secretary of State” and insert “Judicial Commissioner”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

176

★ Clause 80, page 62, line 38, leave out “notice” and insert “warrant”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

198

★ Clause 80, page 62, line 40, leave out “back to the Secretary of State” and insert “to the Investigatory Powers Commissioner for review”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

179

★ Clause 80, page 62, line 40, leave out “Secretary of State” and insert “Judicial Commissioner”

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

177

★ Clause 80, page 62, line 41, leave out “notice” and insert “warrant”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

178

★ Clause 80, page 62, line 42, leave out “notice” and insert “warrant”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

180

★ Clause 80, page 63, line 5, leave out “notice” and insert “warrant”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

181

★ Clause 80, page 63, line 6, leave out “notice” and insert “warrant”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

182

★ Clause 80, page 63, line 7, leave out “notice” and insert “warrant”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

190

★ Clause 80, page 63, line 7, leave out “Secretary of State” and insert “Judicial Commissioner”

Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

- ★ Clause 80, page 63, line 7, leave out “Secretary of State” and insert “the Investigatory Powers Commissioner” **199**

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

- ★ Clause 80, page 63, line 8, leave out “notice” and insert “warrant” **183**

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

- ★ Clause 80, page 63, line 8, leave out “Secretary of State” and insert “Judicial Commissioner” **191**

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

- ★ Clause 80, page 63, line 10, leave out “Secretary of State” and insert “the Investigatory Powers Commissioner” **200**

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

- ★ Clause 80, page 63, line 10, leave out “Secretary of State” and insert “Judicial Commissioner” **192**

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

201

★ Clause 80, page 63, line 12, leave out subsection (b)

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

184

★ Clause 80, page 63, line 14, leave out “notice” and insert “warrant”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

185

★ Clause 80, page 63, line 16, leave out “notice” and insert “warrant”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

193

★ Clause 80, page 63, line 19, leave out “Secretary of State” and insert “Judicial Commissioner”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

194

★ Clause 80, page 63, line 24, leave out “Secretary of State” and insert “Judicial Commissioner”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

195

★ Clause 80, page 63, line 25, leave out “Secretary of State” and insert “Judicial Commissioner”

Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

202

★ Clause 80, page 63, line 25, leave out “Secretary of State”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

249

★ Clause 80, page 63, line 25, leave out “and the Commissioner”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

186

★ Clause 80, page 63, line 27, leave out “notice” and insert “warrant”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

187

★ Clause 80, page 63, line 28, leave out “notice” and insert “warrant”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

188

★ Clause 80, page 63, line 30, leave out “notice” and insert “warrant”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

203

★ Clause 80, page 63, line 31, leave out “Secretary of State” and insert “Investigatory Powers Commissioner”

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

- 196**
- ★ Clause 80, page 63, line 31, leave out “Secretary of State” and insert “Judicial Commissioner”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

- 197**
- ★ Clause 80, page 63, line 33, leave out “Secretary of State” and insert “Judicial Commissioner”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

- 189**
- ★ Clause 80, page 63, line 33, leave out “notice” and insert “warrant”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

- 204**
- ★ Clause 83, page 64, line 13, leave out “Secretary of State” and insert “Judicial Commissioner”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

- 210**
- ★ Clause 83, page 64, line 13, leave out “notice” and insert “warrant”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

- 205**
- ★ Clause 83, page 64, line 14, leave out “Secretary of State” and insert “Judicial

Investigatory Powers Bill, *continued*

Commissioner”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

206

★ Clause 83, page 64, line 15, leave out “Secretary of State” and insert “Judicial Commissioner”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

222

★ Clause 83, page 64, line 21, at end insert “and
() the variation has been approved by the Investigatory Powers
Commissioner.”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

211

★ Clause 83, page 64, line 22, leave out “notice” and insert “warrant”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

207

★ Clause 83, page 64, line 23, leave out “Secretary of State” and insert “Judicial Commissioner”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

212

★ Clause 83, page 64, line 27, leave out “notice” and insert “warrant”

Investigatory Powers Bill, continued

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

213

★ Clause 83, page 64, line 28, leave out “notice” and insert “warrant”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

214

★ Clause 83, page 64, line 31, leave out “notice” and insert “warrant”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

215

★ Clause 83, page 64, line 32, leave out “notice” and insert “warrant”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

216

★ Clause 83, page 64, line 34, leave out “notice” and insert “warrant”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

217

★ Clause 83, page 64, line 36, leave out “notice” and insert “warrant”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

218

★ Clause 83, page 64, line 37, leave out “notice” and insert “warrant”

Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

208

★ Clause 83, page 64, line 38, leave out “Secretary of State” and insert “Judicial Commissioner”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

209

★ Clause 83, page 64, line 41, leave out “Secretary of State” and insert “Judicial Commissioner”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

219

★ Clause 83, page 65, line 7, leave out “notice” and insert “warrant”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

221

★ Clause 83, page 65, line 9, leave out “notice” and insert “warrant”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

225

★ Clause 84, page 65, line 20, after “not”, insert “, without reasonable excuse,”

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

223

★ Clause 84, page 65, line 21, after “person”, insert “except the Investigatory Powers Commissioner or a Judicial Commissioner”

 Investigatory Powers Bill, *continued*

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

224

- ★ Clause 84, page 65, line 26, leave out “Secretary of State” and insert “Investigatory Powers Commissioner”

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

226

- ★ Clause 84, page 66, line 15, at end insert—
- “(2B) No notice shall be served under subsection (1) where the relevant telecommunications operator outside the United Kingdom.
- (a) is already subject to a comparable retention requirement in the country or territory where it is established, for the provision of services, or
 - (b) where there is no comparable retention requirement under its domestic law, any extraterritorial requirement is limited to the making of preservation requests to the telecommunications operator.”

Joanna Cherry
 Gavin Newlands

248

- ★ Page 66, line 10, leave out Clause 86
Member’s explanatory statement
See explanatory statement for amendment 247.

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman

80

- Clause 225, page 176, line 44, at end insert “and for the purposes (and only the purposes) of this Act, including the application of paragraphs (a), (b) and (c), a “criminal purpose” includes the purpose of—
- (i) doing or facilitating anything involving an imminent threat of death or serious injury or an imminent and serious threat to national security, or
 - (ii) concealing, or impeding the detection or prevention of, the doing or facilitation of any of those things;”.

Investigatory Powers Bill, *continued*

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

81

Clause 225, page 177, line 6, at end insert—

“presumptively subject to legal privilege”, in relation to an item, means that disregarding any question of criminal purpose, the item falls to be treated as subject to legal privilege;”.

NEW CLAUSES

Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

NC1

To move the following Clause—

“Power of Secretary of State to certify warrants

- (1) The Secretary of State may certify a warrant in those cases where—
 - (a) The Secretary of State has reasonable grounds to believe that the conduct authorised by the warrant is necessary pursuant to section 18(2)(a) (national security) and relates to—
 - (i) the defence of the United Kingdom by Armed Forces; or
 - (ii) the foreign policy of the United Kingdom.
 - (b) The Secretary of State considers that the conduct authorised by the warrant is proportionate to what is sought to be achieved by that conduct.
- (2) A warrant certified by the Secretary of State under subsection (1) is subject to approval by a Judicial Commissioner.
- (3) In deciding whether to approve a warrant certified by the Secretary of State under subsection (1), the Judicial Commissioner must determine whether—
 - (a) the warrant is capable of certification by the Secretary of State under subsection (1); and
 - (b) in the opinion of the Judicial Commissioner, approving the warrant is necessary on relevant grounds under section 18(2)(a) and subsection (1)(a) or (b) of this section.
- (4) Where a Judicial Commissioner refuses to approve a warrant certified by the Secretary of State under this Section, the Judicial Commissioner must produce written reasons for that decision.
- (5) Where a Judicial Commissioner, other than the Investigatory Powers Commissioner, refuses to approve a warrant under subsection (3), the Secretary of State, or any special advocate appointed may ask the investigatory Powers Commissioner to decide whether to approve the warrant.”

Member’s explanatory statement

This new clause is intended to replace existing Clause 21 and provides for the Secretary of State

Investigatory Powers Bill, *continued*

to certify warrants in cases concerning defence or foreign policy before they are considered by a judicial commissioner.

Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnoch
 Sue Hayman

NC2

To move the following Clause—

“Items subject to legal privilege

- (1) A warrant under this Chapter, or under Chapter 1 of Part 6, may not authorise conduct undertaken for the purpose of doing anything in relation to—
 - (a) a communication, insofar as the communication consists of matters subject to legal privilege; or
 - (b) related communications data, insofar as the data relate to the communication of matters subject to legal privilege.
- (2) For the purposes of subsection (1), legal privilege means—
 - (a) communications between a professional legal adviser and his client or any person representing his client made in connection with the giving of legal advice to the client;
 - (b) communications between a professional legal adviser and his client or any person representing his client and any other person with or in contemplation of legal proceedings or for the purposes of such proceedings;
 - (c) items enclosed with or referred to in such communications and made—
 - (i) in connection with the giving of legal advice, or
 - (ii) in connection with the contemplation of legal proceedings or for the purposes of such proceedings.
- (3) Communications made with the intention of furthering a criminal purpose are not subject to legal privilege.
- (4) An application which contains a statement that the purpose of a warrant is to access communications made for the purpose of furthering a criminal purpose, but which would otherwise attract legal privilege must be considered by a Judicial Commissioner.
- (5) A Judicial Commissioner may issue a warrant sought under subsection (3), if satisfied that—
 - (a) there are reasonable grounds to believe that the communications are made with the intent of furthering a criminal purpose;
 - (b) that the material is likely to be of substantial value to the investigation in connection with which the application is made;
 - (c) that the material concerned is likely to be relevant evidence;
 - (d) other proportionate methods of obtaining the information have been tried without success or were not tried because they were bound to fail; and
 - (e) it is in the public interest that the warrant is granted, having regard to the—

Investigatory Powers Bill, *continued*

- (i) benefit likely to accrue to the investigation and prosecution if the information is accessed,
 - (ii) the importance of the prosecution, or
 - (iii) the importance of maintaining public confidence in the confidentiality of material subject to legal professional privilege.
- (6) A code of practice issued under Schedule 6 must contain provision about—
- (a) the steps to be taken to minimise the risk of conduct undertaken pursuant to a warrant to which this section applies resulting in accidental acquisition of a communication, or communications data, falling within subsection (1); and
 - (b) the steps to be taken if it appears that such conduct has accidentally resulted in acquisition of such a communication or data.”

Member’s explanatory statement

This new clause is intended to replace existing clause 25 and seeks to clarify the approach to legal privilege in line with existing law.

Joanna Cherry
Gavin Newlands

NC3

To move the following Clause—

“Tort or delict of unlawful interception

Any interception of a communication which is carried out without lawful authority at any place in the United Kingdom by, or with the express or implied consent of, a person having the right to control the operation or the use of a private telecommunication system shall be actionable by the sender or recipient, or intended recipient, of the communication if it is either—

- (a) an interception of that communication in the course of its transmission by means of that private system; or
- (b) an interception of that communication in the course of its transmission, by means of a public telecommunication system, to or from apparatus comprised in that private telecommunication system.”

Member’s explanatory statement

This new clause creates a civil wrong of unlawful interception.

Joanna Cherry
Gavin Newlands

NC4

To move the following Clause—

“Tort or delict of unlawfully obtaining communications data

The collection of communications data from a telecommunications operator, telecommunications service, telecommunications system or postal operator

Investigatory Powers Bill, *continued*

without lawful authority shall be actionable as a civil wrong by any person who has suffered loss or damage by the collection of the data.”

Member’s explanatory statement

This new clause creates a civil wrong of unlawful obtaining of communications data.

Joanna Cherry
Gavin Newlands

NC5

To move the following Clause—

“Power of Secretary of State to certify warrants

- (1) The Secretary of State may certify an application for a warrant in those cases where the Secretary of State has reasonable grounds to believe that an application is necessary pursuant to section 18(2)(a) (national security) and involves—
 - (a) the defence of the United Kingdom by Armed Forces; or
 - (b) the foreign policy of the United Kingdom.
- (2) A warrant may be certified by the Secretary of State if—
 - (a) the Secretary of State considers that the warrant is necessary on grounds falling within section 18; and
 - (b) the Secretary of State considers that the conduct authorised by the warrant is proportionate to what is sought to be achieved by that conduct.
- (3) Any warrant certified by the Secretary of State subject to subsection (1) is subject to approval by a Judicial Commissioner.
- (4) In deciding to approve a warrant pursuant to this section, the Judicial Commissioner must determine whether—
 - (a) the warrant is capable of certification by the Secretary of State subject to subsection (1);
 - (b) the warrant is necessary on relevant grounds subject to section 18(2)(a) and subsection (1)(a) or (b); and
 - (c) the conduct authorised by the warrant is proportionate to what is sought to be achieved by that conduct.
- (5) Where a Judicial Commissioner refuses to approve the person’s decision to approve a warrant under this section, the Judicial Commissioner must produce written reasons for the refusal.
- (6) Where a Judicial Commissioner, other than the Investigatory Powers Commissioner, approves or refuses to approve a warrant under this Section, the person, or any Special Advocate appointed, may ask the Investigatory Powers Commissioner to decide whether to approve the decision to issue the warrant.”

Joanna Cherry
Gavin Newlands

NC6

To move the following Clause—

Investigatory Powers Bill, *continued***“Items subject to legal privilege**

- (1) A warrant under this Chapter, or under Chapter 1 of Part 6, may not authorise conduct undertaken for the purpose of doing anything in relation to—
 - (a) a communication, insofar as the communication consists of matters subject to legal privilege;
 - (b) related communications data, insofar as the data relate to the communication of matters subject to legal privilege.
- (2) For the purposes of subsection (1), legal privilege means—
 - (a) communications between a professional legal adviser and his client or any person representing his client made in connection with the giving of legal advice to the client;
 - (b) communications between a professional legal adviser and his client or any person representing his client and any other person with or in contemplation of legal proceedings or for the purposes of such proceedings;
 - (c) items enclosed with or referred to in such communications and made—
 - (i) in connection with the giving of legal advice; or
 - (ii) in connection with the contemplation of legal proceedings or for the purposes of such proceedings.
 - (d) communications made with the intention of furthering a criminal purpose are not subject to legal privilege.
- (3) An application which contains a statement that the purpose of a warrant is to access communications made for the purpose of furthering a criminal purpose, but which would otherwise attract legal privilege must be considered by a Judicial Commissioner.
- (4) A Judicial Commissioner may issue a warrant sought under subsection (3), if satisfied that—
 - (a) there are reasonable grounds to believe that the communications are made with the intent of furthering a criminal purpose;
 - (b) that the material is likely to be of substantial value to the investigation in connection with which the application is made; and
 - (c) that the material concerned is likely to be relevant evidence;
 - (d) other proportionate methods of obtaining the information have been tried without success or were not tried because they were bound to fail;
 - (e) it is in the public interest that the warrant is granted, having regard to the—
 - (i) the benefit likely to accrue to the investigation and prosecution if the information is accessed;
 - (ii) the importance of the prosecution; and
 - (iii) the importance of maintaining public confidence in the confidentiality of material subject to legal professional privilege.
- (5) A code of practice issued under Schedule 6 must contain provision about—
 - (a) the steps to be taken to minimise the risk of conduct undertaken pursuant to a warrant to which this section applies resulting in accidental acquisition of a communication, or communications data, falling within subsection (1);
 - (b) the steps to be taken if it appears that such conduct has accidentally resulted in acquisition of such a communication or data.”

Member’s explanatory statement

This new clause clarifies the approach to legal professional privilege on the face of the Bill and brings it into line with the spirit of existing case-law, the common law and PACE.

Investigatory Powers Bill, *continued*

ORDER OF THE HOUSE [15 MARCH 2016]

That the following provisions shall apply to the Investigatory Powers Bill:

Committal

1. The Bill shall be committed to a Public Bill Committee.

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 5 May 2016.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Proceedings on Consideration and up to and including Third Reading

4. Proceedings on Consideration and up to and including Third Reading shall be taken in two days in accordance with the following provisions of this Order.
5. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the second day.
6. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the second day.
7. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

Other proceedings

8. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.
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ORDER OF THE COMMITTEE [24 MARCH 2016]

That—

- (1) the Committee shall (in addition to its first meeting at 11.30 am on Thursday 24 March) meet—
 - (a) at 2.00 pm on Thursday 24 March;
 - (b) at 9.25 am and 2.00 pm on Tuesday 12 April;
 - (c) at 11.30 am and 2.00 pm on Thursday 14 April;
 - (d) at 9.25 am and 2.00 pm on Tuesday 19 April;
 - (e) at 11.30 am and 2.00 pm on Thursday 21 April;
 - (f) at 9.25 am and 2.00 pm on Tuesday 26 April;
 - (g) at 11.30 am and 2.00 pm on Thursday 28 April;
 - (h) at 9.25 am and 2.00 pm on Tuesday 3 May;
 - (i) at 11.30 am and 2.00 pm on Thursday 5 May;
- (2) the Committee shall hear oral evidence on Thursday 24 March in accordance with the following Table:

 Investigatory Powers Bill, *continued*

TABLE

<i>Time</i>	<i>Witness</i>
Until no later than 12.00 pm	David Anderson Q.C., independent reviewer of terrorism legislation
Until no later than 12.30 pm	Don't Spy on Us; Liberty
Until no later than 1.00 pm	International Institute for Strategic Studies; Lord Evans of Weardale
Until no later than 2.30 pm	NSPCC; Mr Ray McClure
Until no later than 3.00 pm	BT
Until no later than 3.30 pm	National Crime Agency; HM Revenue and Customs
Until no later than 4.00 pm	National Anti-Fraud Network
Until no later than 4.30 pm	Lord Judge, Chief Surveillance Commissioner; Interception of Communications Commissioner's Office
Until no later than 5.00 pm	The Rt. Hon. the Lord Reid of Cardowan; The Rt. Hon. Charles Clarke

(3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 6; Schedule 1; Clauses 7 to 10; Schedule 2; Clauses 11 to 48; Schedule 3; Clauses 49 to 61; Schedule 4; Clauses 62 to 74; Schedule 5; Clauses 75 to 96; Schedule 6; Clauses 97 to 207; Schedule 7; Clauses 208 to 212; Schedule 8; Clauses 213 to 231; Schedule 9; Clause 232; Schedule 10; Clause 233; new Clauses; new Schedules; remaining proceedings on the Bill;

(4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 5 May.

 NOTICES WITHDRAWN

The following Notices were withdrawn on 23 March 2016: