



House of Commons

Tuesday 26 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: 734 to 863 and NC17 to NC21

*Note: Some amendment numbers are missing from the numerical sequence.
This is due to duplication of material.*

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This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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, as amended, 12 April 2016].

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

Clause **138**, page **109**, line **30**, leave out paragraph (c) and insert—
“(c) the Secretary of State considers the requirements of section 141 are met by the warrant,”

673

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

Clause **138**, page **110**, line **1**, leave out subsection (b)

674

Investigatory Powers Bill, *continued*

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

Clause 138, page 110, line 4, leave out subsection (3)

675

Mr John Hayes

Clause 138, page 110, line 8, leave out subsection (4)

614

Member's explanatory statement

This amendment leaves out provision that is not relevant in the context of bulk acquisition warrants.

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

Clause 138, page 110, line 46, at end insert—

676

“(11) Where an application made by, or on behalf of, the Secretary of State includes the activities set out in section 138(7)(b) or (c), a bulk acquisition warrant can only be issued if the Secretary of State considers that selection for examination or disclosure is—

- (a) necessary for a purpose within subsection (12), or
- (b) that it is necessary to obtain the data—
 - (i) for the purposes of a specific investigation or a specific operation, or
 - (ii) for the purposes of testing, maintaining or developing equipment, systems or other capabilities relating to the availability or obtaining of data.

(12) A paragraph 11(a) purpose is—

- (a) the interests of national security,
- (b) preventing or detecting serious crime or of preventing serious disorder,
- (c) the interests of public safety,
- (d) protecting public health,
- (e) preventing death or serious injury or any serious damage to one or more person's physical or mental health,
- (f) assisting investigations into alleged miscarriages of justice,
- (g) where a person (“P”) has died or is unable to identify themselves because of a physical or mental condition—
 - (i) to assist in identifying P, or
 - (ii) to obtain information about P's next of kin or other persons connected with P or about the reason for P's death or condition, or
- (h) exercising functions relating to—
 - (i) the regulation of financial services and markets, or
 - (ii) financial stability.”

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

554

Page 109, line 20, leave out Clause 138

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

677

Clause 139, page 111, line 3, leave out “review the Secretary of State’s conclusions as to the following matters” and insert “determine”

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

678

Clause 139, page 111, line 15, leave out subsection (2)

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

532

Clause 139, page 111, line 16, at end insert “but a Judicial Commissioner may not approve a warrant unless he is satisfied that there are reasonable grounds for believing that it is both necessary and proportionate to do so”

Member’s explanatory statement

This amendment would clarify the judicial review process by ensuring that both the process and underlying facts of an interception of communications warrant are considered by a Judicial Commissioner.

Joanna Cherry
Gavin Newlands

555

Page 111, line 1, leave out Clause 139

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

556

Page 111, line 24, leave out Clause 140

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

680

Clause 141, page 111, line 35, after “specify”, insert “by name or description the person, persons or single set of premises to which it relates and”

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

681

Clause 141, page 111, line 39, leave out “but the purposes may still be general purposes” and insert “and any specification must be described in as much detail as is reasonably practicable”

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

682

Clause 141, page 111, line 39, leave out “but the purposes may still be general purposes” and insert “The descriptions must specify—

- (a) a basis for the reasonable suspicion that the target is connected to a serious crime or a specific threat to national security,
- (b) a high probability that evidence of the serious crime or specific threat to national security will be obtained by the conduct authorised, and
- (c) the manner in which all less intrusive methods of obtaining the information sought have been exhausted or can be shown to be futile.”

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

683

Clause 141, page 111, line 41, leave out “may” and insert “must”

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Page 111, line 29, leave out Clause 141

557

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

Clause 142, page 112, line 7, leave out “6” and insert “1”

684

Joanna Cherry
Gavin Newlands

Page 112, line 5, leave out Clause 142

558

Mr John Hayes

Clause 143, page 113, line 2, leave out “one or more”
Member’s explanatory statement
This amendment is consequential on amendment 616.

615

Joanna Cherry
Gavin Newlands

Page 112, line 13, leave out Clause 143

559

Mr John Hayes

Clause 144, page 113, line 21, leave out “one or more”
Member’s explanatory statement
This amendment makes it clear that Clause 144(2)(b) only permits a bulk acquisition warrant to be modified where, as a result of the modification, all the activities falling within Clause 138(7)(a) which were authorised or required by the warrant cease to be so authorised or required.

616

 Investigatory Powers Bill, *continued*

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

685

Clause 144, page 113, line 32, at end insert—

“(c) may only be made if the Secretary of State considers that it is proportionate to the purposes specified in the warrant.”

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

686

Clause 144, page 113, line 46, at end insert—

“(8A) A minor modification may only be made—

- (a) if the Secretary of State or a senior official acting on behalf of the Secretary of State considers that it is necessary on any of the grounds on which they consider the warrant to be necessary (see section 121(1)(b)).
- (b) if the Secretary of State considers that it is proportionate to the purposes specified in the warrant.

(8B) Except where the Secretary of State considers that there is an urgent need to make the modification, a minor modification has effect only if the decision to make the modification is approved by a Judicial Commissioner.

(8C) In a case where any modification is sought under this section to which section [NC2 Items subject to legal privilege] or section [NC11 Confidential and privileged material] applies, section 97 (approval of warrants by Judicial Commissioners) applies to a decision to modify a warrant as it applies in relation to a decision to issue such a warrant (and accordingly any reference in that section to the person who decided to issue the warrant is to be read as a reference to the person who decided to modify it).”

Mr John Hayes

617

Clause 144, page 114, line 9, leave out “(urgent cases)”

Member’s explanatory statement

This amendment is consequential on amendment 618.

Mr John Hayes

618

Clause 144, page 114, line 10, leave out from beginning to “the” in line 15 and insert—

- “() If it is not reasonably practicable for an instrument making a major modification to be signed by the Secretary of State, the instrument may be signed by a senior official designated by the Secretary of State for that purpose.
- () In such a case, the instrument making the modification must contain a statement that—

Investigatory Powers Bill, *continued*

(a) it is not reasonably practicable for the instrument to be signed by the Secretary of State, and

(b) ”

Member’s explanatory statement

This amendment enables an instrument making a major modification of a bulk acquisition warrant to be signed by a senior official in any case where it is not reasonably practicable for the Secretary of State to sign it.

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

525

Clause 144, page 114, line 19, at end insert—

“(13) Any modification which constitutes the adding or varying any matter must be approved by a Judicial Commissioner in accordance with section 139.”

Member’s explanatory statement

This amendment adds the requirement to obtain approval from a Judicial Commissioner for any modification which constitutes the adding or varying (but not removing) any matter for each type of warrant.

Joanna Cherry
Gavin Newlands

560

Page 113, line 13, leave out Clause 144

Joanna Cherry
Gavin Newlands

561

Page 114, line 20, leave out Clause 145

Mr John Hayes

619

Clause 146, page 115, line 17, leave out “one or more”

Member’s explanatory statement

This amendment is consequential on amendment 616.

Joanna Cherry
Gavin Newlands

562

Page 115, line 2, leave out Clause 146

 Investigatory Powers Bill, *continued*

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

521

Clause 147, page 115, line 39, at end insert—

“(3B) Subsection (3) shall not be applicable where the person outside the United Kingdom has its principal office in a country or territory where it is established, for the provision of services with which the United Kingdom has entered in to an international mutual assistance agreement or is subject to an EU mutual assistance instrument.”

Member’s explanatory statement

This amendment would excludes the extraterritorial provision in cases where any mutual assistance arrangement exists between the UK and the provider’s jurisdiction. This amendment would continue to enable government to seek voluntary assistance from CSPs in non-MLA countries.

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

529

Clause 147, page 116, line 6, at end insert—

“(6) A warrant may be implemented only to the extent required for the purpose for which the warrant was issued.”

Member’s explanatory statement

This amendment would bring the implementation of warrants into line with section 16(8) of PACE 1984.

Joanna Cherry
 Gavin Newlands

563

Page 115, line 25, leave out Clause 147

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

522

Clause 148, page 116, line 10, at beginning insert “Where such a warrant is to be given to a person outside the United Kingdom, the warrant 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,”

Member’s explanatory statement

The Home Secretary confirmed at second reading that a UK agency would only serve a notice on an overseas entity that is capable of providing assistance under the warrant. UK agencies today

Investigatory Powers Bill, *continued*

routinely use secure means of communication to transmit notices directly to the main office of overseas CSPs.

Joanna Cherry
Gavin Newlands

Page **116**, line **7**, leave out Clause 148

564

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

Clause **149**, page **116**, line **43**, at end insert “which for a relevant operator outside the United Kingdom shall include—

- (a) any steps which 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) where a warrant could be served pursuant to an international mutual assistance agreement or subject to an EU mutual assistance instrument.”

Member’s explanatory statement

This amendment clarifies the reasonableness test for overseas CSPs.

523

Joanna Cherry
Gavin Newlands

Page **116**, line **35**, leave out Clause 149

565

Joanna Cherry
Gavin Newlands

Page **117**, line **11**, leave out Clause 150

566

Joanna Cherry
Gavin Newlands

Page **118**, line **39**, leave out Clause 151

567

 Investigatory Powers Bill, *continued*

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

687

Clause 152, page 119, line 17, at end insert—

“(2A) 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.”

Joanna Cherry
 Gavin Newlands

568

Page 119, line 8, leave out Clause 152

Joanna Cherry
 Gavin Newlands

569

Page 119, line 36, leave out Clause 153

Joanna Cherry
 Gavin Newlands

570

Page 120, line 10, leave out Clause 154

Joanna Cherry
 Gavin Newlands

571

Page 121, line 33, leave out Clause 155

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

688

Clause 156, page 122, line 17, leave out paragraph (d) and insert—

Investigatory Powers Bill, *continued*

“(d) the Secretary of State considers the requirements of section 161 are met by the warrant,”

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

695

Clause 156, page 122, line 34, leave out subsection (2)(b)

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

696

Clause 156, page 122, line 37, leave out subsection (3)

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

697

Clause 156, page 122, line 47, at end insert—

“(6) Where an application for the issue of a bulk equipment interference warrant includes the activities set out in section 154(4)(b) it may only be issued if the Secretary of State considers that selection for examination or disclosure is necessary for the purposes of—

- (a) a specific investigation or a specific operation, or
- (b) testing, maintaining or developing equipment, systems or other capabilities relating to the availability or obtaining of data.”

Joanna Cherry
Gavin Newlands

572

Page 122, line 4, leave out Clause 156

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

698

Clause 157, page 123, line 3, leave out from “must” to end of line and insert “determine”

 Investigatory Powers Bill, *continued*

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

Clause 157, page 123, line 15, leave out subsection (2)

699

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

Clause 157, page 123, line 16, at end insert “but a Judicial Commissioner may not approve a warrant unless he is satisfied that there are reasonable grounds for believing that it is both necessary and proportionate to do so”

533

Member’s explanatory statement

This amendment would clarify the judicial review process by ensuring that both the process and underlying facts of an interception of communications warrant are considered by a Judicial Commissioner.

Joanna Cherry
 Gavin Newlands

Page 123, line 1, leave out Clause 157

573

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

Clause 158, page 123, line 35, leave out from second “period” to second “the” in line 36 and insert “of 48 hours after”

700

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

Clause 158, page 123, line 35, leave out from second “period” to second “the” in line 36 and insert “of 24 hours after”

701

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

574

Page 123, line 24, leave out Clause 158

Joanna Cherry
Gavin Newlands

575

Page 123, line 41, leave out Clause 159

Joanna Cherry
Gavin Newlands

576

Page 124, line 34, leave out Clause 160

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

689

Clause 161, page 125, line 9, after “describe”, insert “precisely and explicitly”

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

690

Clause 161, page 125, line 10, at end insert “including the method and extent of the proposed intrusion and the measures taken to minimise access to irrelevant and immaterial information.”

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

691

Clause 161, page 125, line 11, after “specify”, insert “by name or description the person, persons or single set of premises to which it relates and”

 Investigatory Powers Bill, *continued*

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

702

Clause 161, page 125, line 15, leave out from “(2)” to end of subsection and insert “and any specification must be in as much detail as is reasonably practicable”

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

692

Clause 161, page 125, line 15, leave out “but the purposes may still be general purposes” and insert “; the descriptions must specify—

- (a) the basis for the reasonable suspicion that the target is connected to a serious crime or a specific threat to national security,
- (b) the manner in which all less intrusive methods of obtaining the information sought have been exhausted or can be shown to be futile.”

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

703

Clause 161, page 125, line 17, leave out “may” and insert “must”

Joanna Cherry
 Gavin Newlands

577

Page 125, line 3, leave out Clause 161

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

704

Clause 162, page 125, line 32, leave out from “period” to third “the” in line 33 and insert “of 48 hours after”

 Investigatory Powers Bill, *continued*

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

705

Clause 162, page 125, line 32, leave out from “period” to third “the” in line 33 and insert “of 24 hours after”

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

706

Clause 162, page 125, line 35, leave out “6 months” and insert “1 month”

Joanna Cherry
 Gavin Newlands

578

Page 125, line 25, leave out Clause 162

Mr John Hayes

620

Clause 163, page 126, line 6, at end insert—
 “This is subject to subsection (5).”
Member’s explanatory statement
This drafting amendment is for consistency with clauses 127 and 143.

Mr John Hayes

621

Clause 163, page 126, line 31, at end insert—
 “This is subject to subsection (5).”
Member’s explanatory statement
This drafting amendment is for consistency with clauses 127 and 143.

Joanna Cherry
 Gavin Newlands

579

Page 126, line 3, leave out Clause 163

 Investigatory Powers Bill, *continued*

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

707

Clause 164, page 127, line 20, at end insert—

“(c) may only be made if the Secretary of State considers it proportionate to the operational purposes specified in the warrant.”

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

708

Clause 164, page 127, line 34, at end insert—

“(8A) A minor modification—

(a) may be made only if the Secretary of State or a senior official acting on behalf of the Secretary of State considers that it is necessary on any of the grounds on which they consider the warrant to be necessary (see section 121(1)(b));

(b) may only be made if the Secretary of State considers that it is proportionate to the operational purposes specified in the warrant.

(8B) Except where the Secretary of State considers that there is an urgent need to make the modification, a minor modification has effect only if the decision to make the modification is approved by a Judicial Commissioner.”

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

709

Clause 164, page 127, line 34, at end insert—

“(8C) In a case where any modification is sought under this section to which Clause [NC2 Items subject to legal privilege] or Clause [NC11 Confidential and privileged material] applies section 97 (approval of warrants by Judicial Commissioners) applies to a decision to modify a warrant as it applies in relation to a decision to issue such a warrant (and accordingly any reference in that section to the person who decided to issue the warrant is to be read as a reference to the person who decided to modify it).”

Mr John Hayes

622

Clause 164, page 127, line 42, leave out “(urgent cases)”

Member’s explanatory statement

This amendment is consequential on amendment 623.

Mr John Hayes

623

Clause 164, page 127, line 43, leave out from beginning to “the” in line 2 on page

Investigatory Powers Bill, *continued*

128 and insert—

- “() If it is not reasonably practicable for an instrument making a major modification to be signed by the Secretary of State, the instrument may be signed by a senior official designated by the Secretary of State for that purpose.
- () In such a case, the instrument making the modification must contain a statement that—
- (a) it is not reasonably practicable for the instrument to be signed by the Secretary of State, and
- (b) ”

Member’s explanatory statement

This amendment enables an instrument making a major modification of a bulk equipment interference warrant to be signed by a senior official in any case where it is not reasonably practicable for the Secretary of State to sign it.

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

526

Clause 164, page 128, line 10, at end insert—

- “(14) Any modification which constitutes the adding or varying any matter must be approved by a Judicial Commissioner in accordance with section 157.”

Member’s explanatory statement

This amendment adds the requirement to obtain approval from a Judicial Commissioner for any modification which constitutes the adding or varying (but not removing) any matter for each type of warrant.

Joanna Cherry
Gavin Newlands

580

Page 127, line 1, leave out Clause 164

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

710

Clause 165, page 128, line 24, leave out “ending with the fifth working day after the day on which” and insert “of 48 hours after”

 Investigatory Powers Bill, *continued*

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

711

Clause 165, page 128, line 24, leave out “ending with the fifth working day after the day on which” and insert “of 24 hours after”

Joanna Cherry
 Gavin Newlands

581

Page 128, line 11, leave out Clause 165

Joanna Cherry
 Gavin Newlands

582

Page 129, line 1, leave out Clause 166

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

524

Clause 167, page 129, line 39, at end insert—

“(3b) Subsection (3) shall not be applicable where the person outside the United Kingdom has its principal office in a country or territory where it is established, for the provision of services with which the United Kingdom has entered in to an international mutual assistance agreement or is subject to an EU mutual assistance instrument.”

Member’s explanatory statement

This amendment excludes the extraterritorial provision in cases where any mutual assistance arrangement exists between the UK and the provider’s jurisdiction. This amendment would continue to enable government to seek voluntary assistance from CSPs in non-MLA countries.

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

530

Clause 167, page 130, line 12, at end insert—

Investigatory Powers Bill, *continued*

“(7) A warrant may be implemented only to the extent required for the purpose for which the warrant was issued.”

Member’s explanatory statement

This amendment would bring the implementation of warrants into line with section 16(8) of PACE 1984.

Joanna Cherry
Gavin Newlands

Page 129, line 25, leave out Clause 167

583

Joanna Cherry
Gavin Newlands

Page 130, line 14, leave out Clause 168

584

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

Clause 169, page 132, line 3, at end insert—

“(3A) Material obtained via a warrant under this Part may only be shared with overseas authorities in accordance with the terms of an international information sharing treaty.”

712

Joanna Cherry
Gavin Newlands

Page 131, line 33, leave out Clause 169

585

Mr John Hayes

Clause 170, page 132, line 7, leave out from beginning to “is” and insert “the selection of any of the material obtained under the warrant for examination”

Member’s explanatory statement

This amendment makes a minor drafting correction.

624

 Investigatory Powers Bill, *continued*

- Mr John Hayes 625
- Clause 170, page 132, line 14, after “warrant”, insert “for examination”
Member’s explanatory statement
This amendment makes a minor drafting correction.
- Joanna Cherry
 Gavin Newlands 586
- Page 132, line 4, leave out Clause 170
-
- Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman 512
- Clause 171, page 133, line 38, after “items”, insert “presumptively”
- Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman 513
- Clause 171, page 133, line 40, at end insert “and
 (c) where paragraph (b)(i) applies, 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 or require the selection for examination of those items.”
- Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman 514
- Clause 171, page 133, line 42, leave out from “a” to “has” and insert “Judicial Commissioner”
- Keir Starmer
 Jo Stevens
 Christian Matheson
 Peter Kyle
 Stephen Kinnock
 Sue Hayman 515
- Clause 171, page 133, line 44, leave out “senior official” and insert “Judicial Commissioner”

Investigatory Powers Bill, *continued*

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

Clause 171, page 133, line 45, leave out “official” and insert “Judicial Commissioner” **516**

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

Clause 171, page 134, line 2, leave out from “privilege” to end of line 5 **517**

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

Clause 171, page 134, line 6, after “item”, insert “presumptively” **518**

Joanna Cherry
Gavin Newlands

Page 133, line 30, leave out Clause 171 **587**

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

Clause 172, page 134, line 17, at end insert— **519**
“(2) Section 100 (*items subject to legal privilege*) applies in relation to an application for a bulk equipment interference warrant as it applies in relation to an application for a targeted equipment interference warrant.”

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Page 134, line 12, leave out Clause 172

588

Joanna Cherry
Gavin Newlands

Page 134, line 19, leave out Clause 173

589

Joanna Cherry
Gavin Newlands

Page 135, line 4, leave out Clause 174

590

Joanna Cherry
Gavin Newlands

Page 135, line 21, leave out Clause 175

591

Mr John Hayes

Clause 176, page 136, line 4, after “Sections”, insert “181(7A),”

Member’s explanatory statement

This amendment and amendments 627 and 628 clarify that there is no breach of Clause 175(1) and (2) where a bulk personal dataset is retained or examined in accordance with conditions imposed by a Judicial Commissioner under Clause 181(3) (following a decision by the Judicial Commissioner not to approve the issue of a warrant in an urgent case under Part 7).

626

Mr John Hayes

Clause 176, page 136, line 5, after “with”, insert “cases where a Judicial Commissioner refuses to approve a specific BPD warrant,”

Member’s explanatory statement

See the explanatory statement for amendment 626.

627

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

592

Page 135, line 37, leave out Clause 176

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

721

Clause 177, page 136, line 21, leave out subsection (3)(a)(iii)

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

715

Clause 177, page 136, line 43, at end insert—

- “(5) No warrant shall be issued under this section for material relating to “patient information” as defined in section 251(10) of the National Health Service Act 2006, or relating to “mental health”, “adult social care”, “child social care”, or “health services” as defined by the Health and Social Care Act 2012.”

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

718

Clause 177, page 136, line 43, at end insert—

- “(5) Subsection (6) applies where a warrant application under this section relates to “patient information” as defined in section 251(10) of the National Health Service Act 2006, or relating to “mental health”, “adult social care”, “child social care”, or “health services” as defined by the Health and Social Care Act 2012.
- (6) The Secretary of State may issue the warrant only if they consider that—
- (a) there are exceptional and compelling circumstances that make it necessary to authorise the retention, or (as the case may be) the examination, of material referred to in subsection (5); and
 - (b) specific arrangements have been made for the handling, retention, use, destruction and protection against unauthorised disclosure of such material.”

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

593

Page 136, line 8, leave out Clause 177

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

722

Clause 178, page 137, line 25, leave out subsection (5)(a)(iii)

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

716

Clause 178, page 138, line 2, at end insert—

- “(8) No warrant shall be issued under this section for material relating to “patient information” as defined in section 251(10) of the National Health Service Act 2006, or relating to “mental health”, “adult social care”, “child social care”, or “health services” as defined by the Health and Social Care Act 2012.”

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

719

Clause 178, page 138, line 2, at end insert—

- “(8) Subsection (6) applies where a warrant application under this section relates to “patient information” as defined in section 251(10) of the National Health Service Act 2006, or relating to “mental health”, “adult social care”, “child social care”, or “health services” as defined by the Health and Social Care Act 2012.
- (9) The Secretary of State may issue the warrant only if they consider that—
- (a) there are exceptional and compelling circumstances that make it necessary to authorise the retention, or (as the case may be) the examination, of material referred to in subsection (5); and
 - (b) specific arrangements have been made for the handling, retention, use, destruction and protection against unauthorised disclosure of such material.”

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

594

Page 137, line 1, leave out Clause 178

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

723

Clause 179, page 138, line 5, leave out from “must” to “the” in line 6 and insert “determine”

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

724

Clause 179, page 138, line 22, leave out subsection (2)

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

534

Clause 179, page 138, line 23, at end insert “but a Judicial Commissioner may not approve a warrant unless he is satisfied that there are reasonable grounds for believing that it is both necessary and proportionate to do so”

Member’s explanatory statement

This amendment would clarify the judicial review process by ensuring that both the process and underlying facts of an interception of communications warrant are considered by a Judicial Commissioner.

Joanna Cherry
Gavin Newlands

595

Page 138, line 3, leave out Clause 179

 Investigatory Powers Bill, *continued*

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

725

Clause 180, page 138, line 41, leave out from second “period” to second “the” in line 42 and insert “of 48 hours after”

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

726

Clause 180, page 138, line 41, leave out from second “period” to second “the” in line 42 and insert “of 24 hours after”

Joanna Cherry
 Gavin Newlands

596

Page 138, line 31, leave out Clause 180

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

727

Clause 181, page 139, line 10, leave out “may” and insert “must”

Mr John Hayes

628

Clause 181, page 139, line 32, at end insert—
 “(7A) An intelligence service is not to be regarded as in breach of section 175(1) or (2) where it retains or (as the case may be) examines a bulk personal dataset in accordance with conditions imposed under subsection (3)(b).”
Member’s explanatory statement
See the explanatory statement for amendment 626.

Joanna Cherry
 Gavin Newlands

597

Page 139, line 4, leave out Clause 181

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

598

Page 139, line 39, leave out Clause 182

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

728

Clause 183, page 140, line 35, leave out from “178(5)(a)” to end of line and insert “and the purposes must be specified in as much detail as is reasonably practicable”

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

729

Clause 183, page 140, line 36, leave out “may” and insert “must”

Joanna Cherry
Gavin Newlands

599

Page 140, line 11, leave out Clause 183

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

730

Clause 184, page 141, line 10, leave out from “period” to end of line and insert “of 48 hours after the”

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

731

Clause 184, page 141, line 10, leave out from “period” to end of line and insert “of 24 hours after the”

 Investigatory Powers Bill, *continued*

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

Clause 184, page 141, line 12, leave out “6 months” and insert “1 month” 732

Joanna Cherry
 Gavin Newlands

Page 141, line 2, leave out Clause 184 600

Joanna Cherry
 Gavin Newlands

Page 141, line 24, leave out Clause 185 601

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

Clause 186, page 142, line 31, at end insert— 733
 “(c) may be made only if the Secretary of State considers that it is necessary
 for the purposes of the warrant”

Mr John Hayes

Clause 186, page 143, line 9, leave out “(urgent cases)” 629
Member’s explanatory statement
This amendment is consequential on amendment 630.

Mr John Hayes

Clause 186, page 143, line 10, leave out from beginning to “the” in line 15 and 630
 insert—
 “() If it is not reasonably practicable for an instrument making a major modification
 to be signed by the Secretary of State, the instrument may be signed by a senior
 official designated by the Secretary of State for that purpose.
 () In such a case, the instrument making the modification must contain a statement
 that—

Investigatory Powers Bill, *continued*

(a) it is not reasonably practicable for the instrument to be signed by the Secretary of State, and

(b) ”

Member’s explanatory statement

This amendment enables an instrument making a major modification of a warrant under Part 7 to be signed by a senior official in any case where it is not reasonably practicable for the Secretary of State to sign it.

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

527

Clause 186, page 143, line 16, at end insert—

“(12) Any modification which constitutes the adding or varying any matter must be approved by a Judicial Commissioner in accordance with section 179.”

Member’s explanatory statement

This amendment adds the requirement to obtain approval from a Judicial Commissioner for any modification which constitutes the adding or varying (but not removing) any matter for each type of warrant.

Joanna Cherry
Gavin Newlands

602

Page 142, line 9, leave out Clause 186

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

713

Clause 187, page 143, line 29, leave out from second “period” to second “the” in line 30 and insert “of 48 hours after”

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

714

Clause 187, page 143, line 29, leave out from second “period” to second “the” in line 30 and insert “of 24 hours after”

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Page 143, line 17, leave out Clause 187

603

Joanna Cherry
Gavin Newlands

Page 144, line 1, leave out Clause 188

604

Joanna Cherry
Gavin Newlands

Page 144, line 19, leave out Clause 189

605

Joanna Cherry
Gavin Newlands

Page 145, line 37, leave out Clause 190

606

Joanna Cherry
Gavin Newlands

Page 146, line 41, leave out Clause 191

607

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

Clause 192, page 147, line 36, at end insert—

“(5A) A direction under subsection (3) may not be made for material relating to “patient information” as defined in section 251(10) of the National Health Service Act 2006, or relating to “mental health”, “adult social care”, “child social care”, or “health services” as defined by the Health and Social Care Act 2012.”

717

Investigatory Powers Bill, *continued*

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

720

Clause 192, page 147, line 36, at end insert—

“(5A) A direction under subsection (3) may only be made for material relating to “patient information” as defined in s.251(10) of the National Health Service Act 2006, or relating to “mental health”, “adult social care”, “child social care”, or “health services” as defined by the Health and Social Care Act 2012 if the Secretary of State considers that—

- (a) there are exceptional and compelling circumstances that make it necessary to authorise the retention, or (as the case may be) the examination, of such material; and
- (b) that specific arrangements have been made for the handling, retention, use, destruction and protection against unauthorised disclosure of such material.”

Mr John Hayes

631

Clause 192, page 147, line 37, after “that”, insert “—

(a) ”

Member’s explanatory statement

This amendment is consequential on amendment 632.

Mr John Hayes

632

Clause 192, page 147, line 40, at end insert—

“(b) where sections 49 to 51 applied in relation to the bulk personal dataset immediately before the giving of the direction, they continue to apply in relation to it with the modification that the reference in section 50(6)(a) to the provisions of Part 2 is to be read as including a reference to the provisions of this Part.”

Member’s explanatory statement

This amendment provides that, where the Secretary of State gives a direction under Clause 192(3) with the effect that Part 7 applies to a bulk personal dataset obtained under a warrant issued under Part 2 of the Bill, the direction must ensure that clauses 49 to 51 of that Part continue to apply in relation to the disclosure of the bulk personal dataset (with a modification to ensure that certain disclosures made in connection with the giving of legal advice about Part 7 are excepted disclosures for the purposes of Clause 49).

Mr John Hayes

633

Clause 192, page 148, line 8, at end insert—

“(10A) Subsections (7) to (9) apply in relation to the variation of a direction under subsection (3) as they apply in relation to the giving of a direction under that subsection.”

Member’s explanatory statement

This amendment provides that a direction under Clause 192(3) may be varied by the Secretary of State only with the approval of a Judicial Commissioner.

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

608

Page 147, line 12, leave out Clause 192

Joanna Cherry
Gavin Newlands

609

Page 148, line 20, leave out Clause 193

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

Joanna Cherry

741

★ Clause 194, page 148, line 36, at beginning insert—

- “() There shall be a body corporate known as the Investigatory Powers Commission.
- () The Investigatory Powers Commission shall have such powers and duties as shall be specified in this Act.”

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

735

★ Clause 194, page 148, line 36, leave out “Prime Minister” and insert “Lord Chancellor”

Member’s explanatory statement

Amendments 735 to 739 would require that Judicial Commissioners are appointed by the Lord Chancellor on the recommendation of the Judicial Appointments Commission under the Constitutional Reform Act 2003.

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

736

★ Clause 194, page 148, line 36, after “appoint”, insert “in accordance with the procedure set out in the Constitutional Reform Act 2003”

Member’s explanatory statement

See the explanatory statement for amendment 735

Investigatory Powers Bill, *continued*

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

Joanna Cherry

742

★ Clause 194, page 148, line 40, at end insert—

“(1A) The Investigatory Powers Commissioner must appoint—

- (a) the Chief Inspector, and
- (b) such number of inspectors as the Investigatory Powers Commissioner considers necessary for the carrying out of the functions of the Investigatory Powers Commission.

(1B) In appointing investigators the Investigatory Powers Commissioner shall—

- (a) appoint an individual only if the Investigatory Powers Commissioner thinks that the individual—
 - (i) has experience or knowledge relating to a relevant matter, and
 - (ii) is suitable for appointment,
- (b) have regard to the desirability of the investigators together having experience and knowledge relating to the relevant matters.

(1C) For the purposes of sub-paragraph (1) of subsection (2B) the relevant matters are those matters in respect of which the Investigatory Powers Commission has functions including, in particular—

- (a) national security;
- (b) the prevention and detection of serious crime;
- (c) the protection of privacy and the integrity of personal data;
- (d) the security and integrity of computer systems and networks;
- (e) the law, in particular, as it relates to the matters in subsections (2B)(a) and (b);
- (f) human rights as defined in section 9(2) of the Equality Act 2006.”

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

Joanna Cherry

740

★ Clause 194, page 149, line 4, at end insert—

“(2A) The Prime Minister may make an appointment under subsection (1) only following a recommendation by—

- (a) the Judicial Appointments Commission;
- (b) the Judicial Appointments Board of Scotland; or
- (c) the Northern Ireland Judicial Appointments Commission.”

 Investigatory Powers Bill, *continued*

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

737

- ★ Clause 194, page 149, line 5, leave out subsection (3)
Member's explanatory statement
See the explanatory statement for amendment 735

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

738

- ★ Clause 194, page 149, line 12, leave out subsection (4)
Member's explanatory statement
See the explanatory statement for amendment 735

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

739

- ★ Clause 194, page 149, line 14, leave out subsection (5)
Member's explanatory statement
See the explanatory statement for amendment 735

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

Joanna Cherry

743

- ★ Clause 194, page 149, line 23, at end insert—
 “(7A) The Chief Inspector is an Inspector and the Chief Inspector and the other
 Inspector are to be known, collectively, as the Inspectors.”

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

Joanna Cherry

744

- ★ Clause 194, page 149, line 31, at end insert—

Investigatory Powers Bill, *continued*

- “(c) to the Investigatory Powers Commission are to be read as appropriate to refer to the body corporate, the Investigatory Powers Commission, and in so far as it will refer to the conduct of powers, duties and functions, those shall be conducted by either the Judicial Commissioners or the Inspectors as determined by this Act or by the Investigatory Powers Commissioner, consistent with the provisions of this Act.”

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

Joanna Cherry

- ★ Clause 195, page 149, line 34, leave out “three” and insert “six”

745

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

Joanna Cherry

- ★ Clause 195, page 149, line 36, after “may”, insert “not”

746

Joanna Cherry

- ★ Clause 195, page 150, line 18, at end insert—
“(e) the Commissioner is unfit to hold out office by reason of inability, neglect of duty or misbehaviour.”

860

Joanna Cherry

- ★ Clause 195, page 150, line 18, at end insert—
“(e) before removing a Judicial Commissioner the Prime Minister must consult—
(a) the Lord Chief Justice of England and Wales,
(b) the Lord President of the Court of Session,
(c) the Lord Chief Justice of Northern Ireland,
(d) the Scottish Ministers, and
(e) the First Minister and Deputy First Minister in Northern Ireland.”

861

Investigatory Powers Bill, *continued*

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

Joanna Cherry

- ★ Clause 196, page 150, line 21, leave out “Commissioner” and insert **753**
“Commission”

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

Joanna Cherry

- ★ Clause 196, page 150, line 38, leave out “Commissioner” and insert **754**
“Commission”

Joanna Cherry

- ★ Clause 196, page 150, line 43, after “notices)” insert “and under section 217 **862**
(technical capability notices)”

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

- ★ Clause 196, page 150, line 43, at end insert “and under section 217 (*technical*
capability notices)” **752**

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

Joanna Cherry

- ★ Clause 196, page 151, line 18, leave out “Commissioner” and insert **755**
“Commission”

Investigatory Powers Bill, *continued*

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

Joanna Cherry

747

★ Clause 196, page 151, line 19, leave out subsection (4)(a)

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

Joanna Cherry

756

★ Clause 196, page 151, line 41, at end insert—

“(4A) The powers and functions specified in this Part will be exercised by the Inspectors under the supervision of the Investigatory Powers Commissioner, except in so far as those powers are powers of the Judicial Commissioners specified in Parts 1 to 8 of this Act.”

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

Joanna Cherry

748

★ Clause 196, page 151, line 42, leave out from “must” to end of line 44 and insert “have due regard to the public interest in avoiding acts prejudicial to”

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

Joanna Cherry

749

★ Clause 196, page 151, line 43, after “Commissioner”, insert “or Inspector”

 Investigatory Powers Bill, *continued*

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

Joanna Cherry

750

- ★ Clause 196, page 151, line 47, leave out subsection (c) and insert—
 “(c) privacy and the integrity of personal data; and
 (d) the security and integrity of communications systems and networks.”

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

Joanna Cherry

751

- ★ Clause 196, page 151, line 48, leave out subsections (6) and (7)
-

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

Joanna Cherry

760

- ★ Clause 197, page 152, line 27, leave out “directed” and insert “requested”

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

757

- ★ Clause 197, page 152, line 28, leave out “Commissioner” and insert
 “Commission”

Investigatory Powers Bill, *continued*

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

Joanna Cherry

★ Clause 197, page 152, line 28, leave out “must” and insert “may”

761

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

★ Clause 197, page 152, line 35, leave out “Commissioner” and insert
“Commission”

758

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

Joanna Cherry

★ Clause 197, page 152, line 39, leave out “in a manner which the Prime Minister
consider appropriate”

762

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

Joanna Cherry

★ Clause 197, page 152, line 42, leave out “contrary to the public interest or” and
insert “seriously”

763

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

Joanna Cherry

★ Clause 197, page 152, line 45, leave out subsections (4)(c) and (4)(d)

764

 Investigatory Powers Bill, *continued*

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

Joanna Cherry

759

★ Page 152, line 26, leave out Clause 197

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

Joanna Cherry

773

★ Clause 198, page 153, line 6, leave out from “aware” to the end of line 9.

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

765

★ Clause 198, page 153, line 6, leave out “if the Commissioner considers that —”

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

766

★ Clause 198, page 153, line 8, leave out subsection (1)(a)

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

767

★ Clause 198, page 153, line 10, leave out subsection (2)

Investigatory Powers Bill, *continued*

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

Joanna Cherry

774

- ★ Clause 198, page 153, line 10, leave out subsections (2) to (5) and insert—
- “(2) The Investigatory Powers Commissioner may decide not to inform a person of an error in exceptional circumstances.
- (3) Exceptional circumstances under subsection (2) will arise if the public interest in disclosure is outweighed by a significant prejudice to—
- (a) national security, or
- (b) the prevention and detection of serious crime.”

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

778

- ★ Clause 198, page 153, line 11, leave out “may not” and insert “must”

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

779

- ★ Clause 198, page 153, line 12, after “has”, insert “not”

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

780

- ★ Clause 198, page 153, line 12, leave out “significant”

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

768

- ★ Clause 198, page 153, line 14, leave out subsection (3)

 Investigatory Powers Bill, *continued*

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

★ Clause 198, page 153, line 14, leave out “has” and insert “may have”

781

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

★ Clause 198, page 153, line 15, leave out “not”

782

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

★ Clause 198, page 153, line 19, leave out subsection (4)(a)

769

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

★ Clause 198, page 153, line 19, leave out “and its effect on the person concerned”

783

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

★ Clause 198, page 153, line 20, leave out “contrary to the public interest or” and insert “seriously”

784

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

★ Clause 198, page 153, line 24, leave out subsection (4)(b)(iii)

770

Investigatory Powers Bill, *continued*

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

★ Clause 198, page 153, line 24, leave out sub-paragraphs (iii) and (iv)

786

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

★ Clause 198, page 153, line 25, leave out subsection (4)(b)(iv)

771

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

★ Clause 198, page 153, line 26, at end insert—

“(4A) In subsection (4) any publication will be considered “seriously prejudicial” where it would involve a significant risk to the life or of serious physical injury of any person.”

785

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

Joanna Cherry

★ Clause 198, page 153, line 38, at end insert—

“(c) provide the person with such details of the submissions made by the public authority on the error and the matters concerned pursuant to subsection 198(5) as are necessary to inform a complaint to the Investigatory Powers Tribunal.”

775

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

Joanna Cherry

★ Clause 198, page 153, line 39, leave out subsection (7)

788

 Investigatory Powers Bill, *continued*

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

Joanna Cherry

776

★ Clause 198, page 153, line 45, leave out paragraph (b)

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

772

★ Clause 198, page 154, line 3, after “public authority”, insert “or a telecommunications operator”

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

Joanna Cherry

777

★ Clause 198, page 154, line 6, leave out paragraph (b)

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

Joanna Cherry

792

★ Clause 199, page 154, line 10, at beginning insert—

“(1A) A Judicial Commissioner may refer to the Investigatory Powers Tribunal any matter the Commissioner considers may have involved the unlawful use of investigatory powers.”

Investigatory Powers Bill, *continued*

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

Joanna Cherry

789

- ★ Clause 199, page 154, line 11, leave out “Judicial Commissioner” and insert “Investigatory Powers Commission”

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

Joanna Cherry

793

- ★ Clause 199, page 154, line 17, at end insert—
“(1A) A Judicial Commissioner may refer to the Investigatory Powers Tribunal any matter the Commissioner considers may have involved the unlawful use of investigatory powers.”
Member’s explanatory statement
This amendment would give the Judicial Commissioners power to refer issues of concern to the IPT without having to rely on a complaint being made.

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

Joanna Cherry

790

- ★ Clause 199, page 154, line 18, leave out “Judicial Commissioner” and insert “Investigatory Powers Commission”

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

Joanna Cherry

791

- ★ Clause 199, page 154, line 21, leave out subsections (3) and (4) and insert—
“(3) In any circumstances where the Commission has identified a relevant error pursuant to section 198, the Commission must give such documents, information or other material as may be relevant to the investigation of the error to the Tribunal.

 Investigatory Powers Bill, *continued*

- (4) The duty in subsection (3) shall be exercised without request from the Tribunal.”

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

Joanna Cherry

- ★ Clause 200, page 154, line 34, leave out “Commissioner” and insert “Commission” **794**

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

Joanna Cherry

- ★ Clause 200, page 154, line 34, leave out “and the other” and insert “, the” **795**

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

Joanna Cherry

- ★ Clause 200, page 154, line 35, after “Commissioners”, insert “and Inspectors” **796**

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

Joanna Cherry

- ★ Clause 200, page 154, line 41, leave out “Commissioner” and insert “Commission” **797**
-

Investigatory Powers Bill, *continued*

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

Joanna Cherry

- ★ Clause 201, page 156, line 37, leave out “the Prime Minister” and insert “Parliament” **808**

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

Joanna Cherry

- ★ Clause 201, page 156, line 38, leave out “Judicial Commissioners” and insert “the Investigatory Powers Commission” **798**

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

Joanna Cherry

- ★ Clause 201, page 156, line 41, leave out “Commissioner” and insert “Commission” **799**

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

- ★ Clause 201, page 156, line 42, after “authorisations”, insert “requested and” **814**
Member’s explanatory statement
This amendment would require the Annual Report to include information on the number of requests for warrants or authorisations made.

Investigatory Powers Bill, continued

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

Joanna Cherry

- 800**
- ★ Clause 201, page 156, line 47, leave out “Judicial Commissioners” and insert “the Investigatory Powers Commission”

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

Joanna Cherry

- 801**
- ★ Clause 201, page 157, line 3, leave out subsection (3)

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

Joanna Cherry

- 809**
- ★ Clause 201, page 157, line 6, leave out “the Prime Minister” and insert “Parliament”

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

Joanna Cherry

- 802**
- ★ Clause 201, page 157, line 7, leave out “Judicial Commissioners” and insert “the Investigatory Powers Commission”

Investigatory Powers Bill, *continued*

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

Joanna Cherry

803

- ★ Clause 201, page 157, line 11, leave out “Judicial Commissioners” and insert “the Investigatory Powers Commission”

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

Joanna Cherry

810

- ★ Clause 201, page 157, line 13, leave out subsection (6) and insert—
“(6) The Investigatory Powers Commissioner must lay a copy of the report before Parliament together with a statement as to whether any part of the report has been excluded from publication under subsection (7).”

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

Joanna Cherry

811

- ★ Clause 201, page 157, line 19, leave out “The Prime Minister” and insert “The Investigatory Powers Commissioner”

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

Joanna Cherry

812

- ★ Clause 201, page 157, line 19, leave out “Investigatory Powers Commissioner” and insert “The Prime Minister”

 Investigatory Powers Bill, *continued*

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

Joanna Cherry

813

- ★ Clause 201, page 157, line 22, leave out “Prime Minister” and insert “Investigatory Powers Commissioner”

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

Joanna Cherry

804

- ★ Clause 201, page 157, line 23, leave out “contrary to the public interest or” and insert “seriously”

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

Joanna Cherry

805

- ★ Clause 201, page 157, line 27, leave out subsections (7)(c) and (7)(d)

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

815

- ★ Clause 201, page 157, line 28, leave out subsection (7)(d)

Member’s explanatory statement

This amendment would delete “prejudicial to the continued discharge of the functions of any public authority whose activities include activities that are subject to review by the Investigatory Powers Commissioner” as grounds for excluding a part of a report issued under this Part from publication.

Investigatory Powers Bill, *continued*

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

Joanna Cherry

806

- ★ Clause 201, page 157, line 30, at end insert—
“(7A) In subsection (7) any publication will be considered “seriously prejudicial” where it would involve a significant risk to the life or of serious physical injury of any person.”

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

Joanna Cherry

807

- ★ Clause 201, page 157, line 40, leave out “if requested to do so by the Prime Minister”

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

Joanna Cherry

816

- ★ Clause 202, page 157, line 43, leave out “Judicial Commissioner” and insert “the Investigatory Powers Commission”

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

Joanna Cherry

817

- ★ Clause 202, page 157, line 44, leave out “Commissioner” and insert “Commission”

 Investigatory Powers Bill, *continued*

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

Joanna Cherry

★ Clause 202, page 157, line 45, leave out “Commissioner’s” and insert “Commission’s” **818**

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

Joanna Cherry

★ Clause 202, page 158, line 1, after “Commissioner” insert “or Inspector” **819**

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

Joanna Cherry

★ Clause 202, page 158, line 4, after “Commissioner” insert “or Inspector” **820**

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

Joanna Cherry

★ Clause 202, page 158, line 8, after “Commissioner” insert “or Inspector” **821**

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

Joanna Cherry

★ Clause 202, page 158, line 10, leave out “Commissioner’s” and insert “Commission’s” **822**

Investigatory Powers Bill, *continued*

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

Joanna Cherry

- ★ Clause 202, page 158, line 15, leave out “Commissioner” and insert “Commission” **823**

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

Joanna Cherry

- ★ Clause 203, page 158, line 33, at end insert— **824**
“(1A) A disclosure pursuant to subsection (1) will not constitute a criminal offence for any purposes in this Act or in any other enactment.
(1B) In subsection (1), a disclosure for the purposes of any function of the Commissioner may be made at the initiative of the person making the disclosure and without need for request by the Investigatory Powers Commissioner.”

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

Joanna Cherry

- ★ Clause 204, page 158, line 1, leave out “Judicial Commissioner” and insert “Investigatory Powers Commission” **829**

 Investigatory Powers Bill, *continued*

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

Joanna Cherry

- 825**
- ★ Clause 204, page 158, line 39, leave out “*Judicial Commissioners*” and insert “*Investigatory Powers Commission*”

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

Joanna Cherry

- 826**
- ★ Clause 204, page 158, line 40, after “*such*”, insert “*funds*”

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

Joanna Cherry

- 827**
- ★ Clause 204, page 158, line 40, after “*determine*”, insert “*necessary for the purposes of fulfilling the functions of the Investigatory Powers Commission under this Part*”

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

Joanna Cherry

- 828**
- ★ Clause 204, page 158, line 41, leave out subsection (2) and insert—
 “(2) *In determining the sums to be paid to the Investigatory Powers Commission pursuant to subsection (1), the Treasury shall consult the Investigatory Powers Commissioner.*”

Investigatory Powers Bill, *continued*

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

833

★ Clause 204, page 158, line 41, leave out “*The Secretary of State must*” and insert “*The Treasury must*”

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

Joanna Cherry

830

★ Clause 204, page 158, line 42, leave out “*Commissioner*” and insert “*Commission*”

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

834

★ Clause 204, page 158, line 42, leave out “*and subject to the approval of the Treasury*”

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

Joanna Cherry

831

★ Clause 204, page 158, line 43, leave out “*Judicial Commissioners*” and insert “*Investigatory Powers Commission*”

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

835

★ Clause 204, page 158, line 43, after “*with*”, insert “*funds to cover*”

 Investigatory Powers Bill, *continued*

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

836

- ★ Clause 204, page 159, line 3, leave out “*Secretary of State considers*”
Member’s explanatory statement

The amendments 833 to 836 would remove the role of the Secretary of State in determining the funding, staff and facilities to be afforded to the Judicial Commissioners, leaving this to the Treasury and the IPC.

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

Joanna Cherry

832

- ★ Clause 204, page 159, line 3, leave out “*Commissioners*” and insert
 “*Commission’s*”

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

837

- ★ Clause 204, page 159, line 4, at end insert—

“(3) The staff of the Judicial Commissioners must include independent technical experts.

Member’s explanatory statement

This amendment would ensure that judicial commissioners have access to technical experts.

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

Joanna Cherry

838

- ★ Page 159, line 5, leave out Clause 205

Member’s explanatory statement

This amendment would delete provision allowing the Secretary of State to modify via regulations the functions of the Investigatory Powers Commissioner and Judicial Commissioners. The

Investigatory Powers Bill, continued

Secretary of State would therefore not retain power to amend the functions of a body charged, in part, with oversight of her work.

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

Joanna Cherry

839

- ★ Schedule 7, page 216, line 17, at end insert—
“(5A) A statutory instrument for the purposes of paragraph (4) must be accompanied by a report by the Investigatory Powers Commissioner on the content of the draft code and his consultation response.”

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

Joanna Cherry

840

- ★ Schedule 7, page 216, line 34, at end insert—
“(5A) A statutory instrument for the purposes of paragraph (4) must be accompanied by a report by the Investigatory Powers Commissioner on the content of the draft code and his consultation response.”

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

Joanna Cherry

843

- ★ Clause 208, page 160, line 13, after “determination”, insert “or ruling or decision, including relating to a procedural matter” and leave out “of a kind mentioned in section 68(4) or any decision of the tribunal or a kind mentioned in section 68(4C)”
Member’s explanatory statement
This amendment makes clear that all decisions, determinations and rulings can be appealed on a point of law.

 Investigatory Powers Bill, *continued*

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

Joanna Cherry

841

- ★ Clause 208, page 160, line 31, leave out subsection (6)

Member's explanatory statement

The Bill provides that an appeal on an error of law will only lie when an appeal raises an important point of principle or practice or there is another compelling reason to grant leave.

This amendment would remove this restriction and create a right of appeal against any error in law.

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

Joanna Cherry

842

- ★ Clause 208, page 162, line 22, at end insert—

“(6) After section 68(1) of the Regulation of Investigatory Powers Act 2000, insert—

“(1A) Any hearing conducted by the Tribunal must be conducted in public, except where a special proceeding is justified in the public interest.

(1B) Any determination by the Tribunal must be made public, except where a special proceeding may be justified in the public interest.

(1C) A special proceeding will be in the public interest only where there is no alternative means to protect sensitive material from disclosure.

(1D) Material will be sensitive material for the purposes of this section if its disclosure would seriously prejudice—

(a) national security, or

(b) the prevention and detection of crime.

(1E) Publication for the purposes of this section will be seriously prejudicial if it would lead to a significant threat to life or of a serious physical injury to a person.

(1F) The Tribunal shall appoint a person to represent the interests of a party in any special proceedings from which the party (and any legal representative of the party) is excluded.

(1G) Such a person will be known as a Special Advocate.””

 Investigatory Powers Bill, *continued*

Joanna Cherry

863

- ★ Page 164, line 19, leave out Clause 211

Member's explanatory statement

This amendment would remove provision for the maintenance of a Technical Advisory Board.

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

844

- ★ Clause 213, page 165, line 26, leave out subsection (6) and insert—

“(6) The appropriate contribution shall represent the full amount of the relevant costs, subject to any audit process under subsection (4)”

Member's explanatory statement

This amendment would ensure that the Government meets 100% of the compliance costs and that there is full cost recovery for Communication Service Providers (CSPs) implementing the legislation.

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

853

- ★ Clause 216, page 166, line 36, after “State”, insert “following approval by a Judicial Commissioner”

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

854

- ★ Clause 216, page 166, line 41, after “State”, insert “and a Judicial Commissioner”

Member's explanatory statement

Amendments 853 and 854 would require judicial authorisation for national security notices. This would also extend the “double lock” standard that is set in other parts of the Bill.

 Investigatory Powers Bill, *continued*

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

845

★ Clause 217, page 167, leave out lines 20 and 21 and insert—

“(1) The Secretary of State may, following approval by a Judicial Commissioner that the notice is justified, practicable, necessary and proportionate, give a relevant operator a notice (a “technical capability notice”)

Member’s explanatory statement

This amendment would require judicial authorisation for Clause 217 and bring the clause in line with other provisions within the bill that require judicial authorisation.

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

855

★ Clause 217, page 167, line 20, after “State”, insert “following approval by a Judicial Commissioner”

Member’s explanatory statement

This amendment would require judicial authorisation for technical capability notices. This would also extend the “double lock” standard that is set in other parts of the Bill.

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

846

★ Clause 217, page 168, line 8, at end insert—

“(4A) A notice may not impose upon the relevant operator any obligations relating to the removal of electronic protection applied by or on behalf of that operator to any communications or data unless the relevant operator or a person acting on its behalf retains the technical ability to remove the electronic protection from such communications or data.”

Member’s explanatory statement

This amendment would provide clarity and legal certainty for industry that the Government will not require back doors to be installed into products and services, is not seeking to weaken or restrict the use of encryption and that companies cannot be required to remove encryption if they do not have the means to do so at their disposal.

Investigatory Powers Bill, *continued*

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

847

★ Clause 217, page 168, line 16, at end insert—

“(e) persons generally held to be representing users and privacy interests in order to assess the impact of any such Regulations on users.”

Member’s explanatory statement

This amendment would ensure that privacy protections form an overarching part of the Bill and apply across the full range of investigatory powers afforded to the security services.

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

848

★ Clause 217, page 168, line 24, leave out subsection (8) and insert—

“(8) A technical capability notice may only be given to persons outside the United Kingdom (and may require things to be done, or not to be done, outside the United Kingdom) where it would not cause the person 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.”

Member’s explanatory statement

This amendment would remove all provisions within the Bill that have extraterritorial reach and undermine the long term objective of creating a long term, international framework for law enforcement to gain access to data held overseas and resolves conflict of laws situations that may otherwise arise by providing the Secretary of State with the power to serve such notices without having to take account of domestic legal obligations to which the recipient is subject.

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

857

★ Clause 217, page 168, line 30, at end insert—

“(11) A person shall not be liable to have a technical capability notice served on him in accordance with regulations under this section by reason only that he provides, or is proposing to provide, to members of the public a telecommunications service the provision of which is or, as the case may be, will be no more than—

(a) the means by which he provides a service which is not a telecommunications service; or

(b) necessarily incidental to the provision by him of a service which is not a telecommunications service.”

Member’s explanatory statement

This amendment would exclude (under powers in RIPA section 11(4)) those services that have a communications element, but are primarily not a communication service. This limits the very

Investigatory Powers Bill, *continued*

broad range of “telecommunication services” that could be required to build a technical capability under this Part.

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

849

★ Clause 218, page 168, leave out lines 37 and 38, and insert—

“(3) Before giving a relevant notice, the Secretary of State must provide evidence that the notice is justified, necessary practicable and proportionate, having, among other matters, taken into account—”

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

850

★ Clause 218, page 168, line 45, at end insert—

“(f) the effect on the privacy and human rights of people in the United Kingdom and outside the United Kingdom”

Member’s explanatory statement

Amendments 848 to 850 would make explicit the requirement on the Home Secretary to justify the use of a power as intrusive as a technical capability notice. It will also require the Home Secretary to take account of the full effects of such a notice, particularly on people and companies based overseas.

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

858

★ Clause 218, page 169, line 7, leave out “A technical capability notice may be given to a person outside the United Kingdom” and insert “Where a technical capability notice is to be given to a person outside the United Kingdom, 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”

Member’s explanatory statement

This amendment would require that a UK agency would only serve a notice on an overseas entity that is capable of providing assistance under the warrant.

 Investigatory Powers Bill, *continued*

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

851

- ★ Clause 220, page 170, line 31, leave out subsection (6) and insert—

“(6) The Board must consider the technical requirements and the consequences, for the person who has made the reference and for others likely to be affected, of the notice so far as referred.”

Member’s explanatory statement

This amendment would require the Technical Advisory Board to look at more than just an implementation of cost measure and instead examine the full costs of the notice.

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

852

- ★ Clause 220, page 171, leave out lines 1 and 2 and insert—

“(9) The Secretary of State may, after considering the conclusions of the Board and the Commissioner, and with approval of a Judicial Commissioner—”

Member’s explanatory statement

This amendment would require judicial authorisation for these clauses and bring them in line with other parts of the bill.

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

859

- ★ Clause 220, page 171, line 4, at end insert—

“(9A) Any variation made under subsection (9) must be approved by a Judicial Commissioner.”

Member’s explanatory statement

This amendment would require judicial authorisation for the variation and revocation of national security and technical capability notices. This would also extend the “double lock” standard that is set in other parts of the Bill.

Mr John Hayes

734

- ★ Clause 219, page 170, line 8, at end insert “(and in the application of section 218(3) and (4) in relation to varying a relevant notice, references to the notice are to be read as references to the notice as varied).”
-

 Investigatory Powers Bill, *continued*

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;”.

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;”.

Mr John Hayes

634

Schedule 10, page 235, line 33, leave out paragraph 46

Member’s explanatory statement

This amendment omits the amendments of paragraph 19ZD of Schedule 3 to the Police Reform Act 2002. Paragraph 19ZD is to be repealed by the Policing and Crime Bill.

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—

Investigatory Powers Bill, *continued*

- (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 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 Kinnock
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

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.
- (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—
 - (i) benefit likely to accrue to the investigation and prosecution if the information is accessed,
 - (ii) 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

Investigatory Powers Bill, *continued*

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 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);

Investigatory Powers Bill, *continued*

- (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—

“Items subject to legal privilege (No. 2)

- (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;

Investigatory Powers Bill, *continued*

- (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.

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

Joanna Cherry

Gavin Newlands

NC7

To move the following Clause—

“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,
 - (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, and

Investigatory Powers Bill, *continued*

- (n) the National Crime Agency.”
-

Joanna Cherry
Gavin Newlands

NC8

To move the following Clause—

“Equipment interference: risk assessment

A person making an application for a warrant involving equipment interference must make a detailed assessment of—

- (a) the risk to the security or integrity of systems or networks that the proposed activity may involve;
 - (b) the risk to the privacy of those not being specifically targeted;
 - (c) the steps they propose to take to minimise the risks in subsection (a) and (b).”
-

Joanna Cherry
Gavin Newlands

NC9

To move the following Clause—

“Critical national infrastructure: risk assessment

The person making an application for a warrant under this part must make a detailed assessment of the risks of the proposed activity to any critical national infrastructure.”

Joanna Cherry
Gavin Newlands

NC10

To move the following Clause—

“Requirements that must be met by warrants

- (1) A warrant issued under this Part must name or otherwise identify the person or persons, organisation, premises, or location to which the warrant relates.
- (2) A warrant issued under this Part must describe the investigation or operation to which the warrant relates..
- (3) A warrant issued under this Part must relate to one or more of the following purposes—
 - (a) in the interests of national security, or

Investigatory Powers Bill, *continued*

- (b) for the purpose of preventing or detecting serious crime, where there is reasonable suspicion that a serious criminal offence has been or is likely to be committed, or
 - (c) for the purpose of preventing death or injury.
- (4) A warrant may only be issued under this Part if there are reasonable grounds for believing that the material is likely to be of substantial value to the investigation or operation to which the warrant relates.”

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

Stephen Kinnock

Sue Hayman

NC11

To move the following Clause—

“Confidential and privileged material

- (1) Where any conduct under this Part will cover or is likely to cover special procedure material, or relates to individuals handling special procedure material, the application must contain—
 - (a) a statement that the conduct will cover or is likely to cover special procedure material, or relates to individuals handling special procedure material, and
 - (b) an assessment of how likely it is that the material is likely to cover special procedure material.
- (2) Where any conduct under this Part is likely to cover excluded procedure material, or relates to individuals handling excluded procedure material, the application must contain—
 - (a) a statement that the conduct will cover or is likely to cover excluded procedure material, or relates to individuals handling excluded procedure material, and
 - (b) an assessment of how likely it is that the material is likely to cover excluded procedure material.
- (3) Where a warrant issued under this Part will cover or is likely to cover special procedure material, or relates to individuals handling special procedure material, the procedure set out at section 5 below must be followed.
- (4) Where a warrant issued under this Part will cover or is likely to cover excluded procedure material, or relates to individuals handling excluded procedure material, the procedure set out at section 6 below must be followed.
- (5) Further to the requirements set out elsewhere in this part, the Judicial Commissioner may only issue a warrant if—
 - (a) there are reasonable grounds for believing that an indictable offence has been committed, and
 - (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), and

Investigatory Powers Bill, *continued*

- (c) other proportionate methods of obtaining the material have been tried without success or have not been tried because they were assessed to be bound to fail, and
- (d) it is in the public interest having regard to—
 - (i) the public interest in the protection of privacy and the integrity of personal data, and
 - (ii) the public interest in the integrity of communications systems and computer networks, and
 - (iii) the democratic importance of freedom of expression under article 10 ECHR to grant the warrant; or
 - (iv) the democratic interest in the confidentiality of correspondence with members of a relevant legislature; or
 - (v) the importance of maintaining public confidence in the confidentiality of material subject to legal professional privilege.
- (6) Further to the requirements set out elsewhere in this part, the Judicial Commissioner may only issue a warrant in accordance with provisions made in Schedule 1 of the Police and Criminal Evidence Act and Schedule 5 of the Terrorism Act.
- (7) An application for a warrant under this Part must not be granted where the information could be sought using a warrant under schedule 1 PACE, unless seeking this information under PACE would defeat the purpose of the investigation.
- (8) Special procedure material means—
 - (a) special material as defined in section 14 of the Police and Criminal Evidence Act 1984;
 - (b) correspondence sent by or intended for a member of the relevant legislature.
- (9) Excluded material procedure has the same meaning as in section 11 of the Police and Criminal Evidence Act 1984.
- (10) A warrant under this Part may not authorise any conduct undertaken for the purpose of accessing any material relating to matters subject to legal privilege.
- (11) For the purposes of subsection (10), “legal privilege” means—
 - (a) communications between a professional legal adviser and their client or any person representing their client made in connection with the giving of legal advice to the client;
 - (b) communications between a professional legal adviser and their client or any person representing their 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.
- (12) Where the purpose of the warrant is to conduct interference to obtain material that would normally be subject to legal privilege but that falls within subsection (11)(d), the interference and examination conduct authorised must relate—
 - (a) to the offence as specified under subsection (5)(a), or

Investigatory Powers Bill, *continued*

- (b) to some other indictable offence which is connected with or similar to the offence as specified under subsection (5)(a).”
-

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

Stephen Kinnock

Sue Hayman

NC12

To move the following Clause—

“Notification

- (1) Upon completion of conduct authorised by a warrant under this Part, or the cancellation of a warrant issued under this Part, a Judicial Commissioner must notify the affected party, in writing, of—
 - (a) the conduct that has taken place, and
 - (b) the provisions under which the conduct has taken place.
- (2) The notification under subsection (1) must be sent within thirty days of the completion of the conduct or cancellation of the warrant.
- (3) A Judicial Commissioner may postpone the notification under subsection (1) beyond the time limit under subsection (2) if the Judicial Commissioner assesses that notification may defeat the purposes of an ongoing serious crime or national security investigation relating to the affected party.
- (4) A Judicial Commissioner must consult with the person to whom the warrant is addressed in order to fulfil an assessment under subsection (3).”

Member’s explanatory statement

This amendment would introduce a requirement that all equipment interference produces a verifiable audit trail. This will be particularly vital to the success and legitimacy of prosecutions. It is recommended that further provision for the independent verification of audit trails is included in Part 8 (Oversight Arrangements).

Investigatory Powers Bill, *continued*

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

Stephen Kinnock

Sue Hayman

NC13

To move the following Clause—

“Audit trail of equipment interference

Any conduct authorised under a warrant issued under this Part must be conducted in a verifiable manner, so as to produce a chronological record of documentary evidence detailing the sequence of activities (referred to hereafter as “the audit trail”).”

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

NC14

To move the following Clause—

“Authorisations in relation to items subject to legal privilege

- (1) Subsections (2) and (3) apply if—
 - (a) an application is made by or on behalf of a relevant public authority for authorisation under this Part, and
 - (b) the purpose, or one of the purposes, of the authorisation is to obtain communications data which contains, or might tend to reveal the content of, items presumptively subject to legal privilege.
- (2) The application must contain a statement that the purpose, or one of the purposes, of the authorisation is to obtain communications data which contains, or might tend to reveal the content of, items presumptively subject to legal privilege.
- (3) The person to whom the application is made may grant the authorisation only if the person considers—
 - (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 acquisition of the communications data in question, and
 - (b) that the relevant public authority has made arrangements of the kind described in section 46 (*safeguards relating to retention and disclosure of intercepted material*), including specific arrangements for the handling, retention, use and destruction of such items.
- (4) Subsections (5) and (6) apply if—
 - (a) an application is made by or on behalf of a relevant public authority for authorisation under this Part,

Investigatory Powers Bill, *continued*

- (b) the relevant public authority considers that the relevant communications data is likely to include communications data which contains, or might tend to reveal the content of, items subject to legal privilege, and
 - (c) subsections (2) and (3) do not apply.
- (5) The application must contain—
- (a) a statement that the relevant public authority considers that the relevant communications data is likely to include communications data which contains, or might tend to reveal the content of, items subject to legal privilege, and
 - (b) an assessment of how likely it is that the relevant communications data will include communications data which contains, or might tend to reveal the content of, such items.
- (6) The person to whom the application is made may grant the authorisation only if the person considers that the relevant public authority has made arrangements of the kind described in section 46 (*safeguards relating to retention and disclosure of material*), including specific arrangements for the handling, retention, use and destruction of any communications data which contains, or might tend to reveal the content of, items subject to legal privilege.
- (7) Subsections (1) to (6) of section 68 (*commissioner approval for authorisations in relation to journalistic sources*) apply to an authorisation to which this section applies as they apply to an authorisation in relation to the obtaining by a relevant public authority of communications data for the purpose mentioned in subsection (1)(a) of that section.
- (8) In this section “relevant communications data” means any communications data the obtaining of which is authorised by the authorisation.”

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

NC15

To move the following Clause—

“Safeguards relating to items subject to legal privilege

- (1) Section [*Authorisations in relation to items subject to legal privilege*] applies, with the necessary modifications, in relation to an application for a bulk acquisition warrant as it applies in relation to an application for an authorisation under Part 3.
 - (2) Section 135 [*additional safeguards for items subject to legal privilege*] applies, with the necessary modifications, to the selection for examination of communications data obtained under a bulk acquisition warrant as it applies to the selection for examination of intercepted content obtained under a bulk interception warrant.”
-

Investigatory Powers Bill, *continued*

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

NC16

To move the following Clause—

“Review of Bulk Powers

Saving this section, Part 6 shall not come into force until—

- (a) the Secretary of State has established an independent review of the operational case for bulk powers contained in sections 119 to 173; and
 - (b) the review has been published and a copy laid before each House of Parliament.”
-

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

Joanna Cherry

NC17

★ To move the following Clause—

“Remuneration or allowances for additional directed oversight functions

The Treasury shall make available such remuneration or allowances as necessary to meet the requirements of section 197 (*Additional directed oversight functions*).”

Investigatory Powers Bill, *continued*

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

Joanna Cherry

NC18

★ To move the following Clause—

“197A: Notification

- (1) The Intelligence and Surveillance Commissioner is to notify the subject or subjects of investigative or surveillance conduct relating to the statutory functions identified in section 196, subsections (1), (2) and (3), including—
 - (a) the interception or examination of communications,
 - (b) the retention, accessing or examination of communications data or secondary data,
 - (c) equipment interference,
 - (d) access or examination of data retrieved from a bulk personal dataset,
 - (e) covert human intelligence sources,
 - (f) entry or interference with property.
 - (2) The Intelligence and Surveillance Commissioner must only notify subjects of surveillance under subsection (1) upon completion of the relevant conduct or the cancellation of the authorisation or warrant.
 - (3) The notification under subsection (1) must be sent by writing within 30 days of the completion of the relevant conduct or cancellation of the authorisation or warrant.
 - (4) The Intelligence and Surveillance Commissioner must issue the notification under subsection (1) in writing, including details of—
 - (a) the conduct that has taken place, and
 - (b) the provisions under which the conduct has taken place, and
 - (c) any known errors that took place within the course of the conduct.
 - (5) The Intelligence and Surveillance Commissioner may postpone the notification under subsection (1) beyond the time limit under subsection (3) if the Commissioner assesses that notification may defeat the purposes of an on-going serious crime or national security investigation relating to the subject of surveillance.
 - (6) The Intelligence and Surveillance Commissioner must consult with the person to whom the warrant is addressed in order to fulfil an assessment under subsection (5).”
-

 Investigatory Powers Bill, *continued*

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

NC19

★ To move the following Clause—

“Funding, staff and facilities of Intelligence and Surveillance Commission

- (1) The Treasury must, after consultation with the Intelligence and Surveillance Commission as to number of staff and in light of the extent of the statutory and other functions of the Commission, provide the Commission with funds to cover—
 - (a) such staff, and
 - (b) such accommodation, equipment and other facilities, as necessary for the carrying out of the Commissioners’ functions.
- (2) The staff of the Intelligence and Surveillance Commission must include—
 - (a) independent technical experts, and
 - (b) independent legal experts.”

Member’s explanatory statement

This new clause would require the Treasury to provide the ISC with funds to cover its staff, facilities and accommodation. It would also require that the ISC staff include technical and legal experts.

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

Joanna Cherry

NC20

★ To move the following Clause—

“Power to make declaration of incompatibility with a Convention right

- (1) Section 4 of the Human Rights Act 1998 is amended as follows.
- (2) In subsection (5), after paragraph (f), insert—
 - “(g) the Investigatory Powers Tribunal.””

Member’s explanatory statement

This new clause enables the IPT to make a declaration of incompatibility under the Human Rights Act.

Investigatory Powers Bill, *continued*

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

NC21

★ To move the following Clause—

“Openness and the Investigatory Powers Tribunal

- (1) Within 12 months of the coming into force of this Act, the Secretary of State must make arrangements for an independent review of the procedures of the Investigatory Powers Tribunal to be placed before Parliament.
- (2) The Treasury will provide such funds, remuneration or allowances as necessary for the Independent Reviewer appointed to produce his report pursuant to section (1).
- (3) The Independent Review in section (1) must consider—
 - (a) the capacity of the Tribunal to afford redress to individuals when compulsory powers are exercised unlawfully, including in a manner incompatible with Convention Rights protected by the Human Rights Act 1998, and
 - (b) the conduct of Tribunal hearings and the production of Tribunal decisions which are open, transparent and accessible, except in so far as can be justified in light of a serious risk to life or of physical injury of any person, seriously prejudicial to—
 - (i) national security, or
 - (ii) the prevention and detection of serious crime.”

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.

Investigatory Powers Bill, *continued*
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.
-

ORDER OF THE COMMITTEE [24 MARCH 2016, AS AMENDED, 12 APRIL 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 4.30 pm and 7.00 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:

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;

Investigatory Powers Bill, *continued*

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:

1

The following Notices were withdrawn on 13 April 2016:

163, 167
