



House of Commons

Thursday 14 April 2016

PUBLIC BILL COMMITTEE PROCEEDINGS

INVESTIGATORY POWERS BILL

[FIFTH AND SIXTH SITTINGS]

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

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

Withdrawn 68

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

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

Not called 69

Joanna Cherry
Gavin Newlands

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

Not called 94

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

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

Not called 70

Joanna Cherry
Gavin Newlands

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

Not called 95

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not called 96

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

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

Not called 71

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

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

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

Joanna Cherry
Gavin Newlands

Not called 250

★ Clause 30, page 24, line 46, leave out subsection (11)

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

Not called 72

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

Joanna Cherry
Gavin Newlands

Not called 251

★ Clause 30, page 25, line 7, leave out subsection (13)

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

Not selected 67

Page 23, line 20, leave out Clause 30

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not selected 103

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

Clause 30 agreed to.

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

Not called 74

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

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

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

Not selected 73

Page 25, line 22, leave out Clause 31.

Clauses 31 to 33 agreed to.

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

Withdrawn 252

★ Clause 34, page 28, line 37, at end insert—

“(4A) Subsection (4) shall not apply where the person outside the United Kingdom is established for the provision of services in a country or territory with which the United Kingdom has entered in to an international mutual assistance agreement or is subject to an EU mutual assistance instrument.”

Clause agreed to.

 Investigatory Powers Bill, *continued*

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

Not called 253

★ Clause 35, page 29, line 5, at end insert—

“(1A) 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.”

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

Not called 254

★ Clause 35, page 29, line 6, at beginning insert “Where it is considered unfeasible or inappropriate in the circumstances,”

Joanna Cherry
 Gavin Newlands

Not selected 97

Page 29, line 3, leave out Clause 35

Clause agreed to on division.

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

Not called 255

★ Clause 36, page 29, line 44, 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 has its principal office for the provision of telecommunication services; or
- (b) where a warrant could be served pursuant to an international mutual assistance agreement or subject to an EU mutual assistance instrument.”

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

Not called 256

★ Clause 36, page 30, line 1, leave out subsection (5)

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not selected 98

Page 29, line 31, leave out Clause 36

Clause agreed to on division.

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

Not called 82

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

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

Clause agreed to.

Clause 38 agreed to.

Clause 39 agreed to.

Clause 40 agreed to.

Clause 41 agreed to.

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

Not called 75

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

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

Clause agreed to.

Clause 43 agreed to.

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not selected 99

Page 34, line 21, leave out Clause 44

Clause agreed to on division.

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

Not called 76

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

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

Clause agreed to.

Clause 46 agreed to.

Clause 47 agreed to.

Joanna Cherry
Gavin Newlands

Not selected 100

Page 37, line 32, leave out Clause 48

Clause agreed to on division.

Schedule 3 agreed to.

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

Withdrawn 77

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

Investigatory Powers Bill, *continued*

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

Not called 78

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

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

Clause agreed to.

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

Withdrawn 65

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

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

Not called 66

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

Clause agreed to.

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

Stephen Kinnock

Sue Hayman

Negated on division 79

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

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

Investigatory Powers Bill, *continued*

Clause agreed to on division.

Clause 52 agreed to.

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

Joanna Cherry

Gavin Newlands

Withdrawn 118

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

- “(1) A Judicial Commissioner may grant a communications data access warrant where the judicial commissioner considers—
- (a) that it is necessary to obtain the data for the purposes of a specific investigation or a specific operation, and
 - (b) that the conduct authorised by the warrant is proportionate to what is sought to be achieved.

(1A) The grant of a warrant is subject to restrictions set out in the rest of this Part.”

Joanna Cherry
Gavin Newlands

Withdrawn 228

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

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

Joanna Cherry

Gavin Newlands

Not called 125

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

- “(1A) The Judicial Commissioner may grant a warrant on application from—
- (a) an officer from a relevant public authority involved in the relevant investigation; or,
 - (b) an individual designated by the relevant public authority to make applications for warrants to the Judicial Commissioner.”

Investigatory Powers Bill, *continued*

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

Joanna Cherry

Gavin Newlands

Not called 126

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

“(1B) A warrant must—

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

Joanna Cherry
Gavin Newlands

Not called 229

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

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

Not called 119

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

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

Joanna Cherry

Gavin Newlands

Not called 120

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

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

Joanna Cherry

Gavin Newlands

Not called 121

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

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not called **231**

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

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

Joanna Cherry

Gavin Newlands

Not called **122**

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

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

Joanna Cherry

Gavin Newlands

Not called **123**

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

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

Not called **124**

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

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

Joanna Cherry

Gavin Newlands

Withdrawn **110**

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

Investigatory Powers Bill, *continued*

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

Joanna Cherry

Gavin Newlands

Clause 53, page 43, line 39, leave out “or of preventing disorder” *Not called* 109

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

Joanna Cherry

Gavin Newlands

Clause 53, page 43, line 40, at end insert “which includes to assist in investigations into alleged miscarriages of justice” *Not called* 111

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

Joanna Cherry

Gavin Newlands

Clause 53, page 43, line 41, leave out subsections (7)(c) to (f) *Not called* 112

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

Clause 53, page 44, line 1, after first “or”, insert “serious” *Not called* 114

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

Clause 53, page 44, line 1, after “any”, insert “serious” *Not called* 115

 Investigatory Powers Bill, *continued*

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

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

Not called 116

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

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

Not called 117

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

Joanna Cherry

Gavin Newlands

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

Not called 113

Clause agreed to.

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

Joanna Cherry

Gavin Newlands

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

Withdrawn 127

Clause agreed to on division.

Investigatory Powers Bill, *continued*

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

Joanna Cherry

Gavin Newlands

Clause 55, page 45, line 15, leave out “authorisation” and insert “warrant” *Not called* 130

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

Joanna Cherry

Gavin Newlands

Clause 55, page 45, line 16, leave out subsection (1)(a) *Not called* 128

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

Joanna Cherry

Gavin Newlands

Clause 55, page 45, line 24, leave out subsection (2) *Not called* 131

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

Joanna Cherry

Gavin Newlands

Clause 55, page 45, leave out line 31 *Not called* 132

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

Joanna Cherry

Gavin Newlands

Clause 55, page 45, line 37, leave out subsection (4) *Not called* 129

Clause agreed to.

 Investigatory Powers Bill, *continued*

Clause 56 agreed to.

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

Joanna Cherry

Gavin Newlands

Clause 57, page 46, line 20, leave out “authorisation” and insert “warrant” *Not called* **133**

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

Joanna Cherry

Gavin Newlands

Clause 57, page 46, line 24, leave out “authorisation” and insert “warrant” *Not called* **134**

Clause agreed to.

Joanna Cherry
Gavin Newlands

Page 46, line 40, leave out Clause 58

Not selected **232**

Clause agreed to on division.

Joanna Cherry
Gavin Newlands

Page 47, line 36, leave out Clause 59

Not selected **233**

Clause agreed to on division.

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not selected 234

Page 48, line 16, leave out Clause 60

Clause agreed to on division.

[Adjourned until Tuesday 19 April at 9.25 am
