
Committee Stage: Friday 1 March 2024

Investigatory Powers (Amendment) Bill [HL] (Amendment Paper)

This document lists all amendments tabled to the Investigatory Powers (Amendment) Bill [HL]. Any withdrawn amendments are listed at the end of the document. The amendments are arranged in the order in which it is expected they will be decided.

★ New Amendments.

New Amendments: 1 to 5

Tom Tugendhat

To move, That the Bill be considered in the following order, namely, Clauses 1 to 14; the Schedule; Clauses 15 to 33; new Clauses; new Schedules; remaining proceedings on the Bill.

Tom Tugendhat

That, subject to the discretion of the Chair, any written evidence received by the Committee shall be reported to the House for publication.

Tom Tugendhat

Gov 1

★ Clause 11, page 31, line 36, leave out “a court or tribunal” and insert “the Investigatory Powers Tribunal”

Member's explanatory statement

This amendment is consequential on amendment 2.

Tom Tugendhat

Gov 2

★ Clause 11, page 32, line 19, at end insert—

“(1A) In section 65 of the Regulation of Investigatory Powers Act 2000 (the Tribunal)—

- (a) in subsection (2), after paragraph (b) insert—
 - “(ba) to consider and determine any complaints made to them which, in accordance with subsection (4AA), are complaints for which the Tribunal is the appropriate forum;”;
- (b) after subsection (4) insert—
 - “(4AA) The Tribunal is the appropriate forum for a complaint if it is a complaint by an individual about a relevant personal data breach.
 - (4AB) In subsection (4AA) “relevant personal data breach” means a personal data breach that the individual is informed of under section 235A(5) of the Investigatory Powers Act 2016 (serious personal data breaches).”
- (1B) In section 67 of the Regulation of Investigatory Powers Act 2000 (exercise of the Tribunal’s jurisdiction)—
 - (a) in subsection (1)(b), after “65(2)(b)” insert “, (ba)”;
 - (b) in subsection (5)—
 - (i) the words from “section” to the end become paragraph (a), and
 - (ii) after that paragraph insert “, or
 - (b) section 65(2)(ba) if it is made more than one year after the personal data breach to which it relates.”;
 - (c) in subsection (6), for “reference” substitute “complaint or reference has been”.
- (1C) In section 68 of the Regulation of Investigatory Powers Act 2000 (Tribunal procedure), for subsection (8) substitute—
 - “(8) In this section “relevant Commissioner” means—
 - (a) the Investigatory Powers Commissioner or any other Judicial Commissioner,
 - (b) the Investigatory Powers Commissioner for Northern Ireland, or
 - (c) the Information Commissioner.”

Member's explanatory statement

This amendment provides for the Investigatory Powers Tribunal to be the appropriate forum for complaints by individuals about certain personal data breaches reported to the Investigatory Powers Commissioner under section 235A of the Investigatory Powers Act 2016 (personal data breaches).

Tom Tugendhat

Gov 3

★ Clause 22, page 47, line 17, leave out from “and” to end of line 19 and insert—

- “(b) has the necessary operational awareness to decide whether to give approvals under subsection (2).”

Member's explanatory statement

This amendment replaces the reference to an individual being required in their routine duties to issue warrants under the Investigatory Powers Act 2016 with a reference to an individual being required to have the necessary operational awareness to decide whether to give approvals under section 26 of that Act.

Tom Tugendhat

Gov 4

★ Clause 23, page 48, line 15, leave out from “and” to end of line 17 and insert—

“(b) has the necessary operational awareness to decide whether to give approvals under subsection (3) or (6).”

Member's explanatory statement

This amendment replaces the reference to an individual being required in their routine duties to issue warrants under the Investigatory Powers Act 2016 with a reference to an individual being required to have the necessary operational awareness to decide whether to give approvals under section 111 of that Act.

Tom Tugendhat

Gov 5

★ Clause 33, page 56, line 1, leave out subsection (2)

Member's explanatory statement

This amendment removes the privilege amendment inserted by the Lords.

Order of the House

[19 February 2024]

That the following provisions shall apply to the Investigatory Powers (Amendment) Bill [Lords]:

Committal

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

Proceedings in Public Bill Committee

2. Proceedings in the Public Bill Committee shall (so far as not previously concluded) be brought to a conclusion on Tuesday 12 March 2024.
3. The Public Bill Committee shall have leave to sit twice on the first day on which it meets.

Consideration and Third Reading

4. Proceedings on Consideration shall (so far as not previously concluded) be brought to a conclusion one hour before the moment of interruption on the day on which those proceedings are commenced.
5. Proceedings on Third Reading shall (so far as not previously concluded) be brought to a conclusion at the moment of interruption on that day.
6. Standing Order No. 83B (Programming committees) shall not apply to proceedings on Consideration and Third Reading.

Other proceedings

7. Any other proceedings on the Bill may be programmed.