



House of Commons

Tuesday 26 April 2016

PUBLIC BILL COMMITTEE PROCEEDINGS

INVESTIGATORY POWERS BILL

[ELEVENTH AND TWELFTH SITTINGS]

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

Withdrawn 673

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.”

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

Not called 674

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

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

Not called 675

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

Mr John Hayes

Agreed to 614

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

Member's explanatory statement

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

 Investigatory Powers Bill, *continued*

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

Not called 676

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

- “(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.”

Joanna Cherry
 Gavin Newlands

Not selected 554

Page 109, line 20, leave out Clause 138

Clause, as amended, agreed to on division.

Investigatory Powers Bill, *continued*

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

Not called 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

Not called 678

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

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

Not called 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

Not selected 555

Page 111, line 1, leave out Clause 139

Clause agreed to on division.

Joanna Cherry
Gavin Newlands

Not selected 556

Page 111, line 24, leave out Clause 140

Clause agreed to on division.

 Investigatory Powers Bill, *continued*

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

Withdrawn **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

Not called **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

Not called **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

Not called **683**

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

Joanna Cherry
 Gavin Newlands

Not selected **557**

Page 111, line 29, leave out Clause 141

Clause agreed to on division.

 Investigatory Powers Bill, *continued*

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

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

Not called 684

Joanna Cherry
Gavin Newlands

Page 112, line 5, leave out Clause 142

Not selected 558

Clause agreed to on division.

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.

Agreed to 615

Joanna Cherry
Gavin Newlands

Page 112, line 13, leave out Clause 143

Not selected 559

Clause, as amended, agreed to on division.

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.

Agreed to 616

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

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.”

Not called 685

 Investigatory Powers Bill, *continued*

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

Not called 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

Agreed to 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

Agreed to 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—
 - (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.

Investigatory Powers Bill, *continued*

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

Not called 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

Not selected 560

Page 113, line 13, leave out Clause 144

Clause, as amended, agreed to on division.

Joanna Cherry
Gavin Newlands

Not selected 561

Page 114, line 20, leave out Clause 145

Clause agreed to on division.

Mr John Hayes

Agreed to 619

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

Member’s explanatory statement

This amendment is consequential on amendment Agreed to 616.

Joanna Cherry
Gavin Newlands

Not selected 562

Page 115, line 2, leave out Clause 146

Clause, as amended, agreed to on division.

 Investigatory Powers Bill, *continued*

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

Not called 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 exclude 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

Not called 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

Not selected 563

Page 115, line 25, leave out Clause 147

Clause agreed to on division.

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

Not moved 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

Investigatory Powers Bill, continued

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

Joanna Cherry
Gavin Newlands

Not selected **564**

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

Clause agreed to on division.

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

Not moved **523**

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.

Joanna Cherry
Gavin Newlands

Not selected **565**

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

Clause agreed to on division.

Joanna Cherry
Gavin Newlands

Not selected **566**

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

Clause agreed to on division.

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not selected 567

Page 118, line 39, leave out Clause 151

Clause agreed to on division.

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

Not moved 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

Not selected 568

Page 119, line 8, leave out Clause 152

Clause agreed to on division.

Joanna Cherry
Gavin Newlands

Not selected 569

Page 119, line 36, leave out Clause 153

Clause agreed to on division.

Joanna Cherry
Gavin Newlands

Not selected 570

Page 120, line 10, leave out Clause 154

Clause agreed to on division.

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not selected 571

Page 121, line 33, leave out Clause 155

Clause agreed to on division.

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

Not called 688

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

“(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

Withdrawn 695

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

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

Not called 696

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

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

Not called 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.”

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not selected 572

Page 122, line 4, leave out Clause 156

Clause agreed to on division.

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

Withdrawn 698

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

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

Not called 699

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

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

Not called 533

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”

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

Not selected 573

Page 123, line 1, leave out Clause 157

Clause agreed to on division.

Investigatory Powers Bill, *continued*

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

Withdrawn 700

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

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

Not called 701

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

Joanna Cherry
Gavin Newlands

Not selected 574

Page 123, line 24, leave out Clause 158

Clause agreed to on division.

Joanna Cherry
Gavin Newlands

Not selected 575

Page 123, line 41, leave out Clause 159

Clause agreed to on division.

Joanna Cherry
Gavin Newlands

Not selected 576

Page 124, line 34, leave out Clause 160

Clause agreed to on division.

 Investigatory Powers Bill, *continued*

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

Withdrawn **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

Not called **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

Not called **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”

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

Not called **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

Not called **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.”

Investigatory Powers Bill, *continued*

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

Not called 703

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

Joanna Cherry
Gavin Newlands

Not selected 577

Page 125, line 3, leave out Clause 161

Clause agreed to on division.

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

Not called 704

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

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

Not called 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

Not called 706

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

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not selected 578

Page 125, line 25, leave out Clause 162

Clause agreed to on division.

Mr John Hayes

Agreed to 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

Agreed to 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

Not selected 579

Page 126, line 3, leave out Clause 163

Clause, as amended, agreed to on division.

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

Withdrawn 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.”

Investigatory Powers Bill, *continued*

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

Not called 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

Not called 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

Agreed to 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

Agreed to 623

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

Investigatory Powers Bill, continued

(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

Not called **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

Not selected **580**

Page **127**, line **1**, leave out Clause 164

Clause, as amended, agreed to on division.

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

Not called **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”

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

Not called **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”

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not selected **581**

Page **128**, line **11**, leave out Clause 165

Clause agreed to on division.

Joanna Cherry
Gavin Newlands

Not selected **582**

Page **129**, line **1**, leave out Clause 166

Clause agreed to on division.

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

Not called **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

Not called **530**

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

“(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.

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not selected 583

Page 129, line 25, leave out Clause 167

Clause agreed to on division.

Joanna Cherry
Gavin Newlands

Not selected 584

Page 130, line 14, leave out Clause 168

Clause agreed to on division.

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

Withdrawn 712

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.”

Joanna Cherry
Gavin Newlands

Not selected 585

Page 131, line 33, leave out Clause 169

Clause agreed to on division.

Mr John Hayes

Agreed to 624

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.

Mr John Hayes

Agreed to 625

Clause 170, page 132, line 14, after “warrant”, insert “for examination”

Member’s explanatory statement

This amendment makes a minor drafting correction.

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not selected 586

Page 132, line 4, leave out Clause 170

Clause, as amended, agreed to on division.

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

Not called 512

Clause 171, page 133, line 38, after “items”, insert “presumptively”

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

Not called 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

Not called 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

Not called 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” *Not called* **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 *Not called* **517**

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

Clause 171, page 134, line 6, after “item”, insert “presumptively” *Not called* **518**

Joanna Cherry
 Gavin Newlands

Page 133, line 30, leave out Clause 171 *Not selected* **587**

Clause agreed to on division.

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

Clause 172, page 134, line 17, at end insert— *Not called* **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

Not selected 588

Page 134, line 12, leave out Clause 172

Clause agreed to on division.

Joanna Cherry
Gavin Newlands

Not selected 589

Page 134, line 19, leave out Clause 173

Clause agreed to on division.

Joanna Cherry
Gavin Newlands

Not selected 590

Page 135, line 4, leave out Clause 174

Clause agreed to on division.

Joanna Cherry
Gavin Newlands

Not selected 591

Page 135, line 21, leave out Clause 175

Clause agreed to on division.

Mr John Hayes

Agreed to 626

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

Member’s explanatory statement

This amendment and amendments Agreed to 627 and Agreed to 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).

 Investigatory Powers Bill, *continued*

Mr John Hayes

Agreed to **627**

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.

Joanna Cherry
Gavin Newlands

Not selected **592**

Page 135, line 37, leave out Clause 176
Clause, as amended, agreed to on division.

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

Withdrawn **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

Withdrawn **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

Not called **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

Investigatory Powers Bill, *continued*

- (b) specific arrangements have been made for the handling, retention, use, destruction and protection against unauthorised disclosure of such material.”

Joanna Cherry
Gavin Newlands

Not selected **593**

Page **136**, line **8**, leave out Clause 177

Clause agreed to on division.

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

Not called **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

Not called **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

Not called **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

Investigatory Powers Bill, *continued*

- (b) specific arrangements have been made for the handling, retention, use, destruction and protection against unauthorised disclosure of such material.”

Joanna Cherry
Gavin Newlands

Not selected 594

Page 137, line 1, leave out Clause 178

Clause agreed to on division.

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

Not moved 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

Not called 724

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

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

Not called 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.

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not selected 595

Page 138, line 3, leave out Clause 179

Clause agreed to on division.

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

Not moved 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

Not called 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

Not selected 596

Page 138, line 31, leave out Clause 180

Clause agreed to on division.

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

Not moved 727

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

 Investigatory Powers Bill, *continued*

Mr John Hayes

Agreed to 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 Agreed to 626.*Joanna Cherry
Gavin Newlands*Not selected* 597

Page 139, line 4, leave out Clause 181

*Clause, as amended, agreed to on division.*Joanna Cherry
Gavin Newlands*Not selected* 598

Page 139, line 39, leave out Clause 182

*Clause agreed to on division.*Keir Starmer
Jo Stevens
Christian Matheson
Peter Kyle
Stephen Kinnock
Sue Hayman*Not moved* 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*Not called* 729

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

Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not selected **599**

Page **140**, line **11**, leave out Clause 183

Clause agreed to on division.

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

Not called **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

Not called **731**

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

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

Not called **732**

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

Joanna Cherry
Gavin Newlands

Not selected **600**

Page **141**, line **2**, leave out Clause 184

Clause agreed to on division.

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not selected 601

Page 141, line 24, leave out Clause 185

Clause agreed to on division.

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

Not moved 733

Clause 186, page 142, line 31, at end insert—

“(c) may be made only if the Secretary of State considers that it is necessary for the purposes of the warrant”

Mr John Hayes

Agreed to 629

Clause 186, page 143, line 9, leave out “(urgent cases)”

Member’s explanatory statement

This amendment is consequential on amendment 630.

Mr John Hayes

Agreed to 630

Clause 186, page 143, 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—

(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.

Investigatory Powers Bill, *continued*

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

Not called 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

Not selected 602

Page 142, line 9, leave out Clause 186

Clause, as amended, agreed to on division.

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

Not called 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

Not called 714

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

Joanna Cherry
Gavin Newlands

Not selected 603

Page 143, line 17, leave out Clause 187

 Investigatory Powers Bill, *continued*

Joanna Cherry
Gavin Newlands

Not selected **604**

Page **144**, line **1**, leave out Clause 188

Clause agreed to on division.

Joanna Cherry
Gavin Newlands

Not selected **605**

Page **144**, line **19**, leave out Clause 189

Clause agreed to on division.

Joanna Cherry
Gavin Newlands

Not selected **606**

Page **145**, line **37**, leave out Clause 190

Clause agreed to on division.

Joanna Cherry
Gavin Newlands

Not selected **607**

Page **146**, line **41**, leave out Clause 191

Clause agreed to on division.

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

Not called **717**

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.”

Investigatory Powers Bill, *continued*

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

Not called 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

Agreed to 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

Agreed to 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

Agreed to 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

Not selected **608**

Page **147**, line **12**, leave out Clause 192

Clause, as amended, agreed to on division.

Joanna Cherry
Gavin Newlands

Not selected **609**

Page **148**, line **20**, leave out Clause 193

Clause agreed to on division.

[Adjourned until Thursday at 11.30 am]
