



# House of Commons

Monday 6 June 2016

## CONSIDERATION OF BILL (REPORT STAGE)

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*New Amendments handed in are marked thus ★*

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

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

### INVESTIGATORY POWERS BILL

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#### 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**This document includes all amendments tabled to date and includes any withdrawn amendments at the end.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 Investigatory Powers Bill Programme (No. 2) Motion to be proposed by Secretary Theresa May.**

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*NEW CLAUSES AND NEW SCHEDULES RELATING TO, AND AMENDMENTS TO, PART 1;  
NEW CLAUSES AND NEW SCHEDULES RELATING TO, AND AMENDMENTS TO, PART 8*

Secretary Theresa May

NC5

To move the following Clause—

**“General duties in relation to privacy**

- (1) Subsection (2) applies where a public authority is deciding whether—
  - (a) to issue, renew or cancel a warrant under Part 2, 5, 6 or 7,
  - (b) to modify such a warrant,
  - (c) to approve a decision to issue, renew or modify such a warrant,
  - (d) to grant, approve or cancel an authorisation under Part 3,
  - (e) to give a notice in pursuance of such an authorisation or under Part 4 or section 216, 217 or 220,
  - (f) to vary or revoke such a notice,
  - (g) to approve a decision to give a notice under section 216 or 217, or

**Investigatory Powers Bill, *continued***

- (h) to apply for or otherwise seek any issue, grant, giving, modification, variation or renewal of a kind falling within paragraph (a), (b), (d), (e) or (f).
- (2) The public authority must have regard to—
  - (a) whether what is sought to be achieved by the warrant, authorisation or notice could reasonably be achieved by other less intrusive means,
  - (b) the public interest in the integrity and security of telecommunication systems and postal services, and
  - (c) any other aspects of the public interest in the protection of privacy.
- (3) The duties under subsection (2)—
  - (a) apply so far as they are relevant in the particular context, and
  - (b) are subject to the need to have regard to other considerations that are also relevant in that context.
- (4) The other considerations may, in particular, include—
  - (a) the interests of national security or of the economic well-being of the United Kingdom,
  - (b) the public interest in preventing or detecting serious crime,
  - (c) other considerations which are relevant to—
    - (i) whether the conduct authorised or required by the warrant, authorisation or notice is proportionate, or
    - (ii) whether it is necessary to act for a purpose provided for by this Act,
  - (d) the requirements of the Human Rights Act 1998, and
  - (e) other requirements of public law.
- (5) In this section “public authority” includes the relevant judicial authority (within the meaning of section 66) where the relevant judicial authority is deciding whether to approve under that section an authorisation under Part 3.”

***Member’s explanatory statement***

*This new clause imposes certain duties in relation to privacy.*

Secretary Theresa May

NC6

To move the following Clause—

**“Civil liability for certain unlawful interceptions**

- (1) An interception of a communication is actionable at the suit or instance of—
  - (a) the sender of the communication, or
  - (b) the recipient, or intended recipient, of the communication,
 if conditions A to D are met.
- (2) Condition A is that the interception is carried out in the United Kingdom.
- (3) Condition B is that the communication is intercepted—
  - (a) in the course of its transmission by means of a private telecommunication system, or
  - (b) in the course of its transmission, by means of a public telecommunication system, to or from apparatus that is part of a private telecommunication system.

**Investigatory Powers Bill, *continued***

- (4) Condition C is that the interception is carried out by, or with the express or implied consent of, a person who has the right to control the operation or use of the private telecommunication system.
- (5) Condition D is that the interception is carried out without lawful authority.
- (6) For the meaning of “interception” and other key expressions used in this section, see sections 3 to 5.”

***Member’s explanatory statement***

*This amendment replicates the effect of section 1(3) of the Regulation of Investigatory Powers Act 2000. It provides for civil liability in certain cases where there has been unlawful interception of communications transmitted by means of private telecommunication systems, or to or from apparatus forming part of such a system.*

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Mr Dominic Grieve  
 Sir Alan Duncan  
 Mr George Howarth  
 Fiona Mactaggart  
 Angus Robertson  
 Mr Keith Simpson

Ms Gisela Stuart

NC4

To move the following Clause—

**“Offence of unlawful use of investigatory powers**

- (1) A relevant person is guilty of an offence if—
  - (a) by way of conduct described in this Act, he knowingly or recklessly obtains the communications, communications data, secondary data, equipment data or personal information of an individual, and
  - (b) the person does not have lawful authority to make use of the investigatory power concerned.
- (2) Subsection (1) does not apply to a relevant person who shows that the person acted in the reasonable belief that the person had lawful authority to obtain the information referred to in subsection (1)(a).
- (3) In this section “relevant person” means a person who holds an office, rank or position with a relevant public authority (within the meaning of Part 3).
- (4) A person guilty of an offence under this section is liable—
  - (a) on summary conviction in England and Wales—
    - (i) to imprisonment for a term not exceeding 12 months (or 6 months, if the offence was committed before the commencement of section 154(1) of the Criminal Justice Act 2003), or
    - (ii) to a fine, or to both;
  - (b) on summary conviction in Scotland—
    - (i) to imprisonment for a term not exceeding 12 months, or
    - (ii) to a fine not exceeding the statutory maximum, or to both;
  - (c) on summary conviction in Northern Ireland—
    - (i) to imprisonment for a term not exceeding 6 months, or
    - (ii) to a fine not exceeding the statutory maximum, or to both;
  - (d) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.

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**Investigatory Powers Bill, *continued***

- (5) The offence in this section shall have precedence over any other relevant offences in the Data Protection Act 1998, Wireless Telegraphy Act 2006, Computer Misuse Act 1990, and the common law offence of misfeasance in public office.”

**Member's explanatory statement**

*On behalf of the Intelligence and Security Committee of Parliament, to provide for a unified offence for the misuse of intrusive investigatory powers at the beginning of the Bill, in Part 1, rather than having each offence scattered throughout the Bill or in other legislation.*

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Andy Burnham  
Keir Starmer  
Lyn Brown  
Jack Dromey  
Sarah Champion  
Sue Hayman

Mr Alistair Carmichael

NC21

To move the following Clause—

**“General duties in relation to privacy**

- (1) Subsection (2) applies where a public authority is deciding whether—
- (a) to issue, renew or cancel a warrant under Part 2, 5, 6 or 7,
  - (b) to modify such a warrant,
  - (c) to approve a decision to issue, renew or modify such a warrant,
  - (d) to grant, approve or cancel an authorisation under Part 3,
  - (e) to give a notice in pursuance of such an authorisation or under Part 4 or section 216, 217 or 220,
  - (f) to vary or revoke such a notice,
  - (g) to approve a decision to give a notice under section 216 or 217, or
  - (h) to apply for or otherwise seek any issue, grant, giving, modification, variation or renewal of a kind falling within paragraph (a), (b), (d), (e) or (f).
- (2) The public authority must give effect to—
- (a) the requirements of the Human Rights Act 1998, and
  - (b) other requirements of public law.
- (3) The public authority must also have regard to—
- (a) whether what is sought to be achieved by the warrant, authorisation or notice could reasonably be achieved by other less intrusive means,
  - (b) the public interest in the integrity and security of telecommunication systems and postal services, and
  - (c) any other aspects of the public interest in the protection of privacy.
- (4) The duties under subsection (3)—
- (a) apply so far as they are relevant in the particular context, and
  - (b) are subject to the need to have regard to other considerations that are also relevant in that context.
- (5) The other considerations may, in particular, include—
- (a) the interests of national security or of the economic well-being of the United Kingdom,

**Investigatory Powers Bill, *continued***

- (b) the public interest in preventing or detecting serious crime,
- (c) other considerations which are relevant to—
  - (i) whether the conduct authorised or required by the warrant, authorisation or notice is proportionate, or
  - (ii) whether it is necessary to act for a purpose provided for by this Act.
- (6) In this section “public authority” includes the relevant judicial authority (within the meaning of section 66) where the relevant judicial authority is deciding whether to approve under that section an authorisation under Part 3.”

***Member’s explanatory statement***

*This new clause sets out general duties in relation to privacy.*

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Mr Dominic Grieve  
 Sir Alan Duncan  
 Mr George Howarth  
 Fiona Mactaggart  
 Angus Robertson  
 Mr Keith Simpson

Ms Gisela Stuart

Mr Alistair Carmichael

14

Clause 1, page 1, line 4, at end insert—

“( ) This Act sets out the extent to which certain investigatory powers may be used to interfere with an individual’s privacy.”

***Member’s explanatory statement***

*On behalf of the Intelligence and Security Committee of Parliament, to place privacy at the forefront of the legislation.*

Secretary Theresa May

26

Clause 1, page 1, line 5, leave out “sets out” and insert “imposes certain duties in relation to privacy and contains other protections for privacy.

(1A) These other protections include”

***Member’s explanatory statement***

*This amendment is consequential on new clause 5.*

Secretary Theresa May

27

Clause 1, page 1, line 8, leave out “It” and insert “This Part”

***Member’s explanatory statement***

*This amendment is consequential on new clause 5.*

Secretary Theresa May

28

Clause 1, page 1, line 12, leave out “Other” and insert “Further”

***Member’s explanatory statement***

*This amendment is consequential on new clause 5.*

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 Investigatory Powers Bill, *continued*

- Secretary Theresa May 29
- Clause 1, page 2, line 1, after “exist” insert “—  
(i) ”
- Member’s explanatory statement***  
*This amendment is consequential on amendment 30.*
- Secretary Theresa May 30
- Clause 1, page 2, line 1, after “1998” insert “,  
(ii) in section 55 of the Data Protection Act 1998 (unlawful obtaining etc. of personal data),  
(iii) in section 48 of the Wireless Telegraphy Act 2006 (offence of interception or disclosure of messages),  
(iv) in sections 1 to 3A of the Computer Misuse Act 1990 (computer misuse offences),  
(v) in the common law offence of misfeasance in public office,”
- Member’s explanatory statement***  
*This amendment lists certain existing offences which protect privacy.*
- Secretary Theresa May 31
- Clause 1, page 2, line 4, after “circumstances” insert “(including under a warrant)”
- Member’s explanatory statement***  
*This amendment is consequential on new clause 5.*
- Secretary Theresa May 32
- Clause 1, page 2, line 9, after “lawful” insert “in pursuance of an authorisation or under a warrant”
- Member’s explanatory statement***  
*This amendment is consequential on new clause 5.*
- Secretary Theresa May 33
- Clause 1, page 2, line 12, after “data” insert “in pursuance of a notice”
- Member’s explanatory statement***  
*This amendment is consequential on new clause 5.*
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- Secretary Theresa May 34
- Clause 10, page 8, line 20, leave out “for the purpose of regulatory functions” and insert “in connection with the regulation of—  
(i) telecommunications operators, telecommunications services or telecommunication systems, or  
(ii) postal operators or postal services”
- Member’s explanatory statement***  
*This amendment ensures that the powers and duties excluded from clause 10(2) (and dealt with in*

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**Investigatory Powers Bill, *continued***

*clause 10(3)) by virtue of being regulatory powers are limited to those exercisable in connection with telecommunications or postal regulation.*

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Mr Alistair Carmichael  
Joanna Cherry  
Gavin Newlands

NC1

To move the following Clause—

**“Notification by the Investigatory Powers Commissioner**

- (1) The Investigatory Powers Commissioner is to notify the subject or subjects of investigatory powers relating to the statutory functions identified in section 196, subsections (1), (2) and (3), including—
    - (a) the interception or examination of communications,
    - (b) the retention, accessing or examination of communications data or secondary data,
    - (c) equipment interference,
    - (d) access or examination of data retrieved from a bulk personal dataset,
    - (e) covert human intelligence sources,
    - (f) entry or interference with property.
  - (2) The Investigatory Powers Commissioner must only notify subjects of investigatory powers under subsection (1) upon completion of the relevant conduct or the cancellation of the authorisation or warrant.
  - (3) The notification under subsection (1) must be sent by writing within thirty days of the completion of the relevant conduct or cancellation of the authorisation or warrant.
  - (4) The Investigatory Powers Commissioner must issue the notification under subsection (1) in writing, including details of—
    - (a) the conduct that has taken place, and
    - (b) the provisions under which the conduct has taken place, and
    - (c) any known errors that took place within the course of the conduct.
  - (5) The Investigatory Powers Commissioner may postpone the notification under subsection (1) beyond the time limit under subsection (3) if the Commissioner assesses that notification may defeat the purposes of an on-going serious crime or national security operation or investigation.
  - (6) The Investigatory Powers Commissioner must consult with the person to whom the warrant is addressed in order to fulfil an assessment under subsection (5).”
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**Investigatory Powers Bill, *continued***

Mr Dominic Grieve  
 Sir Alan Duncan  
 Mr George Howarth  
 Fiona Mactaggart  
 Angus Robertson  
 Mr Keith Simpson

Ms Gisela Stuart

NC2

To move the following Clause—

**“Referrals by the Intelligence and Security Committee of Parliament**

- (1) Subsection (2) applies if the Intelligence and Security Committee of Parliament refers a matter to the Investigatory Powers Commissioner.
- (2) The Investigatory Powers Commissioner must inform the Intelligence and Security Committee of Parliament of the outcome of any investigation, inspection or audit arising from such a referral.”

***Member’s explanatory statement***

*To allow the Intelligence and Security Committee to refer matters, on behalf of Parliament, to the Commissioner and to provide a mechanism for the Committee to be informed of the outcome.*

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Stephen McPartland  
 Mr Steve Baker  
 Mr David Davis

NC16

To move the following Clause—

**“Investigatory Powers Commissioner: obligation to notify**

- (1) The Investigatory Powers Commissioner is to notify the subject or subjects of investigatory powers relating to the statutory functions identified in section 196, subsections (1), (2) and (3), including—
  - (a) the interception or examination of communications,
  - (b) the retention, accessing or examination of communications data or secondary data,
  - (c) equipment interference,
  - (d) access or examination of data retrieved from a bulk personal dataset.
- (2) The Investigatory Powers Commissioner must only notify subjects of investigatory powers under subsection (1) upon completion of the relevant conduct or the cancellation of the authorisation or warrant.
- (3) The notification under subsection (1) must be sent by writing within ninety days of the completion of the relevant conduct or cancellation of the authorisation or warrant.
- (4) The Investigatory Powers Commissioner must issue the notification under subsection (1) in writing, including details of the provisions under which the conduct has taken place.
- (5) The Investigatory Powers Commissioner may postpone the notification under subsection (1) beyond the time limit under subsection (3) if the Commissioner assesses that notification may defeat the purposes of the on-going serious crime or national security operation or investigation.



**Investigatory Powers Bill, *continued***

- (6) The Investigatory Powers Commissioner must consult with the person to whom the warrant is addressed in order to fulfil an assessment under subsection (5).”

***Member’s explanatory statement***

*This new Clause would ensure that individuals are informed after the event that they have been a subject of investigatory powers.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

465

Clause 194, page 149, line 7, at end insert—

- “( ) There shall be a body corporate known as the Investigatory Powers Commission.  
( ) The Investigatory Powers Commission shall have such powers and duties as shall be specified in this Act.”

***Member’s explanatory statement***

*See amendment 469.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

466

Clause 194, page 149, line 12, at end insert—

- “(1A) The Investigatory Powers Commissioner must appoint—  
    (a) the Chief Inspector, and  
    (b) such number of Inspectors as the Investigatory Powers Commissioner considers necessary for the carrying out of the functions of the Investigatory Powers Commission.  
(1B) In appointing Investigators the Investigatory Powers Commissioner shall—  
    (a) appoint an individual only if the Investigatory Powers Commissioner thinks that the individual—  
        (i) has experience or knowledge relating to a relevant matter, and  
        (ii) is suitable for appointment,  
    (b) have regard to the desirability of the Investigators together having experience and knowledge relating to the relevant matters.  
(1C) For the purposes of subsection (2)(a) the relevant matters are those matters in respect of which the Investigatory Powers Commission has functions including, in particular—  
    (a) national security;  
    (b) the prevention and detection of serious crime;  
    (c) the protection of privacy and the integrity of personal data;

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**Investigatory Powers Bill, *continued***

- (d) the security and integrity of computer systems and networks;
- (e) the law, in particular, as it relates to the matters in subsections (-)(a) – (b);
- (f) human rights as defined in Section 9(2) of the Equality Act 2006.”

***Member’s explanatory statement****See amendment 469.*

Andy Burnham  
 Keir Starmer  
 Lyn Brown  
 Jack Dromey  
 Sarah Champion  
 Sue Hayman

Mr Alistair Carmichael

**295**

Clause **194**, page **149**, line **19**, leave out paragraph (a).

***Member’s explanatory statement****A paving amendment for the proposed requirement on the Prime Minister to act on the recommendation of the relevant chief justice when appointing Judicial Commissioners.*

Andy Burnham  
 Keir Starmer  
 Lyn Brown  
 Jack Dromey  
 Sara Champion  
 Sue Hayman

Mr Alistair Carmichael

**296**

Clause **194**, page **149**, line **20**, leave out paragraph (b)

***Member’s explanatory statement****A paving amendment for the proposed requirement on the Prime Minister to act on the recommendation of the relevant chief justice when appointing Judicial Commissioners.*

Andy Burnham  
 Keir Starmer  
 Lyn Brown  
 Jack Dromey  
 Sara Champion  
 Sue Hayman

Mr Alistair Carmichael

**297**

Clause **194**, page **149**, line **21**, leave out paragraph (c)

***Member’s explanatory statement****A paving amendment for the proposed requirement on the Prime Minister to act on the recommendation of the relevant chief justice when appointing Judicial Commissioners.*

**Investigatory Powers Bill, *continued***

Mr Douglas Carswell

7

Clause 194, page 149, line 23, at end insert—

“(3A) The term of office of a person appointed under subsection (1)(a) as Investigatory Powers Commissioner must not begin before the Intelligence and Security Committee of Parliament has consented to the proposed appointee.”

***Member’s explanatory statement***

*This amendment would require the appointment of the Investigatory Powers Commissioner to be agreed by the Intelligence and Security Committee of Parliament.*

Andy Burnham  
Keir Starmer  
Lyn Brown  
Jack Dromey  
Sara Champion  
Sue Hayman

Mr Alistair Carmichael

298

Clause 194, page 149, line 28, at end insert—

“(5A) When appointing any person under subsection (1), the Prime Minister must act on the recommendation of—

- (a) the Lord Chief Justice of England and Wales, in relation to Judicial Commissioners appointed from England and Wales,
- (b) the Lord President of the Court of Session, in relation to Judicial Commissioners appointed from Scotland, and
- (c) the Lord Chief Justice of Northern Ireland, in relation to Judicial Commissioners appointed from Northern Ireland.”

***Member’s explanatory statement***

*An amendment to require the Prime Minister to act on the recommendation of the Lord Chief Justice of England and Wales, the Lord President of the court of Session, or the Lord Chief Justice of Northern Ireland, when appointing Judicial Commissioners.*

Ms Harriet Harman  
Fiona Bruce  
Ms Karen Buck  
Jeremy Lefroy  
Amanda Solloway  
Mark Pritchard

146

Clause 194, page 149, line 35, at end insert—

“(7A) The Investigatory Powers Commissioner shall ensure that all judicial authorisation functions under this Act are carried out by different Commissioners from those who carry out the audit and inspection functions set out in this Part.”

***Member’s explanatory statement***

*This amendment requires the Investigatory Powers Commissioner to ensure the separation of the judicial authorisation function from the ex post audit and inspection function..*

Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

467

Clause 194, page 149, line 35, at end insert—

“(7A) The Prime Minister may make an appointment under subsection (1) only following a recommendation by—

- (a) The Judicial Appointments Commission;
- (b) The Judicial Appointments Board of Scotland; or
- (c) The Northern Ireland Judicial Appointments Commission.”

***Member’s explanatory statement***

*See amendment 469.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

468

Clause 194, page 149, line 35, at end insert—

“(7A) The Chief Inspector is an Inspector and the Chief Inspector and the other Inspector are to be known, collectively, as the Inspectors.”

***Member’s explanatory statement***

*See amendment 469.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

469

Clause 194, page 150, line 2, at end insert—

- “(c) to the Investigatory Powers Commission are to be read as appropriate to refer to the body corporate, the Investigatory Powers Commission, and in so far as it will refer to the conduct of powers, duties and functions, those shall be conducted by either the Judicial Commissioners or the Inspectors as determined by this Act or by the Investigatory Powers Commissioner, consistent with the provisions of this Act.”

***Member’s explanatory statement***

*The purpose of these amendments is to replace the proposal to create an Investigatory Powers Commissioner with provisions to create a new Investigatory Powers Commission. They would provide that no appointment can be made except pursuant to a recommendation by the independent*

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**Investigatory Powers Bill, *continued***

*bodies in England and Wales, Scotland and Northern Ireland tasked with making judicial appointments in those jurisdictions.*

Secretary Theresa May

35

Clause 196, page 151, line 18, at end insert—

“( ) the exercise of functions by virtue of sections 1 to 4 of the Prisons (Interference with Wireless Telegraphy) Act 2012,”

***Member’s explanatory statement***

*This amendment gives oversight to the Investigatory Powers Commissioner in relation to authorisations to interfere with wireless telegraphy under the Prisons (Interference with Wireless Telegraphy) Act 2012.*

Mr Dominic Grieve  
 Sir Alan Duncan  
 Mr George Howarth  
 Fiona Mactaggart  
 Angus Robertson  
 Mr Keith Simpson

Ms Gisela Stuart

8

Clause 196, page 152, line 9, at end insert—

“(4A) In keeping matters under review in accordance with this section, the Investigatory Powers Commissioner must, in particular, keep under review the operation of safeguards to protect privacy.”

***Member’s explanatory statement***

*On behalf of the Intelligence and Security Committee of Parliament, to make explicit that the Investigatory Powers Commissioner is required to scrutinise the underlying safeguards, procedures and processes relating to bulk powers, including the arrangements for the protection of, and control of access to, material obtained through their use.*

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Mr Dominic Grieve  
 Sir Alan Duncan  
 Mr George Howarth  
 Fiona Mactaggart  
 Angus Robertson  
 Mr Keith Simpson

Ms Gisela Stuart

18

Clause 197, page 153, line 8, after “Commissioner”, insert “or the Intelligence and

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**Investigatory Powers Bill, *continued***

Security Committee of Parliament”

***Member’s explanatory statement***

*On behalf of the Intelligence and Security Committee of Parliament, to allow the Prime Minister to issue directions at the request of the ISC (in addition to the Commissioner).*

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Stephen McPartland  
Mr Steve Baker

Clause **198**, page **153**, line **21**, leave out “if the Commissioner considers that—” **189**  
***Member’s explanatory statement***  
*See amendment 195.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Clause **198**, page **153**, line **21**, leave out from “aware” to end of line 24 **472**  
***Member’s explanatory statement***  
*See amendment 477.*

Stephen McPartland  
Mr Steve Baker

Clause **198**, page **153**, leave out line 23 **190**  
***Member’s explanatory statement***  
*See amendment 195.*

Stephen McPartland  
Mr Steve Baker

Clause **198**, page **153**, leave out line 24 **191**  
***Member’s explanatory statement***  
*See amendment 195.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Clause **198**, page **153**, line **25**, leave out subsections (2) to (5) and insert— **473**  
“(2) The Investigatory Powers Commissioner may decide not to inform a person of an error in exceptional circumstances.

**Investigatory Powers Bill, *continued***

- (1) Exceptional circumstances under subsection (1) will arise if the public interest in disclosure is outweighed by a significant prejudice to—
- (a) national security, or
  - (b) the prevention and detection of serious crime.”

***Member’s explanatory statement***

*See amendment 477.*

Stephen McPartland  
Mr Steve Baker

**192**

Clause **198**, page **153**, line **25**, leave out subsection (2)

***Member’s explanatory statement***

*See amendment 195.*

Stephen McPartland  
Mr Steve Baker

**193**

Clause **198**, page **153**, line **29**, leave out subsection (3)

***Member’s explanatory statement***

*See amendment 195.*

Stephen McPartland  
Mr Steve Baker

**194**

Clause **198**, page **153**, line **32**, leave out subsection (4)

***Member’s explanatory statement***

*See amendment 195.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

**474**

Clause **198**, page **153**, line **44**, at end insert—

“(5A) Provide the person with such details of the submissions made by the public authority on the error and on the matters concerned pursuant to subsection (5) as are necessary to inform a complaint to the Investigatory Powers Tribunal.”

***Member’s explanatory statement***

*See amendment 477.*

Stephen McPartland  
Mr Steve Baker

**195**

Clause **198**, page **154**, line **6**, leave out from “having” to end of line 9

***Member’s explanatory statement***

*These amendments will remove excessive restrictions on the Investigatory Powers Commissioner to instruct and inform individuals who have been subject to surveillance and will ensure that they are always notified of that fact when unlawful errors occur.*

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 Investigatory Powers Bill, *continued*

Mr Alistair Carmichael  
 Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless

Angela Crawley

Margaret Ferrier

2

Clause 198, page 154, line 10, leave out subsection (7)

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

476

Clause 198, page 154, line 16, leave out paragraph (b)  
*Member's explanatory statement*  
*See amendment 477.*

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

477

Clause 198, page 154, line 23, leave out paragraph (b)  
*Member's explanatory statement*

*These amendments would amend the Bill to provide for the Commissioner to notify any relevant person of any error made pursuant to the activities in the Bill, in order to allow those individuals to consider whether a claim may lie to the Investigatory Powers Tribunal for redress. It makes provision for non-disclosure in circumstances where the public interest in disclosure would be outweighed by a significant risk of prejudice to national security or the prevention and detection of crime.*

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Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

479

Clause 199, page 154, line 28, leave out "Judicial Commissioner" and insert



**Investigatory Powers Bill, *continued***

“Investigatory Powers Commission”  
***Member’s explanatory statement***  
*See amendment 481.*

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

**478**

Clause 199, page 154, line 34, at end insert—

“(1A) A Judicial Commissioner may refer to the Investigatory Powers Tribunal any matter the Commissioner considers may have involved the unlawful use of investigatory powers.”

***Member’s explanatory statement***  
*See amendment 481.*

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

**480**

Clause 199, page 154, line 35, leave out “Judicial Commissioner” and insert “Investigatory Powers Commission”

***Member’s explanatory statement***  
*See amendment 481.*

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

**481**

Clause 199, page 154, line 38, leave out subsections (3) and (4) and insert—

“(3) In any circumstances where the Commission has identified a relevant error pursuant to section 198, the Commission must give such documents, information or other material as may be relevant to the investigation of the error to the Tribunal.

(4) The duty in subsection (3) shall be exercised without request from the Tribunal.”

***Member’s explanatory statement***

*These amendments would remove the requirement to consult the Secretary of State and would make clear that in circumstances where a relevant error has been identified, material should be provided to the Tribunal by the Commission. It would make clear that any potentially unlawful use of the powers in this Act may be referred to the Tribunal by the Commissioners. These amendments*

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**Investigatory Powers Bill, continued**

would remove the requirement to consult the Secretary of State before giving assistance direct to other public authorities.

---

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

**482**

Clause **203**, page **159**, line **2**, at end insert—

“(1A) A disclosure pursuant to subsection (1) will not constitute a criminal offence for any purposes in this Act or in any other enactment.

(1B) In subsection (1), a disclosure for the purposes of any function of the Commissioner may be made at the initiative of the person making the disclosure and without need for request by the Investigatory Powers Commissioner.”

**Member’s explanatory statement**

*This amendment would make it clear that voluntary, unsolicited disclosures are protected, and that any whistle-blower is also protected from criminal prosecution..*

---

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

**483**

Clause **208**, page **160**, line **29**, after “determination” insert “or ruling or decision, including relating to a procedural matter”

**Member’s explanatory statement**

*See amendment 486.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

**484**

Clause **208**, page **160**, line **29**, leave out from “Tribunal” to the end of line 30

**Member’s explanatory statement**

*See amendment 486.*

Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

485

Clause 208, page 161, line 8, leave out subsection (6)  
*Member's explanatory statement*  
*See amendment 486.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

486

Clause 208, page 162, line 38, at end insert—

“(6) After section 68(1) of the Regulation of Investigatory Powers Act 2000, insert—

“(1A) Any hearing conducted by the Tribunal must be conducted in public, except where a special proceeding is justified in the public interest.

(1B) Any determination by the Tribunal must be made public, except where a special proceeding may be justified in the public interest.

(1C) A special proceeding will be in the public interest only where there is no alternative means to protect sensitive material from disclosure.

(1D) Material will be sensitive material for the purposes of this Section if its disclosure would seriously prejudice (a) national security or (b) the prevention and detection of crime.

(1E) Publication for the purposes of this Section will be seriously prejudicial if it would lead to a significant threat to life or of a serious physical injury to a person.

(1F) The Tribunal shall appoint a person to represent the interests of a party in any special proceedings from which the party (and any legal representative of the party) is excluded.

(1G) Such a person will be known as a Special Advocate.”

*Member's explanatory statement*

*These amendments make clear that all decisions, determinations and rulings can be appealed on a point of law.*

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**Investigatory Powers Bill, *continued***

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

487

Clause 208, page 162, line 38, at end insert—

“(6) After Section 4(5)(f) of the Human Rights Act 1998 insert—  
 “(g) the Investigatory Powers Tribunal.””

***Member’s explanatory statement***

*This amendment makes clear that all decisions, determinations and rulings can be appealed on a point of law.*

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*NEW CLAUSES AND NEW SCHEDULES RELATING TO, AND AMENDMENTS TO, PART 2;  
 NEW CLAUSES AND NEW SCHEDULES RELATING TO, AND AMENDMENTS TO, PART 5;  
 NEW CLAUSES AND NEW SCHEDULES RELATING TO, AND AMENDMENTS TO,  
 CHAPTER 1 OF PART 9*

Secretary Theresa May

NC7

To move the following Clause—

**“Persons who may make modifications**

- (1) A major modification may be made by—
  - (a) the Secretary of State, in the case of a warrant issued by the Secretary of State,
  - (b) a member of the Scottish Government, in the case of a warrant issued by the Scottish Ministers, or
  - (c) a senior official acting on behalf of the Secretary of State or (as the case may be) the Scottish Ministers.
- (2) A minor modification may be made by—
  - (a) the Secretary of State, in the case of a warrant issued by the Secretary of State,
  - (b) a member of the Scottish Government, in the case of a warrant issued by the Scottish Ministers,
  - (c) a senior official acting on behalf of the Secretary of State or (as the case may be) the Scottish Ministers,
  - (d) the person to whom the warrant is addressed, or
  - (e) a person who holds a senior position in the same public authority as the person mentioned in paragraph (d).
- (3) But if a person within subsection (2)(d) or (e) considers that there is an urgent need to make a major modification, that person (as well as a person within subsection (1)) may do so.

Section 31 contains provision about the approval of major modifications made in urgent cases.

**Investigatory Powers Bill, *continued***

- (4) Subsections (1) and (3) are subject to section (*Further provision about modifications*)(5) and (6) (special rules where section 24 or 25 applies in relation to the making of a major modification).
- (5) For the purposes of subsection (2)(e) a person holds a senior position in a public authority if—
  - (a) in the case of any of the intelligence services—
    - (i) the person is a member of the Senior Civil Service or a member of the Senior Management Structure of Her Majesty’s Diplomatic Service, or
    - (ii) the person holds a position in the intelligence service of equivalent seniority to such a person;
  - (b) in the case of the National Crime Agency, the person is a National Crime Agency officer of grade 2 or above;
  - (c) in the case of the metropolitan police force, the Police Service of Northern Ireland or the Police Service of Scotland, a person is of or above the rank of superintendent;
  - (d) in the case of Her Majesty’s Revenue and Customs, the person is a member of the Senior Civil Service;
  - (e) in the case of the Ministry of Defence—
    - (i) the person is a member of the Senior Civil Service, or
    - (ii) the person is of or above the rank of brigadier, commodore or air commodore.
- (6) In this section “senior official” means—
  - (a) in the case of a warrant issued by the Secretary of State, a member of the Senior Civil Service or a member of the Senior Management Structure of Her Majesty’s Diplomatic Service;
  - (b) in the case of a warrant issued by the Scottish Ministers, a member of the staff of the Scottish Administration who is a member of the Senior Civil Service.”

***Member’s explanatory statement***

*The new clause reproduces clause 30(5) to (8) and includes provision consequential on NC8.*

Secretary Theresa May

NC8

To move the following Clause—

**“Further provision about modifications**

- (1) A person may make a modification within subsection (2) only if the person considers—
  - (a) that the modification is necessary on any relevant grounds (see subsection (3)), and
  - (b) that the conduct authorised by the modification is proportionate to what is sought to be achieved by that conduct.
- (2) The modifications within this subsection are—
  - (a) a major modification adding the name or description of a person, organisation or set of premises to which the warrant relates, and
  - (b) a minor modification adding any factor specified in the warrant in accordance with section 27(8).

**Investigatory Powers Bill, *continued***

- (3) In subsection (1)(a) “relevant grounds” means—
- (a) in the case of a warrant issued by the Secretary of State, grounds falling within section 18;
  - (b) in the case of a warrant issued by the Scottish Ministers, grounds falling within section 19(4);
- and for the purposes of subsection (1) any reference to the Secretary of State in section 18(3)(b) or the Scottish Ministers in section 19(4)(b) is to be read as a reference to the person making the modification.
- (4) Sections 24 (Members of Parliament etc.) and 25 (items subject to legal privilege) apply in relation to the making of a major modification within subsection (2)(a) above as they apply in relation to the issuing of a warrant.
- (5) Where section 24 applies in relation to the making of a major modification—
- (a) the modification must be made by the Secretary of State, and
  - (b) the modification has effect only if the decision to make the modification has been approved by a Judicial Commissioner.
- (6) Where section 25 applies in relation to the making of a major modification—
- (a) the modification must be made by—
    - (i) the Secretary of State or (in the case of a warrant issued by the Scottish Ministers) a member of the Scottish Government, or
    - (ii) if a senior official acting on behalf of a person within subparagraph (i) considers that there is an urgent need to make the modification, that senior official, and
  - (b) except where the person making the modification considers that there is an urgent need to make it, the modification has effect only if the decision to make the modification has been approved by a Judicial Commissioner.
- (7) In a case where section 24 or 25 applies in relation to the making of a major modification, section 21 (approval of warrants by Judicial Commissioners) applies in relation to the decision to make the modification as it applies in relation to a decision to issue a warrant, but as if—
- (a) the references in subsection (1)(a) and (b) of that section to the warrant were references to the warrant as modified,
  - (b) any reference to the person who decided to issue the warrant were a reference to the person who decided to make the modification, and
  - (c) “relevant grounds” in that section had the meaning given by subsection (3) above.
- Section 31 contains provision about the approval of major modifications made in urgent cases.
- (8) If, in a case where section 24 or 25 applies in relation to the making of a major modification, it is not reasonably practicable for the instrument making the modification to be signed by the Secretary of State or (as the case may be) a member of the Scottish Government in accordance with section 30(3), the instrument may be signed by a senior official designated by the Secretary of State or (as the case may be) the Scottish Ministers for that purpose.
- (9) 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 person who took the decision to make the modification, and
  - (b) the Secretary of State or (as the case may be) a member of the Scottish Government has personally and expressly authorised the making of the modification.
- (10) If at any time a person mentioned in section (*Persons who may make modifications*)(2) considers that any factor specified in a warrant in accordance with section 27(8) is no longer relevant for identifying communications which, in

**Investigatory Powers Bill, *continued***

the case of that warrant, are likely to be, or to include, communications falling within section 27(9)(a) or (b), the person must modify the warrant by removing that factor.

- (11) In this section “senior official” has the same meaning as in section (*Persons who may make modifications*).

***Member’s explanatory statement***

*The new clause reproduces (with some changes) clause 30(9) to (11) and (13). It requires Judicial Commissioner approval for major modifications in cases where clause 24 or 25 applies, and restricts who may make such modifications. It also provides that a modification adding a new address, number etc to a warrant under Chapter 1 of Part 2 may be made only if the necessity and proportionality tests in subsection (1) are met.*

Secretary Theresa May

NC9

To move the following Clause—

**“Notification of major modifications**

- (1) As soon as is reasonably practicable after a person makes a major modification of a warrant under this Chapter, a Judicial Commissioner must be notified of the modification and the reasons for making it.
- (2) But subsection (1) does not apply where—
  - (a) the modification is made by virtue of section (*Persons who may make modifications*)(3), or
  - (b) section 24 or 25 applies in relation to the making of the modification.
- (3) Where a major modification is made by a senior official in accordance with section (*Persons who may make modifications*)(1) or section (*Further provision about modifications*)(6)(a)(ii), the Secretary of State or (in the case of a warrant issued by the Scottish Ministers) a member of the Scottish Government must be notified personally of the modification and the reasons for making it.
- (4) In this section “senior official” has the same meaning as in section (*Persons who may make modifications*).

***Member’s explanatory statement***

*The new clause provides that a Judicial Commissioner must be notified whenever a major modification of a warrant under Chapter 1 of Part 2 is made. This requirement does not apply in a case where the modification needs to be approved under clause 31. The clause also reproduces what was clause 30(12) and extends it to apply to cases where a senior official makes an urgent major modification in relation to which clause 25 applies.*

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**Investigatory Powers Bill, *continued***

Mr Alistair Carmichael

NC20

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.”

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

267

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

***Member’s explanatory statement***

*These amendments would retain the capacity of a single warrant to permit the interception of multiple individuals but would require an identifiable subject matter or premises to be provided. This narrows the current provisions which would effectively permit a limitless number of unidentified individuals to have their communications intercepted.*



Investigatory Powers Bill, *continued*

Mr Dominic Grieve  
 Sir Alan Duncan  
 Mr George Howarth  
 Fiona Mactaggart  
 Angus Robertson  
 Mr Keith Simpson

Ms Gisela Stuart

25

Clause 15, page 12, line 7, leave out “or” and insert “and”

***Member’s explanatory statement***

*On behalf of the Intelligence and Security Committee of Parliament, to limit the potentially broad scope of thematic warrants involving people who “share a common purpose” by ensuring that they also must be engaged in a particular activity.*

Ms Harriet Harman  
 Fiona Bruce  
 Ms Karen Buck  
 Jeremy Lefroy  
 Amanda Solloway  
 Mark Pritchard

Joanna Cherry

Gavin Newlands

131

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

***Member’s explanatory statement***

*These amendments seek to make more specific the currently very broadly worded thematic warrants in the Bill, to make it more likely that such thematic warrants will be compatible with the requirements of Article 8 ECHR as interpreted by the European Court of Human Rights.*

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

268

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

***Member’s explanatory statement***

*See amendment 267*

Ms Harriet Harman  
 Fiona Bruce  
 Ms Karen Buck  
 Jeremy Lefroy  
 Amanda Solloway  
 Mark Pritchard

Joanna Cherry

Gavin Newlands

132

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

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 Investigatory Powers Bill, *continued*

or otherwise identified”  
*Member’s explanatory statement*  
 See amendment 131.

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

272

Clause 15, page 12, line 12, leave out paragraph (c)  
*Member’s explanatory statement*  
 See amendment 267.

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

306

Clause 15, page 12, line 13, leave out subsection (3)  
*Member’s explanatory statement*  
 See amendment 267.

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Mr Alistair Carmichael

218

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

Mr Alistair Carmichael

219

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

Mr Alistair Carmichael

220

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

Mr Alistair Carmichael

221

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

**Investigatory Powers Bill, *continued***

- Mr Alistair Carmichael 222  
 Clause 17, page 13, line 20, leave out “Secretary of State” and insert “Judicial Commissioners”
- Mr Alistair Carmichael 223  
 Clause 17, page 13, line 22, leave out “Secretary of State” and insert “Judicial Commissioners”
- Mr Alistair Carmichael 224  
 Clause 17, page 13, line 24, leave out “Secretary of State” and insert “Judicial Commissioners”
- Mr Alistair Carmichael 225  
 Clause 17, page 13, line 27, leave out “Secretary of State” and insert “Judicial Commissioners”
- Mr Alistair Carmichael 226  
 Clause 17, page 13, line 31, leave out subsection (2)(d)
- Mr Alistair Carmichael 227  
 Clause 17, page 13, line 35, leave out “Secretary of State” and insert “Judicial Commissioners”
- Mr Alistair Carmichael 228  
 Clause 17, page 13, line 37, leave out “Secretary of State” and insert “Judicial Commissioners”
- Mr Alistair Carmichael 229  
 Clause 17, page 13, line 39, leave out “Secretary of State” and insert “Judicial Commissioners”
- Mr Alistair Carmichael 230  
 Clause 17, page 13, line 42, leave out “Secretary of State” and insert “Judicial Commissioners”
- Mr Alistair Carmichael 231  
 Clause 17, page 13, line 45, leave out subsection (3)(d)
- Secretary Theresa May 36  
 Clause 17, page 14, line 1, leave out subsection (4)  
*Member’s explanatory statement*  
*This amendment is consequential on new clause 5.*

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 Investigatory Powers Bill, *continued*

Mr Alistair Carmichael

232

Clause 17, page 14, line 5, leave out “Secretary of State” and insert “Judicial Commissioners”

Mr Alistair Carmichael

233

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

Mr Alistair Carmichael

234

Clause 17, page 14, leave out lines 11 and 12

Mr Alistair Carmichael

235

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

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

312

Clause 18, page 14, line 22, leave out paragraph (c)  
*Member’s explanatory statement*  
*See amendment 313.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

313

Clause 18, page 14, line 24, at end insert—

“(2A) A warrant may be considered necessary as mentioned in subsection (2)(b) and (3) only where there is a reasonable suspicion that a serious criminal offence has been or is likely to be committed.”

*Member’s explanatory statement*

*These amendments would require that there is reasonable suspicion of serious crime for a warrant authorising interception and delete the separate subsection relating to economic well-being of the UK.*

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Investigatory Powers Bill, *continued*

Mr Alistair Carmichael

236

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

Mr Alistair Carmichael

237

Clause 18, page 14, line 31, leave out “Secretary of State” and insert “Judicial Commissioners”

Andy Burnham  
Keir Starmer  
Lyn Brown  
Jack Dromey  
Sarah Champion  
Sue Hayman

Joanna Cherry

Gavin Newlands

262

Clause 18, page 14, line 38, at end insert—

“(6) The fact that the information which would be obtained under a warrant relates to the activities in the British Islands of a trade union is not, of itself, sufficient to establish that the warrant is necessary on grounds falling within this section.”

***Member’s explanatory statement***

*This amendment restricts the application of warrants in relation to trade union activity.*

---

Mr Alistair Carmichael

238

Page 14, line 39, leave out Clause 19

Secretary Theresa May

37

Clause 19, page 16, line 4, leave out subsection (6)

***Member’s explanatory statement***

*This amendment is consequential on new clause 5.*

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 Investigatory Powers Bill, *continued*

Mr David Davis  
 Andy Burnham  
 Keir Starmer  
 Lyn Brown  
 Jack Dromey  
 Sarah Champion

Sue Hayman  
 Stuart C. McDonald  
 Angela Crawley

Joanna Cherry  
 Anne McLaughlin  
 Margaret Ferrier

Gavin Newlands  
 Richard Arkless  
 Mr Alistair Carmichael  
**208**

Clause 21, page 17, line 4, leave out “review the person’s conclusions as to the following matters” and insert “determine”

Mr David Davis  
 Andy Burnham  
 Keir Starmer  
 Lyn Brown  
 Jack Dromey  
 Sarah Champion

Sue Hayman  
 Stuart C. McDonald  
 Angela Crawley

Joanna Cherry  
 Anne McLaughlin  
 Margaret Ferrier

Gavin Newlands  
 Richard Arkless  
 Mr Alistair Carmichael  
**209**

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

Andy Burnham  
 Keir Starmer  
 Lyn Brown  
 Jack Dromey  
 Sarah Champion  
 Sue Hayman

Mr Alistair Carmichael

**265**

Clause 21, page 17, line 10, leave out from “must” to end of line 11, and insert “subject a person’s decision to issue a warrant under this Chapter to close scrutiny to ensure that the objective in issuing a warrant is sufficiently important to justify any limitation of a Convention right”

***Member’s explanatory statement***

*An amendment to clarify the role of judicial commissioners. This amendment is an alternative to amendments 208 and 209 (which are a package).*

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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

314

Clause 24, page 18, line 39, leave out “Secretary of State” and insert “Judicial Commissioner”

*Member’s explanatory statement*

*See amendment 316.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

315

Clause 24, page 18, line 41, leave out subsection (b) and insert—

“(b) the warrant involves a member of a relevant legislature.”

*Member’s explanatory statement*

*See amendment 316.*

Secretary Theresa May

53

Clause 24, page 19, line 7, leave out subsection (2) and insert—

“( ) The Secretary of State may not issue the warrant without the approval of the Prime Minister.”

*Member’s explanatory statement*

*In cases where clause 24 applies, the amendment requires the Prime Minister to approve the warrant.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

316

Clause 24, page 19, line 7, leave out subsection (2) and insert—

“(2) 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,
- (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),

**Investigatory Powers Bill, *continued***

- (c) other proportionate methods of obtaining the material have been tried without success or have not been tried because it appeared that they were bound to fail,
- (d) it is in the public interest having regard to the democratic interest in the confidentiality of correspondence with members of a relevant legislature.”

***Member’s explanatory statement***

*These amendments would ensure that applications for warrants to intercept the communications of elected politicians would be made to the Judicial Commissioner rather than to the Secretary of State via the Prime Minister. They would also set out additional requirements that the Judicial Commissioner must take into account before granting a warrant.*

Sir Edward Leigh

1

Clause 24, page 19, line 8, at end insert “and where the member is a member of the House of Commons he must also consult the Speaker of the House of Commons”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to consult the Speaker before deciding to issue a warrant that applied to an MP’s communications.*

Ms Harriet Harman  
Fiona Bruce  
Ms Karen Buck  
Jeremy Lefroy  
Amanda Solloway  
Mark Pritchard

137

Clause 24, page 19, line 8, after “Minister” insert “and give sufficient notice to the relevant Presiding Officer of the relevant legislature to enable the relevant Presiding Officer to be heard at the hearing before the Judicial Commissioner”

Ms Harriet Harman  
Fiona Bruce  
Ms Karen Buck  
Jeremy Lefroy  
Amanda Solloway  
Mark Pritchard

138

Clause 24, page 19, line 14, at end insert—

“(4) In this section “the relevant Presiding Officer” means—

- (a) the Speaker of the House of Commons,
- (b) the Lord Speaker of the House of Lords,
- (c) the Presiding Officer of the Scottish Parliament,
- (d) the Presiding Officer of the National Assembly for Wales,
- (e) the Speaker of the Northern Ireland Assembly,
- (f) the President of the European Parliament.”

***Member’s explanatory statement***

*This amendment adds the safeguard of giving the Speaker, or other Presiding Officer, of the relevant legislature, sufficient notice before the Secretary of State decides whether to issue a warrant for targeted interception or examination of members’ communications, to enable the Speaker or Presiding Officer to be heard at the hearing before the Judicial Commissioner.*



Investigatory Powers Bill, *continued*

Ms Harriet Harman  
 Fiona Bruce  
 Ms Karen Buck  
 Jeremy Lefroy  
 Amanda Solloway  
 Mark Pritchard

Joanna Cherry  
 Keir Starmer  
 Sarah Champion

Gavin Newlands  
 Lyn Brown  
 Sue Hayman

Andy Burnham  
 Jack Dromey

139

Clause 25, page 19, line 16, leave out subsections (1) to (3)

*Member's explanatory statement*

*This amendment removes the power to apply for a warrant the purpose of which is to authorise the interception, or selection for examination, of items subject to legal privilege.*

Ms Harriet Harman  
 Fiona Bruce  
 Ms Karen Buck  
 Jeremy Lefroy  
 Amanda Solloway  
 Mark Pritchard

Joanna Cherry  
 Keir Starmer  
 Sarah Champion

Gavin Newlands  
 Lyn Brown  
 Sue Hayman

Andy Burnham  
 Jack Dromey

140

Clause 25, page 19, line 44, leave out subsection (4)(c)

*Member's explanatory statement*

*See amendment 141.*

Ms Harriet Harman  
 Fiona Bruce  
 Ms Karen Buck  
 Jeremy Lefroy  
 Amanda Solloway  
 Mark Pritchard

Joanna Cherry  
 Keir Starmer  
 Sarah Champion

Gavin Newlands  
 Lyn Brown  
 Sue Hayman

Andy Burnham  
 Jack Dromey

141

Clause 25, page 20, line 7, after “considers” insert—

“(a) that there are exceptional and compelling circumstances that make it necessary to authorise the interception, or (in the case of a targeted examination warrant) the selection for examination, of items subject to legal privilege, and

(b) ”

*Member's explanatory statement*

*These amendments introduce a threshold test for the interception or examination of communications likely to include items subject to legal privilege, reflecting the strong presumption against interference with lawyer-client confidentiality.*

Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

307

Clause 27, page 21, line 7, leave out “or organisation”  
*Member’s explanatory statement*  
*See amendment 267.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

308

Clause 27, page 21, line 8, leave out “or organisation”  
*Member’s explanatory statement*  
*See amendment 267.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

309

Clause 27, page 21, line 13, leave out “or describe as many of those persons as is reasonably practicable to name or describe” and insert “or specifically identify all of those persons using unique identifiers”  
*Member’s explanatory statement*  
*See amendment 267.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

310

Clause 27, page 21, line 15, leave out “or organisation”  
*Member’s explanatory statement*  
*See amendment 267.*

Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

311

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

*Member’s explanatory statement*

*See amendment 267.*

Mr Dominic Grieve  
Sir Alan Duncan  
Mr George Howarth  
Fiona Mactaggart  
Angus Robertson  
Mr Keith Simpson

Ms Gisela Stuart

19

Clause 29, page 22, line 25, leave out “before the end of the relevant” and insert “during the renewal”

*Member’s explanatory statement*

*See amendment 20.*

Mr Dominic Grieve  
Sir Alan Duncan  
Mr George Howarth  
Fiona Mactaggart  
Angus Robertson  
Mr Keith Simpson

Ms Gisela Stuart

20

Clause 29, page 23, line 4, at end insert—

“(4A) “The renewal period” means—

- (a) in the case of an urgent warrant which has not been renewed, the relevant period;
- (b) in any other case, the period of 30 days ending with the relevant period.”

*Member’s explanatory statement*

*On behalf of the Intelligence and Security Committee of Parliament, to prohibit the possibility of a warrant being renewed immediately. Clauses 28 and 29 would currently theoretically allow for warrants of 12 months duration rather than the intended six.*

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 Investigatory Powers Bill, *continued*

Mr Dominic Grieve  
 Sir Alan Duncan  
 Mr George Howarth  
 Fiona Mactaggart  
 Angus Robertson  
 Mr Keith Simpson

Ms Gisela Stuart

21

Clause 29, page 23, line 16, at end insert—

“(8A) In this section “urgent warrant” has the same meaning as in section 28.”

***Member’s explanatory statement***

*See amendment 20.*

---

Stephen McPartland  
 Mr Steve Baker

147

Page 23, line 19, leave out Clause 30

Secretary Theresa May

54

Clause 30, page 23, line 26, at end insert—

“( ) But a warrant may not be modified as mentioned in subsection (2)(a) if it relates only to a particular person or organisation, or to a single set of premises, as mentioned in section 15(1).”

***Member’s explanatory statement***

*The amendment prevents the modification of a warrant under Chapter 1 of Part 2 that relates only to a particular person or organisation or to a single set of premises.*

Secretary Theresa May

55

Clause 30, page 23, line 29, at end insert—

“This is subject to section (*Further provision about modifications*)(8).”

***Member’s explanatory statement***

*This amendment is consequential on NC8.*

Secretary Theresa May

56

Clause 30, page 23, line 30, leave out “section” and insert “Chapter”

***Member’s explanatory statement***

*This amendment is consequential on NC7, NC8 and NC9.*

Secretary Theresa May

57

Clause 30, page 23, line 36, leave out subsections (5) to (14)

***Member’s explanatory statement***

*This amendment is consequential on NC7 and NC8.*

Investigatory Powers Bill, *continued*

Ms Harriet Harman  
 Fiona Bruce  
 Ms Karen Buck  
 Jeremy Lefroy  
 Amanda Solloway  
 Mark Pritchard

142

Clause 30, page 24, line 45, at end insert—

“(10A) Section 21 (Approval of warrants by Judicial Commissioners) applies in relation to a decision to make a major modification of a warrant by adding a name or description as mentioned in subsection (2)(a) as it applies in relation to a decision to issue a warrant; and accordingly where section 21 applies a Judicial Commissioner must approve the modification.”

**Member’s explanatory statement**

*This amendment seeks to ensure that major modifications of warrants require judicial approval.*

Secretary Theresa May

58

Clause 30, page 25, line 21, at end insert—

“( ) Sections (*Persons who may make modifications*), (*Further provision about modifications*), (*Notification of major modifications*) and 31 contain further provision about making modifications under this section.”

**Member’s explanatory statement**

*This amendment is consequential on NC7, NC8 and NC9.*

Stephen McPartland  
 Mr Steve Baker

148

Page 25, line 22, leave out Clause 31

Secretary Theresa May

59

Clause 31, page 25, line 24, leave out “30(7)” and insert “(*Persons who may make modifications*)(3)”

**Member’s explanatory statement**

*This amendment is consequential on NC7.*

Secretary Theresa May

60

Clause 31, page 25, line 24, at end insert—

“( ) This section also applies where—

- (a) section 25 applies in relation to the making of a major modification of a warrant under this Chapter,
- (b) the person makes the modification without the approval of a Judicial Commissioner, and
- (c) the person considered that there was an urgent need to make the modification.”

**Member’s explanatory statement**

*This amendment extends clause 31 to provide for the approval by Judicial Commissioners of certain major modifications made in urgent cases.*

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**Investigatory Powers Bill, *continued***

Secretary Theresa May

61

Clause 31, page 25, line 25, leave out “a designated senior official” and insert “the appropriate person”

***Member’s explanatory statement***

*See the explanatory statement for amendment 60.*

Secretary Theresa May

62

Clause 31, page 25, line 27, at end insert—

““the appropriate person” is—

(a) in a case falling within subsection (1), a designated senior official, and

(b) in a case falling within subsection (2), a Judicial Commissioner,”

***Member’s explanatory statement***

*See the explanatory statement for amendment 60.*

Secretary Theresa May

63

Clause 31, page 25, line 32, leave out “30” and insert “(Persons who may make modifications)”

***Member’s explanatory statement***

*This amendment is consequential on NC7.*

Secretary Theresa May

64

Clause 31, page 25, line 33, leave out subsection (4)

***Member’s explanatory statement***

*This amendment is consequential on amendment 67.*

Secretary Theresa May

65

Clause 31, page 25, line 36, leave out “designated senior official” and insert “appropriate person”

***Member’s explanatory statement***

*See the explanatory statement for amendment 60.*

Secretary Theresa May

66

Clause 31, page 25, line 38, leave out “senior official’s” and insert “appropriate person’s”

***Member’s explanatory statement***

*See the explanatory statement for amendment 60.*

Secretary Theresa May

67

Clause 31, page 25, line 40, at end insert—

“( ) As soon as is reasonably practicable after a designated senior official makes a decision under subsection (5)—

(a) a Judicial Commissioner must be notified of—

(i) the decision, and

(ii) if the senior official has decided to approve the decision to make the modification, the modification in question, and

**Investigatory Powers Bill, *continued***

- (b) the Secretary of State or (in the case of a warrant issued by the Scottish Ministers) a member of the Scottish Government must be notified personally of the matters mentioned in paragraph (a)(i) and (ii)."

***Member's explanatory statement***

*This amendment provides that, where a designated senior official has decided whether to approve a modification, a Judicial Commissioner, and the person who issued the warrant, must be notified of the decision.*

Secretary Theresa May

68

Clause 31, page 25, line 41, leave out "designated senior official" and insert "appropriate person"

***Member's explanatory statement***

*See the explanatory statement for amendment 60.*

Secretary Theresa May

69

Clause 31, page 25, line 43, leave out paragraph (a)

***Member's explanatory statement***

*This amendment is consequential on amendment 67.*

Secretary Theresa May

70

Clause 35, page 29, line 4, leave out "on a person outside the United Kingdom"

***Member's explanatory statement***

*This amendment is consequential on amendment 71.*

Secretary Theresa May

71

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

"( ) A copy of the warrant must be served in such a way as to bring the contents of the warrant to the attention of the person who the intercepting authority considers may be able to provide assistance in relation to it."

***Member's explanatory statement***

*The amendment makes it clear that, where a person is required under clause 34 to provide assistance in relation to a warrant, a copy of the warrant must be served in such a way that the person is aware of the contents of the warrant and so can provide that assistance.*

Secretary Theresa May

72

Clause 35, page 29, line 6, leave out "the person" and insert "a person outside the United Kingdom"

***Member's explanatory statement***

*This amendment is consequential on amendment 71.*

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 Investigatory Powers Bill, *continued*

Secretary Theresa May

73

Clause 35, page 29, line 19, after “person” insert “outside the United Kingdom”  
*Member’s explanatory statement*  
*This amendment is consequential on amendment 71.*

---

 Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

317

Page 34, line 21, leave out Clause 44  
*Member’s explanatory statement*  
*This amendment would delete a Clause which permits the creation of additional interception powers immigration detention facilities.*

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 Mr Dominic Grieve  
 Sir Alan Duncan  
 Mr George Howarth  
 Fiona Mactaggart  
 Angus Robertson  
 Mr Keith Simpson

Ms Gisela Stuart

15

Clause 45, page 34, line 42, leave out “C” and insert “D”  
*Member’s explanatory statement*  
*Consequential upon amendment 16.*

---

 Mr Dominic Grieve  
 Sir Alan Duncan  
 Mr George Howarth  
 Fiona Mactaggart  
 Angus Robertson  
 Mr Keith Simpson

Ms Gisela Stuart

16

Clause 45, page 35, line 7, at end insert—  
 “(3A) Condition C is that the interception is carried out for the purpose of obtaining information about the communications of an individual who, both the interceptor



**Investigatory Powers Bill, *continued***

and the person making the request have reasonable grounds for believing, is outside the United Kingdom.”

***Member’s explanatory statement***

*On behalf of the Intelligence and Security Committee of Parliament, to reinstate the current safeguard in RIPA that the person being intercepted must be outside the UK.*

Mr Dominic Grieve  
 Sir Alan Duncan  
 Mr George Howarth  
 Fiona Mactaggart  
 Angus Robertson  
 Mr Keith Simpson

Ms Gisela Stuart

17

Clause 45, page 35, line 8, leave out “C” and insert “D”

***Member’s explanatory statement***

*Consequential upon amendment 16.*

Secretary Theresa May

75

Clause 50, page 40, line 7, at end insert—

“( ) a disclosure made to the Intelligence and Security Committee of Parliament for the purposes of facilitating the carrying out of any of its functions.”

***Member’s explanatory statement***

*This amendment makes it clear that disclosure may be made to the Intelligence and Security Committee without breaching clause 49.*

Secretary Theresa May

76

Clause 50, page 40, line 35, after “Part” insert “or under Chapter 1 of Part 1 of RIPA”

***Member’s explanatory statement***

*This amendment enables a disclosure of information to be made that relates to interception warrants under Chapter 1 of Part 1 of the Regulation of Investigatory Powers Act 2000 in general.*

Secretary Theresa May

77

Clause 50, page 40, line 35, after “to” insert “any”

***Member’s explanatory statement***

*This amendment is consequential on amendment 76.*

---

 Investigatory Powers Bill, *continued*

Andy Burnham  
 Keir Starmer  
 Lyn Brown  
 Jack Dromey  
 Sara Champion  
 Sue Hayman

Joanna Cherry  
 Anne McLaughlin  
 Margaret Ferrier

Gavin Newlands  
 Richard Arkless  
 Mr Alistair Carmichael

Stuart C. McDonald  
 Angela Crawley

299

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

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

***Member’s explanatory statement***

*An amendment to introduce a public interest defence for interception disclosures.*

---

Secretary Theresa May

74

Schedule 3, page 204, line 44, leave out sub-paragraph (3) and insert—

“( ) In a case where a person who is not a nominated person is or has been conducting an investigation under Part 1 of the Coroners and Justice Act 2009 into a person’s death, nothing in section 48(1) prohibits—

- (a) a disclosure to the person that there is intercepted material in existence which is, or may be, relevant to the investigation;
- (b) a disclosure to a person appointed as legal adviser to an inquest forming part of the investigation which is made for the purposes of determining—
  - (i) whether any intercepted material is, or may be, relevant to the investigation, and
  - (ii) if so, whether it is necessary for the material to be disclosed to the person conducting the investigation.”

***Member’s explanatory statement***

*This amendment creates a further exception to clause 48 to enable intercepted material to be disclosed to the legal adviser to an inquest in order to determine whether it is or may be relevant.*

---

Investigatory Powers Bill, *continued*

Secretary Theresa May

NC11

To move the following Clause—

**“Persons who may make modifications under section 104**

- (1) The persons who may make modifications under section 104 of a warrant are (subject to subsection (2))—
  - (a) in the case of a warrant issued by the Secretary of State under section 91 or 93—
    - (i) the Secretary of State,
    - (ii) a senior official acting on behalf of the Secretary of State;
  - (b) in the case of a warrant issued by the Scottish Ministers under section 92—
    - (i) a member of the Scottish Government, or
    - (ii) a senior official acting on behalf of the Scottish Ministers.
- (2) Any of the following persons may also make modifications under section 104 of a warrant, but only where the person considers that there is an urgent need to make the modification—
  - (a) the person to whom the warrant is addressed;
  - (b) a person who holds a senior position in the same public authority as the person mentioned in paragraph (a).

Section 105 contains provision about the approval of modifications made in urgent cases.
- (3) Subsection (2) is subject to section (*Further provision about modifications under section 104*)(4) and (5) (special rules where sections 94 and 100 apply in relation to the making of a modification under section 104).
- (4) For the purposes of subsection (2)(b), a person holds a senior position in a public authority if—
  - (a) in the case of any of the intelligence services—
    - (i) the person is a member of the Senior Civil Service or a member of the Senior Management Structure of Her Majesty’s Diplomatic Service, or
    - (ii) the person holds a position in the intelligence service of equivalent seniority to such a person;
  - (b) in the case of the Ministry of Defence—
    - (i) the person is a member of the Senior Civil Service, or
    - (ii) the person is of or above the rank of brigadier, commodore or air commodore.”

***Member’s explanatory statement***

*This new clause reproduces clause 104(6) to (8) and also includes provision consequential on NC12.*

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**Investigatory Powers Bill, *continued***

Secretary Theresa May

NC12

To move the following Clause—

**“Further provision about modifications under section 104**

- (1) A modification, other than a modification removing any matter, name or description, may be made under section 104 only if the person making the modification considers—
  - (a) that the modification is necessary on any relevant grounds (see subsection (2)), and
  - (b) that the conduct authorised by the modification is proportionate to what is sought to be achieved by that conduct.
- (2) In subsection (1)(a), “relevant grounds” means—
  - (a) in the case of a warrant issued under section 91, grounds falling within section 91(5);
  - (b) in the case of a warrant issued under section 92, the purpose of preventing or detecting serious crime;
  - (c) in the case of a warrant issued under section 93, the interests of national security.
- (3) Sections 94 (Members of Parliament etc.) and 100 (items subject to legal privilege) apply in relation to the making of a modification to a warrant under section 104, other than a modification removing any matter, name or description, as they apply in relation to the issuing of a warrant.
- (4) Where section 94 applies in relation to the making of a modification—
  - (a) the modification must be made by the Secretary of State, and
  - (b) the modification has effect only if the decision to make the modification has been approved by a Judicial Commissioner.
- (5) Where section 100 applies in relation to the making of a modification—
  - (a) the modification must be made by —
    - (i) the Secretary of State or (in the case of a warrant issued by the Scottish Ministers) a member of the Scottish Government, or
    - (ii) if a senior official acting on behalf of a person within subparagraph (i) considers that there is an urgent need to make the modification, that senior official, and
  - (b) except where the person making the modification considers that there is an urgent need to make it, the modification has effect only if the decision to make the modification has been approved by a Judicial Commissioner.
- (6) In a case where section 94 or 100 applies in relation to the making of a modification, section 97 (approval of warrants by Judicial Commissioners) applies in relation to the decision to make the modification as it applies in relation to a decision to issue a warrant, but as if—
  - (a) the references in subsection (1)(a) and (b) of that section to the warrant were references to the modification, and
  - (b) any reference to the person who decided to issue the warrant were a reference to the person who decided to make the modification.

Section 105 contains provision about the approval of modifications made in urgent cases.
- (7) If, in a case where section 94 or 100 applies in relation to the making of a modification, it is not reasonably practicable for the instrument making the modification to be signed by the Secretary of State or (as the case may be) a member of the Scottish Government in accordance with section 104(3), the

**Investigatory Powers Bill, *continued***

instrument may be signed by a senior official designated by the Secretary of State or (as the case may be) the Scottish Ministers for that purpose.

- (8) 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 person who took the decision to make the modification, and
  - (b) the Secretary of State or (as the case may be) a member of the Scottish Government has personally and expressly authorised the making of the modification.”

***Member’s explanatory statement***

*This new clause reproduces (with some changes) clause 104(4), (5), (9) and (10). It requires Judicial Commissioner approval for modifications where clause 94 or 100 applies, and restricts who may make such modifications.*

Secretary Theresa May

**NC13**

To move the following Clause—

**“Notification of modifications**

- (1) As soon as is reasonably practicable after a person makes a modification of a warrant under section 104, a Judicial Commissioner must be notified of the modification and the reasons for making it.
- (2) But subsection (1) does not apply where—
  - (a) the modification is to remove any matter, name or description included in the warrant in accordance with section 101(3) to (5),
  - (b) the modification is made by virtue of section (*Persons who may make modifications under section 104*)(2), or
  - (c) section 94 or 100 applies in relation to the making of the modification.
- (3) Where a modification is made by a senior official in accordance with section (*Persons who may make modifications under section 104*)(1) or section (*Further provision about modifications under section 104*)(5)(a)(ii), the Secretary of State or (in the case of a warrant issued by the Scottish Ministers) a member of the Scottish Government must be notified personally of the modification and the reasons for making it.”

***Member’s explanatory statement***

*This new clause provides that a Judicial Commissioner must be notified whenever a modification of a warrant is made under clause 104. This requirement does not apply in certain cases set out in subsection (2). It also reproduces what is currently clause 104(11) and (12) and extends it to cases where a senior official makes an urgent modification in relation to which clause 100 applies.*

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**Investigatory Powers Bill, *continued***

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

NC23

To move the following Clause—

**“Members of Parliament**

- (1) This section applies where—
  - (a) an application is made to the Judicial Commissioner for a targeted equipment interference warrant, and
  - (b) the warrant relates to a member of a relevant legislature.
- (2) This section also applies where—
  - (a) an application is made to the Judicial Commissioner for a targeted examination warrant, and
  - (b) the warrant relates to a member of a relevant legislature.
- (3) Where any conduct under this Part is likely to cover material described above, the application must contain—
  - (a) a statement that the conduct will cover or is likely to cover such material,
  - (b) An assessment of how likely it is that the material is likely to cover such material.
- (4) 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,
    - (ii) the public interest in the integrity of communications systems and computer networks, and,
    - (iii) the democratic interest in the confidentiality of correspondence with members of a relevant legislature.”

***Member’s explanatory statement***

*This new clause would ensure that applications for a targeted equipment interference warrant or targeted examination warrant in relation to Parliamentarians are granted on application only to a Judicial Commissioner, removing the role of Secretary of State and applies additional safeguards to the correspondence of parliamentarians when a warrant for hacking is sought.*

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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

NC24

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”).”

*Member’s explanatory statement*

*See amendment 387.*

Stephen McPartland  
Joanna Cherry  
Gavin Newlands  
Mr Alistair Carmichael  
Mr Steve Baker

178

Clause 90, page 68, line 24, leave out subsection (1)(b)

*Member’s explanatory statement*

*See amendment 186.*

Ms Harriet Harman  
Fiona Bruce  
Ms Karen Buck  
Jeremy Lefroy  
Amanda Solloway  
Mark Pritchard

133

Clause 90, page 68, line 26, after “activity” insert “where each person is named or otherwise identified”

*Member’s explanatory statement*

*See amendment 131.*

Ms Harriet Harman  
Fiona Bruce  
Ms Karen Buck  
Jeremy Lefroy  
Amanda Solloway  
Mark Pritchard

134

Clause 90, page 68, line 29, after “operation” insert “where each person is named or otherwise identified”

*Member’s explanatory statement*

*See amendment 131.*

Investigatory Powers Bill, *continued*

- Stephen McPartland  
Mr Steve Baker
- 179**
- Clause 90, page 68, line 31, leave out subsection (1)(e)  
*Member's explanatory statement*  
*See amendment 186.*
- Stephen McPartland  
Joanna Cherry  
Gavin Newlands  
Mr Alistair Carmichael  
Mr Steve Baker
- 180**
- Clause 90, page 68, line 33, leave out subsection (1)(f)  
*Member's explanatory statement*  
*See amendment 186.*
- Stephen McPartland  
Joanna Cherry  
Gavin Newlands  
Mr Steve Baker
- 181**
- Clause 90, page 68, line 35, leave out subsection (1)(g)  
*Member's explanatory statement*  
*See amendment 186.*
- Stephen McPartland  
Joanna Cherry  
Gavin Newlands  
Mr Steve Baker
- 182**
- Clause 90, page 68, line 38, leave out subsection (1)(h)  
*Member's explanatory statement*  
*See amendment 186.*
- Stephen McPartland  
Joanna Cherry  
Gavin Newlands  
Mr Alistair Carmichael  
Mr Steve Baker
- 187**
- Clause 90, page 68, line 40, at end insert—  
“(1A) A targeted equipment interference warrant may only be issued in relation to any of the matters that fall under subsection (1) if the persons, equipment, or location to which the warrant relates are named or specifically identified using a unique identifier.”  
*Member's explanatory statement*  
*This amendment would ensure that all targets of hacking are properly named or otherwise identified.*



Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

352

Clause 90, page 68, line 44, leave out paragraph (b)  
*Member's explanatory statement*  
*See amendment 357.*

Ms Harriet Harman  
Fiona Bruce  
Ms Karen Buck  
Jeremy Lefroy  
Amanda Solloway  
Mark Pritchard

135

Clause 90, page 68, line 45, after “activity” insert “where each person is named or otherwise identified”  
*Member's explanatory statement*  
*See amendment 131.*

Ms Harriet Harman  
Fiona Bruce  
Ms Karen Buck  
Jeremy Lefroy  
Amanda Solloway  
Mark Pritchard

136

Clause 90, page 68, line 47, after “operation” insert “where each person is named or otherwise identified”  
*Member's explanatory statement*  
*See amendment 131.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

353

Clause 90, page 69, line 1, leave out paragraph (d)  
*Member's explanatory statement*  
*See amendment 357.*

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 Investigatory Powers Bill, *continued*

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

354

Clause 90, page 69, line 3, leave out paragraph (e)  
*Member's explanatory statement*  
*See amendment 357.*

Stephen McPartland  
 Joanna Cherry  
 Gavin Newlands  
 Mr Alistair Carmichael  
 Mr Steve Baker

188

Clause 90, page 69, line 4, at end insert—

“(2A) A targeted examination warrant may only be issued in relation to any of the matters that fall under subsection (2) if the persons, equipment, or location to which the warrant relates are named or specifically identified using a unique identifier.”

*Member's explanatory statement*

*This amendment would ensure that all targets of hacking are properly named or specifically identified.*

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Mr Alistair Carmichael

239

Clause 91, page 69, line 9, leave out “Secretary of State” and insert “Judicial Commissioners”

Mr Alistair Carmichael

240

Clause 91, page 69, line 11, leave out “Secretary of State” and insert “Judicial Commissioners”

Mr Alistair Carmichael

241

Clause 91, page 69, line 14, leave out “Secretary of State” and insert “Judicial Commissioners”

Mr Alistair Carmichael

242

Clause 91, page 69, line 17, leave out subsection (3)(d)

Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

- |  |                        |            |
|--|------------------------|------------|
| Margaret Ferrier   | Mr Alistair Carmichael | <b>358</b> |
| <p>Clause <b>91</b>, page <b>69</b>, line <b>17</b>, leave out paragraph (d) and insert—<br/>             “(d) the Judicial Commissioner has reasonable grounds for believing that the material sought is likely to be of substantial value to the investigation or operation to which the warrant relates.”</p> <p><i>Member’s explanatory statement</i><br/> <i>See amendment 361.</i></p> |                        |            |
| Mr Alistair Carmichael   |                        | <b>243</b> |
| <p>Clause <b>91</b>, page <b>69</b>, line <b>20</b>, leave out “Secretary of State” and insert “Judicial Commissioners”</p>  |                        |            |
| Mr Alistair Carmichael   |                        | <b>244</b> |
| <p>Clause <b>91</b>, page <b>69</b>, line <b>22</b>, leave out “Secretary of State” and insert “Judicial Commissioners”</p>  |                        |            |
| Mr Alistair Carmichael   |                        | <b>245</b> |
| <p>Clause <b>91</b>, page <b>69</b>, line <b>24</b>, leave out “and”</p>   |                        |            |
| Mr Alistair Carmichael   |                        | <b>246</b> |
| <p>Clause <b>91</b>, page <b>69</b>, line <b>25</b>, leave out subsection (2)(b)</p>   |                        |            |
| Mr Alistair Carmichael   |                        | <b>247</b> |
| <p>Clause <b>91</b>, page <b>69</b>, line <b>31</b>, leave out “Secretary of State” and insert “Judicial Commissioners”</p>  |                        |            |
| Mr Alistair Carmichael   |                        | <b>248</b> |
| <p>Clause <b>91</b>, page <b>69</b>, line <b>33</b>, leave out “Secretary of State” and insert “Judicial Commissioners”</p>  |                        |            |
| Mr Alistair Carmichael   |                        | <b>249</b> |
| <p>Clause <b>91</b>, page <b>69</b>, line <b>35</b>, leave out “Secretary of State” and insert “Judicial Commissioners”</p>  |                        |            |
| Mr Alistair Carmichael   |                        | <b>250</b> |
| <p>Clause <b>91</b>, page <b>69</b>, line <b>38</b>, leave out “Secretary of State” and insert “Judicial Commissioners”</p>  |                        |            |

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 Investigatory Powers Bill, *continued*

- Mr Alistair Carmichael 251  
 Clause 91, page 69, line 43, leave out subsection (3)(d)
- Mr Alistair Carmichael 252  
 Clause 91, page 69, line 46, leave out subsection (4)
- Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley
- Margaret Ferrier                      Mr Alistair Carmichael 359
- Clause 91, page 70, line 8, after “crime” insert “where there is reasonable suspicion that a serious criminal offence has been or is likely to be committed”  
*Member’s explanatory statement*  
*See amendment 361.*
- Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley
- Margaret Ferrier                      Mr Alistair Carmichael 360
- Clause 91, page 70, line 11, at end insert—  
 “(5A) A warrant may be considered necessary only where there is a reasonable suspicion that a serious criminal offence has been or is likely to be committed in relation to the grounds falling within this section.”  
*Member’s explanatory statement*  
*See amendment 361.*
- Secretary Theresa May 38  
 Clause 91, page 70, line 17, leave out subsection (7)  
*Member’s explanatory statement*  
*This amendment is consequential on new clause 5.*

Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

361

Clause 91, page 70, line 25, at end insert—

“(10) A warrant may only authorise targeted equipment interference or targeted examination as far as the conduct authorised relates—

(a) to the offence as specified under (5)(b), or

(b) to some other indictable offence which is connected with or similar to the offence as specified under (5)(b)”

***Member’s explanatory statement***

*These amendments would require that there is reasonable suspicion of serious crime for a warrant authorising equipment interference to be issued. These amendments would introduce a requirement that warrants are only granted where there are reasonable grounds for believing material to be obtained will be of substantial value to the investigation or operation; the requirement of a threshold of reasonable suspicion that a serious criminal offence has been committed in order for a warrant to be granted; and the requirement that warrant applications contain this information. This amendment would require that a warrant only authorises conduct in relation to the offence for which the warrant was sought, or other similar offences.*

Mr Alistair Carmichael

258

Page 70, line 26, leave out Clause 92

Secretary Theresa May

39

Clause 92, page 71, line 14, leave out subsection (3)

***Member’s explanatory statement***

*This amendment is consequential on new clause 5.*

Mr Alistair Carmichael

253

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

Mr Alistair Carmichael

254

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

Investigatory Powers Bill, *continued*

Mr Alistair Carmichael

255

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

Mr Alistair Carmichael

256

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

Mr Alistair Carmichael

257

Clause 93, page 71, line 31, leave out subsection (1)(d)

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

382

Clause 93, page 71, line 31, leave out subsection (d) and insert—

“(d) the Judicial Commissioner has reasonable grounds for believing that the material sought is likely to be of substantial value to the investigation or operation to which the warrant relates.”

*Member’s explanatory statement*

*See amendment 362.*

Secretary Theresa May

40

Clause 93, page 71, line 34, leave out subsection (2)

*Member’s explanatory statement*

*This amendment is consequential on new clause 5.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

362

Clause 93, page 71, line 35, leave out from “include” to the end of line 36 and insert—

“(a) the requirement that other proportionate methods of obtaining the material have been tried without success or have not been tried because they were assessed to be bound to fail, and

(b) the requirement that a “Cyber-Security Impact Assessment” has been conducted by the Investigatory Powers Commissioner’s technical advisors with regard to the specific equipment interference proposed, accounting for—

(i) the risk of collateral interference and intrusion, and

**Investigatory Powers Bill, *continued***

- (ii) the risk to the integrity of communications systems and computer networks, and the risk to public cybersecurity.”

***Member’s explanatory statement***

*These amendments require a technical assessment of proportionality accounting for the risks of the conduct proposed. These requirements would apply when applications from the intelligence services, the Chief of Defence Intelligence and law enforcement are considered. These amendments would introduce a requirement that warrants are only granted where there are reasonable grounds for believing material to be obtained will be of substantial value to the investigation or operation; the requirement of a threshold of reasonable suspicion that a serious criminal offence has been committed in order for a warrant to be granted; and the requirement that warrant applications contain this information.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

363

Page 71, line 40, leave out Clause 94

Secretary Theresa May

88

Clause 94, page 71, line 41, leave out “This section” and insert “Subsection (3)”

***Member’s explanatory statement***

*This amendment is consequential on amendment 91.*

Secretary Theresa May

89

Clause 94, page 72, line 2, leave out “This section” and insert “Subsection (3)”

***Member’s explanatory statement***

*This amendment is consequential on amendment 91.*

Secretary Theresa May

90

Clause 94, page 72, line 10, leave out subsection (3) and insert—

- “( ) The Secretary of State may not issue the warrant without the approval of the Prime Minister.”

***Member’s explanatory statement***

*In cases where clause 94 applies, this amendment requires the Prime Minister to approve the warrant.*

Secretary Theresa May

91

Clause 94, page 72, line 11, at end insert—

“(3A) Subsection (3B) applies where—

- (a) an application is made under section 96 to a law enforcement chief for a targeted equipment interference warrant, and

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**Investigatory Powers Bill, *continued***

- (b) the purpose of the warrant is to obtain—
- (i) communications sent by, or intended for, a person who is a member of a relevant legislature, or
  - (ii) a member of a relevant legislature’s private information.
- (3B) The law enforcement chief may not issue the warrant without the approval of the Secretary of State unless the law enforcement chief believes that the warrant (if issued) would authorise interference only with equipment which would be in Scotland at the time of the issue of the warrant or which the law enforcement chief believes would be in Scotland at that time.
- (3C) The Secretary of State may give approval for the purposes of subsection (3B) only with the approval of the Prime Minister.
- (3D) In a case where the decision whether to issue a targeted equipment interference warrant is to be taken by an appropriate delegate in relation to a law enforcement chief under section 96(3), the reference in subsection (3B) to the law enforcement chief is to be read as a reference to the appropriate delegate.”

***Member’s explanatory statement***

*Clause 94, as amended by amendment 90, requires the Secretary of State to obtain the approval of the Prime Minister before a targeted equipment interference warrant is issued by the Secretary of State in circumstances where the purpose of the warrant is one set out in subsection (1)(b) of the clause. This amendment deals with the case where a law enforcement chief has power to decide to issue a targeted equipment interference warrant under clause 96. In similar circumstances, the law enforcement chief requires the approval of the Secretary of State before issuing a targeted equipment interference warrant. The approval of the Secretary of State may in turn only be given with the approval of the Prime Minister. There is an exception for the case where the warrant would authorise interference only with equipment which would be in Scotland at the time of the issue of the warrant (or which is believed to be in Scotland).*

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Mr Alistair Carmichael

259

Page 72, line 18, leave out Clause 95

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

364

Clause 96, page 72, line 37, leave out “law enforcement chief described in Part 1 or 2 of the table in Schedule 6” and insert “Judicial Commissioner”

***Member’s explanatory statement***

*See amendment 383.*



Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

365

Clause 96, page 72, line 38, leave out “person who is an appropriate law enforcement officer in relation to the chief” and insert “law enforcement chief described in Part 1 of the table in Schedule 6”

*Member’s explanatory statement*

*See amendment 383.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

366

Clause 96, page 72, line 41, leave out “law enforcement chief” and insert “Judicial Commissioner”

*Member’s explanatory statement*

*See amendment 383.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

367

Clause 96, page 73, line 1, leave out “law enforcement chief” and insert “Judicial Commissioner”

*Member’s explanatory statement*

*See amendment 383.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

368

Clause 96, page 73, line 4, leave out “law enforcement chief” and insert “Judicial Commissioner”

*Member’s explanatory statement*

*See amendment 383.*

Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

369

Clause 96, page 73, line 7, leave out paragraph (d)  
*Member's explanatory statement*  
*See amendment 383.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

370

Clause 96, page 73, line 10, leave out “law enforcement chief described in Part 1 of the table in Schedule 6” and insert “Judicial Commissioner”  
*Member's explanatory statement*  
*See amendment 383.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

371

Clause 96, page 73, line 11, leave out “person who is an appropriate law enforcement officer in relation to the chief” and insert “law enforcement chief described in Part 1 of the table in Schedule 6”  
*Member's explanatory statement*  
*See amendment 383.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

372

Clause 96, page 73, line 13, leave out “law enforcement chief” and insert “Judicial Commissioner”  
*Member's explanatory statement*  
*See amendment 383.*

Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

373

Clause 96, page 73, line 17, leave out “law enforcement chief” and insert “Judicial Commissioner”  
*Member’s explanatory statement*  
*See amendment 383.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

374

Clause 96, page 73, line 20, leave out “law enforcement chief” and insert “Judicial Commissioner”  
*Member’s explanatory statement*  
*See amendment 383.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

375

Clause 96, page 73, line 23, leave out paragraph (d)  
*Member’s explanatory statement*  
*See amendment 383.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

376

Clause 96, page 73, line 26, leave out subsection (3)  
*Member’s explanatory statement*  
*See amendment 383.*

Investigatory Powers Bill, *continued*

Mr Alistair Carmichael

261

Clause 96, page 73, line 26, leave out “law enforcement chief” and insert “Judicial Commissioner”

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

377

Clause 96, page 73, line 32, leave out paragraphs (b) and (c)

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

378

Clause 96, page 73, line 38, after “Where” insert “an application for an equipment interference warrant is made by a law enforcement chief and”  
*Member’s explanatory statement*  
*See amendment 383.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

379

Clause 96, page 73, line 42, leave out subsections (6) to (10)  
*Member’s explanatory statement*  
*See amendment 383.*

Secretary Theresa May

92

Clause 96, page 74, line 8, at end insert—

“( ) A law enforcement chief who is the chairman, or a deputy chairman, of the Independent Police Complaints Commission may consider that the condition in subsection (1)(a) is satisfied only if the offence, or all of the offences, to which the serious crime relates are offences that are being investigated as part of an investigation by the Commission under Schedule 3 to the Police Reform Act 2002.”

*Member’s explanatory statement*

*This amendment is related to amendment 125. It makes special provision about how clause 96(1)(a) applies where the law enforcement chief is the chairman, or a deputy chairman, of the Independent Police Complaints Commission.*

Investigatory Powers Bill, *continued*

Secretary Theresa May

41

Clause 96, page 74, line 14, leave out subsection (11)

*Member's explanatory statement*

*This amendment is consequential on new clause 5.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

380

Clause 96, page 74, line 15, leave out “whether what is sought to be achieved by the warrant could reasonably be achieved by other means” and insert—

- “(a) the requirement that other proportionate methods of obtaining the material have been tried without success or have not been tried because they were assessed to be bound to fail, and
- (b) the requirement that a “Cyber-Security Impact Assessment” has been conducted by the Investigatory Powers Commissioner’s technical advisors with regard to the specific equipment interference proposed, accounting for—
  - (i) the risk of collateral interference and intrusion, and
  - (ii) the risk to the integrity of communications systems and computer networks, and
 the risk to public cybersecurity.”

*Member's explanatory statement*

*See amendment 383.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

381

Clause 96, page 74, line 18, leave out subsections (12) and (13)

*Member's explanatory statement*

*See amendment 383.*

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 Investigatory Powers Bill, *continued*

Mr David Davis  
 Andy Burnham  
 Keir Starmer  
 Lyn Brown  
 Jack Dromey  
 Sarah Champion

Sue Hayman  
 Stuart C. McDonald  
 Angela Crawley

Joanna Cherry  
 Anne McLaughlin  
 Margaret Ferrier

Gavin Newlands  
 Richard Arkless  
 Mr Alistair Carmichael  
**210**

Clause 97, page 74, line 40, leave out “review the person’s conclusions as to the following matters” and insert “determine”

Mr David Davis  
 Andy Burnham  
 Keir Starmer  
 Lyn Brown  
 Jack Dromey  
 Sarah Champion

Sue Hayman  
 Stuart C. McDonald  
 Angela Crawley

Joanna Cherry  
 Anne McLaughlin  
 Margaret Ferrier

Gavin Newlands  
 Richard Arkless  
 Mr Alistair Carmichael  
**211**

Clause 97, page 75, line 1, leave out subsection (2)

Andy Burnham  
 Keir Starmer  
 Lyn Brown  
 Jack Dromey  
 Sara Champion  
 Sue Hayman

Mr Alistair Carmichael

**270**

Clause 97, page 75, line 1, leave out from “must” to end of line 2, and insert “subject a person’s decision to issue a warrant under this Chapter to close scrutiny to ensure that the objective in issuing a warrant is sufficiently important to justify any limitation of a Convention right”

***Member’s explanatory statement***

*An amendment to clarify the role of judicial commissioners. This amendment is an alternative to amendments 210 and 211 (which are a package).*

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Stephen McPartland  
 Joanna Cherry  
 Gavin Newlands  
 Mr Alistair Carmichael  
 Mr Steve Baker

Clause 101, page 78, leave out lines 21 to 27

***Member’s explanatory statement***

*See amendment 186.*

**183**

Investigatory Powers Bill, *continued*

Stephen McPartland Joanna Cherry Gavin Newlands Mr Alistair Carmichael Mr Steve Baker		<b>184</b>
Clause 101, page 79, leave out lines 3 to 7 <i>Member's explanatory statement</i> <i>See amendment 186.</i>		
Stephen McPartland Joanna Cherry Gavin Newlands Mr Steve Baker		<b>185</b>
Clause 101, page 79, leave out lines 8 to 12 <i>Member's explanatory statement</i> <i>See amendment 186.</i>		
Stephen McPartland Joanna Cherry Gavin Newlands Mr Steve Baker		<b>186</b>
Clause 101, page 79, leave out lines 13 to 18 <i>Member's explanatory statement</i> <i>These amendments refine the matters to which targeted equipment interference warrants may relate by removing vague and overly broad categories including equipment interference for training purposes.</i>		
Joanna Cherry Gavin Newlands Stuart C. McDonald Anne McLaughlin Richard Arkless Angela Crawley	Margaret Ferrier	<b>386</b>
Clause 101, page 79, line 21, leave out paragraph (b) and insert— “(b) precisely and explicitly the method and extent of the proposed intrusion and measures taken to minimise access to irrelevant and immaterial information, and (c) in a separate “Cyber-Security Impact Assessment”, (i) the risk of collateral interference and intrusion, and (ii) the risk to the integrity of communications systems and computer networks, and (iii) the risk to public cybersecurity, and how those risks and damage will be eliminated or corrected.” <i>Member's explanatory statement</i> <i>See amendment 387.</i>	Mr Alistair Carmichael	

Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

387

Clause 101, page 79, line 23, at end insert—

- “(c) the basis for the suspicion that the target is connected to a serious crime or a specific threat to national security, and
- (d) in declaration with supporting evidence,
- (i) the high probability that evidence of the serious crime or specific threat to national security will be obtained by the operation authorised, and
- (ii) how all less intrusive methods of obtaining the information sought have been exhausted or would be futile.”

***Member’s explanatory statement***

*These amendments require a technical assessment of proportionality accounting for the risks of the conduct proposed. These requirements would apply when applications from the intelligence services, the Chief of Defence Intelligence and law enforcement are considered. They would introduce a requirement that all equipment interference produces a verifiable audit trail. These amendments would introduce a requirement that warrants are only granted where there are reasonable grounds for believing material to be obtained will be of substantial value to the investigation or operation; the requirement of a threshold of reasonable suspicion that a serious criminal offence has been committed in order for a warrant to be granted; and the requirement that warrant applications contain this information.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

355

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

***Member’s explanatory statement***

*See amendment 357.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

356

Clause 101, page 79, leave out lines 37 to 44

***Member’s explanatory statement***

*See amendment 357.*



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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

357

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

***Member's explanatory statement***

*These amendments would ensure that all targets of hacking are properly named or specifically identified. Warrants may still be granted where the equipment in question belongs to or is in the possession of an individual or more than one person where the warrant is for the purpose of a single investigation or operation; or for equipment in a particular location or equipment in more than one location where for the purpose of a single investigation or operation.*

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

388

Clause 102, page 80, line 23, leave out "6" and insert "1"

***Member's explanatory statement***

*This specifies that hacking warrants may only last for one month.*

---

Secretary Theresa May

93

Clause 103, page 81, line 35, leave out subsection (8)

***Member's explanatory statement***

*This amendment is consequential on amendment 91.*

Secretary Theresa May

94

Clause 103, page 81, line 43, leave out "Section" and insert "Sections (Members of Parliament etc.) and"

***Member's explanatory statement***

*This amendment is consequential on amendment 91.*

Secretary Theresa May

95

Clause 103, page 81, line 43, leave out "applies" and insert "apply"

***Member's explanatory statement***

*This amendment is consequential on amendment 91.*

Investigatory Powers Bill, *continued*

Secretary Theresa May

Clause 103, page 81, line 44, leave out “it applies” and insert “they apply”

**Member’s explanatory statement***This amendment is consequential on amendment 91.*

96

Stephen McPartland  
Mr Steve Baker

Page 82, line 1, leave out Clause 104

149

Secretary Theresa May

Clause 104, page 82, line 19, at end insert—

“( ) But—

- (a) where a targeted equipment interference warrant relates only to a matter specified in section 90(1)(a), only to a matter specified in section 90(1)(d), or only to both such matters, the details included in the warrant in accordance with section 101(3) may not be modified;
- (b) where a targeted examination warrant relates only to a matter specified in section 90(2)(a), the details included in the warrant in accordance with section 101(5) may not be modified.”

**Member’s explanatory statement***Where a targeted equipment interference warrant relates only to a particular person or organisation or to a particular location (or to both), this amendment prevents the details included in the warrant in accordance with clause 101(3) from being modified (so, for example, names cannot be added). It also provides for a comparable restriction on the modification of targeted examination warrants.*

97

Secretary Theresa May

Clause 104, page 82, line 22, at end insert—

“This is subject to section (*Further provision about modifications under section 104*)(7).”**Member’s explanatory statement***This amendment is consequential on NC12.*

98

Secretary Theresa May

Clause 104, page 82, line 23, leave out subsections (4) to (12)

**Member’s explanatory statement***This amendment is consequential on NC11, NC12 and NC13.*

99

Secretary Theresa May

Clause 104, page 83, line 35, at end insert—

“( ) Sections (*Persons who may make modifications under section 104*), (*Further provision about modifications under section 104*), (*Notification of modifications*)

100

**Investigatory Powers Bill, *continued***

and 105 contain further provision about making modifications under this section.”

***Member’s explanatory statement***

*This amendment is consequential on NC11, NC12 and NC13.*

Stephen McPartland  
Mr Steve Baker

**150**

Page **83**, line **36**, leave out Clause 105

Secretary Theresa May

**101**

Clause **105**, page **83**, line **38**, leave out “104(7)” and insert “(Persons who may make modifications under section 104)(2)”

***Member’s explanatory statement***

*This amendment is consequential on NC11.*

Secretary Theresa May

**102**

Clause **105**, page **83**, line **38**, at end insert—

“(1A) This section also applies where—

- (a) section 100 applies in relation to the making of a modification under section 104,
- (b) the person making the modification does so without the approval of a Judicial Commissioner, and
- (c) that person considered that there was an urgent need to make the modification.”

***Member’s explanatory statement***

*This amendment extends clause 105 to provide for the approval by a Judicial Commissioner of certain modifications made in urgent cases.*

Secretary Theresa May

**103**

Clause **105**, page **83**, line **39**, leave out “a designated senior official” and insert “the appropriate person”

***Member’s explanatory statement***

*See the explanatory statement for amendment 102.*

Secretary Theresa May

**104**

Clause **105**, page **83**, line **41**, leave out from “section,” to end of line 43 and insert ““the appropriate person” is—

- “(a) in a case falling within subsection (1), a designated senior official, and
- (b) in a case falling within subsection (1A), a Judicial Commissioner.”

***Member’s explanatory statement***

*See the explanatory statement for amendment 102.*

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**Investigatory Powers Bill, *continued***

Secretary Theresa May

105

- Clause 105, page 83, line 44, leave out subsection (4)  
*Member's explanatory statement*  
*This amendment is consequential on amendment 108.*

Secretary Theresa May

106

- Clause 105, page 84, line 1, leave out “designated senior official” and insert  
 “appropriate person”  
*Member's explanatory statement*  
*See the explanatory statement for amendment 102.*

Secretary Theresa May

107

- Clause 105, page 84, line 3, leave out “senior official’s” and insert “appropriate  
 person’s”  
*Member's explanatory statement*  
*See the explanatory statement for amendment 102.*

Secretary Theresa May

108

- Clause 105, page 84, line 5, at end insert—  
 “( ) As soon as is reasonably practicable after a designated senior official makes a  
 decision under subsection (5)—  
 (a) a Judicial Commissioner must be notified of—  
 (i) the decision, and  
 (ii) if the senior official has decided to approve the decision to make  
 the modification, the modification in question, and  
 (b) the Secretary of State or (in the case of a warrant issued by the Scottish  
 Ministers) a member of the Scottish Government must be notified  
 personally of the matters mentioned in paragraph (a)(i) and (ii).”  
*Member's explanatory statement*  
*This amendment provides that, where a designated senior official has decided whether to approve  
 a modification, a Judicial Commissioner, and the person who issued the warrant, must be notified  
 of the decision.*

Secretary Theresa May

109

- Clause 105, page 84, line 6, leave out “designated senior official” and insert  
 “appropriate person”  
*Member's explanatory statement*  
*See the explanatory statement for amendment 102.*

Secretary Theresa May

110

- Clause 105, page 84, line 8, leave out paragraph (a)  
*Member's explanatory statement*  
*This amendment is consequential on amendment 108.*

Secretary Theresa May

111

- Clause 105, page 84, line 17, leave out “a designated senior official” and insert “an

**Investigatory Powers Bill, *continued***

appropriate person”  
**Member’s explanatory statement**  
*See the explanatory statement for amendment 102.*

Secretary Theresa May **112**  
 Clause **105**, page **84**, line **19**, leave out “designated senior official” and insert  
 “appropriate person”  
**Member’s explanatory statement**  
*See the explanatory statement for amendment 102.*

Secretary Theresa May **113**  
 Clause **105**, page **84**, line **23**, leave out “designated senior official” and insert  
 “appropriate person”  
**Member’s explanatory statement**  
*See the explanatory statement for amendment 102.*

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Stephen McPartland  
 Mr Steve Baker **151**  
 Page **84**, line **34**, leave out Clause 106

Secretary Theresa May **114**  
 Clause **106**, page **85**, line **7**, at end insert—  
 “( ) But where a warrant relates only to a matter specified in section 90(1)(a), only to  
 a matter specified in section 90(1)(d), or only to both such matters, the details  
 included in the warrant in accordance with section 101(3) may not be modified.”  
**Member’s explanatory statement**  
*Where a warrant issued by a law enforcement chief under Part 5 relates only to a particular person  
 or organisation or to a particular location (or to both), this amendment prevents the details  
 included in the warrant in accordance with clause 101(3) from being modified (so, for example,  
 names cannot be added).*

Secretary Theresa May **115**  
 Clause **106**, page **85**, line **9**, at the beginning insert “except in the case of a  
 modification removing any matter, name or description,”  
**Member’s explanatory statement**  
*This amendment provides that there is no requirement to satisfy a necessity or proportionality test  
 where a modification is simply removing a matter, name or description from a warrant.*

Secretary Theresa May **116**  
 Clause **106**, page **85**, line **10**, leave out “warrant as modified continues to be” and  
 insert “modification is”  
**Member’s explanatory statement**  
*This amendment alters the test that applies to the modification of a warrant issued under Part 5 by  
 a law enforcement chief so that the person deciding whether to make the modification has to*

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**Investigatory Powers Bill, continued**

*consider whether the modification itself (rather than the warrant as modified) satisfies the test of necessity.*

Secretary Theresa May

Clause **106**, page **85**, line **12**, leave out “warrant as so modified” and insert “modification” **117**

***Member’s explanatory statement***

*This amendment alters the test that applies to the modification of a warrant issued under Part 5 by a law enforcement chief so that the person deciding whether to make the modification has to consider whether the modification itself (rather than the warrant as modified) satisfies the proportionality test.*

Secretary Theresa May

Clause **106**, page **85**, line **30**, leave out “warrant as modified” and insert “modification” **118**

***Member’s explanatory statement***

*This amendment is consequential on amendments 116 and 117.*

Secretary Theresa May

Clause **106**, page **85**, line **33**, leave out subsection (7) and insert— **119**

“(7) Sections 94 (Members of Parliament etc.) and 100 (items subject to legal privilege) apply in relation to the making of a modification to a warrant under section 106, other than a modification removing any matter, name or description, as they apply in relation to the issuing of a warrant.”

***Member’s explanatory statement***

*This amendment is related to amendment 91 and provides for the special safeguards in clause 94 (as well as those in clause 100) to apply in relation to modifications of warrants issued by law enforcement chiefs (other than modifications removing a matter, name or description).*

Secretary Theresa May

Clause **106**, page **85**, line **36**, at end insert— **120**

“( ) In the application of section 94 in accordance with subsection (7), subsection (3B) is to be read as if for the words from “unless” to the end of the subsection there were substituted “unless the law enforcement chief believes that the warrant (as modified) would authorise interference only with equipment which would be in Scotland at the time of the making of the modification or which the law enforcement chief believes would be in Scotland at that time”.

( ) Where section 94 applies in relation to the making of a modification to a warrant under section 106, subsection (3)(b) of this section has effect in relation to the making of the modification as if the words “except where the person making the modification considers that there is an urgent need to make it” were omitted.”

***Member’s explanatory statement***

*This amendment is consequential on amendment 119.*

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Investigatory Powers Bill, *continued*

Stephen McPartland  
Mr Steve Baker

152

Page 85, line 40, leave out Clause 107

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Stephen McPartland  
Mr Steve Baker

173

Page 87, line 26, leave out Clause 109

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Stephen McPartland  
Mr Steve Baker

174

Page 88, line 7, leave out Clause 110

Secretary Theresa May

121

Clause 110, page 88, line 8, leave out “on a person outside the United Kingdom”

*Member’s explanatory statement*

*This amendment is consequential on amendment 122.*

Secretary Theresa May

122

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

“( ) A copy of the warrant must be served in such a way as to bring the contents of the warrant to the attention of the person who the implementing authority considers may be able to provide assistance in relation to it.”

*Member’s explanatory statement*

*This amendment makes it clear that, where a person is required under clause 109 to provide assistance in relation to a warrant, a copy of the warrant must be served in such a way that the person is aware of the contents of the warrant and so can provide assistance.*

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Stephen McPartland  
Mr Steve Baker

175

Page 88, line 35, leave out Clause 111

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Stephen McPartland  
Mr Steve Baker

176

Clause 114, page 92, line 6, leave out subsection (3)(e)

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 Investigatory Powers Bill, *continued*

Stephen McPartland  
Mr Steve Baker

177

Clause 114, page 92, line 8, leave out subsection (3)(f)

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Secretary Theresa May

123

Clause 115, page 92, line 37, at end insert—

“( ) a disclosure made to the Intelligence and Security Committee of Parliament for the purposes of facilitating the carrying out of any of its functions.”

***Member’s explanatory statement***

*This amendment enables disclosure to be made to the Intelligence and Security Committee without breaching clause 114.*

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Andy Burnham  
Keir Starmer  
Lyn Brown  
Jack Dromey  
Sara Champion  
Sue Hayman

Joanna Cherry  
Anne McLaughlin  
Margaret Ferrier

Gavin Newlands  
Richard Arkless  
Mr Alistair Carmichael

Stuart C. McDonald  
Angela Crawley

302

Clause 116, page 93, line 39, at end insert—

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

***Member’s explanatory statement***

*An amendment to introduce a public interest defence for equipment interference disclosures.*

---

Secretary Theresa May

124

Clause 117, page 94, line 10, at end insert—

“( ) the chairman, or a deputy chairman, of the Independent Police Complaints Commission;”

***Member’s explanatory statement***

*This amendment is consequential on amendment 92.*

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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

383

Schedule 6, page 214, line 7, leave out Part 2

**Member’s explanatory statement**

*These amendments remove the power for law enforcement chiefs to issue equipment interference warrants on application from law enforcement officers and replace it with the power for Judicial Commissioners to issue equipment interference warrants on application from law enforcement chiefs. They also remove the power to issue equipment interference warrants from other officers listed in Part 2, Schedule 6. These amendments require a technical assessment of proportionality accounting for the risks of the conduct proposed. These requirements would apply when applications from the intelligence services, the Chief of Defence Intelligence and law enforcement are considered.*

Secretary Theresa May

125

Schedule 6, page 214, line 37, at end insert—

“The chairman, or a deputy chairman, of the Independent Police Complaints Commission.

A member (other than the chair or a deputy chairman) of the Independent Police Complaints Commission who is designated by the chairman for the purpose.

A person designated under paragraph 19(2) of Schedule 3 to the Police Reform Act 2002 to take charge of, or to assist with, the investigation to which the warrant under section 96(1) relates (or would relate if issued).”

**Member’s explanatory statement**

*This amendment adds to the list of those who are law enforcement chiefs for the purposes of clause 96 so that the chairman, or a deputy chairman, of the Independent Police Complaints Commission may issue a targeted equipment interference warrant. The amendment also sets who is an appropriate delegate, and who is an appropriate law enforcement officer, in relation the chairman (or a deputy chairman).*

Secretary Theresa May

126

Schedule 6, page 215, line 29, at end insert—

- “2A For the purpose of the fifth entry in Part 2 of the table, the reference to a staff officer of the Police Investigations and Review Commissioner is a reference to any person who—
- (a) is a member of the Commissioner’s staff appointed under paragraph 7A of schedule 4 to the Police, Public Order and Criminal Justice (Scotland) Act 2006 (asp 10), or

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**Investigatory Powers Bill, *continued***

- (b) is a member of the Commissioner's staff appointed under paragraph 7 of that schedule to whom paragraph 7B(2) of that schedule applies."

***Member's explanatory statement***

*This amendment amends Schedule 6 to provide a definition of "staff officer of the Police Investigations and Review Commissioner".*

---

Secretary Theresa May

NC10

To move the following Clause—

**"Approval of notices by Judicial Commissioners**

- (1) In this section "relevant notice" means—
  - (a) a national security notice under section 216, or
  - (b) a technical capability notice under section 217.
- (2) In deciding whether to approve a decision to give a relevant notice, a Judicial Commissioner must review the Secretary of State's conclusions as to the following matters—
  - (a) whether the notice is necessary as mentioned in section 216(1)(a) or (as the case may be) section 217(1)(a), and
  - (b) whether the conduct that would be required by the notice is proportionate to what is sought to be achieved by that conduct.
- (3) In doing so, the Judicial Commissioner must apply the same principles as would be applied by a court on an application for judicial review.
- (4) Where a Judicial Commissioner refuses to approve a decision to give a relevant notice, the Judicial Commissioner must give the Secretary of State written reasons for the refusal.
- (5) Where a Judicial Commissioner, other than the Investigatory Powers Commissioner, refuses to approve a decision to give a relevant notice, the Secretary of State may ask the Investigatory Powers Commissioner to decide whether to approve the decision to give the notice."

***Member's explanatory statement***

*The new clause makes provision about the approval of national security and technical capability notices by Judicial Commissioners.*

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Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

488

Page 167, line 9, leave out Clause 216

***Member's explanatory statement***

*This amendment would remove the provision for national security notices.*

**Investigatory Powers Bill, *continued***

Secretary Theresa May

78

Clause 216, page 167, line 11, leave out from first “a” to end of line 16 and insert “national security notice under this section if—

- (a) the Secretary of State considers that the notice is necessary in the interests of national security,
  - (b) the Secretary of State considers that the conduct required by the notice is proportionate to what is sought to be achieved by that conduct, and
  - (c) the decision to give the notice has been approved by a Judicial Commissioner.
- ( ) A “national security notice” is a notice requiring the operator to take such specified steps as the Secretary of State considers necessary in the interests of national security.”

***Member’s explanatory statement***

*The effect of the amendment is that the approval of a Judicial Commissioner is required for the giving of national security notices.*

Stephen McPartland  
Mr Steve Baker

196

Clause 216, page 167, line 14, after “State”, insert “and Investigatory Powers Commissioner consider”

***Member’s explanatory statement***

*See amendment 205.*

Stephen McPartland  
Mr Steve Baker

197

Clause 216, page 167, line 32, after “State”, insert “and Investigatory Powers Commissioner”

***Member’s explanatory statement***

*See amendment 205.*

Secretary Theresa May

79

Clause 216, page 167, line 34, after “Sections” insert “(*Approval of notices under section 216 or 217 by Judicial Commissioners*) and”

***Member’s explanatory statement***

*This amendment is consequential on amendment NC10.*



Investigatory Powers Bill, *continued*

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

489

Page 167, line 35, leave out Clause 217

***Member's explanatory statement***

*This amendment would remove the provision for technical capability notices.*

Secretary Theresa May

80

Clause 217, page 167, line 36, leave out from second “a” to end of line 37 and insert “technical capability notice under this section if—

- (a) the Secretary of State considers that the notice is necessary for securing that the operator has the capability to provide any assistance which the operator may be required to provide in relation to any relevant authorisation,
- (b) the Secretary of State considers that the conduct required by the notice is proportionate to what is sought to be achieved by that conduct, and
- (c) the decision to give the notice has been approved by a Judicial Commissioner.

( ) A “technical capability notice” is a notice—”

***Member's explanatory statement***

*The effect of the amendment is that the Secretary of State may give a technical capability notice only if the necessity and proportionality tests set out in the amendment are met and a Judicial Commissioner has approved the decision to give the notice.*

Secretary Theresa May

81

Clause 217, page 168, line 2, at end insert—

““relevant authorisation” means—

- (c) any warrant issued under Part 2, 5 or 6, or
- (d) any authorisation or notice given under Part 3;”

***Member's explanatory statement***

*This amendment is consequential on amendment 80.*

Stephen McPartland  
 Mr Steve Baker

198

Clause 217, page 168, line 9, after “State”, insert “and Investigatory Powers Commissioner consider”

***Member's explanatory statement***

*See amendment 205.*

Secretary Theresa May

82

Clause 217, page 168, line 13, leave out “(see subsection (9))”

***Member's explanatory statement***

*This amendment is consequential on amendment 80.*

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Investigatory Powers Bill, *continued*

Stephen McPartland  
Mr Steve Baker

199

Clause 217, page 168, line 27, after “State”, insert “and Investigatory Powers Commissioner”  
*Member’s explanatory statement*  
*See amendment 205.*

Secretary Theresa May

83

Clause 217, page 168, line 35, leave out subsection (6)  
*Member’s explanatory statement*  
*This amendment is consequential on amendment 80.*

Stephen McPartland  
Mr Steve Baker

200

Clause 217, page 168, line 36, after “State”, insert “and Investigatory Powers Commissioner”  
*Member’s explanatory statement*  
*See amendment 205.*

Stephen McPartland  
Mr Steve Baker

201

Clause 217, page 168, line 40, after “State”, insert “and Investigatory Powers Commissioner”  
*Member’s explanatory statement*  
*See amendment 205.*

Secretary Theresa May

84

Clause 217, page 168, line 45, leave out subsection (9)  
*Member’s explanatory statement*  
*This amendment is consequential on amendment 80.*

Secretary Theresa May

85

Clause 217, page 169, line 1, after “Sections” insert “(Approval of notices under section 216 or 217 by Judicial Commissioners) and”  
*Member’s explanatory statement*  
*This amendment is consequential on amendment NC10.*

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Investigatory Powers Bill, *continued*

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

490

Page 169, line 2, leave out Clause 218

*Member's explanatory statement*

*Consequential amendment following deletion of national security and technical capability notices.*

Stephen McPartland  
 Mr Steve Baker

202

Clause 218, page 169, line 6, after "State", insert "and Investigatory Powers Commissioner"

*Member's explanatory statement*

*See amendment 205.*

Stephen McPartland  
 Mr Steve Baker

203

Clause 218, page 169, line 8, after "State", insert "and Investigatory Powers Commissioner"

*Member's explanatory statement*

*See amendment 205.*

Secretary Theresa May

86

Clause 218, page 169, line 17, leave out "Where the relevant notice" and insert "In the case of a technical capability notice that"

*Member's explanatory statement*

*This amendment clarifies that clause 218(4) is relevant only in relation to technical capability notices under clause 217.*

Stephen McPartland  
 Mr Steve Baker

204

Clause 218, page 169, line 20, after "State", insert "and Investigatory Powers Commissioner"

*Member's explanatory statement*

*See amendment 205.*

Stephen McPartland  
 Mr Steve Baker

205

Clause 218, page 169, line 34, after "State", insert "and Investigatory Powers Commissioner"

*Member's explanatory statement*

*National Security and Technical Capability Notices should be subject to a double lock authorisation by the Secretary of State and the Investigatory Powers Commissioner.*

**Investigatory Powers Bill, *continued***

Secretary Theresa May

87

Clause 218, page 170, line 9, at end insert—

“( ) Subsection (9) applies to a person to whom a national security notice is given despite any other duty imposed on the person by or under Part 1, or Chapter 1 of Part 2, of the Communications Act 2003.”

***Member’s explanatory statement***

*The amendment makes it clear that a telecommunications operator that is given a national security notice must comply with it even if that would potentially conflict with any requirements imposed on the operator under Part 1 or Chapter 1 of Part 2 of the Communications Act 2003, which make provision about the functions of OFCOM and the regulation of electronic communications networks and services.*

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

491

Page 170, line 10, leave out Clause 219

***Member’s explanatory statement***

*Consequential amendment following deletion of national security and technical capability notices.*

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

492

Page 170, line 38, leave out Clause 220

***Member’s explanatory statement***

*Consequential amendment following deletion of national security and technical capability notices.*

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**Investigatory Powers Bill, *continued***

*NEW CLAUSES AND NEW SCHEDULES RELATING TO, AND AMENDMENTS TO, PART 6;  
NEW CLAUSES AND NEW SCHEDULES RELATING TO, AND AMENDMENTS TO, PART 7*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 95, line 27, leave out Clause 119

**390**

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 96, line 36, leave out Clause 120

**391**

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 97, line 15, leave out Clause 121

**392**

Secretary Theresa May

Clause 121, page 98, line 13, leave out subsection (5)

*Member's explanatory statement*

*This amendment is consequential on new clause 5.*

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**42**



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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 98, line 20, leave out Clause 122

393

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 98, line 38, leave out Clause 123

394

Andy Burnham  
Keir Starmer  
Lyn Brown  
Jack Dromey  
Sara Champion  
Sue Hayman

Clause 123, page 99, line 10, leave out from “must” to end of line 11, and insert  
“subject a person’s decision to issue a warrant under this Chapter to close scrutiny to  
ensure that the objective in issuing a warrant is sufficiently important to justify any  
limitation of a Convention right”

***Member’s explanatory statement***

*An amendment to clarify the role of judicial commissioners.*

275

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 99, line 19, leave out Clause 124

395

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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

396

Page 99, line 24, leave out Clause 125

Mr Dominic Grieve  
Sir Alan Duncan  
Mr George Howarth  
Fiona Mactaggart  
Angus Robertson  
Mr Keith Simpson

Ms Gisela Stuart

9

Clause 125, page 99, line 33, leave out subsection (4) and insert—

“(4) The operational purposes specified in the warrant must be ones specified, in a list maintained by the heads of the intelligence services, as purposes which they consider are operational purposes for which intercepted content or secondary data obtained under bulk interception warrants may be selected for examination.”

***Member’s explanatory statement***

*On behalf of the Intelligence and Security Committee of Parliament, to amend the Bill to provide for a designated list of operational purposes, such that only a purpose on that list may be specified in a warrant relating to bulk powers.*

Mr Dominic Grieve  
Sir Alan Duncan  
Mr George Howarth  
Fiona Mactaggart  
Angus Robertson  
Mr Keith Simpson

Ms Gisela Stuart

10

Clause 125, page 99, line 37, leave out from “issued” to end of line 39 and insert “are specified in the list mentioned in subsection (4).

(5A) An operational purpose may be specified in the list mentioned in subsection (4) only with the approval of the Secretary of State.

(5B) The Secretary of State may give such approval only if satisfied that the operational purpose is specified in a greater level of detail than the descriptions contained in section 121 subsections (1)(b) or (2).”

***Member’s explanatory statement***

*To make clear that the Secretary of State must approve all operational purposes specified on the list.*

Investigatory Powers Bill, *continued*

Mr Dominic Grieve  
 Sir Alan Duncan  
 Mr George Howarth  
 Fiona Mactaggart  
 Angus Robertson  
 Mr Keith Simpson

Ms Gisela Stuart

11

Clause 125, page 99, line 39, at end insert—

“(5C) The list of operational purposes mentioned in subsection (4) must be reviewed at least annually by the Prime Minister.”

***Member’s explanatory statement***

*To ensure that the list of Operational Purposes is reviewed at least annually by the Prime Minister.*

Mr Dominic Grieve  
 Sir Alan Duncan  
 Mr George Howarth  
 Fiona Mactaggart  
 Angus Robertson  
 Mr Keith Simpson

Ms Gisela Stuart

12

Clause 125, page 99, line 39, at end insert—

“(5D) The Investigatory Powers Commissioner and Intelligence and Security Committee of Parliament (ISC) will be kept informed of any changes to the list of Operational Purposes in a timely manner.

(5E) Subject to subsection 201(7), the Investigatory Powers Commissioner must include in his Annual Report a summary of those Operational Purposes which, during the period of his report, have been specified in any warrants issued under Parts 6 and 7.”

***Member’s explanatory statement***

*To ensure that the ISC and Commissioners are kept informed of changes to the list of Operational Purposes. To ensure that a summary of the Operational Purposes are published each year.*

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

397

Page 100, line 2, leave out Clause 126

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 Investigatory Powers Bill, *continued*

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

398

Page 100, line 10, leave out Clause 127

Mr Dominic Grieve  
 Sir Alan Duncan  
 Mr George Howarth  
 Fiona Mactaggart  
 Angus Robertson  
 Mr Keith Simpson

Ms Gisela Stuart

22

Clause 127, page 100, line 12, leave out “before it would otherwise cease to have effect” and insert “during the renewal period”

*Member’s explanatory statement*

*See amendment 20.*

Mr Dominic Grieve  
 Sir Alan Duncan  
 Mr George Howarth  
 Fiona Mactaggart  
 Angus Robertson  
 Mr Keith Simpson

Ms Gisela Stuart

23

Clause 127, page 100, line 34, at end insert—

“(2A) “The renewal period” means the period of 30 days ending with the day at the end of which the warrant would otherwise cease to have effect.”

*Member’s explanatory statement*

*See amendment 20.*

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Investigatory Powers Bill, *continued*

Stephen McPartland  
Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless

Angela Crawley  
Mr Steve Baker

Margaret Ferrier

Mr Alistair Carmichael

153

Page 101, line 9, leave out Clause 128

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Stephen McPartland  
Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless

Angela Crawley  
Mr Steve Baker

Margaret Ferrier

Mr Alistair Carmichael

154

Page 102, line 25, leave out Clause 129

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

401

Page 103, line 8, leave out Clause 130

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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 103, line 31, leave out Clause 131

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402

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 104, line 19, leave out Clause 132

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403

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 105, line 44, leave out Clause 133

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404

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 106, line 24, leave out Clause 134

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405

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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 108, line 1, leave out Clause 135

406

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 108, line 29, leave out Clause 136

407

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 108, line 39, leave out Clause 137

408

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 109, line 16, leave out Clause 138

409

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 Investigatory Powers Bill, *continued*

Secretary Theresa May

43

Clause 138, page 110, line 5, leave out subsection (4)

*Member's explanatory statement**This amendment is consequential on new clause 5.*


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 Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

410

Page 110, line 40, leave out Clause 139

 Mr David Davis  
 Andy Burnham  
 Keir Starmer  
 Lyn Brown  
 Jack Dromey  
 Sarah Champion

Sue Hayman

212

Clause 139, page 110, line 42, leave out “review the Secretary of State’s conclusions as to the following matters” and insert “determine”

 Mr David Davis  
 Andy Burnham  
 Keir Starmer  
 Lyn Brown  
 Jack Dromey  
 Sarah Champion

Sue Hayman

213

Clause 139, page 111, line 7, leave out subsection (2)

 Andy Burnham  
 Keir Starmer  
 Lyn Brown  
 Jack Dromey  
 Sara Champion  
 Sue Hayman

278

Clause 139, page 111, line 7, leave out from “must” to end of line 8, and insert “subject a person’s decision to issue a warrant under this Chapter to close scrutiny to ensure that the objective in issuing a warrant is sufficiently important to justify any



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Investigatory Powers Bill, *continued*

limitation of a Convention right”

***Member’s explanatory statement***

*An amendment to clarify the role of judicial commissioners. This amendment is an alternative to amendments 212 and 213 (which are a package).*

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 111, line 16, leave out Clause 140

411

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 111, line 21, leave out Clause 141

412

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 112, line 2, leave out Clause 142

413

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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

414

Page 112, line 10, leave out Clause 143

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Stephen McPartland  
Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless

Angela Crawley  
Mr Steve Baker

Margaret Ferrier

Mr Alistair Carmichael

155

Page 113, line 9, leave out Clause 144

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Stephen McPartland  
Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless

Angela Crawley  
Mr Steve Baker

Margaret Ferrier

Mr Alistair Carmichael

156

Page 114, line 19, leave out Clause 145

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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier                      Mr Alistair Carmichael

Page 115, line 2, leave out Clause 146

417

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier                      Mr Alistair Carmichael

Page 115, line 25, leave out Clause 147

418

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier                      Mr Alistair Carmichael

Page 116, line 7, leave out Clause 148

419

Secretary Theresa May

Clause 148, page 116, line 9, leave out “on a person outside the United Kingdom”

*Member’s explanatory statement*

*This amendment is consequential on amendment 45.*

44

Secretary Theresa May

Clause 148, page 116, line 9, at end insert—

“( ) A copy of the warrant must be served in such a way as to bring the contents of the warrant to the attention of the person who the implementing authority considers may be able to provide assistance in relation to it.”

*Member’s explanatory statement*

*The amendment makes it clear that, where a person is required under clause 147 to provide assistance in relation to a warrant, a copy of the warrant must be served in such a way that the person is aware of the contents of the warrant and so can provide that assistance.*

45

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 Investigatory Powers Bill, *continued*

Secretary Theresa May

46

Clause 148, page 116, line 10, leave out “the person” and insert “a person outside the United Kingdom”

*Member’s explanatory statement*

*This amendment is consequential on amendment 45.*

Secretary Theresa May

47

Clause 148, page 116, line 23, after “person” insert “outside the United Kingdom”

*Member’s explanatory statement*

*This amendment is consequential on amendment 45.*

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

420

Page 116, line 35, leave out Clause 149

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

421

Page 117, line 11, leave out Clause 150

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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 118, line 39, leave out Clause 151

422

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 119, line 8, leave out Clause 152

423

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 119, line 36, leave out Clause 153

424

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 120, line 10, leave out Clause 154

425

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 Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

426

Page 121, line 33, leave out Clause 155

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

427

Page 122, line 4, leave out Clause 156

Secretary Theresa May

48

Clause 156, page 122, line 42, leave out subsection (4)

*Member's explanatory statement*

*This amendment is consequential on new clause 5.*

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

428

Page 123, line 1, leave out Clause 157

Mr David Davis

214

Clause 157, page 123, line 3, leave out “review the Secretary of State’s conclusions as to the following matters” and insert “determine”

Mr David Davis

215

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

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Investigatory Powers Bill, *continued*

Andy Burnham  
Keir Starmer  
Lyn Brown  
Jack Dromey  
Sara Champion  
Sue Hayman

281

Clause 157, page 123, line 15, leave out from “must” to end of line 16, and insert “subject a person’s decision to issue a warrant under this Chapter to close scrutiny to ensure that the objective in issuing a warrant is sufficiently important to justify any limitation of a Convention right”

***Member’s explanatory statement***

*An amendment to clarify the role of judicial commissioners.*

---

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

429

Page 123, line 24, leave out Clause 158

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

430

Page 123, line 41, leave out Clause 159

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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 124, line 34, leave out Clause 160

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431

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 125, line 3, leave out Clause 161

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432

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 125, line 25, leave out Clause 162

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433

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 126, line 3, leave out Clause 163

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434



Investigatory Powers Bill, *continued*

Stephen McPartland  
 Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless

Angela Crawley  
 Mr Steve Baker

Margaret Ferrier

Mr Alistair Carmichael

157

Page 127, line 1, leave out Clause 164

Secretary Theresa May

127

Clause 164, page 127, line 16, after “modification”, insert “adding or varying any operational purpose”

***Member’s explanatory statement***

*This amendment restricts the application of clause 164(4) to cases where a major modification of a bulk equipment interference warrant adds or varies an operational purpose. It is consequential on amendment 128.*

Secretary Theresa May

128

Clause 164, page 127, line 20, at end insert—

“( ) A major modification adding or varying any description of conduct—

(a) must be made by the Secretary of State, and

(b) may be made only if the Secretary of State considers—

(i) that the modification is necessary on any of the grounds on which the Secretary of State considers the warrant to be necessary (see section 156(1)(b)), and

(ii) that the conduct authorised by the modification is proportionate to what is sought to be achieved by that conduct.”

***Member’s explanatory statement***

*This amendment provides for both a necessity test and a proportionality test to apply in relation to a decision whether to make a major modification of a bulk equipment interference warrant by adding or varying a description of conduct.*

Stephen McPartland  
 Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless

Angela Crawley  
 Mr Steve Baker

Margaret Ferrier

Mr Alistair Carmichael

158

Page 128, line 14, leave out Clause 165

Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 129, line 1, leave out Clause 166

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437

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 129, line 25, leave out Clause 167

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438

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 130, line 14, leave out Clause 168

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439

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 131, line 33, leave out Clause 169

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440

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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier                      Mr Alistair Carmichael

Page 132, line 3, leave out Clause 170

441

Secretary Theresa May

Clause 170, page 133, line 25, leave out “section” and insert “Part”

*Member’s explanatory statement*

*This amendment is consequential on amendment 130.*

129

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier                      Mr Alistair Carmichael

Page 133, line 30, leave out Clause 171

442

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier                      Mr Alistair Carmichael

Page 134, line 12, leave out Clause 172

443

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**Investigatory Powers Bill, *continued***

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

444

Page 134, line 19, leave out Clause 173

Secretary Theresa May

130

Clause 173, page 134, line 32, at end insert—

““protected material”, in relation to a bulk equipment interference warrant,  
has the meaning given by section 170(9);”

***Member’s explanatory statement***

*This amendment provides for the definition of “protected material” given by clause 170 to apply for the purposes of the Part.*

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Secretary Theresa May

NC14

To move the following Clause—

**“Health records**

- (1) Subsections (2) and (3) apply if—
  - (a) an application is made by or on behalf of the head of an intelligence service for the issue of a specific BPD warrant,
  - (b) the purpose, or one of the purposes of the warrant, is to authorise the retention, or the retention and examination, of health records.
- (2) The application must contain a statement that the purpose, or one of the purposes, of the warrant is to authorise the retention, or the retention and examination, of health records.
- (3) The Secretary of State may issue the warrant only if the Secretary of State considers that there are exceptional and compelling circumstances that make it necessary to authorise the retention, or the retention and examination, of health records.
- (4) Subsection (5) applies if—
  - (a) an application is made by or on behalf of the head of an intelligence service for a specific BPD warrant,
  - (b) the head of the intelligence service considers that the bulk personal dataset includes, or is likely to include, health records, and
  - (c) subsections (2) and (3) do not apply.
- (5) The application must contain either—
  - (a) a statement that the head of the intelligence service considers that the bulk personal dataset includes health records, or
  - (b) a statement that the head of the intelligence service considers that it is likely that the bulk personal dataset includes health records and an assessment of how likely this is.

**Investigatory Powers Bill, *continued***

- (6) In this section, “health record” means a record, or a copy of a record, which—
- (a) consists of information relating to the physical or mental health or condition of an individual,
  - (b) was made by or on behalf of a health professional in connection with the care of that individual, and
  - (c) was obtained by the intelligence service from a health professional or a health service body or from a person acting on behalf of a health professional or a health service body in relation to the record or the copy.

- (7) In subsection (6)—

“health professional” has the same meaning as in the Data Protection Act 1998 (see section 69 of that Act);

“health service body” has the meaning given by section 69(3) of that Act.”

***Member’s explanatory statement***

*This amendment requires an intelligence service to take special steps when making an application for a specific BPD warrant relating to health records. In addition, where the purpose, or one of the purposes, of the warrant would be to authorise the retention, or the retention and examination, of health records, the Secretary of State may issue the warrant only if he or she considers that there are exceptional and compelling circumstances.*

---

Mr Dominic Grieve  
 Sir Alan Duncan  
 Mr George Howarth  
 Fiona Mactaggart  
 Angus Robertson  
 Mr Keith Simpson

Ms Gisela Stuart

NC3

To move the following Clause—

**“Restriction on use of class bulk personal dataset warrants**

- (1) An intelligence service may not retain, or retain and examine, a bulk personal dataset in reliance on a class bulk personal dataset warrant if the head of the intelligence service considers—
- (a) that the bulk personal dataset includes a large quantity of sensitive personal data, or
  - (b) that the nature of the bulk personal dataset, or the circumstances in which it was created, is or are such that its retention, or retention and examination, by the intelligence service raises issues which ought to be considered by the Secretary of State and a Judicial Commissioner on an application by the head of the intelligence service for a specific BPD warrant.
- (2) An intelligence service may not retain, or retain and examine, greater than twenty distinct bulk personal datasets in reliance on any class BPD warrant.
- (3) In subsection (1) “sensitive personal data” means personal data consisting of information about an individual (whether living or deceased) which is of a kind mentioned in section 2(a) to (f) of the Data Protection Act 1998.”

***Member’s explanatory statement***

*On behalf of the Intelligence and Security Committee of Parliament, to place greater restrictions on the use of Class BPD warrants in relation to the retention/examination of sensitive personal*

**Investigatory Powers Bill, *continued***

*data (relating to race, political opinions, religious beliefs, trade union membership, health, or sexual orientation). To cap the number of datasets which may be covered by any Class warrant.*

---

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 135, line 4, leave out Clause 174

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445

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 135, line 21, leave out Clause 175

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446

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 135, line 37, leave out Clause 176

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447

Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

448

Page 136, line 9, leave out Clause 177

Andy Burnham  
Keir Starmer  
Lyn Brown  
Jack Dromey  
Sara Champion  
Sue Hayman

303

Clause 177, page 136, line 44, at end insert—

- “(5) Subsection (6) applies where a warrant application under this section relates 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.
- (6) The Secretary of State may issue the warrant only if—
- (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”

***Member’s explanatory statement***

*An amendment to restrict the retention of patient information obtained under provisions in this Bill.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

449

Page 137, line 1, leave out Clause 178

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 Investigatory Powers Bill, *continued*

Mr Dominic Grieve  
 Sir Alan Duncan  
 Mr George Howarth  
 Fiona Mactaggart  
 Angus Robertson  
 Mr Keith Simpson

Ms Gisela Stuart

24

Clause 178, page 137, line 17, leave out “and” and insert—

“(aa) a statement outlining the extent to which sensitive personal data as defined by section [*Restriction on use of class BPD warrants*] is expected to be part of the bulk personal dataset, and”

***Member’s explanatory statement***

*On behalf of the Intelligence and Security Committee of Parliament, to require specific BPD warrant applications to set out the extent to which datasets may include sensitive personal data (relating to race, political opinions, religious beliefs, trade union membership, health, or sexual orientation), in order that the Secretary of State may properly assess the proportionality of obtaining the dataset.*

Andy Burnham  
 Keir Starmer  
 Lyn Brown  
 Jack Dromey  
 Sara Champion  
 Sue Hayman

304

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 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.

(9) The Secretary of State may issue the warrant only if—

- (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.”

***Member’s explanatory statement***

*An amendment to restrict the retention of patient information obtained under provisions in this Bill.*

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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

450

Page 138, line 3, leave out Clause 179

Mr David Davis  
Andy Burnham  
Keir Starmer  
Lyn Brown  
Jack Dromey  
Sarah Champion

Sue Hayman

216

Clause 179, page 138, line 5, leave out “review the Secretary of State’s conclusions as to the following matters” and insert “determine”

Mr David Davis  
Andy Burnham  
Keir Starmer  
Lyn Brown  
Jack Dromey  
Sarah Champion

Sue Hayman

217

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

Andy Burnham  
Keir Starmer  
Lyn Brown  
Jack Dromey  
Sara Champion  
Sue Hayman

284

Clause 179, page 138, line 22, leave out from “must” to end of line 23, and insert “subject a person’s decision to issue a warrant under this Chapter to close scrutiny to ensure that the objective in issuing a warrant is sufficiently important to justify any limitation of a Convention right”

***Member’s explanatory statement***

*An amendment to clarify the role of judicial commissioners. This amendment is an alternative to amendments 216 and 217 (which are a package).*



Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 138, line 31, leave out Clause 180

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451

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 139, line 4, leave out Clause 181

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452

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 140, line 1, leave out Clause 182

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453

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 140, line 15, leave out Clause 183

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454

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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 141, line 4, leave out Clause 184

455

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 141, line 26, leave out Clause 185

456

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Stephen McPartland  
Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless

Angela Crawley  
Mr Steve Baker

Margaret Ferrier

Mr Alistair Carmichael

Page 142, line 13, leave out Clause 186

159

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**Investigatory Powers Bill, *continued***

Stephen McPartland  
Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless

Angela Crawley  
Mr Steve Baker

Margaret Ferrier

Mr Alistair Carmichael

**160**

Page **143**, line **22**, leave out Clause 187

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

**459**

Page **144**, line **7**, leave out Clause 188

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

**460**

Page **144**, line **25**, leave out Clause 189

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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 146, line 2, leave out Clause 190

461

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 147, line 5, leave out Clause 191

462

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Page 147, line 21, leave out Clause 192

463

Andy Burnham  
Keir Starmer  
Lyn Brown  
Jack Dromey  
Sara Champion  
Sue Hayman

Clause 192, page 147, line 42, at end insert—

“(4A) 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

305

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**Investigatory Powers Bill, *continued***

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

***Member’s explanatory statement***

*An amendment to restrict the retention of patient information obtained under provisions in this Bill.*

---

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

464

Page 148, line 37, leave out Clause 193

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*NEW CLAUSES AND NEW SCHEDULES RELATING TO, AND AMENDMENTS TO, PART 3;  
NEW CLAUSES AND NEW SCHEDULES RELATING TO, AND AMENDMENTS TO, PART 4;  
NEW CLAUSES AND NEW SCHEDULES RELATING TO, AND AMENDMENTS TO,  
CHAPTER 2 OF PART 9; REMAINING PROCEEDINGS ON CONSIDERATION*

Stephen McPartland  
Mr Steve Baker

NC18

To move the following Clause—

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

Each of the following organisations may appoint a designated senior officer responsible for applying 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

**Investigatory Powers Bill, *continued***

(n) the National Crime Agency.”

***Member’s explanatory statement***

*This new Clause will restrict access to communications data to the Intelligence Agencies and law enforcement only.*

Will Quince

NC19

To move the following Clause—

**“Local authority authorisations: notification of chief executive**

Where, on an application under sections 66 to 69, the relevant judicial authority approves an authorisation (including a Judicial Commissioner approval by order under section 68), the designated senior officer must notify the chief executive of the local authority, or subscribing authority, of that approval, or those approvals as the case may be, prior to that authorisation taking effect.”

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

320

Clause 53, page 42, leave out lines 14 and 15 and insert “Subsection (2) applies if a designated senior officer of a relevant public authority considers—

“(a) that a Judicial Commissioner may, on an application made by a designated senior officer at a relevant public authority, issue a communications data access authorisation where the Judicial Commissioner considers—”

***Member’s explanatory statement***

*See amendment 327.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

321

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

***Member’s explanatory statement***

*See amendment 327.*

Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

322

Clause 53, page 42, line 26, leave out “The designated senior officer may authorise any officer of the authority to” and insert “A communications data access authorisation may authorise the designated senior officer or a telecommunications operator to”

*Member’s explanatory statement*

*See amendment 327.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

323

Clause 53, page 42, line 39, leave out “authorised officer” and insert “designated senior officer”

*Member’s explanatory statement*

*See amendment 327.*

Andy Burnham  
Keir Starmer  
Lyn Brown  
Jack Dromey  
Sarah Champion  
Sue Hayman

286

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

*Member’s explanatory statement*

*This amendment inserts a higher threshold for accessing communications data.*

Andy Burnham  
Keir Starmer  
Lyn Brown  
Jack Dromey  
Sarah Champion  
Sue Hayman

287

Clause 53, page 43, line 39, after second “preventing”, insert “serious”

*Member’s explanatory statement*

*This amendment inserts a higher threshold for accessing communications data.*



Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

324

Clause 53, page 43, line 41, leave out paragraphs (c) to (e)  
*Member's explanatory statement*  
*See amendment 327.*

Andy Burnham  
Keir Starmer  
Lyn Brown  
Jack Dromey  
Sarah Champion  
Sue Hayman

288

Clause 53, page 44, line 1, after first “or”, insert “serious”  
*Member's explanatory statement*  
*This amendment inserts a higher threshold for accessing communications data.*

Andy Burnham  
Keir Starmer  
Lyn Brown  
Jack Dromey  
Sarah Champion  
Sue Hayman

289

Clause 53, page 44, line 1, after “any”, insert “serious”  
*Member's explanatory statement*  
*This amendment inserts a higher threshold for accessing communications data.*

Andy Burnham  
Keir Starmer  
Lyn Brown  
Jack Dromey  
Sarah Champion  
Sue Hayman

290

Clause 53, page 44, line 2, after “any”, insert “serious”  
*Member's explanatory statement*  
*This amendment inserts a higher threshold for accessing communications data.*

Andy Burnham  
Keir Starmer  
Lyn Brown  
Jack Dromey  
Sarah Champion  
Sue Hayman

291

Clause 53, page 44, line 2, after third “or”, insert “serious”  
*Member's explanatory statement*  
*This amendment inserts a higher threshold for accessing communications data.*

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 Investigatory Powers Bill, *continued*

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

325

Clause 53, page 44, line 13, at end insert—

“(7A) An authorisation may be considered necessary as mentioned in subsection (7)(b) or (7)(f) only where there is a reasonable suspicion that a serious criminal offence has been or is likely to be committed.”

***Member’s explanatory statement***

*See amendment 327.*

Andy Burnham  
 Keir Starmer  
 Lyn Brown  
 Jack Dromey  
 Sarah Champion  
 Sue Hayman

292

Clause 53, page 44, line 18, at end insert—

“(9) Serious crime in subsection (7)(b) above means—

- (a) any crime where a person guilty of the offence is liable on conviction to imprisonment for a term of imprisonment of [a maximum of] 6 months or more; or
- (b) a crime which causes serious damage to a person’s physical or mental health.”

***Member’s explanatory statement***

*This amendment defines the higher threshold, inserted by other amendments to Clause 53, for accessing communications data.*

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Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

326

Clause 54, page 44, line 19, leave out Clause 54

***Member’s explanatory statement***

*See amendment 327.*

Investigatory Powers Bill, *continued*

Mr Dominic Grieve  
 Sir Alan Duncan  
 Mr George Howarth  
 Fiona Mactaggart  
 Angus Robertson  
 Mr Keith Simpson

Ms Gisela Stuart

13

Clause 54, page 44, line 28, leave out subsection (3)(b) and insert—

- “(b) the investigation or operation concerned is one where there is an exceptional need, in the interests of national security, to keep knowledge of it to an absolute minimum,
- (ba) there is an opportunity to obtain information where—
  - (i) the opportunity is rare,
  - (ii) the time to act is short, and
  - (iii) the need to obtain the information is significant and in the interests of national security, or”

***Member’s explanatory statement***

*On behalf of the Intelligence and Security Committee of Parliament, to amend the Bill to ensure that the exceptional national security-related circumstances under which there does not need to be a separation between those requesting and those authorising requests for communications data, is narrowly drawn.*

Andy Burnham  
 Keir Starmer  
 Lyn Brown  
 Jack Dromey  
 Sarah Champion  
 Sue Hayman

293

Clause 54, page 45, line 13, at end insert—

- “(7) For the avoidance of doubt, an internet connection record does not include the content of any communication.”

***Member’s explanatory statement***

*An amendment to clarify the description of internet connection records.*

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

327

Clause 55, page 45, line 16, leave out paragraph (a)

***Member’s explanatory statement***

*These amendments provide that in order to access communications data, a relevant public authority must seek a warrant from a Judicial Commissioner rather than undertake a system of*

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**Investigatory Powers Bill, continued**

*internal authorisation. These amendments would require that there is reasonable suspicion of serious crime for a warrant authorising communications data acquisition.*

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- Mr Alistair Carmichael 4
- Page 46, line 40, leave out Clause 58
- Stephen McPartland 164  
Mr Steve Baker
- Clause 58, page 46, line 41, leave out “maintain”  
*Member’s explanatory statement*  
*See amendment 163.*
- Stephen McPartland 165  
Mr Steve Baker
- Clause 58, page 46, line 41, leave out “operate”  
*Member’s explanatory statement*  
*See amendment 163.*
- Stephen McPartland 166  
Mr Steve Baker
- Clause 58, page 47, line 1, after “officer” insert “in exceptional circumstances”  
*Member’s explanatory statement*  
*This amendment restricts the use of the filter to exceptional circumstances. This will ensure that the use of the filter does not become routine practice or the default mechanism for obtaining communications data.*
- Stephen McPartland 161  
Mr Steve Baker
- Clause 58, page 47, line 7, leave out “arrangements” and insert “regulations”  
*Member’s explanatory statement*  
*See amendment 163.*
- Stephen McPartland 167  
Mr Steve Baker
- Clause 58, page 47, line 18, at end insert—  
“(c) obtaining the approval of a Judicial Commissioner to the filtering regulations in the same way as if the data was to be obtained by a targeted interception warrant as set out in this Act.”  
*Member’s explanatory statement*  
*This amendment requires use of the filtering arrangements to obtain data to be approved by a Judicial Commissioner. Filtering requires higher authorisation standard, as it has much greater powers to detect across many datasets and with high efficiency, being more akin to bulk acquisition than to individual requests for data.*

Investigatory Powers Bill, *continued*

Stephen McPartland  
Mr Steve Baker

168

Clause 58, page 47, line 19, leave out subsection 3

***Member's explanatory statement***

*This amendment stops the user of the filter for general purposes - such as support, maintenance, oversight, operation or administration of the arrangements - not directly related to the core investigative functions of public bodies. It also removes the use of the filter to support the general oversight functions of the Investigatory Powers Commission.*

Stephen McPartland  
Mr Steve Baker

162

Clause 58, page 47, line 19, leave out “arrangements” and insert “regulations”

***Member's explanatory statement***

*See amendment 163.*

Stephen McPartland  
Mr Steve Baker

163

Clause 58, page 47, line 27, leave out “arrangements” and insert “regulations”

***Member's explanatory statement***

*These amendments would make the filtering arrangements to be governed by a statutory instrument subject to all normal transparency and processes of judicial review.*

Stephen McPartland  
Mr Steve Baker

169

Clause 58, page 47, line 32, leave out “must consult” and insert “shall obtain the prior approval of”

***Member's explanatory statement***

*This amendment creates a duty to obtain prior approval from the Commissioner for the filtering system. By asking the Commissioner for prior approval of any plans, the assessment of necessity and proportionality would be much more likely to be robust. Any abuse and expansion of scope and abilities of data mining would be more likely to be restrained. The Commissioner would also have the ability to ensure that requirements they might seek are properly considered at the start.*

Stephen McPartland  
Mr Steve Baker

170

Clause 58, page 47, line 35, at end insert—

“(5A) Nothing in this section shall be used in respect of information which can be reasonably obtained by any other means under this Act.

(5B) Nothing in this section shall be used for the bulk collection of information.

(5C) The powers under this section shall only be used by the Secretary of State when no other power under this Act or other statute can achieve the same objective.”

***Member's explanatory statement***

*This amendment restricts the use of the filter to those purposes the government has put forward. Given the lack of clarity on what the filtering arrangements are and whether they will become the normal way to acquire communications data of any type, this amendment seeks to restrain the power so that it is used as narrowly as possible.*

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**Investigatory Powers Bill, continued**

Stephen McPartland  
Mr Steve Baker

171

Clause 58, page 47, line 35, at end insert—

“(5A) The Secretary of State shall at least once a year make a report to Parliament detailing the filtering arrangements made under this clause.”

***Member’s explanatory statement***

*This amendment would require the Secretary of State to make an annual report to Parliament explaining what the filtering arrangements consisted of and were being used for. This would improve public scrutiny and reinforce the provision in clause 58(4).*

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Mr Alistair Carmichael

5

Page 47, line 36, leave out Clause 59

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Mr Alistair Carmichael

6

Page 48, line 16, leave out Clause 60

Stephen McPartland  
Mr Steve Baker

172

Clause 60, page 49, line 29, at end insert—

“(10) All filtering arrangements under this Act shall not endure more than six months.

(11) The Secretary of State shall not use any power under Part 3 of this Act unless such power cannot be exercised under any other statutory provision.

(12) The Secretary of State shall ensure that the filtering arrangements are always used exceptionally and with regard to privacy rights.

(13) The Secretary of State shall from time to time consider the proportionality and necessity of all filtering arrangements in place.

(14) The Secretary of State shall terminate any filtering arrangements which are not proportionate or necessary.”

***Member’s explanatory statement***

*This amendment requires filtering arrangements to be renewed every six months; makes them a power of last resort; requires assessment of necessity and proportionality; requires termination of arrangements which are not truly needed.*

---

Secretary Theresa May

49

Clause 68, page 54, line 10, leave out “made an order under this section approving” and insert “approved”

***Member’s explanatory statement***

*This amendment removes the need for a Judicial Commissioner to make an order when approving an authorisation under Part 3 to identify or confirm journalistic sources.*

Investigatory Powers Bill, *continued*

Secretary Theresa May

50

Clause 68, page 54, line 12, leave out “an order under this section approving” and insert “approval of”

*Member’s explanatory statement*

*This amendment is consequential on amendment 49.*

Ms Harriet Harman  
Fiona Bruce  
Ms Karen Buck  
Jeremy Lefroy  
Amanda Solloway  
Mark Pritchard

Joanna Cherry  
Keir Starmer  
Sarah Champion

Gavin Newlands  
Lyn Brown  
Sue Hayman

Andy Burnham  
Jack Dromey

143

Clause 68, page 54, line 14, leave out “not”

Ms Harriet Harman  
Fiona Bruce  
Ms Karen Buck  
Jeremy Lefroy  
Amanda Solloway  
Mark Pritchard

Joanna Cherry  
Keir Starmer  
Sarah Champion

Gavin Newlands  
Lyn Brown  
Sue Hayman

Andy Burnham  
Jack Dromey

144

Clause 68, page 54, line 15, at end insert “unless an application without such notice is required in order to avoid prejudice to the investigation.”

Ms Harriet Harman  
Fiona Bruce  
Ms Karen Buck  
Jeremy Lefroy  
Amanda Solloway  
Mark Pritchard

Joanna Cherry  
Keir Starmer  
Sarah Champion

Gavin Newlands  
Lyn Brown  
Sue Hayman

Andy Burnham  
Jack Dromey

145

Clause 68, page 54, line 15, at end insert—

“( ) Schedule 1 to the Police and Criminal Evidence Act 1984 shall apply to an application for an order under this section as if it were an application for an order under that Schedule.”

*Member’s explanatory statement*

*This amendment seeks to ensure that the same level of protection is provided for journalists’ sources under the Bill as is currently provided in PACE.*

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**Investigatory Powers Bill, *continued***

Secretary Theresa May

51

Clause 68, page 54, line 25, at end insert—

“( ) In considering whether the position is as mentioned in subsection (5)(a) and (b), the Judicial Commissioner must, in particular, have regard to—

- (a) the public interest in protecting a source of journalistic information, and
- (b) the need for there to be another overriding public interest before a relevant public authority seeks to identify or confirm a source of journalistic information.”

***Member’s explanatory statement***

*This amendment requires a Judicial Commissioner to have regard, in particular, to the public interest in protecting a source of journalistic information when deciding whether to approve an authorisation under Part 3 to identify or confirm a journalistic source.*

Secretary Theresa May

52

Clause 68, page 54, line 27, leave out “make an order quashing” and insert “quash”

***Member’s explanatory statement***

*This amendment removes the need for a Judicial Commissioner to make an order when quashing an authorisation under Part 3 to identify or confirm journalistic sources where the Commissioner has refused to approve the grant of the authorisation.*

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Andy Burnham  
Keir Starmer  
Lyn Brown  
Jack Dromey  
Sara Champion  
Sue Hayman

Joanna Cherry  
Anne McLaughlin  
Margaret Ferrier

Gavin Newlands  
Richard Arkless  
Mr Alistair Carmichael

Stuart C. McDonald  
Angela Crawley

300

Clause 73, page 58, line 33, at end insert—

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

***Member’s explanatory statement***

*An amendment to introduce a public interest defence for disclosures regarding the obtaining of communications data.*

---

Stephen McPartland  
Mr Steve Baker

207

Page 205, line 6, leave out Schedule 4





Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

NC26

To move the following Clause—

**“Retention of communications data**

An operator who has not been designated as the operator of an electronic communications network or service according to section 34 of the Communications Act 2003; or whose service has fewer than 50,000 subscribers, shall not be required to comply with a retention notice under Clause 78.”

***Member’s explanatory statement***

*The new clause excludes the providers of rural or community access communications services and small service providers from the obligation to collect and retain data, in accordance with policy statements made by the Home Office.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

328

Clause 78, page 61, line 5, leave out “Secretary of State” and insert “Judicial Commissioner”

***Member’s explanatory statement***

*See amendment 350.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

329

Clause 78, page 61, line 5, after second ““notice”)” insert “on an application made by a designated senior officer at a relevant public authority”

***Member’s explanatory statement***

*See amendment 350.*

Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

330

Clause 78, page 61, line 7, leave out “Secretary of State” and insert “Judicial Commissioner”

*Member’s explanatory statement*

*See amendment 350.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

331

Clause 78, page 61, line 9, at end insert—

“(1A) A notice may be considered necessary only where there is a reasonable suspicion that a serious criminal offence has been or is likely to be committed in relation to the grounds falling within section 53(7).”

*Member’s explanatory statement*

*See amendment 350.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

332

Clause 78, page 61, line 38, leave out “Secretary of State” and insert “Judicial Commissioner”

*Member’s explanatory statement*

*See amendment 350.*

Mr Alistair Carmichael  
Joanna Cherry  
Gavin Newlands

3

Clause 78, page 62, line 22, leave out “therefore includes, in particular” and insert “does not include”

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Investigatory Powers Bill, *continued*

Andy Burnham  
Keir Starmer  
Lyn Brown  
Jack Dromey  
Sarah Champion  
Sue Hayman

294

Clause 78, page 62, line 23, at end insert—

“(10) A retention notice must not require any data which is, or can only be obtained by processing, an internet connection record to be retained for any purpose other than the purpose specified in section 54(4).”

***Member’s explanatory statement***

*An amendment to restrict the retention of internet connection records.*

---

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

333

Clause 79, page 62, line 26, leave out “Secretary of State” and insert “Judicial Commissioner”

***Member’s explanatory statement***

*See amendment 350.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

334

Clause 79, page 62, line 35, leave out “Secretary of State” and insert “Judicial Commissioner”

***Member’s explanatory statement***

*See amendment 350.*

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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

**336**

Clause **80**, page **62**, line **40**, leave out “Secretary of State” and insert “Judicial Commissioner” on both occasions  
*Member’s explanatory statement*  
*See amendment 350.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

**337**

Clause **80**, page **63**, line **7**, leave out “Secretary of State” and insert “Judicial Commissioner”  
*Member’s explanatory statement*  
*See amendment 350.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

**338**

Clause **80**, page **63**, line **8**, leave out “Secretary of State” and insert “Judicial Commissioner”  
*Member’s explanatory statement*  
*See amendment 350.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

**339**

Clause **80**, page **63**, line **9**, leave out “Secretary of State” and insert “Judicial Commissioner”  
*Member’s explanatory statement*  
*See amendment 350.*

Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

340

Clause 80, page 63, line 10, leave out “Secretary of State” and insert “Judicial Commissioner”

*Member’s explanatory statement*

*See amendment 350.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

341

Clause 80, page 63, line 19, leave out “Secretary of State” and insert “designated senior officer at a relevant public authority”

*Member’s explanatory statement*

*See amendment 350.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

342

Clause 80, page 63, line 24, leave out “Secretary of State” and insert “designated senior officer at a relevant public authority”

*Member’s explanatory statement*

*See amendment 350.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

343

Clause 80, page 63, line 25, leave out “Secretary of State” and insert “Judicial Commissioner”

*Member’s explanatory statement*

*See amendment 350.*

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 Investigatory Powers Bill, *continued*

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

**470**

Clause **80**, page **63**, line **31**, leave out “Secretary of State” and insert “Judicial Commissioner”  
*Member’s explanatory statement*  
*See amendment 350.*

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

**471**

Clause **80**, page **63**, line **33**, leave out “Secretary of State” and insert “Judicial Commissioner”  
*Member’s explanatory statement*  
*See amendment 350.*

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Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

**344**

Clause **83**, page **64**, line **13**, leave out “Secretary of State” and insert “Judicial Commissioner”  
*Member’s explanatory statement*  
*See amendment 350.*

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

**345**

Clause **83**, page **64**, line **14**, leave out “Secretary of State” and insert “Judicial

Investigatory Powers Bill, *continued*

Commissioner”  
*Member’s explanatory statement*  
*See amendment 350.*

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

**346**

Clause **83**, page **64**, line **15**, leave out “Secretary of State” and insert “Judicial Commissioner”  
*Member’s explanatory statement*  
*See amendment 350.*

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

**347**

Clause **83**, page **64**, line **23**, leave out “Secretary of State” and insert “Judicial Commissioner”  
*Member’s explanatory statement*  
*See amendment 350.*

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

**348**

Clause **83**, page **64**, line **38**, leave out “Secretary of State” and insert “Judicial Commissioner”  
*Member’s explanatory statement*  
*See amendment 350.*

Joanna Cherry  
 Gavin Newlands  
 Stuart C. McDonald  
 Anne McLaughlin  
 Richard Arkless  
 Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

**350**

Clause **83**, page **64**, line **40**, leave out “Secretary of State” and insert “Judicial

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**Investigatory Powers Bill, continued**

Commissioner”

***Member’s explanatory statement***

*These amendments provide that judicial authorisation is required for retention of communications data. These amendments would require that there is reasonable suspicion of serious crime for a warrant authorising retention of communications data.*

---

Andy Burnham  
Keir Starmer  
Lyn Brown  
Jack Dromey  
Sara Champion  
Sue Hayman

Joanna Cherry  
Anne McLaughlin  
Margaret Ferrier

Gavin Newlands  
Richard Arkless  
Mr Alistair Carmichael

Stuart C. McDonald  
Angela Crawley

**301**

Clause **84**, page **65**, line **26**, at end insert—

“(4A) Subsections (2) and (3) do not apply to a disclosure made in the public interest.”

***Member’s explanatory statement***

*An amendment to introduce a public interest defence for disclosures regarding the retention of communications data.*

---

Ms Harriet Harman  
Fiona Bruce  
Ms Karen Buck  
Jeremy Lefroy  
Amanda Solloway  
Mark Pritchard

**NC15**

To move the following Clause—

**“Review of operational case for bulk powers**

- (1) The Secretary of State must appoint the independent reviewer of terrorism legislation to review the operational case for the bulk powers contained in Parts 6 and 7 of this Act.
- (2) The independent reviewer must, in particular, consider the justification for the powers in the Act relating to—
  - (a) bulk interception,
  - (b) bulk acquisition,
  - (c) bulk equipment interference, and
  - (d) bulk personal datasets.
- (3) The independent reviewer must, so far as reasonably practicable, complete the review before 30 November 2016.
- (4) The independent reviewer must send to the Prime Minister a report on the outcome of the review as soon as reasonably practicable after completing the review.



**Investigatory Powers Bill, *continued***

- (5) On receiving a report under subsection (4), the Prime Minister must lay a copy of it before Parliament together with a statement as to whether any matter has been excluded from that copy under subsection (6).
- (6) If it appears to the Prime Minister that the publication of any matter in a report under subsection (4) would be contrary to the public interest or prejudicial to national security, the Prime Minister may exclude the matter from the copy of the report laid before Parliament.
- (7) The Secretary of State may pay to the independent reviewer—
  - (a) expenses incurred in carrying out the functions of the independent reviewer under this section, and
  - (b) such allowances as the Secretary of State determines.
- (8) The independent reviewer shall complete further reviews on a five-yearly basis and the provisions of this section other than subsection (3) shall apply.
- (9) In this section “the independent reviewer of terrorism legislation” means the person appointed under section 36(1) of the Terrorism Act 2006 (and “independent reviewer” is to be read accordingly).”

***Member’s explanatory statement***

*This amendment provides for an independent review of the operational case for the bulk powers in the Bill, and further periodic reviews, to be undertaken by the independent reviewer of terrorism legislation.*

---

Stephen McPartland  
Mr Steve Baker  
Mr David Davis

NC17

To move the following Clause—

**“Review of the Operation of this Act**

- (1) The Secretary of State shall appoint an Independent Reviewer to prepare the first report on the operation of this Act within a period of 6 months beginning with the end of the initial period.
- (2) In subsection (1) “the initial period” is the period of 1 years and 6 months beginning with the day on which this Act is passed.
- (3) Subsequent reports will be prepared every 2 years after the first report in subsection (1).
- (4) A copy of the report is to be laid before Parliament, with provision made for a debate on the floor of both Houses and then approved by resolution of each House.”

***Member’s explanatory statement***

*Because the Bill deals with National Security and changing technological capabilities, it should be subject to greater scrutiny by both Houses. This amendment will call for an Independent Review to take place and be approved by Parliament within 2 years of the Bill becoming law and then every two years.*

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**Investigatory Powers Bill, *continued***

Mr David Davis  
Mr Alistair Carmichael

NC22

To move the following Clause—

**“Primacy of judicial commissioner’s approval**

No authorisation sought for a warrant to intercept or obtain or examine primary or secondary communications data, whether targeted or in bulk, under this Act may be considered by a Minister unless it has first been approved by a Judicial Commissioner.”

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

NC25

To move the following Clause—

**“Review of the Operation of this Act**

- (1) The Secretary of State shall appoint an Independent Reviewer to prepare the first report on the operation of this Act within a period of 6 months beginning with the end of the initial period.
- (2) In subsection (1) “the initial period” is the period of 4 years and 6 months beginning with the passage of this Act.
- (3) Subsequent reports will be prepared every 5 years after the first report in subsection (1).
- (4) Any report prepared by the Independent Reviewer must be laid before Parliament by the Secretary of State as soon as the Secretary of State is satisfied it will not prejudice any criminal proceedings.
- (5) The Secretary of State may, out of money provided by Parliament, pay a person appointed under subsection (1), both his expenses and also such allowances as the Secretary of State determines.”

***Member’s explanatory statement***

*This new clause provides that the review of the operation of the Act shall be carried out by an Independent Reviewer.*

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**Investigatory Powers Bill, *continued***

Mr Alistair Carmichael

NC27

☆ To move the following Clause—

**“Protection for journalistic sources, materials and activities**

- (1) Save in the exceptional circumstances identified in subsection (2), the regimes provided for by Parts 2 to 7 may not be used to access, obtain, record, hold, consider, analyse, disclose or otherwise deal with information, material or data—
  - (a) of, or concerning the activities of, journalists, or
  - (b) if the purpose of so doing is to obtain information identifying a journalistic source.
- (2) The exceptional circumstances referred to in subsection (1) are—
  - (a) the case is one of great emergency,
  - (b) immediate action is necessary, and
  - (c) the relevant investigatory powers under the regimes provided by Parts 2 to 7 can be used lawfully having regard to the provisions thereof.
- (3) In any case where the regimes provided for by Parts 2 to 7 are disapplied by subsection (1), any person who could otherwise have sought to use one of the investigatory powers specified therein may apply to a judge for an order allowing that person to access, obtain, record, hold, consider, analyse, disclose or otherwise deal with such information, material or data in a way provided for by Parts 2 to 7.
- (4) An application for an order under subsection (3) shall be made on notice to the journalist or journalists affected unless the judge determines that an application without such notice is required in order to avoid prejudice to the investigation.
- (5) Paragraphs 7 to 9 of Schedule 1 to the Police and Criminal Evidence Act 1984 shall apply in relation to the service of a notice of application for an order under subsection (1) as if the application were for an order under Schedule 1 of the Police and Criminal Evidence Act 1984.
- (6) Criminal Procedure Rules may make provision about proceedings under this section where the judge determines that an application without such notice is required.
- (7) A judge may only make an order under subsection (3) if the person making the application has convincingly established that—
  - (a) the order is directed to one or more of the legitimate aims specified in Article 10.2 of the Convention,
  - (b) there is an overriding public interest necessitating the order,
  - (c) reasonable alternative measures to the order do not exist or have been exhausted, and
  - (d) the order is proportionate to the legitimate aim or aims being pursued.
- (8) The costs of any application under subsection (3) and of anything done or to be done in pursuance of an order as a result of the application shall be in the discretion of the judge.
- (9) In this section—
  - (a) “source” means any person who provides information to a journalist;
  - (b) “information identifying a source” includes—
    - (i) the name and personal data as well as voice and image of a source;
    - (ii) the factual circumstances of acquiring information from a source by a journalist;
    - (iii) the unpublished content of the information provided by a source to a journalist; and

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**Investigatory Powers Bill, *continued***

- (iv) personal data of journalists and their employers related to their professional work;  
in so far as this is likely to lead to the identification of a source.
- (c) “the Convention” means the European Convention for the Protection of Human Rights and Fundamental Freedoms; and
- (d) “judge” means a circuit judge or judge of the High Court.”

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Stephen McPartland  
Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless

Angela Crawley

Margaret Ferrier

Mr Steve Baker

**206**

Page **172**, line **24**, leave out Clause 222  
*Member’s explanatory statement*  
*See new clause 17.*

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Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

**494**

Clause **223**, page **173**, line **18**, leave out paragraph (i) and insert—  
“(i) is about an entity to which a telecommunications service is provided by that telecommunications operator and relates to the provision of that service.”

***Member’s explanatory statement***

*This amendment clarifies that the definition of communications data should apply to the providers of the relevant telecommunication services, rather than allowing an organisation to be required to provide data about services it does not provide.*

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Investigatory Powers Bill, *continued*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

496

Clause 225, page 177, line 27, at end insert—

““national security” means the protection of the existence of the nation and its territorial integrity, or political independence against force or threat of force”

***Member’s explanatory statement***

*This amendment would provide for a definition of national security under “General definitions”, to apply throughout the Bill.*

Joanna Cherry  
Gavin Newlands  
Stuart C. McDonald  
Anne McLaughlin  
Richard Arkless  
Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

495

Clause 225, page 177, line 36, at end insert—

““professional legal advisor” means a person who is—

- (e) an Advocate
- (f) a Barrister
- (g) a Solicitor.”

***Member’s explanatory statement***

*This amendment provides a definition of a “professional legal Adviser” which is important for clarification in relation to Clauses 25, 100, 135 and 171.*

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Secretary Theresa May

That clause 94 be transferred to the end of line 38 on page 76

Secretary Theresa May

That clause 117 be transferred to the end of line 36 on page 74

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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.

## INVESTIGATORY POWERS BILL PROGRAMME (NO. 2)

Secretary Theresa May

That the Order of 15 March 2016 (Investigatory Powers Bill (Programme)) in the last session of Parliament be varied as follows:

1. Paragraphs (5) and (6) of the Order shall be omitted.
2. Proceedings on Consideration shall be taken on the days and in the order shown in the first column of the following Table.
3. The proceedings shall (so far as not previously concluded) be brought to a conclusion at the times specified in the second column of the Table.

**TABLE**

<i>Proceedings</i>	<i>Time for conclusion of proceedings</i>
<i>First day</i>	
New Clauses and new Schedules relating to, and amendments to, Part 1; new Clauses and new Schedules relating to, and amendments to, Part 8	Three hours after the commencement of proceedings on the Motion for this Order

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**Investigatory Powers Bill, *continued***

*Proceedings*

*Time for conclusion of proceedings*

New Clauses and new Schedules relating to, and amendments to, Part 2; new Clauses and new Schedules relating to, and amendments to, Part 5; new Clauses and new Schedules relating to, and amendments to, Chapter 1 of Part 9

Six hours after the commencement of proceedings on the Motion for this Order

*Second day*

New Clauses and new Schedules relating to, and amendments to, Part 6; new Clauses and new Schedules relating to, and amendments to, Part 7

Three hours after the commencement of proceedings on Consideration on the second day

New Clauses and new Schedules relating to, and amendments to, Part 3; new Clauses and new Schedules relating to, and amendments to, Part 4; new Clauses and new Schedules relating to, and amendments to, Chapter 2 of Part 9; remaining proceedings on Consideration

One hour before the moment of interruption

4. Any proceedings in legislative grand committee and 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.

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**NOTICES WITHDRAWN**

*The following Notices were withdrawn on Thursday 2 June:*

260, 263, 264, 266, 269, 271, 274, 276, 277, 279, 280, 282, 283, 285, 318, 335

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