



House of Commons

NOTICES OF AMENDMENTS

given up to and including

Wednesday 7 October 2020

New Amendments handed in are marked thus ★

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

Amendments tabled since the last publication: 1 to 12 and NC1 to NC2

COMMITTEE OF THE WHOLE HOUSE

COVERT HUMAN INTELLIGENCE SOURCES (CRIMINAL CONDUCT) BILL

NOTE

This document includes all amendments tabled to date and includes any withdrawn amendments at the end. The amendments have been arranged in the order in which they relate to the Bill.

Keir Starmer
Nick Thomas-Symonds
Conor McGinn
Mr Nicholas Brown

7

★ Clause 1, page 2, line 7, at end insert—

“(1A) The granting of criminal conduct authorisations under subsection (1) may not take place until a warrant has been issued by a judge.

(1B) An application to a judge under subsection (1A) shall be made in writing and be accompanied by an affidavit of the person granting the criminal conduct authorisation which sets out—

- (a) the facts relied on to justify the belief, on reasonable grounds, that a warrant under this section is required;
- (b) the persons or classes of persons to whom the warrant is proposed to be directed;

Covert Human Intelligence Sources (Criminal Conduct) Bill, *continued*

- (c) a general description of the place where the warrant is proposed to be executed, if a general description of that place can be given;
- (d) the period, not exceeding sixty days or one year, as the case may be, for which the warrant is requested to be in force; and
- (e) any previous application made under subsection (1A) in relation to a person who is identified in the application for the warrant, the date on which each such application was made, the name of the judge to whom it was made and the judge's decision on it."

Keir Starmer
 Nick Thomas-Symonds
 Conor McGinn
 Mr Nicholas Brown

11

★ Clause 1, page 2, line 20, at end leave out “; and” and insert “, taking into account—

- (i) balancing the size and scope of the proposed activity against the gravity and extent of the perceived crime or harm;
- (ii) explaining how and why the methods to be adopted will cause the least possible intrusion on the subject and others;
- (iii) whether the conduct to be authorised will have any implications for the privacy of others, and an explanation of why (if relevant) it is nevertheless proportionate to proceed with the operation;
- (iv) evidence, as far as reasonably practicable, of what other methods had been considered and why they were not implemented, or have been implemented unsuccessfully; and
- (v) whether the activity is an appropriate use of the legislation and a reasonable way, having considered all reasonable alternatives, of obtaining the information sought."

Bell Ribeiro-Addy
 Apsana Begum
 Zarah Sultana
 Richard Burgon
 John McDonnell
 Jeremy Corbyn

Ms Diane Abbott
 Ian Mearns
 Lloyd Russell-Moyle
 Jon Trickett

Claudia Webbe
 Mick Whitley
 Rebecca Long Bailey

Grahame Morris
 Ian Byrne
 Kate Osborne

1

★ Clause 1, page 2, line 22, at end insert—

- “(d) that the authorisation does not have a disproportionate impact on people with one or more protected characteristics within the meaning of the Equality Act 2010.”

Member's explanatory statement

This amendment ensures that discrimination on the grounds of protected characteristics will be taken into account before the granting of a criminal conduct authorisation.

Covert Human Intelligence Sources (Criminal Conduct) Bill, *continued*

Bell Ribeiro-Addy
 Apsana Begum
 Zarah Sultana
 Richard Burgon
 John McDonnell
 Jeremy Corbyn

Ms Diane Abbott
 Ian Mearns
 Lloyd Russell-Moyle
 Jon Trickett

Claudia Webbe
 Mick Whitley
 Rebecca Long Bailey

Grahame Morris
 Ian Byrne
 Kate Osborne

★ Clause 1, page 2, line 26, leave out “or of preventing disorder”

3

Bell Ribeiro-Addy
 Apsana Begum
 Zarah Sultana
 Richard Burgon
 John McDonnell
 Jeremy Corbyn

Ms Diane Abbott
 Ian Mearns
 Lloyd Russell-Moyle
 Jon Trickett

Claudia Webbe
 Mick Whitley
 Rebecca Long Bailey

Grahame Morris
 Ian Byrne
 Kate Osborne

★ Clause 1, page 2, line 28, leave out (c)

4

Bell Ribeiro-Addy
 Apsana Begum
 Zarah Sultana
 Richard Burgon
 John McDonnell
 Jeremy Corbyn

Ms Diane Abbott
 Ian Mearns
 Lloyd Russell-Moyle
 Jon Trickett

Claudia Webbe
 Mick Whitley
 Rebecca Long Bailey

Grahame Morris
 Ian Byrne
 Kate Osborne

★ Clause 1, page 2, line 29, at end insert—

5

“(5A) A criminal conduct authorisation cannot be granted with regard to the actions of a covert human intelligence source within trade unions.

(5B) In this section, “trade unions” is defined as in the Trade Union and Labour Relations (Consolidation) Act 1992.”

Covert Human Intelligence Sources (Criminal Conduct) Bill, *continued*

Bell Ribeiro-Addy
 Apsana Begum
 Zarah Sultana
 Richard Burgon
 John McDonnell
 Jeremy Corbyn

Ms Diane Abbott
 Ian Mearns
 Lloyd Russell-Moyle
 Jon Trickett

Claudia Webbe
 Mick Whitley
 Rebecca Long Bailey

Grahame Morris
 Ian Byrne
 Kate Osborne

6

★ Clause 1, page 2, line 29, at end insert—

“(5A) A criminal conduct authorisation cannot be granted with regard to the actions of a covert human intelligence source engaged in blacklisting.”

Keir Starmer
 Nick Thomas-Symonds
 Conor McGinn
 Mr Nicholas Brown

10

★ Clause 1, page 2, line 29, at end insert—

“(5A) The circumstances in which a criminal conduct authorisation is necessary on grounds specified in subsection (5)(c) may not include the activities of trade unions.”

Keir Starmer
 Nick Thomas-Symonds
 Conor McGinn
 Mr Nicholas Brown

8

★ Clause 1, page 3, line 2, at end insert—

“(8A) Nothing in this section justifies—

- (a) causing, intentionally or by criminal negligence, death or bodily harm to an individual;
- (b) wilfully attempting in any manner to obstruct, pervert or defeat the course of justice;
- (c) violating the sexual integrity of an individual;
- (d) subjecting an individual to torture or cruel, inhuman or degrading treatment or punishment, within the meaning of the Convention Against Torture;
- (e) detaining an individual; or
- (f) causing the loss of, or any serious damage to, any property if doing so would endanger the safety of an individual.”

Covert Human Intelligence Sources (Criminal Conduct) Bill, *continued*

Bell Ribeiro-Addy
 Apsana Begum
 Zarah Sultana
 Richard Burgon
 John McDonnell
 Jeremy Corbyn

Ms Diane Abbott
 Ian Mearns
 Lloyd Russell-Moyle
 Jon Trickett

Claudia Webbe
 Mick Whitley
 Rebecca Long Bailey

Grahame Morris
 Ian Byrne
 Kate Osborne

2

★ Clause 1, page 3, line 9, at end insert—

“(9A) The Investigatory Powers Commissioner or any affected person may apply for judicial review, in relation to the conduct of a relevant public authority.

(9B) For the purposes of subsection (1), a “relevant public authority” are those set out in section 2(9) of the Act.”

Member’s explanatory statement

This amendment ensures that the granting of criminal conduct authorisations are subject to judicial review.

Keir Starmer
 Nick Thomas-Symonds
 Conor McGinn
 Mr Nicholas Brown

12

★ Clause 4, page 5, line 4, at end insert—

“(4ZA) Those persons who have granted criminal conduct authorisations must inform the Investigatory Powers Commissioner within seven days of the granting of the authorisation.”

Keir Starmer
 Nick Thomas-Symonds
 Conor McGinn
 Mr Nicholas Brown

9

★ Clause 7, page 2, line 36, at end insert—

“(7A) Information obtained by a CHIS may not be used to compile lists which—

- (a) contain details of members of trade unions or persons who have taken part in the activities of trade unions, and
 - (b) are compiled with a view to being used by employers or employment agencies for the purposes of discrimination in relation to recruitment or in relation to the treatment of workers.”
-

Covert Human Intelligence Sources (Criminal Conduct) Bill, *continued*

Keir Starmer
 Nick Thomas-Symonds
 Conor McGinn
 Mr Nicholas Brown

NC1

★ To move the following Clause—

“Redress for innocent victims

- (1) Section 65 (5) of the Regulatory Powers Act 2000 (The Tribunal) is amended in accordance with subsection (2).
- (2) At the end of subsection (5) insert—

“(g) any conduct under Section 29B.””

Member’s explanatory statement

This new clause ensures that innocent victims are able to seek redress from the Investigatory Powers Tribunal.

Keir Starmer
 Nick Thomas-Symonds
 Conor McGinn
 Mr Nicholas Brown

NC2

★ To move the following Clause—

“Equality Impact Assessment

- (1) The Secretary of State must prepare and publish an annual equality impact assessment on the use of criminal conduct authorisations on covert operations involving women, children and Black, Asian and minority ethnic communities.
- (2) A Minister of the Crown must, not later than three months after the report has been laid before Parliament, make a motion in the House of Commons in relation to the report.”

ORDER OF THE HOUSE [5 OCTOBER 2020]

That the following provisions shall apply to the Covert Human Intelligence Sources (Criminal Conduct) Bill:

Committal

1. The Bill shall be committed to a Committee of the whole House.

Proceedings in Committee, on Consideration and up to and including Third Reading

2. Proceedings in Committee, any proceedings on Consideration and any proceedings in legislative grand committee shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which proceedings in Committee of the whole House are commenced.
3. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.

Covert Human Intelligence Sources (Criminal Conduct) Bill, *continued*

4. Standing Order No. 83B (Programming committees) shall not apply to proceedings in Committee of the whole House, to any proceedings on Consideration or to other proceedings up to and including Third Reading.

Other proceedings

5. Any other proceedings on the Bill may be programmed.
-