



# House of Commons

## NOTICES OF AMENDMENTS

given up to and including

**Thursday 21 April 2016**

*New Amendments handed in are marked thus ★*

☆ *Amendments which will comply with the required notice period at their next appearance*

*Amendments tabled since the last publication: 695 to 733*

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

### **PUBLIC BILL COMMITTEE**

### **INVESTIGATORY POWERS BILL**

#### **NOTE**

**This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in accordance with the Order of the Committee [24 March 2016, as amended, 12 April 2016].**

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

**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,”

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 Investigatory Powers Bill, *continued*

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

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

674

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

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

675

Mr John Hayes

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

614

***Member's explanatory statement***

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

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

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

676

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

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

(12) A paragraph 11(a) purpose is—

- (a) the interests of national security,
- (b) preventing or detecting serious crime or of preventing serious disorder,
- (c) the interests of public safety,
- (d) protecting public health,
- (e) preventing death or serious injury or any serious damage to one or more person's physical or mental health,
- (f) assisting investigations into alleged miscarriages of justice,

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**Investigatory Powers Bill, *continued***

- (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

554

Page 109, line 20, leave out Clause 138

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

677

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

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

678

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

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

532

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

***Member’s explanatory statement***

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

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 Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands

555

Page 111, line 1, leave out Clause 139

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Joanna Cherry  
Gavin Newlands

556

Page 111, line 24, leave out Clause 140

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

680

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

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

681

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

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

682

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

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

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 Investigatory Powers Bill, *continued*

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

683

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

Joanna Cherry  
 Gavin Newlands

557

Page 111, line 29, leave out Clause 141

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

684

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

Joanna Cherry  
 Gavin Newlands

558

Page 112, line 5, leave out Clause 142

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Mr John Hayes

615

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

Joanna Cherry  
 Gavin Newlands

559

Page 112, line 13, leave out Clause 143

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Mr John Hayes

616

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*

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**Investigatory Powers Bill, continued**

*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.*

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

685

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

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

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

686

Clause 144, page 114, line 1, at beginning insert—

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

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

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

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

Mr John Hayes

617

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

*Member’s explanatory statement*

*This amendment is consequential on amendment 618.*

Mr John Hayes

618

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

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

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**Investigatory Powers Bill, *continued***

- ( ) 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.*

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

**525**

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

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

***Member’s explanatory statement***

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

Joanna Cherry  
Gavin Newlands

**560**

Page 113, line 13, leave out Clause 144

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Joanna Cherry  
Gavin Newlands

**561**

Page 114, line 20, leave out Clause 145

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Mr John Hayes

**619**

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

***Member’s explanatory statement***

*This amendment is consequential on amendment 616.*

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 Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands

562

Page 115, line 2, leave out Clause 146

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

521

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

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

***Member’s explanatory statement***

*This amendment would 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

529

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

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

***Member’s explanatory statement***

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

Joanna Cherry  
Gavin Newlands

563

Page 115, line 25, leave out Clause 147

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 Investigatory Powers Bill, *continued*

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

522

Clause 148, page 116, line 10, at beginning insert “Where such a warrant is to be given to a person outside the United Kingdom, the warrant shall be served at that person’s principal office outside the United Kingdom where it is established, for the provision of services. Where it is considered unfeasible or inappropriate in the circumstances,”

**Member’s explanatory statement**

*The Home Secretary confirmed at second reading that a UK agency would only serve a notice on an overseas entity that is capable of providing assistance under the warrant. UK agencies today routinely use secure means of communication to transmit notices directly to the main office of overseas CSPs.*

Joanna Cherry  
 Gavin Newlands

564

Page 116, line 7, leave out Clause 148

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

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

565

Page 116, line 35, leave out Clause 149

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**Investigatory Powers Bill, *continued***

Joanna Cherry  
Gavin Newlands

Page 117, line 11, leave out Clause 150

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566

Joanna Cherry  
Gavin Newlands

Page 118, line 39, leave out Clause 151

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567

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

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.”

687

Joanna Cherry  
Gavin Newlands

Page 119, line 8, leave out Clause 152

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568

Joanna Cherry  
Gavin Newlands

Page 119, line 36, leave out Clause 153

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569

Joanna Cherry  
Gavin Newlands

Page 120, line 10, leave out Clause 154

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570

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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands

571

Page 121, line 33, leave out Clause 155

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

688

Clause 156, page 122, line 17, leave out paragraph (d) and insert—  
“(d) the Secretary of State considers the requirements of section 161 are met  
by the warrant,”

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

695

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

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

696

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

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

697

★ Clause 156, page 122, line 47, at end insert—  
“(6) Where an application for the issue of a bulk equipment interference warrant  
includes the activities set out in section 154(4)(b) it may only be issued if the  
Secretary of State considers that selection for examination or disclosure is  
necessary for the purposes of—  
(a) a specific investigation or a specific operation, or  
(b) testing, maintaining or developing equipment, systems or other  
capabilities relating to the availability or obtaining of data.”

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 Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands

Page 122, line 4, leave out Clause 156

572

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

★ Clause 157, page 123, line 3, leave out from “must” to end of line 6 and insert “determine”

698

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

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

699

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

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

533

***Member’s explanatory statement***

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

Joanna Cherry  
Gavin Newlands

Page 123, line 1, leave out Clause 157

573

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Investigatory Powers Bill, *continued*

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

700

★ Clause 158, page 123, line 35, leave out from “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

701

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

Joanna Cherry  
Gavin Newlands

574

Page 123, line 24, leave out Clause 158

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Joanna Cherry  
Gavin Newlands

575

Page 123, line 41, leave out Clause 159

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Joanna Cherry  
Gavin Newlands

576

Page 124, line 34, leave out Clause 160

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

689

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

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 Investigatory Powers Bill, *continued*

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

690

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

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

691

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

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

702

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

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

692

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

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

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

703

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

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 Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands

577

Page 125, line 3, leave out Clause 161

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

704

★ Clause 162, page 125, line 33, leave out from “period” to third “the” in line 7 and insert “of 48 hours after”

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

705

★ Clause 162, page 125, line 33, leave out from “period” to third “the” in line 7 and insert “of 24 hours after”

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

706

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

Joanna Cherry  
Gavin Newlands

578

Page 125, line 25, leave out Clause 162

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Mr John Hayes

620

Clause 163, page 126, line 6, at end insert—

“This is subject to subsection (5).”

***Member’s explanatory statement***

*This drafting amendment is for consistency with clauses 127 and 143.*

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 Investigatory Powers Bill, *continued*

Mr John Hayes

621

Clause 163, page 126, line 31, at end insert—

“This is subject to subsection (5).”

*Member’s explanatory statement*

*This drafting amendment is for consistency with clauses 127 and 143.*

Joanna Cherry  
Gavin Newlands

579

Page 126, line 3, leave out Clause 163

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

707

★ Clause 164, page 127, line 21, at end insert—

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

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

708

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

“(8A) A minor modification—

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

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

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



Investigatory Powers Bill, *continued*

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

709

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

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

Mr John Hayes

622

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

***Member’s explanatory statement***

*This amendment is consequential on amendment 623.*

Mr John Hayes

623

Clause 164, page 127, line 43, leave out from beginning to “the” in line 2 on page 128 and insert—

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

***Member’s explanatory statement***

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

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

526

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

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

***Member’s explanatory statement***

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

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 Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands

580

Page 127, line 1, leave out Clause 164

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

710

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

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

711

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

Joanna Cherry  
Gavin Newlands

581

Page 128, line 11, leave out Clause 165

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Joanna Cherry  
Gavin Newlands

582

Page 129, line 1, leave out Clause 166

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

524

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

“(3b) Subsection (3) shall not be applicable where the person outside the United Kingdom has its principal office in a country or territory where it is established,

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**Investigatory Powers Bill, *continued***

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 Kinnoek  
Sue Hayman

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.*

Joanna Cherry  
Gavin Newlands

583

Page 129, line 25, leave out Clause 167

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Joanna Cherry  
Gavin Newlands

584

Page 130, line 14, leave out Clause 168

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

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.”

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 Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands

585

Page 131, line 33, leave out Clause 169

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Mr John Hayes

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

625

Clause 170, page 132, line 14, after “warrant”, insert “for examination”  
*Member’s explanatory statement*  
*This amendment makes a minor drafting correction.*

Joanna Cherry  
Gavin Newlands

586

Page 132, line 4, leave out Clause 170

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

512

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

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

513

Clause 171, page 133, line 40, at end insert “and  
(c) where paragraph (b)(i) applies, compelling evidence indicates that the items in question consist of, or relate to, communications made for a criminal purpose such that it is necessary to authorise or require the selection for examination of those items.”

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Investigatory Powers Bill, *continued*

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

Clause 171, page 133, line 42, leave out from “a” to “has” and insert “Judicial Commissioner” **514**

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

Clause 171, page 133, line 44, leave out “senior official” and insert “Judicial Commissioner” **515**

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

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

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

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

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

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

Joanna Cherry  
Gavin Newlands

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

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 Investigatory Powers Bill, *continued*

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

519

Clause 172, page 134, line 17, at end insert—

“(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.”

Joanna Cherry  
 Gavin Newlands

588

Page 134, line 12, leave out Clause 172

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Joanna Cherry  
 Gavin Newlands

589

Page 134, line 19, leave out Clause 173

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Joanna Cherry  
 Gavin Newlands

590

Page 135, line 4, leave out Clause 174

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Joanna Cherry  
 Gavin Newlands

591

Page 135, line 21, leave out Clause 175

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Mr John Hayes

626

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

***Member’s explanatory statement***

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

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 Investigatory Powers Bill, *continued*

Mr John Hayes

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

592

Page 135, line 37, leave out Clause 176

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

721

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

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

715

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

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

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

718

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

“(5) Subsection (6) applies where a warrant application under this section relates to “patient information” as defined in section 251(10) of the National Health Service Act 2006, or relating to “mental health”, “adult social care”, “child social care”, or “health services” as defined by the Health and Social Care Act 2012.

(6) The Secretary of State may issue the warrant only if they consider that—

(a) there are exceptional and compelling circumstances that make it necessary to authorise the retention, or (as the case may be) the examination, of material referred to in subsection (5); and

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**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

593

Page 136, line 8, leave out Clause 177

---

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

722

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

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

716

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

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

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

719

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

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



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 Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands

594

Page 137, line 1, leave out Clause 178

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

723

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

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

724

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

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

534

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

***Member’s explanatory statement***

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

Joanna Cherry  
Gavin Newlands

595

Page 138, line 3, leave out Clause 179

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 Investigatory Powers Bill, *continued*

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

- 725**
- ★ Clause 180, page 138, line 41, leave out from second “period” to second “the” in line 42 and insert “of 48 hours after”

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

- 726**
- ★ Clause 180, page 138, line 41, leave out from second “period” to second “the” in line 42 and insert “of 24 hours after”

Joanna Cherry  
 Gavin Newlands

- 596**
- Page 138, line 31, leave out Clause 180
- 

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

- 727**
- ★ Clause 181, page 139, line 10, leave out “may” and insert “must”

Mr John Hayes

- 628**
- Clause 181, page 139, line 32, at end insert—  
 “(7A) An intelligence service is not to be regarded as in breach of section 175(1) or (2) where it retains or (as the case may be) examines a bulk personal dataset in accordance with conditions imposed under subsection (3)(b).”  
*Member’s explanatory statement*  
*See the explanatory statement for amendment 626.*

Joanna Cherry  
 Gavin Newlands

- 597**
- Page 139, line 4, leave out Clause 181
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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands

598

Page 139, line 39, leave out Clause 182

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

728

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

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

729

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

Joanna Cherry  
Gavin Newlands

599

Page 140, line 11, leave out Clause 183

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

730

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

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

731

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

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 Investigatory Powers Bill, *continued*

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

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

Joanna Cherry  
 Gavin Newlands

Page 141, line 2, leave out Clause 184 600

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Joanna Cherry  
 Gavin Newlands

Page 141, line 24, leave out Clause 185 601

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

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

Mr John Hayes

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

Mr John Hayes

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

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**Investigatory Powers Bill, *continued***

(b) ”

***Member's explanatory statement***

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

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

527

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

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

***Member's explanatory statement***

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

Joanna Cherry  
Gavin Newlands

602

Page 142, line 9, leave out Clause 186

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

713

★ Clause 187, page 143, line 29, leave out from second “period” to second “the” in line 40 and insert “of 48 hours after”

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

714

★ Clause 187, page 143, line 29, leave out from second “period” to second “the” in line 40 and insert “of 24 hours after”

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**Investigatory Powers Bill, *continued***

Joanna Cherry  
Gavin Newlands

603

Page 143, line 17, leave out Clause 187

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Joanna Cherry  
Gavin Newlands

604

Page 144, line 1, leave out Clause 188

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Joanna Cherry  
Gavin Newlands

605

Page 144, line 19, leave out Clause 189

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Joanna Cherry  
Gavin Newlands

606

Page 145, line 37, leave out Clause 190

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Joanna Cherry  
Gavin Newlands

607

Page 146, line 41, leave out Clause 191

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

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

720

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

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

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

Mr John Hayes

631

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

(a) ”

***Member’s explanatory statement***

*This amendment is consequential on amendment 632.*

Mr John Hayes

632

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

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

***Member’s explanatory statement***

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

Mr John Hayes

633

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

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

***Member’s explanatory statement***

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

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 Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands

608

Page 147, line 12, leave out Clause 192

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Joanna Cherry  
Gavin Newlands

609

Page 148, line 20, leave out Clause 193

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

80

Clause 225, page 176, line 44, at end insert “and for the purposes (and only the purposes) of this Act, including the application of paragraphs (a), (b) and (c), a “criminal purpose” includes the purpose of—

- (i) doing or facilitating anything involving an imminent threat of death or serious injury or an imminent and serious threat to national security, or
- (ii) concealing, or impeding the detection or prevention of, the doing or facilitation of any of those things;”.

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

81

Clause 225, page 177, line 6, at end insert—

“presumptively subject to legal privilege”, in relation to an item, means that disregarding any question of criminal purpose, the item falls to be treated as subject to legal privilege;”.

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 Investigatory Powers Bill, *continued*

Mr John Hayes

634

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

**Member's explanatory statement**

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

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 NEW CLAUSES

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

NC1

To move the following Clause—

**“Power of Secretary of State to certify warrants**

- (1) The Secretary of State may certify a warrant in those cases where—
  - (a) The Secretary of State has reasonable grounds to believe that the conduct authorised by the warrant is necessary pursuant to section 18(2)(a) (national security) and relates to—
    - (i) the defence of the United Kingdom by Armed Forces; or
    - (ii) the foreign policy of the United Kingdom.
  - (b) The Secretary of State considers that the conduct authorised by the warrant is proportionate to what is sought to be achieved by that conduct.
- (2) A warrant certified by the Secretary of State under subsection (1) is subject to approval by a Judicial Commissioner.
- (3) In deciding whether to approve a warrant certified by the Secretary of State under subsection (1), the Judicial Commissioner must determine whether—
  - (a) the warrant is capable of certification by the Secretary of State under subsection (1); and
  - (b) in the opinion of the Judicial Commissioner, approving the warrant is necessary on relevant grounds under section 18(2)(a) and subsection (1)(a) or (b) of this section.
- (4) Where a Judicial Commissioner refuses to approve a warrant certified by the Secretary of State under this Section, the Judicial Commissioner must produce written reasons for that decision.
- (5) Where a Judicial Commissioner, other than the Investigatory Powers Commissioner, refuses to approve a warrant under subsection (3), the Secretary of State, or any special advocate appointed may ask the investigatory Powers Commissioner to decide whether to approve the warrant.”

**Member's explanatory statement**

*This new clause is intended to replace existing Clause 21 and provides for the Secretary of State to certify warrants in cases concerning defence or foreign policy before they are considered by a judicial commissioner.*

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 Investigatory Powers Bill, *continued*

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

NC2

To move the following Clause—

**“Items subject to legal privilege**

- (1) A warrant under this Chapter, or under Chapter 1 of Part 6, may not authorise conduct undertaken for the purpose of doing anything in relation to—
  - (a) a communication, insofar as the communication consists of matters subject to legal privilege; or
  - (b) related communications data, insofar as the data relate to the communication of matters subject to legal privilege.
- (2) For the purposes of subsection (1), legal privilege means—
  - (a) communications between a professional legal adviser and his client or any person representing his client made in connection with the giving of legal advice to the client;
  - (b) communications between a professional legal adviser and his client or any person representing his client and any other person with or in contemplation of legal proceedings or for the purposes of such proceedings;
  - (c) items enclosed with or referred to in such communications and made—
    - (i) in connection with the giving of legal advice, or
    - (ii) in connection with the contemplation of legal proceedings or for the purposes of such proceedings.
- (3) Communications made with the intention of furthering a criminal purpose are not subject to legal privilege.
- (4) An application which contains a statement that the purpose of a warrant is to access communications made for the purpose of furthering a criminal purpose, but which would otherwise attract legal privilege must be considered by a Judicial Commissioner.
- (5) A Judicial Commissioner may issue a warrant sought under subsection (3), if satisfied that—
  - (a) there are reasonable grounds to believe that the communications are made with the intent of furthering a criminal purpose;
  - (b) that the material is likely to be of substantial value to the investigation in connection with which the application is made;
  - (c) that the material concerned is likely to be relevant evidence;
  - (d) other proportionate methods of obtaining the information have been tried without success or were not tried because they were bound to fail; and
  - (e) it is in the public interest that the warrant is granted, having regard to the—
    - (i) benefit likely to accrue to the investigation and prosecution if the information is accessed,
    - (ii) the importance of the prosecution, or
    - (iii) the importance of maintaining public confidence in the confidentiality of material subject to legal professional privilege.

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**Investigatory Powers Bill, *continued***

- (6) A code of practice issued under Schedule 6 must contain provision about—
- (a) the steps to be taken to minimise the risk of conduct undertaken pursuant to a warrant to which this section applies resulting in accidental acquisition of a communication, or communications data, falling within subsection (1); and
  - (b) the steps to be taken if it appears that such conduct has accidentally resulted in acquisition of such a communication or data.”

***Member’s explanatory statement***

*This new clause is intended to replace existing clause 25 and seeks to clarify the approach to legal privilege in line with existing law.*

---

Joanna Cherry  
Gavin Newlands

NC3

To move the following Clause—

**“Tort or delict of unlawful interception**

Any interception of a communication which is carried out without lawful authority at any place in the United Kingdom by, or with the express or implied consent of, a person having the right to control the operation or the use of a private telecommunication system shall be actionable by the sender or recipient, or intended recipient, of the communication if it is either—

- (a) an interception of that communication in the course of its transmission by means of that private system; or
- (b) an interception of that communication in the course of its transmission, by means of a public telecommunication system, to or from apparatus comprised in that private telecommunication system.”

***Member’s explanatory statement***

*This new clause creates a civil wrong of unlawful interception.*

---

Joanna Cherry  
Gavin Newlands

NC4

To move the following Clause—

**“Tort or delict of unlawfully obtaining communications data**

The collection of communications data from a telecommunications operator, telecommunications service, telecommunications system or postal operator without lawful authority shall be actionable as a civil wrong by any person who has suffered loss or damage by the collection of the data.”

***Member’s explanatory statement***

*This new clause creates a civil wrong of unlawful obtaining of communications data.*

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**Investigatory Powers Bill, *continued***Joanna Cherry  
Gavin Newlands

NC5

To move the following Clause—

**“Power of Secretary of State to certify warrants**

- (1) The Secretary of State may certify an application for a warrant in those cases where the Secretary of State has reasonable grounds to believe that an application is necessary pursuant to section 18(2)(a) (national security) and involves—
  - (a) the defence of the United Kingdom by Armed Forces; or
  - (b) the foreign policy of the United Kingdom.
- (2) A warrant may be certified by the Secretary of State if—
  - (a) the Secretary of State considers that the warrant is necessary on grounds falling within section 18; and
  - (b) the Secretary of State considers that the conduct authorised by the warrant is proportionate to what is sought to be achieved by that conduct.
- (3) Any warrant certified by the Secretary of State subject to subsection (1) is subject to approval by a Judicial Commissioner.
- (4) In deciding to approve a warrant pursuant to this section, the Judicial Commissioner must determine whether—
  - (a) the warrant is capable of certification by the Secretary of State subject to subsection (1);
  - (b) the warrant is necessary on relevant grounds subject to section 18(2)(a) and subsection (1)(a) or (b); and
  - (c) the conduct authorised by the warrant is proportionate to what is sought to be achieved by that conduct.
- (5) Where a Judicial Commissioner refuses to approve the person’s decision to approve a warrant under this section, the Judicial Commissioner must produce written reasons for the refusal.
- (6) Where a Judicial Commissioner, other than the Investigatory Powers Commissioner, approves or refuses to approve a warrant under this Section, the person, or any Special Advocate appointed, may ask the Investigatory Powers Commissioner to decide whether to approve the decision to issue the warrant.”

Joanna Cherry  
Gavin Newlands

NC6

To move the following Clause—

**“Items subject to legal privilege (No. 2)**

- (1) A warrant under this Chapter, or under Chapter 1 of Part 6, may not authorise conduct undertaken for the purpose of doing anything in relation to—
  - (a) a communication, insofar as the communication consists of matters subject to legal privilege;
  - (b) related communications data, insofar as the data relate to the communication of matters subject to legal privilege.

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**Investigatory Powers Bill, *continued***

- (2) For the purposes of subsection (1), legal privilege means—
- (a) communications between a professional legal adviser and his client or any person representing his client made in connection with the giving of legal advice to the client;
  - (b) communications between a professional legal adviser and his client or any person representing his client and any other person with or in contemplation of legal proceedings or for the purposes of such proceedings;
  - (c) items enclosed with or referred to in such communications and made—
    - (i) in connection with the giving of legal advice; or
    - (ii) in connection with the contemplation of legal proceedings or for the purposes of such proceedings.
  - (d) communications made with the intention of furthering a criminal purpose are not subject to legal privilege.
- (3) An application which contains a statement that the purpose of a warrant is to access communications made for the purpose of furthering a criminal purpose, but which would otherwise attract legal privilege must be considered by a Judicial Commissioner.
- (4) A Judicial Commissioner may issue a warrant sought under subsection (3), if satisfied that—
- (a) there are reasonable grounds to believe that the communications are made with the intent of furthering a criminal purpose;
  - (b) that the material is likely to be of substantial value to the investigation in connection with which the application is made; and
  - (c) that the material concerned is likely to be relevant evidence;
  - (d) other proportionate methods of obtaining the information have been tried without success or were not tried because they were bound to fail;
  - (e) it is in the public interest that the warrant is granted, having regard to the—
    - (i) the benefit likely to accrue to the investigation and prosecution if the information is accessed;
    - (ii) the importance of the prosecution; and
    - (iii) the importance of maintaining public confidence in the confidentiality of material subject to legal professional privilege.
- (5) A code of practice issued under Schedule 6 must contain provision about—
- (a) the steps to be taken to minimise the risk of conduct undertaken pursuant to a warrant to which this section applies resulting in accidental acquisition of a communication, or communications data, falling within subsection (1);
  - (b) the steps to be taken if it appears that such conduct has accidentally resulted in acquisition of such a communication or data.”

***Member's explanatory statement***

*This new clause clarifies the approach to legal professional privilege on the face of the Bill and brings it into line with the spirit of existing case-law, the common law and PACE.*

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**Investigatory Powers Bill, *continued***

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

Joanna Cherry

Gavin Newlands

NC7

To move the following Clause—

**“Persons who may apply for issue of warrant**

- (1) Each of the following organisations may apply for a communications data retention warrant—
- (a) a police force maintained under section 2 of the Police Act 1996,
  - (b) the Metropolitan Police Force,
  - (c) the City of London Police Force,
  - (d) the Police Service of Scotland,
  - (e) the Police Service of Northern Ireland,
  - (f) the British Transport Police Force,
  - (g) the Ministry of Defence Police,
  - (h) the Royal Navy Police,
  - (i) the Royal Military Police,
  - (j) the Royal Air Force Police,
  - (k) the Security Service,
  - (l) the Secret Intelligence Service,
  - (m) GCHQ, and
  - (n) the National Crime Agency.”

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Joanna Cherry  
 Gavin Newlands

NC8

To move the following Clause—

**“Equipment interference: risk assessment**

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

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

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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands

NC9

To move the following Clause—

**“Critical national infrastructure: risk assessment**

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

---

Joanna Cherry  
Gavin Newlands

NC10

To move the following Clause—

**“Requirements that must be met by warrants**

- (1) A warrant issued under this Part must name or otherwise identify the person or persons, organisation, premises, or location to which the warrant relates.
- (2) A warrant issued under this Part must describe the investigation or operation to which the warrant relates..
- (3) A warrant issued under this Part must relate to one or more of the following purposes—
  - (a) in the interests of national security, or
  - (b) for the purpose of preventing or detecting serious crime, where there is reasonable suspicion that a serious criminal offence has been or is likely to be committed, or
  - (c) for the purpose of preventing death or injury.
- (4) A warrant may only be issued under this Part if there are reasonable grounds for believing that the material is likely to be of substantial value to the investigation or operation to which the warrant relates.”

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**Investigatory Powers Bill, *continued***

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

Stephen Kinnock

Sue Hayman

NC11

To move the following Clause—

**“Confidential and privileged material**

- (1) Where any conduct under this Part will cover or is likely to cover special procedure material, or relates to individuals handling special procedure material, the application must contain—
  - (a) a statement that the conduct will cover or is likely to cover special procedure material, or relates to individuals handling special procedure material, and
  - (b) an assessment of how likely it is that the material is likely to cover special procedure material.
- (2) Where any conduct under this Part is likely to cover excluded procedure material, or relates to individuals handling excluded procedure material, the application must contain—
  - (a) a statement that the conduct will cover or is likely to cover excluded procedure material, or relates to individuals handling excluded procedure material, and
  - (b) an assessment of how likely it is that the material is likely to cover excluded procedure material.
- (3) Where a warrant issued under this Part will cover or is likely to cover special procedure material, or relates to individuals handling special procedure material, the procedure set out at section 5 below must be followed.
- (4) Where a warrant issued under this Part will cover or is likely to cover excluded procedure material, or relates to individuals handling excluded procedure material, the procedure set out at section 6 below must be followed.
- (5) Further to the requirements set out elsewhere in this part, the Judicial Commissioner may only issue a warrant if—
  - (a) there are reasonable grounds for believing that an indictable offence has been committed, and
  - (b) there are reasonable grounds for believing that the material is likely to be of substantial value to the investigation in connection to the offence at (a), and
  - (c) other proportionate methods of obtaining the material have been tried without success or have not been tried because they were assessed to be bound to fail, and
  - (d) it is in the public interest having regard to—
    - (i) the public interest in the protection of privacy and the integrity of personal data, and
    - (ii) the public interest in the integrity of communications systems and computer networks, and
    - (iii) the democratic importance of freedom of expression under article 10 ECHR to grant the warrant; or
    - (iv) the democratic interest in the confidentiality of correspondence with members of a relevant legislature; or



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**Investigatory Powers Bill, *continued***

- (v) the importance of maintaining public confidence in the confidentiality of material subject to legal professional privilege.
  - (6) Further to the requirements set out elsewhere in this part, the Judicial Commissioner may only issue a warrant in accordance with provisions made in Schedule 1 of the Police and Criminal Evidence Act and Schedule 5 of the Terrorism Act.
  - (7) An application for a warrant under this Part must not be granted where the information could be sought using a warrant under schedule 1 PACE, unless seeking this information under PACE would defeat the purpose of the investigation.
  - (8) Special procedure material means—
    - (a) special material as defined in section 14 of the Police and Criminal Evidence Act 1984;
    - (b) correspondence sent by or intended for a member of the relevant legislature.
  - (9) Excluded material procedure has the same meaning as in section 11 of the Police and Criminal Evidence Act 1984.
  - (10) A warrant under this Part may not authorise any conduct undertaken for the purpose of accessing any material relating to matters subject to legal privilege.
  - (11) For the purposes of subsection (10), “legal privilege” means—
    - (a) communications between a professional legal adviser and their client or any person representing their client made in connection with the giving of legal advice to the client;
    - (b) communications between a professional legal adviser and their client or any person representing their client and any other person with or in contemplation of legal proceedings or for the purposes of such proceedings;
    - (c) items enclosed with or referred to in such communications and made—
      - (i) in connection with the giving of legal advice, or
      - (ii) in connection with the contemplation of legal proceedings or for the purposes of such proceedings;
    - (d) communications made with the intention of furthering a criminal purpose are not subject to legal privilege.
  - (12) Where the purpose of the warrant is to conduct interference to obtain material that would normally be subject to legal privilege but that falls within subsection (11)(d), the interference and examination conduct authorised must relate—
    - (a) to the offence as specified under subsection (5)(a), or
    - (b) to some other indictable offence which is connected with or similar to the offence as specified under subsection (5)(a).”
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**Investigatory Powers Bill, *continued***

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

Stephen Kinnock

Sue Hayman

NC12

To move the following Clause—

**“Notification**

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

***Member’s explanatory statement***

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

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

Stephen Kinnock

Sue Hayman

NC13

To move the following Clause—

**“Audit trail of equipment interference**

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

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**Investigatory Powers Bill, *continued***

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

NC14

To move the following Clause—

**“Authorisations in relation to items subject to legal privilege**

- (1) Subsections (2) and (3) apply if—
  - (a) an application is made by or on behalf of a relevant public authority for authorisation under this Part, and
  - (b) the purpose, or one of the purposes, of the authorisation is to obtain communications data which contains, or might tend to reveal the content of, items presumptively subject to legal privilege.
- (2) The application must contain a statement that the purpose, or one of the purposes, of the authorisation is to obtain communications data which contains, or might tend to reveal the content of, items presumptively subject to legal privilege.
- (3) The person to whom the application is made may grant the authorisation only if the person considers—
  - (a) that compelling evidence indicates that the items in question consist of, or relate to, communications made for a criminal purpose such that it is necessary to authorise the acquisition of the communications data in question, and
  - (b) that the relevant public authority has made arrangements of the kind described in section 46 (*safeguards relating to retention and disclosure of intercepted material*), including specific arrangements for the handling, retention, use and destruction of such items.
- (4) Subsections (5) and (6) apply if—
  - (a) an application is made by or on behalf of a relevant public authority for authorisation under this Part,
  - (b) the relevant public authority considers that the relevant communications data is likely to include communications data which contains, or might tend to reveal the content of, items subject to legal privilege, and
  - (c) subsections (2) and (3) do not apply.
- (5) The application must contain—
  - (a) a statement that the relevant public authority considers that the relevant communications data is likely to include communications data which contains, or might tend to reveal the content of, items subject to legal privilege, and
  - (b) an assessment of how likely it is that the relevant communications data will include communications data which contains, or might tend to reveal the content of, such items.
- (6) The person to whom the application is made may grant the authorisation only if the person considers that the relevant public authority has made arrangements of the kind described in section 46 (*safeguards relating to retention and disclosure of material*), including specific arrangements for the handling, retention, use and destruction of any communications data which contains, or might tend to reveal the content of, items subject to legal privilege.
- (7) Subsections (1) to (6) of section 68 (*commissioner approval for authorisations in relation to journalistic sources*) apply to an authorisation to which this section applies as they apply to an authorisation in relation to the obtaining by a relevant

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**Investigatory Powers Bill, *continued***

public authority of communications data for the purpose mentioned in subsection (1)(a) of that section.

- (8) In this section “relevant communications data” means any communications data the obtaining of which is authorised by the authorisation.”

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

**NC15**

To move the following Clause—

**“Safeguards relating to items subject to legal privilege**

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

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

**NC16**

To move the following Clause—

**“Review of Bulk Powers**

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

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

ORDER OF THE HOUSE [15 MARCH 2016]

That the following provisions shall apply to the Investigatory Powers Bill:

*Committal*

1. The Bill shall be committed to a Public Bill Committee.

*Proceedings in Public Bill Committee*

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Thursday 5 May 2016.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

*Proceedings on Consideration and up to and including Third Reading*

4. Proceedings on Consideration and up to and including Third Reading shall be taken in two days in accordance with the following provisions of this Order.
5. Proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the second day.
6. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on the second day.
7. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and up to and including Third Reading.

*Other proceedings*

8. Any other proceedings on the Bill (including any proceedings on consideration of Lords Amendments or on any further messages from the Lords) may be programmed.

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ORDER OF THE COMMITTEE [24 MARCH 2016, AS AMENDED, 12 APRIL 2016]

That—

- (1) the Committee shall (in addition to its first meeting at 11.30 am on Thursday 24 March) meet—
  - (a) at 2.00 pm on Thursday 24 March;
  - (b) at 9.25 am and 2.00 pm on Tuesday 12 April;
  - (c) at 11.30 am and 2.00 pm on Thursday 14 April;
  - (d) at 9.25 am and 2.00 pm on Tuesday 19 April;
  - (e) at 11.30 am and 2.00 pm on Thursday 21 April;
  - (f) at 9.25 am and 2.00 pm on Tuesday 26 April;
  - (g) at 11.30 am and 2.00 pm on Thursday 28 April;
  - (h) at 4.30 pm and 7.00 pm on Tuesday 3 May;
  - (i) at 11.30 am and 2.00 pm on Thursday 5 May;
- (2) the Committee shall hear oral evidence on Thursday 24 March in accordance with the following Table:

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**Investigatory Powers Bill, *continued***
**TABLE**

<i>Time</i>	<i>Witness</i>
Until no later than 12.00 pm	David Anderson Q.C., independent reviewer of terrorism legislation
Until no later than 12.30 pm	Don't Spy on Us; Liberty
Until no later than 1.00 pm	International Institute for Strategic Studies; Lord Evans of Weardale
Until no later than 2.30 pm	NSPCC; Mr Ray McClure
Until no later than 3.00 pm	BT
Until no later than 3.30 pm	National Crime Agency; HM Revenue and Customs
Until no later than 4.00 pm	National Anti-Fraud Network
Until no later than 4.30 pm	Lord Judge, Chief Surveillance Commissioner; Interception of Communications Commissioner's Office
Until no later than 5.00 pm	The Rt. Hon. the Lord Reid of Cardowan; The Rt. Hon. Charles Clarke

(3) proceedings on consideration of the Bill in Committee shall be taken in the following order: Clauses 1 to 6; Schedule 1; Clauses 7 to 10; Schedule 2; Clauses 11 to 48; Schedule 3; Clauses 49 to 61; Schedule 4; Clauses 62 to 74; Schedule 5; Clauses 75 to 96; Schedule 6; Clauses 97 to 207; Schedule 7; Clauses 208 to 212; Schedule 8; Clauses 213 to 231; Schedule 9; Clause 232; Schedule 10; Clause 233; new Clauses; new Schedules; remaining proceedings on the Bill;

(4) the proceedings shall (so far as not previously concluded) be brought to a conclusion at 5.00 pm on Thursday 5 May.

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**NOTICES WITHDRAWN**

*The following Notices were withdrawn on 23 March 2016:*

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*The following Notices were withdrawn on 13 April 2016:*

163, 167

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