



House of Commons

Thursday 21 April 2016

PUBLIC BILL COMMITTEE PROCEEDINGS

INVESTIGATORY POWERS BILL

[NINTH AND TENTH SITTINGS]

Joanna Cherry
Gavin Newlands

Withdrawn 405

Clause 91, page 70, line 8, after “crime”, insert “where there is 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 406

Clause 91, page 70, line 9, leave out paragraph (c)

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

Not called 463

Clause 91, page 70, line 12, leave out subsection (6)

 Investigatory Powers Bill, *continued*

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

Stephen Kinnock

Sue Hayman

Withdrawn 465

- Clause 91, page 70, line 18, leave out from “include” to end of line 19 and insert—
- “(a) the requirement that 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
 - (b) the requirement that a risk assessment has been conducted by the Investigatory Powers Commissioner’s technical advisors with regard to the specific equipment interference proposed, accounting for—
 - (i) the risk of collateral interference and intrusion, and
 - (ii) the risk to the integrity of communications systems and computer networks, and
 - (iii) the risk to public cybersecurity.”

Joanna Cherry
 Gavin Newlands

Not called 407

- Clause 91, page 70, line 23, leave out “Secretary of State” and insert “Judicial Commissioner”

Joanna Cherry
 Gavin Newlands

Withdrawn 408

- Clause 91, page 70, line 25, at end insert—
- “(10) Targeted equipment interference is only lawful if authorised under this Act.”

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

Not called 464

- Clause 91, page 70, line 25, at end insert—
- “(10) A warrant may only authorise targeted equipment interference or targeted examination as far as the conduct authorised relates—
- (a) to the offence as specified under subsection (5)(b), or
 - (b) to some other indictable offence which is connected with or similar to the offence as specified under subsection (5)(b)”

Clause agreed to.

Clause 92 agreed to.

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not called **410**

Clause 93, page 71, line 21, leave out “Secretary of State” and insert “Judicial Commissioner”

Joanna Cherry
Gavin Newlands

Not called **411**

Clause 93, page 71, line 23, leave out “Secretary of State” and insert “Judicial Commissioner”

Joanna Cherry
Gavin Newlands

Not called **412**

Clause 93, page 71, line 25, leave out “Secretary of State” and insert “Judicial Commissioner”

Joanna Cherry
Gavin Newlands

Not called **413**

Clause 93, page 71, line 28, leave out “Secretary of State” and insert “Judicial Commissioner”

Joanna Cherry
Gavin Newlands

Not called **414**

Clause 93, page 71, line 31, leave out paragraph (d) and insert—
“(d) the Judicial Commissioner has reasonable grounds for believing that the material sought 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

Not called **415**

Clause 93, page 71, line 35, leave out from “include” to end of line 36 and insert—
“(a) the requirement that 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
(b) the requirement that a risk assessment has been conducted by the Investigatory Powers Commissioner’s technical advisors with regard to the specific equipment interference proposed, accounting for—
(i) the risk of collateral interference and intrusion, and
(ii) the risk to the integrity of communications systems and computer networks, and
(iii) the risk to public cybersecurity.”

 Investigatory Powers Bill, *continued*

Clause agreed to.

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

Stephen Kinnock

Sue Hayman

Not selected 467

Page 71, line 40, leave out Clause 94

Clause agreed to.

Mr John Hayes

Agreed to 257

Clause 95, page 72, line 33, leave out “the Scottish Ministers have” and insert “a member of the Scottish Government has”

Joanna Cherry
Gavin Newlands

Not called 417

Page 72, line 18, leave out Clause 95

Clause, as amended, agreed to.

Joanna Cherry
Gavin Newlands

Withdrawn 419

Clause 96, page 72, line 36, leave out “law enforcement chief described in Part 1 or 2 of the table in Schedule 6” and insert “Judicial Commissioner”

Joanna Cherry
Gavin Newlands

Not called 420

Clause 96, page 72, line 37, leave out “person who is an appropriate law enforcement officer in relation to the chief” and insert “law enforcement chief described in Part 1 of the table in Schedule 6”

Joanna Cherry
Gavin Newlands

Not called 421

Clause 96, page 72, line 40, leave out “law enforcement chief” and insert “Judicial Commissioner”

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Clause 96, page 72, line 42, leave out “law enforcement chief” and insert “Judicial Commissioner” *Not called* 422

Joanna Cherry
Gavin Newlands

Clause 96, page 73, line 1, leave out “law enforcement chief” and insert “Judicial Commissioner” *Not called* 423

Joanna Cherry
Gavin Newlands

Clause 96, page 73, line 4, leave out paragraph (d) *Not called* 424

Joanna Cherry
Gavin Newlands

Clause 96, page 73, line 7, leave out “law enforcement chief described in Part 1 of the table in Schedule 6” and insert “Judicial Commissioner” *Not called* 425

Joanna Cherry
Gavin Newlands

Clause 96, page 73, line 8, leave out “person who is an appropriate law enforcement officer in relation to the chief” and insert “law enforcement chief described in Part 1 of the table in Schedule 6” *Not called* 426

Joanna Cherry
Gavin Newlands

Clause 96, page 73, line 10, leave out “law enforcement chief” and insert “Judicial Commissioner” *Not called* 427

Joanna Cherry
Gavin Newlands

Clause 96, page 73, line 14, leave out “law enforcement chief” and insert “Judicial Commissioner” *Not called* 428

Joanna Cherry
Gavin Newlands

Clause 96, page 73, line 17, leave out “law enforcement chief” and insert “Judicial Commissioner” *Not called* 429

Joanna Cherry
Gavin Newlands

Clause 96, page 73, line 20, leave out paragraph (d) *Not called* 430

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Clause 96, page 73, line 23, leave out subsection (3)

Not called 431

Joanna Cherry
Gavin Newlands

Clause 96, page 73, line 29, leave out paragraphs (b) and (c)

Not called 432

Joanna Cherry
Gavin Newlands

Clause 96, page 73, line 35, after “Where”, insert “an application for an equipment interference warrant is made by a law enforcement chief and”

Not called 433

Joanna Cherry
Gavin Newlands

Clause 96, page 73, line 39, leave out subsections (6) to (10)

Not called 434

Joanna Cherry
Gavin Newlands

Clause 96, page 74, line 13, leave out “whether what is sought to be achieved by the warrant could reasonably be achieved by other means” and insert—

Not called 435

- “(a) the requirement that 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
- (b) the requirement that a risk assessment has been conducted by the Investigatory Powers Commissioner’s technical advisors with regard to the specific equipment interference proposed, accounting for—
 - (i) the risk of collateral interference and intrusion, and
 - (ii) the risk to the integrity of communications systems and computer networks, and
 - (iii) the risk to public cybersecurity.”

Joanna Cherry
Gavin Newlands

Clause 96, page 74, line 16, leave out subsections (12) and (13)

Not called 436

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

Page 72, line 35, leave out Clause 96

Not selected 459

Investigatory Powers Bill, *continued*

Clause agreed to.

Joanna Cherry
Gavin Newlands

Not called 437

Schedule 6, page 213, line 15, leave out Part 2

Schedule agreed to.

Mr John Hayes

Agreed to 258

Clause 97, page 75, line 4, leave out from “a” to “under” and insert “decision to issue a warrant”

Mr John Hayes

Agreed to 259

Clause 97, page 75, line 6, leave out from “a” to “under” and insert “decision to issue a warrant”

Mr John Hayes

Agreed to 260

Clause 97, page 75, line 8, leave out from “a” to “under” and insert “decision to issue a warrant”

Mr John Hayes

Agreed to 261

Clause 97, page 75, line 10, leave out from “a” to “under” and insert “decision to issue a warrant”

Mr John Hayes

Agreed to 262

Clause 97, page 75, line 12, leave out from “a” to “under” and insert “decision to issue a warrant”

Joanna Cherry
Gavin Newlands

Not selected 438

Page 74, line 36, leave out Clause 97

Clause, as amended, agreed to.

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Withdrawn 439

Clause 98, page 75, line 25, leave out “considered” and insert “had reasonable grounds for believing there was an emergency situation posing immediate danger of death or serious physical injury or that the physical security or integrity of the nation was endangered”

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

Stephen Kinnock

Sue Hayman

Not called 440

Clause 98, page 75, line 27, after “must”, insert “immediately”

Clause agreed to.

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

Stephen Kinnock

Sue Hayman

Withdrawn 441

Clause 99, page 76, line 10, leave out paragraph (b)

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

Stephen Kinnock

Sue Hayman

Not called 442

Clause 99, page 76, line 12, leave out subsection (4) and insert—

“(4A) Where the judicial commissioner refuses to approve an urgent warrant, they must direct that all of the material obtained under the warrant is destroyed, unless there are exceptional circumstances.”

Clause agreed to.

Investigatory Powers Bill, *continued*

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

Clause 100, page 77, line 3, after “items”, insert “presumptively” *Withdrawn* 499

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

Clause 100, page 77, line 8, after “items”, insert “presumptively” *Not called* 500

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

Clause 100, page 77, line 13, leave out paragraph (a) and insert— *Not called* 501
“(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 or require interference with equipment for the purpose of obtaining or (in the case of a targeted examination warrant) the selection for examination of those items, and”

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

Stephen Kinnock Sue Hayman

Page 76, line 39, leave out Clause 100 *Not selected* 471

Clause agreed to.

Investigatory Powers Bill, *continued*

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

Stephen Kinnock

Sue Hayman

Clause 101, page 78, line 2, after “service”, insert “or to a law enforcement chief” *Not called* 460

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

Stephen Kinnock

Sue Hayman

Clause 101, page 78, line 6, leave out subsection (2)(c) *Not called* 461

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

Stephen Kinnock

Sue Hayman

Clause 101, page 78, line 18, leave out “or a description of the person or organisation” and insert “or another identifier of the person or organisation.” *Not called* 266

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

Stephen Kinnock

Sue Hayman

Clause 101, page 78, leave out lines 21 to 27 *Not called* 265

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

Clause 101, page 78, line 27, leave out “or a description of, as many of the persons or organisations as it is reasonably practicable to name or describe” and insert “or another identifier of, each person or organisation” *Not called* 474

Investigatory Powers Bill, *continued*

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

Stephen Kinnock Sue Hayman

Clause 101, page 78, line 28, column 2, at beginning insert “The name and” *Not called* 473

Joanna Cherry
Gavin Newlands

Clause 101, page 78, line 31, leave out “or a description of, as many of the persons or organisations as it is reasonably practicable to name or describe” and insert “or another identifier of, each person or organisation” *Not called* 268

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

Stephen Kinnock Sue Hayman

Clause 101, page 78, line 36, leave out “description” and insert “specification” *Not called* 269

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

Stephen Kinnock Sue Hayman

Clause 101, page 78, line 38, column 2, at beginning insert “The name and” *Not called* 270

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

Stephen Kinnock Sue Hayman

Clause 101, page 78, line 40, leave out “a description of as many of the locations as it is reasonably practicable to describe” and insert “specification of each location” *Not called* 271

 Investigatory Powers Bill, *continued*

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

Stephen Kinnock Sue Hayman

Clause 101, page 79, leave out lines 3 to 7

Not called 272

Joanna Cherry
Gavin Newlands

Clause 101, page 79, leave out lines 8 to 12

Not called 273

Joanna Cherry
Gavin Newlands

Clause 101, page 79, leave out lines 13 to 18

Not called 274

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

Stephen Kinnock Sue Hayman

Clause 101, page 79, line 19, leave out “describe” and insert “specify”

Withdrawn 275

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

Clause 101, page 79, line 21, leave out paragraph (b) and insert—

“(b) precisely and explicitly the method and extent of the proposed intrusion and the measures taken to minimise access to irrelevant and immaterial information”

Not called 452

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

Clause 101, page 79, line 22, at end insert—

“(c) the basis for the suspicion that the target is connected to a serious crime or a specific threat to national security;

Not called 453

Investigatory Powers Bill, *continued*

- (d) in a declaration with supporting evidence—
 - (i) the high probability that evidence of the serious crime or specific threat to national security will be obtained by the operation authorised, and
 - (ii) how all less intrusive methods of obtaining the information sought have been exhausted or would be futile, and
- (e) in a separate “Cyber-Security Impact Assessment” all potential risks and damage to the security of the device targeted and communications systems more generally and how those risks and/or damage will be eliminated or corrected.”

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

Stephen Kinnock

Sue Hayman

Not called 276

Clause 101, page 79, line 29, leave out “or a description of the person or organisation” and insert “or another identifier of the person or organisation.”

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

Stephen Kinnock

Sue Hayman

Not called 457

Clause 101, page 79, leave out lines 31 to 36

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

Stephen Kinnock

Sue Hayman

Not called 278

Clause 101, page 79, line 40, leave out “or a description of, as many of the persons or organisations as it is reasonably practicable to name or describe” and insert “or another identifier of, each person or organisation”

Joanna Cherry
Gavin Newlands

Not called 279

Clause 101, page 80, leave out lines 3 to 7

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not called **280**

Clause **101**, page **80**, leave out lines 8 to 12

Clause agreed to.

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

Withdrawn **635**

Clause **102**, page **80**, line **21**, leave out “ending with the fifth working day after the day on which” and insert “of 48 hours after”

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

Not called **636**

Clause **102**, page **80**, line **21**, leave out “ending with the fifth working day after the day on which” and insert “of 24 hours after”

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

Stephen Kinnock

Sue Hayman

Not called **281**

Clause **102**, page **80**, line **21**, leave out “fifth working day” and insert “twenty four hours”

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

Stephen Kinnock

Sue Hayman

Not called **282**

Clause **102**, page **80**, line **23**, leave out “6” and insert “1”

 Investigatory Powers Bill, *continued*

Clause agreed to.

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

Stephen Kinnock

Sue Hayman

Not called 283

Clause 103, page 80, line 35, leave out from “by” to end of line 36 and insert “a
Judicial Commissioner”

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

Stephen Kinnock

Sue Hayman

Not called 284

Clause 103, page 80, line 38, leave out “appropriate person” and insert “Judicial
Commissioner”

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

Stephen Kinnock

Sue Hayman

Not called 285

Clause 103, page 80, line 40, leave out “appropriate person” and insert “Judicial
Commissioner”

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

Stephen Kinnock

Sue Hayman

Not called 286

Clause 103, page 80, line 43, leave out “appropriate person” and insert “Judicial
Commissioner”

 Investigatory Powers Bill, *continued*

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

Stephen Kinnock

Sue Hayman

Not called 287

Clause 103, page 81, line 3, leave out paragraph (d) and insert—

“(d) that the Judicial Commissioner is satisfied that the applicant has explained—

- (i) to what extent the previous warrant achieved the stated purpose, and
- (ii) why the previous warrant failed to fully achieve the stated purpose, and
- (iii) why the conduct proposed is likely to support the achievement of the stated purpose.”

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

Not moved 454

Clause 103, page 81, line 4, at end insert—

“(e) with the text “that the appropriate person receives and considers an explanation of why the information sought has not yet been obtained.”

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

Stephen Kinnock

Sue Hayman

Not called 288

Clause 103, page 81, line 5, leave out subsection (3)

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

Stephen Kinnock

Sue Hayman

Not called 289

Clause 103, page 81, line 27, leave out subsection (5)

 Investigatory Powers Bill, *continued*

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

Stephen Kinnock

Sue Hayman

Not called 290

Clause 103, page 81, line 30, leave out subsection (6)

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

Stephen Kinnock

Sue Hayman

Not called 291

Clause 103, page 81, line 33, leave out subsection (7)

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

Stephen Kinnock

Sue Hayman

Not called 292

Clause 103, page 81, line 36, leave out “Secretary of State” and insert “Judicial Commissioner”

Clause agreed to.

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

Withdrawn 638

Clause 104, page 83, line 17, at end insert—

“(8A) Section 97 (approval of warrants by Judicial Commissioners) applies in relation to a decision to make a modification of a warrant issued under section 96 as it applies in relation to a decision to issue such a warrant, but as if—

- (a) the references in subsection (1)(a) and (b) of that section to the warrant were references to the warrant as modified, and
- (b) any reference to the person who decided to issue the warrant were a reference to the person who decided to make the modification.”

 Investigatory Powers Bill, *continued*

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

Not called 639

Clause 104, page 83, line 18, leave out “Sections 94” and insert “Section [NC11 Confidential and privileged material]”

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

Not called 502

Clause 104, page 83, line 22, at end insert—

“() Where section 100 (*items subject to legal privilege*) applies in relation to a decision to make a modification of a warrant as mentioned in subsection (2)(a), (c) or (d), other than a decision to which subsection (7) applies, section 97 (*approval of warrants by Judicial Commissioners*) applies to the decision 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 renew it).”

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

Not called 640

Clause 104, page 83, line 23, leave out “Section 100” and insert “Section [NC2 Items subject to legal privilege]”

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

Not called 641

Clause 104, page 83, line 35, 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 97.”

Clause agreed to.

 Investigatory Powers Bill, *continued*

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

Not called **642**

Clause **105**, page **84**, line **4**, leave out from “period” to “which” in line 5 and insert “48 hours after”

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

Not called **643**

Clause **105**, page **84**, line **4**, leave out from “period” to “which” in line 5 and insert “24 hours after”

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

Not called **644**

Clause **105**, page **84**, line **26**, at end insert—

“(8A) Section 97 (approval of warrants by Judicial Commissioners) applies in relation to a decision to make a modification of a warrant issued under section 96 as it applies in relation to a decision to issue such a warrant, but as if—

- (a) the references in subsection (1)(a) and (b) of that section to the warrant were references to the warrant as modified, and
- (b) any reference to the person who decided to issue the warrant were a reference to the person who decided to make the modification.”

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

Not called **503**

Clause **105**, page **84**, line **33**, at end insert—

“() Where, by virtue of section 104(10), section 100 (*items subject to legal privilege*) applies in relation to the making of a modification of a warrant pursuant to section 104(7), this section applies as if each reference in subsections (2) and (5) to (8) to a designated senior official were a reference to a Judicial Commissioner.”

Clause agreed to.

Investigatory Powers Bill, *continued*

Clause 106 agreed to.

Clause 107 agreed to.

Clause 108 agreed to.

Joanna Cherry
Gavin Newlands

Withdrawn 293

Clause 109, page 87, line 39, leave out subsection (3)

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

Not called 645

Clause 109, page 87, line 41, at end insert—

“(3A) Subsection (3) shall not be applicable where the person outside the United Kingdom has its principal office where it 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.”

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

Not moved 646

Clause 109, page 88, 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.”

Clause agreed to on division.

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

Not called 679

Clause 110, page 88, line 9, at end insert—

“(1A) Where such a warrant is to be served upon 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.”

 Investigatory Powers Bill, *continued*

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

Not called **694**

Clause 110, page 88, line 10, at beginning insert “Where service of a warrant in the manner envisaged in subsection (1A) is considered unfeasible or inappropriate in the circumstances,”

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

Not called **647**

Clause 110, page 88, line 10, after “Kingdom”, insert “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,”

Joanna Cherry
 Gavin Newlands

Not selected **294**

Page 88, line 7, leave out Clause 110

Clause agreed to on division.

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

Not called **648**

Clause 111, page 89, line 19, after “take”, 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.”

Joanna Cherry
 Gavin Newlands

Not selected **295**

Page 88, line 35, leave out Clause 111

Investigatory Powers Bill, continued

Clause agreed to on division.

Clause 112 agreed to.

Joanna Cherry
Gavin Newlands

Withdrawn 296

Clause 113, page 91, line 22, at end insert—

“(A1) 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.”

Clause agreed to.

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

Withdrawn 649

Clause 114, page 91, line 42, after “not”, insert “without reasonable excuse”

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

Not called 650

Clause 114, page 91, line 42, at end insert—

“(1A) 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.

Clause 115 agreed to.

Investigatory Powers Bill, *continued*

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

Withdrawn 496

Clause 116, page 93, line 39, leave out subsection (3) and insert—

“(3) 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

Not called 297

Clause 116, page 93, line 42, at end insert—

“(3A) 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.”

Clause agreed to.

Clause 117 agreed to.

Clause 118 agreed to.

Joanna Cherry
Gavin Newlands

Not selected 535

Page 95, line 33, leave out Clause 119

Clause agreed to on division.

Joanna Cherry
Gavin Newlands

Not selected 536

Page 96, line 43, leave out Clause 120

Clause agreed to on division.

Investigatory Powers Bill, *continued*

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

Clause 121, page 98, line 9, leave out subsection (2)(b)

Withdrawn 651

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

Clause 121, page 98, line 12, leave out subsection (3)

Not called 652

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

Clause 121, page 98, line 26, at end insert—

Not called 653

- “(7) Where an application made by, or on behalf of, the Secretary of State includes the activities set out in section 119(4)(c) or (d), a bulk interception warrant can only be issued if the Secretary of State considers that selection for examination or disclosure is necessary—
- (a) for a purpose under subsection (8), and
 - (b) it is necessary to obtain the data—
 - (i) for 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.
- (8) The paragraph 7(a) purposes are—
- (a) the interests of national security,
 - (b) preventing or detecting serious crime or 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

Not selected 537

Page 97, line 21, leave out Clause 121

Clause agreed to on division.

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

Withdrawn 661

Clause 122, page 98, line 44, at end insert—

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

Joanna Cherry
Gavin Newlands

Not selected 538

Page 98, line 27, leave out Clause 122

Clause agreed to on division.

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

Withdrawn 662

Clause 123, page 99, 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

Not called 663

Clause 123, page 99, line 18, leave out subsection (2)

 Investigatory Powers Bill, *continued*

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

Not called **531**

Clause 123, page 99, line 19, 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”

Joanna Cherry
 Gavin Newlands

Not selected **539**

Page 99, line 1, leave out Clause 123

Clause agreed to on division.

Joanna Cherry
 Gavin Newlands

Not selected **540**

Page 99, line 27, leave out Clause 124

Clause agreed to on division.

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

Withdrawn **664**

Clause 125, page 99, line 42, 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

Not called **665**

Clause 125, page 100, line 1, leave out “may” and insert “must”

Joanna Cherry
 Gavin Newlands

Not selected **541**

Page 99, line 32, leave out Clause 125

Investigatory Powers Bill, *continued*

Clause agreed to on division.

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

Clause 126, page 100, line 11, leave out “6” and insert “1”

Withdrawn 666

Joanna Cherry
Gavin Newlands

Page 100, line 9, leave out Clause 126

Not selected 542

Clause agreed to on division.

Joanna Cherry
Gavin Newlands

Page 100, line 17, leave out Clause 127

Not selected 543

Clause agreed to on division.

Mr John Hayes

Clause 128, page 101, line 24, after “requires” insert “(to the extent that it did so previously)”

Agreed to 610

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

Clause 128, page 101, line 39, at end insert—

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

Withdrawn 667

Investigatory Powers Bill, *continued*

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

Not called 668

Clause 128, page 102, line 5, at end insert—

“(7A) 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.

(7B) 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
Chris Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman

Not called 669

Clause 128, page 102, line 5, at end insert—

“(7C) 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

Agreed to 611

Clause 128, page 102, line 16, leave out “(urgent cases)”

Mr John Hayes

Agreed to 612

Clause 128, page 102, line 17, leave out from beginning to “the” in line 22 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) ”

Investigatory Powers Bill, *continued*

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

Not called 670

Clause 128, page 102, line 29, at end insert—

“(14) Any modification which constitutes the adding or varying of any matter must be approved by a Judicial Commissioner in accordance with section 123.”

Joanna Cherry
Gavin Newlands

Not selected 544

Page 101, line 17, leave out Clause 128

Clause, as amended, agreed to on division.

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

Withdrawn 671

Clause 129, page 102, line 41, leave out “ending with the fifth working day after the day on which” and insert “of 48 hours after”

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

Not called 672

Clause 129, page 102, line 41, leave out “ending with the fifth working day after the day on which” and insert “of 24 hours after”

Joanna Cherry
Gavin Newlands

Not selected 545

Page 102, line 30, leave out Clause 129

Clause agreed to on division.

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not selected 546

Page 103, line 14, leave out Clause 130

Clause agreed to on division.

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

Withdrawn 520

Clause 131, page 104, line 9, 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.”

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

Withdrawn 528

Clause 131, page 104, line 23, at end insert—

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

Joanna Cherry
Gavin Newlands

Not selected 547

Page 103, line 37, leave out Clause 131

Clause agreed to on division.

Joanna Cherry
Gavin Newlands

Not selected 548

Page 104, line 25, leave out Clause 132

Clause agreed to on division.

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not selected 549

Page 106, line 1, leave out Clause 133

Clause agreed to on division.

Mr John Hayes

Agreed to 613

Clause 134, page 106, line 31, leave out “any selection” and insert “the selection of any”

Joanna Cherry
Gavin Newlands

Not selected 550

Page 106, line 27, leave out Clause 134

Clause, as amended, agreed to on division.

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

Withdrawn 504

Clause 135, page 108, line 12, after “items”, insert “presumptively”.

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

Not called 505

Clause 135, page 108, line 14, 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.”

 Investigatory Powers Bill, *continued*

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

Not moved **506**

Clause 135, page 108, line 16, leave out from “a” to “has” and insert “Judicial Commissioner”

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

Not called **507**

Clause 135, page 108, line 18, leave out “senior official” and insert “Judicial Commissioner”

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

Not called **508**

Clause 135, page 108, line 19, leave out “official” and insert “Judicial Commissioner”

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

Not called **509**

Clause 135, page 108, line 22, leave out from “privilege” to end of line 25

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

Not called **510**

Clause 135, page 108, line 26, after “item”, insert “presumptively”.

Joanna Cherry
 Gavin Newlands

Not selected **551**

Page 108, line 4, leave out Clause 135

Investigatory Powers Bill, *continued*

Clause agreed to on division.

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

Not called 511

Clause 136, page 108, line 40, at end insert—

“(3) Section 25 (*items subject to legal privilege*) applies in relation to an application for a bulk interception warrant as it applies in relation to an application for a targeted interception warrant.”

Joanna Cherry
Gavin Newlands

Not selected 552

Page 108, line 32, leave out Clause 136

Clause agreed to on division.

Joanna Cherry
Gavin Newlands

Not selected 553

Page 108, line 42, leave out Clause 137

Clause agreed to on division.

[Adjourned until Tuesday 26 April at 9.25 am]
