



SUPPLEMENT TO THE VOTES AND PROCEEDINGS

Monday 6 June 2016

REPORT STAGE PROCEEDINGS

INVESTIGATORY POWERS BILL

*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

Agreed to 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
 - (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,

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,
 - (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.”

Secretary Theresa May

Agreed to 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.
- (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.”

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

Ms Gisela Stuart

Not called NC4

To move the following Clause—

Investigatory Powers Bill, *continued***“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.
- (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.”

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

Mr Alistair Carmichael

Not called 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,

Investigatory Powers Bill, *continued*

- (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,
 - (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.”

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

Ms Gisela Stuart

Mr Alistair Carmichael

Not called 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.”

Investigatory Powers Bill, *continued*

Secretary Theresa May

Agreed to 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”

Secretary Theresa May

Agreed to 27

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

Secretary Theresa May

Agreed to 28

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

Secretary Theresa May

Agreed to 29

Clause 1, page 2, line 1, after “exist” insert “—
(i) ”

Secretary Theresa May

Agreed to 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,”

Secretary Theresa May

Agreed to 31

Clause 1, page 2, line 4, after “circumstances” insert “(including under a warrant)”

Secretary Theresa May

Agreed to 32

Clause 1, page 2, line 9, after “lawful” insert “in pursuance of an authorisation or under a warrant”

Secretary Theresa May

Agreed to 33

Clause 1, page 2, line 12, after “data” insert “in pursuance of a notice”

Secretary Theresa May

Agreed to 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

Investigatory Powers Bill, *continued*

- (ii) postal operators or postal services”
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Mr Alistair Carmichael
Joanna Cherry
Gavin Newlands

Negated on division 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

Not called 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.”

Stephen McPartland
Mr Steve Baker
Mr David Davis

Not called 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.
- (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).”

 Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Negatived on division 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.”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 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;
 (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.”

Investigatory Powers Bill, *continued*

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

Mr Alistair Carmichael

Not called 295

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

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

Mr Alistair Carmichael

Not called 296

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

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

Mr Alistair Carmichael

Not called 297

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

Mr Douglas Carswell

Not called 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.”

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

Mr Alistair Carmichael

Not called 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,

Investigatory Powers Bill, *continued*

- (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.”

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

Not called 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.”

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

Margaret Ferrier

Not called 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.”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 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.”

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 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.”

Secretary Theresa May

Agreed to 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,”

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

Ms Gisela Stuart

Agreed to 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.”

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

Ms Gisela Stuart

Agreed to 18

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

Investigatory Powers Bill, *continued*

Security Committee of Parliament”

Stephen McPartland
Mr Steve Baker

Clause 198, page 153, line 21, leave out “if the Commissioner considers that—” *Not called* 189

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 *Not called* 472

Stephen McPartland
Mr Steve Baker

Clause 198, page 153, leave out line 23 *Not called* 190

Stephen McPartland
Mr Steve Baker

Clause 198, page 153, leave out line 24 *Not called* 191

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— *Not called* 473

“(2) The Investigatory Powers Commissioner may decide not to inform a person of an error in exceptional circumstances.

(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.”

Stephen McPartland
Mr Steve Baker

Clause 198, page 153, line 25, leave out subsection (2) *Not called* 192

Investigatory Powers Bill, *continued*

Stephen McPartland
Mr Steve Baker

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

Not called 193

Stephen McPartland
Mr Steve Baker

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

Not called 194

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

Margaret Ferrier

Mr Alistair Carmichael

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.”

Not called 474

Stephen McPartland
Mr Steve Baker

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

Not called 195

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

Angela Crawley

Margaret Ferrier

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

Not called 2

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

Margaret Ferrier

Mr Alistair Carmichael

Clause 198, page 154, line 16, leave out paragraph (b)

Not called 476

 Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 477

Clause 198, page 154, line 23, leave out paragraph (b)

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 479

Clause 199, page 154, line 28, leave out “Judicial Commissioner” and insert
 “Investigatory Powers Commission”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 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.”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 480

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

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **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.”

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

Margaret Ferrier

Negatived on division **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.”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **483**

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

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 484

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

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 485

Clause 208, page 161, line 8, leave out subsection (6)

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 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.”

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Not called 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.””

*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

Agreed to 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.
- (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—

Investigatory Powers Bill, *continued*

- (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.”

Secretary Theresa May

Agreed to 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).
- (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);

Investigatory Powers Bill, *continued*

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 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.

Investigatory Powers Bill, *continued*

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

Secretary Theresa May

Agreed to 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*).
-

Mr Alistair Carmichael

Not called 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);

Investigatory Powers Bill, *continued*

- (b) the warrant is necessary on relevant grounds subject to section 18(2)(a) and subsection (1)(a) or (b); and
 - (c) the conduct authorised by the warrant is proportionate to what is sought to be achieved by that conduct.
- (5) Where a Judicial Commissioner refuses to approve the person’s decision to approve a warrant under this section, the Judicial Commissioner must produce written reasons for the refusal.
- (6) Where a Judicial Commissioner, other than the Investigatory Powers Commissioner, approves or refuses to approve a warrant under this Section, the person, or any Special Advocate appointed, may ask the Investigatory Powers Commissioner to decide whether to approve the decision to issue the warrant.”

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

Margaret Ferrier

Mr Alistair Carmichael

Negated on division 267

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

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

Ms Gisela Stuart

Not called 25

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

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

Joanna Cherry

Gavin Newlands

Not called 131

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

Not called 268

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

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

Joanna Cherry

Gavin Newlands

Not called 132

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

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

Margaret Ferrier

Not called 272

Clause 15, page 12, line 12, leave out paragraph (c)

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

Margaret Ferrier

Not called 306

Clause 15, page 12, line 13, leave out subsection (3)

Mr Alistair Carmichael

Not called 218

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

Investigatory Powers Bill, *continued*

Mr Alistair Carmichael

Not called 219

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

Mr Alistair Carmichael

Not called 220

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

Mr Alistair Carmichael

Not called 221

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

Mr Alistair Carmichael

Not called 222

Clause 17, page 13, line 20, leave out “Secretary of State” and insert “Judicial Commissioners”

Mr Alistair Carmichael

Not called 223

Clause 17, page 13, line 22, leave out “Secretary of State” and insert “Judicial Commissioners”

Mr Alistair Carmichael

Not called 224

Clause 17, page 13, line 24, leave out “Secretary of State” and insert “Judicial Commissioners”

Mr Alistair Carmichael

Not called 225

Clause 17, page 13, line 27, leave out “Secretary of State” and insert “Judicial Commissioners”

Mr Alistair Carmichael

Not called 226

Clause 17, page 13, line 31, leave out subsection (2)(d)

Mr Alistair Carmichael

Not called 227

Clause 17, page 13, line 35, leave out “Secretary of State” and insert “Judicial Commissioners”

Mr Alistair Carmichael

Not called 228

Clause 17, page 13, line 37, leave out “Secretary of State” and insert “Judicial Commissioners”

Mr Alistair Carmichael

Not called 229

Clause 17, page 13, line 39, leave out “Secretary of State” and insert “Judicial Commissioners”

Investigatory Powers Bill, *continued*

Mr Alistair Carmichael

Not called 230

Clause 17, page 13, line 42, leave out “Secretary of State” and insert “Judicial Commissioners”

Mr Alistair Carmichael

Not called 231

Clause 17, page 13, line 45, leave out subsection (3)(d)

Secretary Theresa May

Agreed to 36

Clause 17, page 14, line 1, leave out subsection (4)

Mr Alistair Carmichael

Not called 232

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

Mr Alistair Carmichael

Not called 233

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

Mr Alistair Carmichael

Not called 234

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

Mr Alistair Carmichael

Not called 235

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

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

Margaret Ferrier

Mr Alistair Carmichael

Negated on division 312

Clause 18, page 14, line 22, leave out paragraph (c)

 Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 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.”

Mr Alistair Carmichael

Not called 236

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

Mr Alistair Carmichael

Not called 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

Agreed to 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.”

Mr Alistair Carmichael

Not called 238

Page 14, line 39, leave out Clause 19

Secretary Theresa May

Agreed to 37

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

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

Not called 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

Not called 209

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

Secretary Theresa May

Agreed to 497

★ Clause 21, page 17, line 10, after “must” insert “—
 (a) ”

Member’s explanatory statement

This amendment is consequential on amendment 498.

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

Mr Alistair Carmichael

Not called 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”

Secretary Theresa May

Agreed to 498

★ Clause 21, page 17, line 11, at end insert “, and

Investigatory Powers Bill, *continued*

- () consider the matters referred to in subsection (1) with a sufficient degree of care as to ensure that the Judicial Commissioner complies with the duties imposed by section (*General duties in relation to privacy*).”

Member’s explanatory statement

This amendment makes it clear that a Judicial Commissioner must, when carrying out a review under clause 21(1), exercise sufficient care to comply with the general privacy duties contained in NC5.

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **314**

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

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

Margaret Ferrier

Not called **315**

Clause **24**, page **18**, line **41**, leave out subsection (b) and insert—
“(b) the warrant involves a member of a relevant legislature.”

Secretary Theresa May

Agreed to **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.”

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

Margaret Ferrier

Not called **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,

Investigatory Powers Bill, *continued*

- (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),
- (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.”

Sir Edward Leigh

Not called 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”

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

Not called 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

Not called 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.”
-

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

Not called **139**

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

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

Not called **140**

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

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

Not called **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) ”

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **307**

Clause 27, page 21, line 7, leave out “or organisation”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **308**

Clause 27, page 21, line 8, leave out “or organisation”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **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”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **310**

Clause 27, page 21, line 15, leave out “or organisation”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **311**

Clause 27, page 21, line 19, leave out “or describe as many of those persons or

Investigatory Powers Bill, *continued*

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”

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

Ms Gisela Stuart

Not called 19

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

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

Ms Gisela Stuart

Not called 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.”

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

Ms Gisela Stuart

Not called 21

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

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

Stephen McPartland
Mr Steve Baker

Not called 147

Page 23, line 19, leave out Clause 30

Investigatory Powers Bill, *continued*

Secretary Theresa May

Agreed to 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).”

Secretary Theresa May

Agreed to 55

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

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

Secretary Theresa May

Agreed to 56

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

Secretary Theresa May

Agreed to 57

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

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

Not called 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.”

Secretary Theresa May

Agreed to 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.”

Stephen McPartland
 Mr Steve Baker

Not called 148

Page 25, line 22, leave out Clause 31

Secretary Theresa May

Agreed to 59

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

Investigatory Powers Bill, *continued*

Secretary Theresa May

Agreed to 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.”

Secretary Theresa May

Agreed to 61

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

Secretary Theresa May

Agreed to 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,”

Secretary Theresa May

Agreed to 63

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

Secretary Theresa May

Agreed to 64

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

Secretary Theresa May

Agreed to 65

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

Secretary Theresa May

Agreed to 66

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

Secretary Theresa May

Agreed to 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)."

Secretary Theresa May

Clause 31, page 25, line 41, leave out "designated senior official" and insert "appropriate person" *Agreed to 68*

Secretary Theresa May

Clause 31, page 25, line 43, leave out paragraph (a) *Agreed to 69*

Secretary Theresa May

Clause 35, page 29, line 4, leave out "on a person outside the United Kingdom" *Agreed to 70*

Secretary Theresa May

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." *Agreed to 71*

Secretary Theresa May

Clause 35, page 29, line 6, leave out "the person" and insert "a person outside the United Kingdom" *Agreed to 72*

Secretary Theresa May

Clause 35, page 29, line 19, after "person" insert "outside the United Kingdom" *Agreed to 73*

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

Margaret Ferrier

Mr Alistair Carmichael

Page 34, line 21, leave out Clause 44

Not called 317

Investigatory Powers Bill, *continued*

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

Ms Gisela Stuart

Clause 45, page 34, line 42, leave out “C” and insert “D”

Not called 15

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

Ms Gisela Stuart

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

Not called 16

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

Ms Gisela Stuart

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

Not called 17

Secretary Theresa May

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.”

Agreed to 75

Secretary Theresa May

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

Agreed to 76

Investigatory Powers Bill, *continued*

Secretary Theresa May

Agreed to 77

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

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

Joanna Cherry
Anne McLaughlin
Margaret Ferrier

Gavin Newlands
Richard Arkless
Mr Alistair Carmichael

Stuart C. McDonald
Angela Crawley

Not called 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.”

Secretary Theresa May

Agreed to 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.”
-

Secretary Theresa May

Agreed to 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))—

Investigatory Powers Bill, *continued*

- (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.”

Secretary Theresa May

Agreed to 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);

Investigatory Powers Bill, *continued*

- (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 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.”
-

Secretary Theresa May

To move the following Clause—

Agreed to **NC13**

Investigatory Powers Bill, *continued*
“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.”

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

Margaret Ferrier

Not called 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

Investigatory Powers Bill, *continued*

- (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.”
-

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

Margaret Ferrier

Not called **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”).”

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

Not called **178**

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

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

Not called **133**

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

Investigatory Powers Bill, *continued*

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

Not called **134**

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

Stephen McPartland
Mr Steve Baker

Not called **179**

Clause 90, page 68, line 31, leave out subsection (1)(e)

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

Not called **180**

Clause 90, page 68, line 33, leave out subsection (1)(f)

Stephen McPartland
Joanna Cherry
Gavin Newlands
Mr Steve Baker

Not called **181**

Clause 90, page 68, line 35, leave out subsection (1)(g)

Stephen McPartland
Joanna Cherry
Gavin Newlands
Mr Steve Baker

Not called **182**

Clause 90, page 68, line 38, leave out subsection (1)(h)

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

Not called **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.”

 Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 352

Clause 90, page 68, line 44, leave out paragraph (b)

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

Not called 135

Clause 90, page 68, line 45, after “activity” insert “where each person is named or otherwise identified”

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

Not called 136

Clause 90, page 68, line 47, after “operation” insert “where each person is named or otherwise identified”

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

Margaret Ferrier

Not called 353

Clause 90, page 69, line 1, leave out paragraph (d)

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

Margaret Ferrier

Not called 354

Clause 90, page 69, line 3, leave out paragraph (e)

 Investigatory Powers Bill, *continued*

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

Not called 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.”

Mr Alistair Carmichael

Not called 239

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

Mr Alistair Carmichael

Not called 240

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

Mr Alistair Carmichael

Not called 241

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

Mr Alistair Carmichael

Not called 242

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

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 358

Clause 91, page 69, line 17, leave out paragraph (d) and insert—

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

Mr Alistair Carmichael

Not called 243

Clause 91, page 69, line 20, leave out “Secretary of State” and insert “Judicial Commissioners”

Investigatory Powers Bill, *continued*

Mr Alistair Carmichael

Not called **244**

Clause 91, page 69, line 22, leave out “Secretary of State” and insert “Judicial Commissioners”

Mr Alistair Carmichael

Not called **245**

Clause 91, page 69, line 24, leave out “and”

Mr Alistair Carmichael

Not called **246**

Clause 91, page 69, line 25, leave out subsection (2)(b)

Mr Alistair Carmichael

Not called **247**

Clause 91, page 69, line 31, leave out “Secretary of State” and insert “Judicial Commissioners”

Mr Alistair Carmichael

Not called **248**

Clause 91, page 69, line 33, leave out “Secretary of State” and insert “Judicial Commissioners”

Mr Alistair Carmichael

Not called **249**

Clause 91, page 69, line 35, leave out “Secretary of State” and insert “Judicial Commissioners”

Mr Alistair Carmichael

Not called **250**

Clause 91, page 69, line 38, leave out “Secretary of State” and insert “Judicial Commissioners”

Mr Alistair Carmichael

Not called **251**

Clause 91, page 69, line 43, leave out subsection (3)(d)

Mr Alistair Carmichael

Not called **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

Not called **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”

 Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 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.”

Secretary Theresa May

Agreed to 38

Clause 91, page 70, line 17, leave out subsection (7)

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 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)”

Mr Alistair Carmichael

Not called 258

Page 70, line 26, leave out Clause 92

Secretary Theresa May

Agreed to 39

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

Mr Alistair Carmichael

Not called 253

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

Investigatory Powers Bill, *continued*

Mr Alistair Carmichael

Not called 254

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

Mr Alistair Carmichael

Not called 255

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

Mr Alistair Carmichael

Not called 256

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

Mr Alistair Carmichael

Not called 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

Not called 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.”

Secretary Theresa May

Agreed to 40

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

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 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

Investigatory Powers Bill, *continued*

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.”

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

Margaret Ferrier

Not called **363**

Page **71**, line **40**, leave out Clause 94

Secretary Theresa May

Agreed to **88**

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

Secretary Theresa May

Agreed to **89**

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

Secretary Theresa May

Agreed to **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.”

Secretary Theresa May

Agreed to **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
- (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.

Investigatory Powers Bill, *continued*

- (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.”

Mr Alistair Carmichael

Page 72, line 18, leave out Clause 95

Not called 259

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 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”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 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”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 366

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

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **367**

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

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **368**

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

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **369**

Clause **96**, page **73**, line **7**, leave out paragraph (d)

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **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”

 Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 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”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 372

Clause 96, page 73, line 13, leave out “law enforcement chief” and insert “Judicial Commissioner”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 373

Clause 96, page 73, line 17, leave out “law enforcement chief” and insert “Judicial Commissioner”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 374

Clause 96, page 73, line 20, leave out “law enforcement chief” and insert “Judicial Commissioner”

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 375

Clause 96, page 73, line 23, leave out paragraph (d)

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 376

Clause 96, page 73, line 26, leave out subsection (3)

Mr Alistair Carmichael

Not called 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

Not called 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

Not called 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”

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 379

Clause 96, page 73, line 42, leave out subsections (6) to (10)

Secretary Theresa May

Agreed to 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.”

Secretary Theresa May

Agreed to 41

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

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 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.”

 Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **381**

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

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

Not called **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

Not called **211**

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

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

Mr Alistair Carmichael

Not called **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

Investigatory Powers Bill, *continued*

limitation of a Convention right”

Stephen McPartland

Joanna Cherry

Gavin Newlands

Mr Alistair Carmichael

Mr Steve Baker

Not called **183**

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

Stephen McPartland

Joanna Cherry

Gavin Newlands

Mr Alistair Carmichael

Mr Steve Baker

Not called **184**

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

Stephen McPartland

Joanna Cherry

Gavin Newlands

Mr Steve Baker

Not called **185**

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

Stephen McPartland

Joanna Cherry

Gavin Newlands

Mr Steve Baker

Not called **186**

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

Joanna Cherry

Gavin Newlands

Stuart C. McDonald

Anne McLaughlin

Richard Arkless

Angela Crawley

Margaret Ferrier

Mr Alistair Carmichael

Not called **386**

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.”

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 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.”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 355

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

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 356

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

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 357

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

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 388

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

Secretary Theresa May

Agreed to 93

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

Secretary Theresa May

Agreed to 94

Clause 103, page 81, line 43, leave out “Section” and insert “Sections
(Members of Parliament etc.) and” 94

Secretary Theresa May

Agreed to 95

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

Secretary Theresa May

Agreed to 96

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

Stephen McPartland
Mr Steve Baker

Not called 149

Page 82, line 1, leave out Clause 104

Secretary Theresa May

Agreed to 97

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.”

Investigatory Powers Bill, continued

Secretary Theresa May

Agreed to **98**Clause **104**, page **82**, line **22**, at end insert—“This is subject to section (*Further provision about modifications under section 104*)(7).”

Secretary Theresa May

Agreed to **99**Clause **104**, page **82**, line **23**, leave out subsections (4) to (12)

Secretary Theresa May

Agreed to **100**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*) and 105 contain further provision about making modifications under this section.”Stephen McPartland
Mr Steve Baker*Not called* **150**Page **83**, line **36**, leave out Clause 105

Secretary Theresa May

Agreed to **101**Clause **105**, page **83**, line **38**, leave out “104(7)” and insert “(*Persons who may make modifications under section 104*)(2)”

Secretary Theresa May

Agreed to **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.”

Secretary Theresa May

Agreed to **103**Clause **105**, page **83**, line **39**, leave out “a designated senior official” and insert “the appropriate person”

Secretary Theresa May

Agreed to **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

Investigatory Powers Bill, *continued*

(b) in a case falling within subsection (1A), a Judicial Commissioner.”

Secretary Theresa May

Agreed to **105**

Clause **105**, page **83**, line **44**, leave out subsection (4)

Secretary Theresa May

Agreed to **106**

Clause **105**, page **84**, line **1**, leave out “designated senior official” and insert “appropriate person”

Secretary Theresa May

Agreed to **107**

Clause **105**, page **84**, line **3**, leave out “senior official’s” and insert “appropriate person’s”

Secretary Theresa May

Agreed to **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).”

Secretary Theresa May

Agreed to **109**

Clause **105**, page **84**, line **6**, leave out “designated senior official” and insert “appropriate person”

Secretary Theresa May

Agreed to **110**

Clause **105**, page **84**, line **8**, leave out paragraph (a)

Secretary Theresa May

Agreed to **111**

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

Secretary Theresa May

Agreed to **112**

Clause **105**, page **84**, line **19**, leave out “designated senior official” and insert “appropriate person”

Secretary Theresa May

Agreed to **113**

Clause **105**, page **84**, line **23**, leave out “designated senior official” and insert

Investigatory Powers Bill, *continued*

“appropriate person”

Stephen McPartland
Mr Steve Baker

Not called 151

Page 84, line 34, leave out Clause 106

Secretary Theresa May

Agreed to 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.”

Secretary Theresa May

Agreed to 115

Clause 106, page 85, line 9, at the beginning insert “except in the case of a modification removing any matter, name or description,”

Secretary Theresa May

Agreed to 116

Clause 106, page 85, line 10, leave out “warrant as modified continues to be” and insert “modification is”

Secretary Theresa May

Agreed to 117

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

Secretary Theresa May

Agreed to 118

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

Secretary Theresa May

Agreed to 119

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

“(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.”

Secretary Theresa May

Agreed to 120

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

“() 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

Investigatory Powers Bill, *continued*

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.”

Stephen McPartland
Mr Steve Baker

Page 85, line 40, leave out Clause 107

Not called 152

Stephen McPartland
Mr Steve Baker

Page 87, line 26, leave out Clause 109

Not called 173

Stephen McPartland
Mr Steve Baker

Page 88, line 7, leave out Clause 110

Not called 174

Secretary Theresa May

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

Agreed to 121

Secretary Theresa May

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

Agreed to 122

- “() 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.”

Stephen McPartland
Mr Steve Baker

Page 88, line 35, leave out Clause 111

Not called 175

Investigatory Powers Bill, *continued*

Stephen McPartland
Mr Steve Baker

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

Not called 176

Stephen McPartland
Mr Steve Baker

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

Not called 177

Secretary Theresa May

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

Agreed to 123

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

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

Joanna Cherry
Anne McLaughlin
Margaret Ferrier

Gavin Newlands
Richard Arkless
Mr Alistair Carmichael

Stuart C. McDonald
Angela Crawley

Not called 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.”

Secretary Theresa May

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

Agreed to 124

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

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 383

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

Secretary Theresa May

Agreed to 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).”

Secretary Theresa May

Agreed to 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
- (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.”

Secretary Theresa May

Agreed to 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

Investigatory Powers Bill, *continued*

- (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.”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 488

Page 167, line 9, leave out Clause 216

Secretary Theresa May

Agreed to 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.”

Stephen McPartland
Mr Steve Baker

Not called 196

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

Stephen McPartland
Mr Steve Baker

Not called 197

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

Investigatory Powers Bill, *continued*

Secretary Theresa May

Agreed to 79

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

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 489

Page 167, line 35, leave out Clause 217

Secretary Theresa May

Agreed to 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—”

Secretary Theresa May

Agreed to 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;”

Stephen McPartland
Mr Steve Baker

Not called 198

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

Secretary Theresa May

Agreed to 82

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

 Investigatory Powers Bill, *continued*

Stephen McPartland
Mr Steve Baker

Not called 199

Clause 217, page 168, line 27, after “State”, insert “and Investigatory Powers Commissioner”

Secretary Theresa May

Agreed to 83

Clause 217, page 168, line 35, leave out subsection (6)

Stephen McPartland
Mr Steve Baker

Not called 200

Clause 217, page 168, line 36, after “State”, insert “and Investigatory Powers Commissioner”

Stephen McPartland
Mr Steve Baker

Not called 201

Clause 217, page 168, line 40, after “State”, insert “and Investigatory Powers Commissioner”

Secretary Theresa May

Agreed to 84

Clause 217, page 168, line 45, leave out subsection (9)

Secretary Theresa May

Agreed to 85

Clause 217, page 169, line 1, after “Sections” insert “(Approval of notices under section 216 or 217 by Judicial Commissioners) and”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 490

Page 169, line 2, leave out Clause 218

Stephen McPartland
Mr Steve Baker

Not called 202

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

Investigatory Powers Bill, *continued*

Stephen McPartland
Mr Steve Baker

Not called 203

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

Secretary Theresa May

Agreed to 86

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

Stephen McPartland
Mr Steve Baker

Not called 204

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

Stephen McPartland
Mr Steve Baker

Not called 205

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

Secretary Theresa May

Agreed to 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.”

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

Margaret Ferrier

Mr Alistair Carmichael

Page 170, line 10, leave out Clause 219

Not called 491

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 492

Page 170, line 38, leave out Clause 220