



House of Commons

Tuesday 12 April 2016

PUBLIC BILL COMMITTEE PROCEEDINGS

INVESTIGATORY POWERS BILL

[THIRD AND FOURTH SITTINGS]

Mr John Hayes

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

Agreed to

Clauses 1 to 6 agreed to.

Schedule 1 agreed to.

Clauses 7 to 10 agreed to.

Schedule 2 agreed to.

Clauses 11 to 12 agreed to.

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

Stephen Kinnock

Sue Hayman

Withdrawn 57

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

 Investigatory Powers Bill, *continued*

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

Stephen Kinnock

Sue Hayman

Not called **58**

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

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

Not called **59**

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

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

Not called **60**

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

Joanna Cherry
 Gavin Newlands

Not called **83**

Clause 13, page 10, line 22, after “6”, insert—

“In this Part “secondary data” means—

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

Clause agreed to.

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not selected 84

Page 11, line 15, leave out Clause 14

Clause agreed to.

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

Stephen Kinnock

Sue Hayman

Withdrawn 4

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

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

Stephen Kinnock

Sue Hayman

Not called 5

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

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

Stephen Kinnock

Sue Hayman

Not called 6

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

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

Stephen Kinnock

Sue Hayman

Not called 7

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

 Investigatory Powers Bill, *continued*

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

Stephen Kinnock

Sue Hayman

Not called 8

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

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

Stephen Kinnock

Sue Hayman

Not called 9

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

Clause agreed to.

Clause 16 agreed to.

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

Stephen Kinnock

Sue Hayman

Withdrawn 10

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

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

Stephen Kinnock

Sue Hayman

Not called 11

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

Investigatory Powers Bill, *continued*

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

Stephen Kinnock

Sue Hayman

Not called 12

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

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

Stephen Kinnock

Sue Hayman

Not called 13

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

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

Stephen Kinnock

Sue Hayman

Not called 14

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

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

Stephen Kinnock

Sue Hayman

Not called 15

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

Investigatory Powers Bill, *continued*

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

Stephen Kinnock

Sue Hayman

Clause 17, page 13, line 20, leave out “Secretary of State” and insert “Judicial Commissioners” *Not called* **16**

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

Stephen Kinnock

Sue Hayman

Clause 17, page 13, line 22, leave out “Secretary of State” and insert “Judicial Commissioners” *Not called* **17**

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

Stephen Kinnock

Sue Hayman

Clause 17, page 13, line 24, leave out “Secretary of State” and insert “Judicial Commissioners” *Not called* **18**

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

Stephen Kinnock

Sue Hayman

Clause 17, page 13, line 27, leave out “Secretary of State” and insert “Judicial Commissioners” *Not called* **19**

Investigatory Powers Bill, *continued*

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

Stephen Kinnock

Sue Hayman

Not called 20

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

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

Stephen Kinnock

Sue Hayman

Not called 21

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

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

Stephen Kinnock

Sue Hayman

Not called 22

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

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

Stephen Kinnock

Sue Hayman

Not called 23

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

 Investigatory Powers Bill, *continued*

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

Stephen Kinnock

Sue Hayman

Clause 17, page 13, line 42, leave out “Secretary of State” and insert “Judicial Commissioners” *Not called* 24

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

Stephen Kinnock

Sue Hayman

Clause 17, page 13, line 45, leave out paragraph (3)(d) *Not called* 25

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

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

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

Stephen Kinnock

Sue Hayman

Clause 17, page 14, line 5, leave out “Secretary of State” and insert “Judicial Commissioners” *Not called* 26

Investigatory Powers Bill, *continued*

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

Stephen Kinnock

Sue Hayman

Not called 27

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

Joanna Cherry
Gavin Newlands

Not called 101

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

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

Stephen Kinnock

Sue Hayman

Not called 28

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

Clause agreed to.

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

Stephen Kinnock

Sue Hayman

Not selected 29

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

 Investigatory Powers Bill, *continued*

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

Stephen Kinnock

Sue Hayman

Withdrawn 30

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

Joanna Cherry
Gavin Newlands

Not called 85

Clause 18, page 14, line 20, after “security” insert “where there is a reasonable suspicion that a serious criminal offence has been or is likely to be committed”

Joanna Cherry
Gavin Newlands

Not called 86

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

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

Stephen Kinnock

Sue Hayman

Not called 31

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

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

Stephen Kinnock

Sue Hayman

Not called 32

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

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

Stephen Kinnock

Sue Hayman

Not called 33

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

Investigatory Powers Bill, *continued*

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

Stephen Kinnock

Sue Hayman

Clause 18, page 14, line 31, leave out “Secretary of State” and insert “Judicial Commissioners” *Not called* 34

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

Stephen Kinnock

Sue Hayman

Clause 18, page 14, line 33, leave out subsection (4) *Not called* 35

Clause agreed to.

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

Stephen Kinnock

Sue Hayman

Page 14, line 39, leave out Clause 19 *Not selected* 36

Clause 19 agreed to.

Joanna Cherry
Gavin Newlands

Page 16, line 8, leave out Clause 20

Not selected 87

Clause 20 agreed to.

Investigatory Powers Bill, *continued*

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

Stephen Kinnock

Sue Hayman

Withdrawn 62

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

Joanna Cherry
Gavin Newlands

Not called 89

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

Mr John Hayes

Agreed to 2

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

Mr John Hayes

Agreed to 3

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

Joanna Cherry
Gavin Newlands

Withdrawn 102

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

- “(6) In consideration of any warrant pursuant to this Part, a Judicial Commissioner may instruct a special advocate to represent the interests of any person or persons subject to the warrant or the wider public interest.
- (7) A Judicial Commissioner must instruct a special advocate when considering applications for a warrant—
 - (a) in the interests of national security; or
 - (b) involving the consideration of items subject to legal professional privilege.
- (8) For the purposes of these proceedings special advocates are persons appointed by the relevant law officer.
- (9) The “appropriate law officer” is—
 - (a) in relation to warrants in England and Wales, the Attorney General,
 - (b) in relation to warrants in Scotland, in relation to (7)(a), the Advocate General for Scotland, and in relation to (7)(b), the Lord Advocate, and
 - (c) in relation to warrants in Northern Ireland, the Advocate General for Northern Ireland.
- (10) A person may be appointed as a special advocate only if—
 - (a) in the case of an appointment by the Attorney General, the person has a general qualification for the purposes of section 71 of the Courts and Legal Services Act 1990,
 - (b) in the case of an appointment by the Advocate General for Scotland or the Lord Advocate, the person is an advocate or a solicitor who has rights

Investigatory Powers Bill, *continued*

of audience in the Court of Session or the High Court of Justiciary by virtue of section 25A of the Solicitors (Scotland) Act 1980, and

- (c) in the case of an appointment by the Advocate General for Northern Ireland, the person is a member of the Bar of Northern Ireland.”

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

Not called 38

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

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

Investigatory Powers Bill, *continued*

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

Not called 39

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

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

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

Stephen Kinnock

Sue Hayman

Not selected 37

Page 17, line 1, leave out Clause 21

Clause, as amended, agreed to.

Joanna Cherry
Gavin Newlands

Withdrawn 91

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

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

 Investigatory Powers Bill, *continued*

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

Stephen Kinnock

Sue Hayman

Not called 40

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

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

Stephen Kinnock

Sue Hayman

Not called 41

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

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

Not called 42

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

Joanna Cherry
Gavin Newlands

Not called 90

Page 17, line 24, leave out Clause 22

Clause agreed to.

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

Stephen Kinnock

Sue Hayman

Withdrawn 43

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

 Investigatory Powers Bill, *continued*

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

Stephen Kinnock

Sue Hayman

Not called 44

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

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

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

Stephen Kinnock

Sue Hayman

Not called 45

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

“(c) any Special Advocate appointed.”

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

Stephen Kinnock

Sue Hayman

Not called 46

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

Clause agreed to.

Joanna Cherry
Gavin Newlands

Withdrawn 104

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

- “(1) This section applies where a warrant issued under this Part would seek to authorise any activity which may involve access to special procedure material.
- (2) Special procedure material subject to subsection (1) will include—
- (a) communications which are subject to legal professional privilege;
 - (b) journalistic material which a person holds in confidence; and
 - (c) communications sent by, or intended for, a member of the relevant legislature.

Investigatory Powers Bill, *continued*

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

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

Not called 92

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

- “(1) This section applies where a warrant issued under this Part would seek to authorise any activity which may involve access to special procedure material.
- (2) Special procedure material under subsection (1) will include—
 - (a) communications which are subject to legal professional privilege;
 - (b) journalistic material which a person holds in confidence;

Investigatory Powers Bill, *continued*

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

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

Investigatory Powers Bill, *continued*

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

Not called 64

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

- “(2A) Where a warrant is likely to cover special procedure material, the procedure set out in subsection (2C) applies.
- (2B) Where a warrant is likely to cover excluded procedure material, the procedure set out in subsection (2D) applies.
- (2C) Further to requirements set out elsewhere in this part, the Judicial Commissioner may only issue a warrant likely to cover special procedure material if—
- (a) There are reasonable grounds for believing that an indictable offence has been committed,
 - (b) There are reasonable grounds for believing that the material is likely to be of substantial value to the investigation in connection to the offence at (a),
 - (c) Other proportionate methods of obtaining the material have been tried without success or have not been tried because it appeared that they were bound to fail,
 - (d) It is in the public interest having regard to—
 - (i) the democratic importance of freedom of expression under article 10 ECHR to grant the warrant; or
 - (ii) the democratic interest in the confidentiality of correspondence with members of a relevant legislature.
- (2D) Further to the requirements set out elsewhere in this part, the Judicial Commissioner may only issue a warrant likely to cover excluded procedure material in accordance with provisions in Schedule 1 of the Police and Criminal Evidence Act 1984 (PACE) and Schedule 5 of the Terrorism Act 2000.
- (2E) An application for a warrant under this Part must not be granted where the information could be sought using a warrant under Schedule 1 of PACE, unless seeking this information under PACE would defeat the purpose of the investigation.
- (2F) In this section “special procedure material” means—
- (a) special material as defined in section 14 of the Police and Criminal Evidence Act 1984; or
 - (b) correspondence sent by or intended for a member of the relevant legislature.
- (2G) In this section “excluded procedure material” has the same meaning as in section 11 of the Police and Criminal Evidence Act 1984.”

Clause agreed to.

 Investigatory Powers Bill, *continued*

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

Clause 25, page 19, line 22, after 'items', insert 'presumptively'

Withdrawn 49

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

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

Not called 51

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

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

Stephen Kinnock

Sue Hayman

Not called 48

Page 19, line 38, leave out Clause 25

Clause agreed to.

Clause 26 agreed to.

Joanna Cherry
 Gavin Newlands

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

Not called 93

“(2A) A warrant issued under this Chapter must state the specific purpose that is to be achieved by the warrant.

(2B) A warrant issued under this Chapter must outline the options for obtaining the relevant data and confirm that other less intrusive options have been tried but failed or have not been tried because they were bound to fail and the reasons why.”

Investigatory Powers Bill, *continued*

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

Stephen Kinnock

Sue Hayman

Not called **52**

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

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

Stephen Kinnock

Sue Hayman

Not called **53**

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

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

Stephen Kinnock

Sue Hayman

Not called **54**

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

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

Stephen Kinnock

Sue Hayman

Not called **55**

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

Investigatory Powers Bill, *continued*

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

Stephen Kinnock

Sue Hayman

Not called **56**

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

Clause agreed to.

Clause 28 agreed to.

Clause 29 agreed to.

[Adjourned until Thursday at 11.30 am]
