



SUPPLEMENT TO THE VOTES AND PROCEEDINGS

Tuesday 7 June 2016

REPORT STAGE PROCEEDINGS

INVESTIGATORY POWERS BILL

[SECOND DAY]

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

Margaret Ferrier

Mr Alistair Carmichael

Negatived on division **390**

Page **95**, line **27**, leave out Clause 119

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **391**

Page **96**, line **36**, leave out Clause 120

 Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 392

Page 97, line 15, leave out Clause 121

Secretary Theresa May

Agreed to 42

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

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 393

Page 98, line 20, leave out Clause 122

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 394

Page 98, line 38, leave out Clause 123

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

Not called 275

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

Investigatory Powers Bill, *continued*

limitation of a Convention right”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 395

Page 99, line 19, leave out Clause 124

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 396

Page 99, line 24, leave out Clause 125

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

Ms Gisela Stuart

Not called 9

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

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

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

Ms Gisela Stuart

Not called 10

Clause 125, page 99, line 37, leave out from “issued” to end of line 39 and insert

Investigatory Powers Bill, *continued*

“are specified in the list mentioned in subsection (4).

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

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

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

Ms Gisela Stuart

Not called 11

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

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

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

Ms Gisela Stuart

Not called 12

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

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

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

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 397

Page 100, line 2, leave out Clause 126

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 398

Page 100, line 10, leave out Clause 127

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

Ms Gisela Stuart

Not called 22

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

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

Ms Gisela Stuart

Not called 23

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

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

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

Angela Crawley
Mr Steve Baker

Margaret Ferrier

Mr Alistair Carmichael

Not called 153

Page 101, line 9, leave out Clause 128

 Investigatory Powers Bill, *continued*

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

Angela Crawley
 Mr Steve Baker

Margaret Ferrier

Mr Alistair Carmichael

Not called **154**

Page **102**, line **25**, leave out Clause 129

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **401**

Page **103**, line **8**, leave out Clause 130

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **402**

Page **103**, line **31**, leave out Clause 131

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **403**

Page **104**, line **19**, leave out Clause 132

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **404**

Page **105**, line **44**, leave out Clause 133

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **405**

Page **106**, line **24**, leave out Clause 134

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **406**

Page **108**, line **1**, leave out Clause 135

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 407

Page 108, line 29, leave out Clause 136

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 408

Page 108, line 39, leave out Clause 137

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 409

Page 109, line 16, leave out Clause 138

Secretary Theresa May

Agreed to 43

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

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Not called 410

Page 110, line 40, leave out Clause 139

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

Sue Hayman

Not called 212

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

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

Sue Hayman

Not called 213

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

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

Not called 278

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

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 411

Page 111, line 16, leave out Clause 140

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 412

Page 111, line 21, leave out Clause 141

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 413

Page 112, line 2, leave out Clause 142

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 414

Page 112, line 10, leave out Clause 143

Investigatory Powers Bill, *continued*

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

Angela Crawley
Mr Steve Baker

Margaret Ferrier

Mr Alistair Carmichael

Not called 155

Page 113, line 9, leave out Clause 144

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

Angela Crawley
Mr Steve Baker

Margaret Ferrier

Mr Alistair Carmichael

Not called 156

Page 114, line 19, leave out Clause 145

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 417

Page 115, line 2, leave out Clause 146

 Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 418

Page 115, line 25, leave out Clause 147

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 419

Page 116, line 7, leave out Clause 148

Secretary Theresa May

Agreed to 44

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

Secretary Theresa May

Agreed to 45

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

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

Secretary Theresa May

Agreed to 46

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

Secretary Theresa May

Agreed to 47

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

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 420

Page 116, line 35, leave out Clause 149

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 421

Page 117, line 11, leave out Clause 150

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 422

Page 118, line 39, leave out Clause 151

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 423

Page 119, line 8, leave out Clause 152

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 424

Page 119, line 36, leave out Clause 153

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 425

Page 120, line 10, leave out Clause 154

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 426

Page 121, line 33, leave out Clause 155

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 427

Page 122, line 4, leave out Clause 156

Investigatory Powers Bill, *continued*

Secretary Theresa May

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

Agreed to 48

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

Margaret Ferrier

Mr Alistair Carmichael

Page 123, line 1, leave out Clause 157

Not called 428

Mr David Davis

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

Not called 214

Mr David Davis

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

Not called 215

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

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

Not called 281

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 429

Page 123, line 24, leave out Clause 158

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 430

Page 123, line 41, leave out Clause 159

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 431

Page 124, line 34, leave out Clause 160

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 432

Page 125, line 3, leave out Clause 161

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 433

Page 125, line 25, leave out Clause 162

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 434

Page 126, line 3, leave out Clause 163

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

Angela Crawley
Mr Steve Baker

Margaret Ferrier

Mr Alistair Carmichael

Not called 157

Page 127, line 1, leave out Clause 164

Secretary Theresa May

Agreed to 127

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

Secretary Theresa May

Agreed to 128

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

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

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

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

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

Investigatory Powers Bill, *continued*

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

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

Angela Crawley
Mr Steve Baker

Margaret Ferrier

Mr Alistair Carmichael

Not called **158**

Page **128**, line **14**, leave out Clause 165

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **437**

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

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **438**

Page **129**, line **25**, leave out Clause 167

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 439

Page 130, line 14, leave out Clause 168

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 440

Page 131, line 33, leave out Clause 169

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 441

Page 132, line 3, leave out Clause 170

Secretary Theresa May

Clause 170, page 133, line 25, leave out “section” and insert “Part” *Agreed to* 129

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 442

Page 133, line 30, leave out Clause 171

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 443

Page 134, line 12, leave out Clause 172

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 444

Page 134, line 19, leave out Clause 173

Secretary Theresa May

Agreed to 130

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

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

Secretary Theresa May

Added NC14

To move the following Clause—

“Health records

(1) Subsections (2) and (3) apply if—

Investigatory Powers Bill, *continued*

- (a) an application is made by or on behalf of the head of an intelligence service for the issue of a specific BPD warrant,
- (b) the purpose, or one of the purposes of the warrant, is to authorise the retention, or the retention and examination, of health records.
- (2) The application must contain a statement that the purpose, or one of the purposes, of the warrant is to authorise the retention, or the retention and examination, of health records.
- (3) The Secretary of State may issue the warrant only if the Secretary of State considers that there are exceptional and compelling circumstances that make it necessary to authorise the retention, or the retention and examination, of health records.
- (4) Subsection (5) applies if—
 - (a) an application is made by or on behalf of the head of an intelligence service for a specific BPD warrant,
 - (b) the head of the intelligence service considers that the bulk personal dataset includes, or is likely to include, health records, and
 - (c) subsections (2) and (3) do not apply.
- (5) The application must contain either—
 - (a) a statement that the head of the intelligence service considers that the bulk personal dataset includes health records, or
 - (b) a statement that the head of the intelligence service considers that it is likely that the bulk personal dataset includes health records and an assessment of how likely this is.
- (6) In this section, “health record” means a record, or a copy of a record, which—
 - (a) consists of information relating to the physical or mental health or condition of an individual,
 - (b) was made by or on behalf of a health professional in connection with the care of that individual, and
 - (c) was obtained by the intelligence service from a health professional or a health service body or from a person acting on behalf of a health professional or a health service body in relation to the record or the copy.
- (7) In subsection (6)—
 - “health professional” has the same meaning as in the Data Protection Act 1998 (see section 69 of that Act);
 - “health service body” has the meaning given by section 69(3) of that Act.”

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

Ms Gisela Stuart

To move the following Clause—

Not called **NC3**

Investigatory Powers Bill, *continued*
“Restriction on use of class bulk personal dataset warrants

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

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 445

Page 135, line 4, leave out Clause 174

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 446

Page 135, line 21, leave out Clause 175

 Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 447

Page 135, line 37, leave out Clause 176

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 448

Page 136, line 9, leave out Clause 177

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

Not called 303

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

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

 Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 449

Page 137, line 1, leave out Clause 178

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

Ms Gisela Stuart

Not called 24

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

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

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

Not called 304

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

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

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **450**

Page **138**, line **3**, leave out Clause 179

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

Sue Hayman

Not called **216**

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

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

Sue Hayman

Not called **217**

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

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

Not called **284**

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

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 451

Page 138, line 31, leave out Clause 180

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 452

Page 139, line 4, leave out Clause 181

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 453

Page 140, line 1, leave out Clause 182

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 454

Page 140, line 15, leave out Clause 183

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 455

Page 141, line 4, leave out Clause 184

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 456

Page 141, line 26, leave out Clause 185

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

Angela Crawley
Mr Steve Baker

Margaret Ferrier

Mr Alistair Carmichael

Not called 159

Page 142, line 13, leave out Clause 186

 Investigatory Powers Bill, *continued*

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

Angela Crawley
 Mr Steve Baker

Margaret Ferrier

Mr Alistair Carmichael

Not called **160**

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

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **459**

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

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **460**

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

 Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 461

Page 146, line 2, leave out Clause 190

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 462

Page 147, line 5, leave out Clause 191

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 463

Page 147, line 21, leave out Clause 192

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

Not called 305

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

“(4A) A direction under subsection (3) may only be made for material relating to “patient information” as defined in s.251(10) of the National Health Service Act 2006, or relating to “mental health”, “adult social care”, “child social care”, or “health services” as defined by the Health and Social Care Act 2012 if the Secretary of State considers that—

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

Investigatory Powers Bill, *continued*

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

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 464

Page 148, line 37, leave out Clause 193

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

Stephen McPartland
Mr Steve Baker

Withdrawn NC18

To move the following Clause—

“Persons who may apply for issue of warrant—

Each of the following organisations may appoint a designated senior officer responsible for applying for a communications data retention warrant—

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

 Investigatory Powers Bill, *continued*

Will Quince

Not called **NC19**

To move the following Clause—

“Local authority authorisations: notification of chief executive

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

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

Margaret Ferrier

Negated on division **320**

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

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

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

Margaret Ferrier

Not called **321**

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

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

Margaret Ferrier

Not called **322**

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

 Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 323

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

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

Not called 286

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

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

Not called 287

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

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 324

Clause 53, page 43, line 41, leave out paragraphs (c) to (e)

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

Not called 288

Clause 53, page 44, line 1, after first “or”, insert “serious”

Investigatory Powers Bill, *continued*

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

Clause 53, page 44, line 1, after “any”, insert “serious”

Not called 289

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

Clause 53, page 44, line 2, after “any”, insert “serious”

Not called 290

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

Clause 53, page 44, line 2, after third “or”, insert “serious”

Not called 291

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

Margaret Ferrier

Mr Alistair Carmichael

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

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

Not called 325

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

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

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

- (a) any crime where a person guilty of the offence is liable on conviction to imprisonment for a term of imprisonment of [a maximum of] 6 months or more; or

Not called 292

Investigatory Powers Bill, *continued*

- (b) a crime which causes serious damage to a person's physical or mental health."
-

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **326**

Clause **54**, page **44**, line **19**, leave out Clause 54

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

Ms Gisela Stuart

Not called **13**

Clause **54**, page **44**, line **28**, leave out subsection (3)(b) and insert—

- “(b) the investigation or operation concerned is one where there is an exceptional need, in the interests of national security, to keep knowledge of it to an absolute minimum,
- (ba) there is an opportunity to obtain information where—
- (i) the opportunity is rare,
 - (ii) the time to act is short, and
 - (iii) the need to obtain the information is significant and in the interests of national security, or”

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

Not called **293**

Clause **54**, page **45**, line **13**, at end insert—

- “(7) For the avoidance of doubt, an internet connection record does not include the content of any communication.”
-

 Investigatory Powers Bill, *continued*

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

Margaret Ferrier	Mr Alistair Carmichael	<i>Not called</i>	327
Clause 55, page 45, line 16, leave out paragraph (a)			
<hr/>			
Mr Alistair Carmichael		<i>Not called</i>	4
Page 46, line 40, leave out Clause 58			
Stephen McPartland Mr Steve Baker		<i>Not called</i>	164
Clause 58, page 46, line 41, leave out “maintain”			
Stephen McPartland Mr Steve Baker		<i>Not called</i>	165
Clause 58, page 46, line 41, leave out “operate”			
Stephen McPartland Mr Steve Baker		<i>Not called</i>	166
Clause 58, page 47, line 1, after “officer” insert “in exceptional circumstances”			
Stephen McPartland Mr Steve Baker		<i>Not called</i>	161
Clause 58, page 47, line 7, leave out “arrangements” and insert “regulations”			
Stephen McPartland Mr Steve Baker		<i>Not called</i>	167
Clause 58, page 47, line 18, at end insert— “(c) obtaining the approval of a Judicial Commissioner to the filtering regulations in the same way as if the data was to be obtained by a targeted interception warrant as set out in this Act.”			
Stephen McPartland Mr Steve Baker		<i>Not called</i>	168
Clause 58, page 47, line 19, leave out subsection 3			

Investigatory Powers Bill, *continued*

Stephen McPartland
Mr Steve Baker

Not called **162**

Clause **58**, page **47**, line **19**, leave out “arrangements” and insert “regulations”

Stephen McPartland
Mr Steve Baker

Not called **163**

Clause **58**, page **47**, line **27**, leave out “arrangements” and insert “regulations”

Stephen McPartland
Mr Steve Baker

Not called **169**

Clause **58**, page **47**, line **32**, leave out “must consult” and insert “shall obtain the prior approval of”

Stephen McPartland
Mr Steve Baker

Not called **170**

Clause **58**, page **47**, line **35**, at end insert—

“(5A) Nothing in this section shall be used in respect of information which can be reasonably obtained by any other means under this Act.

“(5B) Nothing in this section shall be used for the bulk collection of information.

“(5C) The powers under this section shall only be used by the Secretary of State when no other power under this Act or other statute can achieve the same objective.”

Stephen McPartland
Mr Steve Baker

Not called **171**

Clause **58**, page **47**, line **35**, at end insert—

“(5A) The Secretary of State shall at least once a year make a report to Parliament detailing the filtering arrangements made under this clause.”

Mr Alistair Carmichael

Not called **5**

Page **47**, line **36**, leave out Clause 59

Mr Alistair Carmichael

Not called **6**

Page **48**, line **16**, leave out Clause 60

Stephen McPartland
Mr Steve Baker

Not called **172**

Clause **60**, page **49**, line **29**, at end insert—

“(10) All filtering arrangements under this Act shall not endure more than six months.

Investigatory Powers Bill, *continued*

- (11) The Secretary of State shall not use any power under Part 3 of this Act unless such power cannot be exercised under any other statutory provision.
- (12) The Secretary of State shall ensure that the filtering arrangements are always used exceptionally and with regard to privacy rights.
- (13) The Secretary of State shall from time to time consider the proportionality and necessity of all filtering arrangements in place.
- (14) The Secretary of State shall terminate any filtering arrangements which are not proportionate or necessary.”

Secretary Theresa May

Agreed to **49**

Clause **68**, page **54**, line **10**, leave out “made an order under this section approving” and insert “approved”

Secretary Theresa May

Agreed to **50**

Clause **68**, page **54**, line **12**, leave out “an order under this section approving” and insert “approval of”

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 **143**

Clause **68**, page **54**, line **14**, leave out “not”

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

Joanna Cherry
 Keir Starmer
 Sarah Champion

Gavin Newlands
 Lyn Brown
 Sue Hayman

Andy Burnham
 Jack Dromey

Not called **144**

Clause **68**, page **54**, line **15**, at end insert “unless an application without such notice is required in order to avoid prejudice to the investigation.”

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 145

Clause 68, page 54, line 15, at end insert—

“() Schedule 1 to the Police and Criminal Evidence Act 1984 shall apply to an application for an order under this section as if it were an application for an order under that Schedule.”

Secretary Theresa May

Agreed to 51

Clause 68, page 54, line 25, at end insert—

“() In considering whether the position is as mentioned in subsection (5)(a) and (b), the Judicial Commissioner must, in particular, have regard to—

- (a) the public interest in protecting a source of journalistic information, and
- (b) the need for there to be another overriding public interest before a relevant public authority seeks to identify or confirm a source of journalistic information.”

Secretary Theresa May

Agreed to 52

Clause 68, page 54, line 27, leave out “make an order quashing” and insert “quash”

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 300

Clause 73, page 58, line 33, at end insert—

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

Investigatory Powers Bill, *continued*

Stephen McPartland
Mr Steve Baker

Not called 207

Page 205, line 6, leave out Schedule 4

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

Margaret Ferrier

Not called NC26

To move the following Clause—

“Retention of communications data

An operator who has not been designated as the operator of an electronic communications network or service according to section 34 of the Communications Act 2003; or whose service has fewer than 50,000 subscribers, shall not be required to comply with a retention notice under Clause 78.”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 328

Clause 78, page 61, line 5, leave out “Secretary of State” and insert “Judicial Commissioner”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 329

Clause 78, page 61, line 5, after second ““notice”)” insert “on an application made by a designated senior officer at a relevant public authority”

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 330

Clause 78, page 61, line 7, leave out “Secretary of State” and insert “Judicial Commissioner”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 331

Clause 78, page 61, line 9, at end insert—

“(1A) A notice may be considered necessary only where there is a reasonable suspicion that a serious criminal offence has been or is likely to be committed in relation to the grounds falling within section 53(7).”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 332

Clause 78, page 61, line 38, leave out “Secretary of State” and insert “Judicial Commissioner”

Mr Alistair Carmichael
Joanna Cherry
Gavin Newlands

Negated on division 3

Clause 78, page 62, line 22, leave out “therefore includes, in particular” and insert “does not include”

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

Not called 294

Clause 78, page 62, line 23, at end insert—

Investigatory Powers Bill, *continued*

“(10) A retention notice must not require any data which is, or can only be obtained by processing, an internet connection record to be retained for any purpose other than the purpose specified in section 54(4).”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 333

Clause 79, page 62, line 26, leave out “Secretary of State” and insert “Judicial Commissioner”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 334

Clause 79, page 62, line 35, leave out “Secretary of State” and insert “Judicial Commissioner”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 336

Clause 80, page 62, line 40, leave out “Secretary of State” and insert “Judicial Commissioner” on both occasions

 Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 337

Clause 80, page 63, line 7, leave out “Secretary of State” and insert “Judicial Commissioner”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 338

Clause 80, page 63, line 8, leave out “Secretary of State” and insert “Judicial Commissioner”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 339

Clause 80, page 63, line 9, leave out “Secretary of State” and insert “Judicial Commissioner”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 340

Clause 80, page 63, line 10, leave out “Secretary of State” 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 **341**

Clause **80**, page **63**, line **19**, leave out “Secretary of State” and insert “designated senior officer at a relevant public authority”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **342**

Clause **80**, page **63**, line **24**, leave out “Secretary of State” and insert “designated senior officer at a relevant public authority”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **343**

Clause **80**, page **63**, line **25**, leave out “Secretary of State” and insert “Judicial Commissioner”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **470**

Clause **80**, page **63**, line **31**, leave out “Secretary of State” 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

Clause **80**, page **63**, line **33**, leave out “Secretary of State” and insert “Judicial Commissioner” *Not called* **471**

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

Margaret Ferrier

Mr Alistair Carmichael

Clause **83**, page **64**, line **13**, leave out “Secretary of State” and insert “Judicial Commissioner” *Not called* **344**

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

Margaret Ferrier

Mr Alistair Carmichael

Clause **83**, page **64**, line **14**, leave out “Secretary of State” and insert “Judicial Commissioner” *Not called* **345**

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

Margaret Ferrier

Mr Alistair Carmichael

Clause **83**, page **64**, line **15**, leave out “Secretary of State” and insert “Judicial Commissioner” *Not called* **346**

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Mr Alistair Carmichael

Clause 83, page 64, line 23, leave out “Secretary of State” and insert “Judicial Commissioner” *Not called 347*

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

Margaret Ferrier

Mr Alistair Carmichael

Clause 83, page 64, line 38, leave out “Secretary of State” and insert “Judicial Commissioner” *Not called 348*

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

Margaret Ferrier

Mr Alistair Carmichael

Clause 83, page 64, line 40, leave out “Secretary of State” and insert “Judicial Commissioner” *Not called 350*

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

Clause 84, page 65, line 26, at end insert— *Not called 301*
“(4A) Subsections (2) and (3) do not apply to a disclosure made in the public interest.”

Investigatory Powers Bill, *continued*

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

Not called NC15

To move the following Clause—

“Review of operational case for bulk powers

- (1) The Secretary of State must appoint the independent reviewer of terrorism legislation to review the operational case for the bulk powers contained in Parts 6 and 7 of this Act.
- (2) The independent reviewer must, in particular, consider the justification for the powers in the Act relating to—
 - (a) bulk interception,
 - (b) bulk acquisition,
 - (c) bulk equipment interference, and
 - (d) bulk personal datasets.
- (3) The independent reviewer must, so far as reasonably practicable, complete the review before 30 November 2016.
- (4) The independent reviewer must send to the Prime Minister a report on the outcome of the review as soon as reasonably practicable after completing the review.
- (5) On receiving a report under subsection (4), the Prime Minister must lay a copy of it before Parliament together with a statement as to whether any matter has been excluded from that copy under subsection (6).
- (6) If it appears to the Prime Minister that the publication of any matter in a report under subsection (4) would be contrary to the public interest or prejudicial to national security, the Prime Minister may exclude the matter from the copy of the report laid before Parliament.
- (7) The Secretary of State may pay to the independent reviewer—
 - (a) expenses incurred in carrying out the functions of the independent reviewer under this section, and
 - (b) such allowances as the Secretary of State determines.
- (8) The independent reviewer shall complete further reviews on a five-yearly basis and the provisions of this section other than subsection (3) shall apply.
- (9) In this section “the independent reviewer of terrorism legislation” means the person appointed under section 36(1) of the Terrorism Act 2006 (and “independent reviewer” is to be read accordingly).”

Stephen McPartland
 Mr Steve Baker
 Mr David Davis

Not called NC17

To move the following Clause—

Investigatory Powers Bill, *continued*
“Review of the Operation of this Act

- (1) The Secretary of State shall appoint an Independent Reviewer to prepare the first report on the operation of this Act within a period of 6 months beginning with the end of the initial period.
- (2) In subsection (1) “the initial period” is the period of 1 years and 6 months beginning with the day on which this Act is passed.
- (3) Subsequent reports will be prepared every 2 years after the first report in subsection (1).
- (4) A copy of the report is to be laid before Parliament, with provision made for a debate on the floor of both Houses and then approved by resolution of each House.”

Mr David Davis
Mr Alistair Carmichael

Not called **NC22**

To move the following Clause—

“Primacy of judicial commissioner’s approval

No authorisation sought for a warrant to intercept or obtain or examine primary or secondary communications data, whether targeted or in bulk, under this Act may be considered by a Minister unless it has first been approved by a Judicial Commissioner.”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called **NC25**

To move the following Clause—

“Review of the Operation of this Act

- (1) The Secretary of State shall appoint an Independent Reviewer to prepare the first report on the operation of this Act within a period of 6 months beginning with the end of the initial period.
- (2) In subsection (1) “the initial period” is the period of 4 years and 6 months beginning with the passage of this Act.
- (3) Subsequent reports will be prepared every 5 years after the first report in subsection (1).
- (4) Any report prepared by the Independent Reviewer must be laid before Parliament by the Secretary of State as soon as the Secretary of State is satisfied it will not prejudice any criminal proceedings.

Investigatory Powers Bill, *continued*

- (5) The Secretary of State may, out of money provided by Parliament, pay a person appointed under subsection (1), both his expenses and also such allowances as the Secretary of State determines.”
-

Mr Alistair Carmichael

Not called NC27

To move the following Clause—

“Protection for journalistic sources, materials and activities

- (1) Save in the exceptional circumstances identified in subsection (2), the regimes provided for by Parts 2 to 7 may not be used to access, obtain, record, hold, consider, analyse, disclose or otherwise deal with information, material or data—
 - (a) of, or concerning the activities of, journalists, or
 - (b) if the purpose of so doing is to obtain information identifying a journalistic source.
- (2) The exceptional circumstances referred to in subsection (1) are—
 - (a) the case is one of great emergency,
 - (b) immediate action is necessary, and
 - (c) the relevant investigatory powers under the regimes provided by Parts 2 to 7 can be used lawfully having regard to the provisions thereof.
- (3) In any case where the regimes provided for by Parts 2 to 7 are disapplied by subsection (1), any person who could otherwise have sought to use one of the investigatory powers specified therein may apply to a judge for an order allowing that person to access, obtain, record, hold, consider, analyse, disclose or otherwise deal with such information, material or data in a way provided for by Parts 2 to 7.
- (4) An application for an order under subsection (3) shall be made on notice to the journalist or journalists affected unless the judge determines that an application without such notice is required in order to avoid prejudice to the investigation.
- (5) Paragraphs 7 to 9 of Schedule 1 to the Police and Criminal Evidence Act 1984 shall apply in relation to the service of a notice of application for an order under subsection (1) as if the application were for an order under Schedule 1 of the Police and Criminal Evidence Act 1984.
- (6) Criminal Procedure Rules may make provision about proceedings under this section where the judge determines that an application without such notice is required.
- (7) A judge may only make an order under subsection (3) if the person making the application has convincingly established that—
 - (a) the order is directed to one or more of the legitimate aims specified in Article 10.2 of the Convention,
 - (b) there is an overriding public interest necessitating the order,
 - (c) reasonable alternative measures to the order do not exist or have been exhausted, and
 - (d) the order is proportionate to the legitimate aim or aims being pursued.
- (8) The costs of any application under subsection (3) and of anything done or to be done in pursuance of an order as a result of the application shall be in the discretion of the judge.
- (9) In this section—
 - (a) “source” means any person who provides information to a journalist;

Investigatory Powers Bill, *continued*

- (b) “information identifying a source” includes—
- (i) the name and personal data as well as voice and image of a source;
 - (ii) the factual circumstances of acquiring information from a source by a journalist;
 - (iii) the unpublished content of the information provided by a source to a journalist; and
 - (iv) personal data of journalists and their employers related to their professional work;
- in so far as this is likely to lead to the identification of a source.
- (c) “the Convention” means the European Convention for the Protection of Human Rights and Fundamental Freedoms; and
- (d) “judge” means a circuit judge or judge of the High Court.”

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

Angela Crawley

Margaret Ferrier

Mr Steve Baker

Not called **206**

Page **172**, line **24**, leave out Clause 222

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

Margaret Ferrier

Not called **494**

Clause **223**, page **173**, line **18**, leave out paragraph (i) and insert—

- “(i) is about an entity to which a telecommunications service is provided by that telecommunications operator and relates to the provision of that service,”
-

Investigatory Powers Bill, *continued*

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

Margaret Ferrier

Not called 496

Clause 225, page 177, line 27, at end insert—

““national security” means the protection of the existence of the nation and its territorial integrity, or political independence against force or threat of force”

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

Margaret Ferrier

Mr Alistair Carmichael

Not called 495

Clause 225, page 177, line 36, at end insert—

““professional legal advisor” means a person who is—

- (a) an Advocate
- (b) a Barrister
- (c) a Solicitor.”

Secretary Theresa May

Agreed to

That clause 94 be transferred to the end of line 38 on page 76

Secretary Theresa May

Agreed to

That clause 117 be transferred to the end of line 36 on page 74

Bill read the third time on division, and passed.
