

Investigatory Powers Bill

THIRD
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE

The amendments have been marshalled in accordance with the Instruction of 7th July 2016, as follows –

Clauses 1 to 7	Clauses 80 to 100
Schedule 1	Schedule 6
Clauses 8 to 12	Clauses 101 to 126
Schedule 2	Clauses 203 to 216
Clauses 13 to 53	Schedule 7
Schedule 3	Clauses 217 to 220
Clauses 54 to 57	Clauses 127 to 202
Clause 221	Clauses 232 to 241
Schedule 8	Schedule 9
Clauses 222 to 231	Clause 242
Clauses 58 to 66	Schedule 10
Schedule 4	Clause 243
Clauses 67 to 79	Title
Schedule 5	

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 58

EARL HOWE

- 115** Page 46, line 7, at end insert –
“(za) section (*Restrictions in relation to internet connection records*) (restrictions in relation to internet connection records),”

LORD PADDICK
BARONESS HAMWEE

- 116** Page 46, line 40, leave out “, in particular,” and insert “not”

EARL HOWE

- 117** Page 47, line 7, leave out “and proportionate”

Clause 58 - continued

118 Page 47, line 8, leave out “and proportionate”

LORD LUCAS

119 Page 47, line 12, at end insert –

“() for the purpose of suppressing less serious crimes perpetrated on a large scale using the internet,”

EARL HOWE

120 Page 47, line 33, at end insert –

“() The fact that the communications data which would be obtained in pursuance of an authorisation relates to the activities in the British Islands of a trade union is not, of itself, sufficient to establish that it is necessary to obtain the data for a purpose falling within subsection (7).”

LORD PADDICK
BARONESS HAMWEE

121 Page 47, line 33, at end insert –

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

122 [*Withdrawn*]

After Clause 58

EARL HOWE

123 Insert the following new Clause –

“Restrictions in relation to internet connection records

- (1) A designated senior officer of a local authority may not grant an authorisation for the purpose of obtaining data which is, or can only be obtained by processing, an internet connection record.
- (2) A designated senior officer of a relevant public authority which is not a local authority may not grant an authorisation for the purpose of obtaining data which is, or can only be obtained by processing, an internet connection record unless condition A, B or C is met.
- (3) Condition A is that the designated senior officer considers that it is necessary, for a purpose falling within section 58(7), to obtain the data to identify which person or apparatus is using an internet service where –
 - (a) the service and time of use are already known, but
 - (b) the identity of the person or apparatus using the service is not known.
- (4) Condition B is that –
 - (a) the purpose for which the data is to be obtained falls within section 58(7) but is not the purpose falling within section 58(7)(b) of preventing or detecting crime, and

After Clause 58 - continued

- (b) the designated senior officer considers that it is necessary to obtain the data to identify –
 - (i) which internet communications service is being used, and when and how it is being used, by a person or apparatus whose identity is already known,
 - (ii) where or when a person or apparatus whose identity is already known is obtaining access to, or running, a computer file or computer program which wholly or mainly involves making available, or acquiring, material whose possession is a crime, or
 - (iii) which internet service is being used, and when and how it is being used, by a person or apparatus whose identity is already known.
- (5) Condition C is that –
 - (a) the purpose for which the data is to be obtained is the purpose falling within section 58(7)(b) of preventing or detecting crime,
 - (b) the crime to be prevented or detected is serious crime or other relevant crime, and
 - (c) the designated senior officer considers that it is necessary to obtain the data to identify –
 - (i) which internet communications service is being used, and when and how it is being used, by a person or apparatus whose identity is already known,
 - (ii) where or when a person or apparatus whose identity is already known is obtaining access to, or running, a computer file or computer program which wholly or mainly involves making available, or acquiring, material whose possession is a crime, or
 - (iii) which internet service is being used, and when and how it is being used, by a person or apparatus whose identity is already known.
- (6) In subsection (5) “other relevant crime” means crime which is not serious crime but where the offence, or one of the offences, which is or would be constituted by the conduct concerned is –
 - (a) an offence for which an individual who has reached the age of 18 (or, in relation to Scotland or Northern Ireland, 21) is capable of being sentenced to imprisonment for a term of 6 months or more (disregarding any enactment prohibiting or restricting the imprisonment of individuals who have no previous convictions), or
 - (b) an offence –
 - (i) by a person who is not an individual, or
 - (ii) which involves, as an integral part of it, the sending of a communication or a breach of a person’s privacy.
- (7) In this Act “internet connection record” means communications data which –
 - (a) may be used to identify, or assist in identifying, a telecommunications service to which a communication is transmitted by means of a telecommunication system for the purpose of obtaining access to, or running, a computer file or computer program, and

After Clause 58 - continued

- (b) comprises data generated or processed by a telecommunications operator in the process of supplying the telecommunications service to the sender of the communication (whether or not a person).”

Clause 59

EARL HOWE

- 124** Page 48, line 1, at beginning insert “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 a 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”

125 [*Withdrawn*]

LORD PADDICK
 BARONESS HAMWEE

- 126** Page 48, line 1, leave out from “security” to end of line 4 and insert –
 “() Subsection (1) shall not apply in a particular case if the designated senior officer considers that the size of the relevant public authority is such that it is not practicable to have a designated senior officer who is not working on the investigation or operation concerned.”

EARL HOWE

- 127** Page 48, line 2, leave out “being” and insert “is”

LORD PADDICK
 EARL HOWE
 BARONESS HAMWEE

- 128** Page 48, line 5, leave out subsections (4) to (6)

BARONESS HAYTER OF KENTISH TOWN
 LORD ROSSER

- 129** Page 48, line 32, at end insert –
 “() An “internet communications service” means a service which provides for communication by voice, e-mail or other message between two or more individuals (including an individual acting on behalf of an organisation) over the internet.”

Clause 61

EARL HOWE

- 130** Page 49, line 21, after “authorisation” insert “ –
 () may cancel it at any time, and

Clause 61 - continued

() ”

131 Page 49, line 22, leave out from second “the” to end of line 23 and insert “requirements of this Part would not be satisfied in relation to granting an equivalent new authorisation.”

132 Page 49, line 25, leave out from beginning to end of line 26 and insert “function under subsection (4) is to be exercised where the person who would otherwise have exercised it is no longer available to do so”

133 Page 49, line 27, leave out “on whom the duty is to fall” and insert “by whom the function is to be exercised”

Clause 63

LORD PADDICK
BARONESS HAMWEE

134 Page 50, line 15, after “may” insert “by regulations”

135 Page 50, line 15, leave out “, maintain and operate”

EARL HOWE

136 Page 50, line 18, leave out from “the” to “or” in line 19 and insert “requirements of this Part in relation to granting the authorisation are satisfied,”

137 [*Withdrawn*]

LORD PADDICK
BARONESS HAMWEE

The above-named Lords give notice of their intention to oppose the Question that Clause 63 stand part of the Bill.

Clause 64

LORD PADDICK
BARONESS HAMWEE

138 Page 51, line 17, at end insert –

“() An authorisation shall expire six months after it is granted.”

EARL HOWE

139 Page 51, line 31, leave out from “the” to “considers” and insert “other requirements of this Part in relation to granting the authorisation are satisfied)”

Clause 64 - continued

LORD PADDICK
BARONESS HAMWEE

The above-named Lords give notice of their intention to oppose the Question that Clause 64 stand part of the Bill.

140 [Withdrawn]

Clause 65

LORD LUCAS

141 Page 51, line 37, at end insert –

“() that a full and detailed record is kept of all the authorisations granted under section 63 and of the uses made of them under section 64, including the names of all persons involved, the reasons for actions, and the results obtained,”

LORD PADDICK
BARONESS HAMWEE

142 Page 52, line 39, at end insert “and lay a report before each House of Parliament”

LORD LUCAS

143 Page 52, line 41, at end insert –

“() The Secretary of State must make provision for the independent inspection of the effectiveness and appropriateness of his or her actions under subsections (1) to (6).”

LORD PADDICK
BARONESS HAMWEE

144 Page 52, line 42, leave out “significant”

The above-named Lords give notice of their intention to oppose the Question that Clause 65 stand part of the Bill.

Clause 67

LORD PADDICK
BARONESS HAMWEE

145 Page 53, line 38, leave out “add a public authority to, or”

146 Page 54, line 6, leave out “becoming, or”

After Clause 68

LORD PADDICK
BARONESS HAMWEE

146A★ Insert the following new Clause—

“Duty to have regard to privacy in exercising powers under sections 63 to 68

The Secretary of State shall, in the exercise of his or her powers under sections 63 to 68, have regard to the matters referred to in section 2.”

Clause 69

LORD PADDICK
BARONESS HAMWEE

147 Page 54, line 40, at end insert—

“() representatives of local authorities.”

After Clause 72

LORD STRASBURGER
LORD PADDICK

147A★ Insert the following new Clause—

“Authorisation to obtain data from an internet connection record

An authorisation to obtain data from an internet connection record is not to have effect until such time (if any) as a Judicial Commissioner has approved it.”

Clause 73

BARONESS HAYTER OF KENTISH TOWN
LORD ROSSER

148 Page 57, line 36, at end insert—

- “() there are exceptional and compelling circumstances that make it necessary to authorise the interception, and
- () the arrangements made for the purposes of section 51 or, as the case may be, section 140 (safeguards relating to retention and disclosure of material) include specific arrangements for the handling, retention, use and destruction of such items.”

Clause 75

LORD PADDICK
BARONESS HAMWEE

149 Page 59, line 22, leave out subsection (5)

Clause 77

LORD PADDICK
BARONESS HAMWEE

150 Page 61, line 6, leave out from “(1)” to end of line 11

Clause 80

EARL HOWE

151 Page 62, line 32, leave out from beginning to “were” and insert “sections 58(3)(za) and
(Restrictions in relation to internet connection records)”

152 [Withdrawn]

Clause 83

LORD PADDICK
BARONESS HAMWEE

153 Page 64, line 15, at end insert –

“() A requirement in 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.”

LORD PADDICK
BARONESS HAMWEE
BARONESS HAYTER OF KENTISH TOWN

154 Page 64, line 24, at end insert –

“() not require a telecommunications operator to retain any third party data, unless that data is retained by the telecommunications operator for its own business purposes.”

EARL HOWE

155 Page 65, line 20, at end insert –

“() The fact that the data which would be retained under a retention notice relates to the activities in the British Islands of a trade union is not, of itself, sufficient to establish that the requirement to retain the data is necessary for one or more of the purposes falling within paragraphs (a) to (j) of section 58(7).”

LORD ROSSER
BARONESS HAYTER OF KENTISH TOWN

156 Page 65, line 21, leave out subsection (9) and insert –

“() In this Part –

“relevant communications data” means –

- (a) communications data of the kind mentioned in the Schedule to the Data Retention (EC Directive) Regulations 2009 (SI 2009/859),
- (b) internet connection records, or
- (c) relevant internet data not falling within paragraph (a) or (b);

Clause 83 - continued

“relevant internet data” means communications data which may be used to identify, or assist in identifying, the sender of a communication (whether or not a person).”

LORD PADDICK
BARONESS HAMWEE
LORD STRASBURGER

- 156A** Page 65, line 30, leave out “therefore includes, in particular,” and insert “does not include”

Clause 88

EARL HOWE

- 157** Page 67, line 34, at end insert—
“() The fact that additional relevant communications data which would be retained under a retention notice as varied relates to the activities in the British Islands of a trade union is not, of itself, sufficient to establish that the requirement to retain the data is necessary for one or more of the purposes falling within paragraphs (a) to (j) of section 58(7).”

- 158** [*Withdrawn*]

Clause 93

LORD PADDICK
BARONESS HAMWEE

- 158A** Page 70, line 6, leave out paragraph (c)
- 158B** Page 70, line 9, leave out “, equipment data or other information” and insert “or equipment data”
- 158C** Page 70, line 23, leave out “, equipment data or other information” and insert “or equipment data”

Clause 95

LORD PADDICK
BARONESS HAMWEE

- 158D** Page 71, line 31, leave out paragraph (b)
- 158E** Page 71, line 40, leave out paragraph (f)
- 158F** Page 71, line 42, leave out paragraph (g)
- 158G** Page 72, line 1, leave out paragraph (h)

Clause 95 - continued

- 158H** Page 72, line 3, at end insert—
 “() A targeted equipment interference warrant may be issued only if the persons or equipment to which the warrant relates are named or specifically identified using a unique identifier.”
- 158J** Page 72, line 7, leave out paragraph (b)
- 158K** Page 72, line 11, leave out paragraph (d)
- 158L** Page 72, line 13, leave out paragraph (e)
- 158M** Page 72, line 14, at end insert—
 “() A targeted examination warrant may be issued only if the persons or equipment to which the warrant relates are named or specifically identified using a unique identifier.”

After Clause 95

LORD PADDICK
 BARONESS HAMWEE
 BARONESS HAYTER OF KENTISH TOWN

- 159** Insert the following new Clause—
“Security, integrity and privacy
 The person making an application for a warrant under this Part must make a detailed assessment of—
 (a) the risk to the security or integrity of systems or networks that the proposed activity may involve;
 (b) the risk to the privacy of persons not being specifically targeted; and
 (c) the steps proposed to be taken to minimise these risks.”
- 160** Insert the following new Clause—
“Critical national infrastructure
 The person making an application for a warrant under this Part must make a detailed assessment of the risks of the proposed activity to any critical national infrastructure.”

Clause 96

LORD PADDICK
 BARONESS HAMWEE

- 160A** Page 73, line 18, leave out paragraph (b)

Clause 96 - continued

161 Page 73, line 21, at end insert –

“() 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.”

EARL HOWE

162 Page 73, line 26, at end insert –

“() 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 subsection (5).”

Clause 97

EARL HOWE

163 Page 74, line 21, at end insert –

“() 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 as mentioned in subsection (1)(b) or (2)(b).”

Clause 98

BARONESS HAYTER OF KENTISH TOWN
LORD ROSSER

164 Page 74, line 33, leave out paragraph (c) and insert –

“(c) the Secretary of State considers that appropriate assessments for the purposes of sections (*Security, integrity and privacy*) and (*Critical national infrastructure*) have been made and, having taken account of them, the warrant is proportionate, and”

EARL HOWE

165 Page 74, line 38, at end insert –

“() 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 as mentioned in subsection (1)(a).”

Clause 100

LORD PADDICK
BARONESS HAMWEE

165A Page 75, line 28, leave out “approved” and insert “determined”

Clause 100 - continued

EARL HOWE

166 Page 75, line 28, at end insert –

“() 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 as mentioned in subsection (1)(a).”

Clause 102

LORD PADDICK

BARONESS HAMWEE

167 Page 78, line 13, leave out “review the person’s conclusions as to” and insert “determine”

EARL HOWE

168 Page 78, line 19, after “must” insert “ –

(a) ”

LORD PADDICK

BARONESS HAMWEE

168A Page 78, line 19, leave out from “must” to end of line 20 and insert “consider the reasons for the decision given by the person who made it.”

EARL HOWE

169 Page 78, line 20, at end insert “, and

() 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 2 (general duties in relation to privacy).”

LORD PADDICK

BARONESS HAMWEE

169A Page 78, line 31, at end insert –

“() In deciding whether to approve a person’s decision to issue a warrant under this Part, the Judicial Commissioner must consider an assessment of –

(a) the risk to the integrity of communications systems, computer networks, and equipment, and

(b) the risk to public cyber security,

conducted by the Investigatory Powers Commissioner with regard to the specific equipment interference proposed.”

Clause 105

BARONESS JONES OF MOULSECOOMB

169AA Leave out Clause 105 and insert the following new Clause—
“Members of Parliament etc.

- (1) This section applies where—
 - (a) an application is made to the Judicial Commissioner for a targeted equipment interference warrant, or an application is made to the Judicial Commissioner for a targeted examination warrant, and
 - (b) the warrant relates to—
 - (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.
- (2) The application must contain a statement that the conduct sought under subsection (1)(a) will cover or is likely to cover material falling within subsection (1)(b).
- (3) 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 a serious criminal offence has been committed;
 - (b) there are reasonable grounds for believing that the material is likely to be of substantial value to the investigation in connection to the offence described in paragraph (a);
 - (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) democratic interest in the confidentiality of correspondence with members of a relevant legislature.
- (4) In this section “member of a relevant legislature” means—
 - (a) a member of either House of Parliament;
 - (b) a member of the Scottish Parliament;
 - (c) a member of the National Assembly for Wales;
 - (d) a member of the Northern Ireland Assembly;
 - (e) a member of the European Parliament elected for the United Kingdom.”

Clause 107LORD PADDICK
BARONESS HAMWEE

169B Page 82, line 32, column 2, leave out “organisation or a description of the person or organisation” and insert “a unique identifier of the person or equipment”

Clause 107 - continued

- 169C** Page 82, leave out lines 35 to 41
- 169D** Page 83, line 5, column 1, leave out “or organisation”
- 169E** Page 83, line 6, column 2, leave out lines 6 to 10 and insert “or a unique identifier of, each person”
- 169F** Page 83, line 11, column 2, leave out “description” and insert “specification”
- 169G** Page 83, line 15, column 2, leave out from “and” to end of line 18 and insert “ a specification of each location”
- 169H** Page 83, leave out lines 19 to 23
- 169J** Page 83, leave out lines 24 to 28
- 169K** Page 83, leave out lines 29 to 34
- 169L** Page 83, line 35, leave out “describe” and insert “specify”
- 169M** Page 84, line 3, column 1, leave out “or organisation”
- 169N** Page 84, line 4, column 2, leave out “organisation or a description of the person or organisation” and insert “or a unique identifier of the person”
- 169P** Page 84, leave out lines 6 to 11
- 169Q** Page 84, line 12, column 1, leave out “or organisation”
- 169R** Page 84, line 15, column 2, leave out from beginning to end of line 19 and insert “or a unique identifier of, each person”
- 169S** Page 84, leave out lines 20 to 24
- 169T** Page 84, leave out lines 25 to 29

Clause 109

EARL HOWE

- 170** Page 85, line 7, leave out “before the end of the relevant” and insert “during the renewal”

Clause 109 - continued

171 Page 85, line 42, at end insert –

“() “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 day at the end of which the warrant would otherwise cease to have effect.”

172 Page 86, line 14, at end insert –

““urgent warrant” is to be read in accordance with subsection (3) of that section.”

Clause 114

EARL HOWE

173 Page 89, line 31, at end insert –

““designated senior official” means a senior official who has been designated by the Secretary of State or (in the case of warrants issued by the Scottish Ministers) the Scottish Ministers for the purposes of this section.”

Clause 118LORD PADDICK
BARONESS HAMWEE

173A Page 93, line 42, leave out “may” and insert “must”

The above-named Lords give notice of their intention to oppose the Question that Clause 118 stand part of the Bill.

Clause 119LORD PADDICK
BARONESS HAMWEE

The above-named Lords give notice of their intention to oppose the Question that Clause 119 stand part of the Bill.

Clause 120LORD PADDICK
BARONESS HAMWEE

The above-named Lords give notice of their intention to oppose the Question that Clause 120 stand part of the Bill.

Clause 123

LORD ROSSER
BARONESS HAYTER OF KENTISH TOWN

174 Page 98, line 2, after “not” insert “, without reasonable excuse,”

175 Page 98, line 3, at end insert –

“() For the purposes of subsection (1), it is, in particular, a reasonable excuse if the disclosure is made with the permission of the person issuing the warrant or the person to whom it is issued.”

After Clause 125

LORD PADDICK
BARONESS HAMWEE

176 Insert the following new Clause –

“Authorisations to interfere with property etc.

- (1) The Secretary of State may by regulations made by statutory instrument amend the Police Act 1997 to provide that authorisations given under it for placing, using, maintaining or retrieving any equipment, apparatus or device which would enable the interception of any communication are subject to approval equivalent to the approval of warrants under this Part.
- (2) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament.”

Clause 203

BARONESS JONES OF MOULSECOOMB

176A Page 155, line 16, at end insert –

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

LORD PADDICK
BARONESS HAMWEE

177 Page 155, line 17, after “The” insert “Lord Chief Justice of England and Wales following consultation with the”

LORD ROSSER
BARONESS HAYTER OF KENTISH TOWN

177A Page 155, line 19, leave out paragraph (b)

177B Page 155, line 21, at end insert –

“(1A) The Lord Chief Justice must appoint such number of other Judicial Commissioners as he or she considers necessary for the carrying out of the functions of the Judicial Commissioners.

Clause 203 - continued

- (1B) Before appointing any person under subsection (1A), the Lord Chief Justice must consult—
- (a) the Prime Minister,
 - (b) the Lord President of the Court of Session,
 - (c) the Lord Chief Justice of Northern Ireland,
 - (d) the Scottish Ministers, and
 - (e) the First Minister and deputy First Minister in Northern Ireland.”

LORD PADDICK
BARONESS HAMWEE

178 Page 155, line 22, leave out subsection (2)

EARL HOWE

179 Page 155, line 25, at end insert—

- “() A person is not to be appointed as the Investigatory Powers Commissioner unless recommended jointly by—
- (a) the Lord Chancellor,
 - (b) the Lord Chief Justice of England and Wales,
 - (c) the Lord President of the Court of Session, and
 - (d) the Lord Chief Justice of Northern Ireland.
- () A person is not to be appointed as a Judicial Commissioner under subsection (1)(b) unless recommended jointly by—
- (a) the Lord Chancellor,
 - (b) the Lord Chief Justice of England and Wales,
 - (c) the Lord President of the Court of Session,
 - (d) the Lord Chief Justice of Northern Ireland, and
 - (e) the Investigatory Powers Commissioner.”

LORD PADDICK
BARONESS HAMWEE

180 Page 155, line 26, leave out “Prime Minister” and insert “Lord Chief Justice of England and Wales”

EARL HOWE

181 Page 155, leave out lines 28 to 30

182 Page 155, line 33, leave out subsection (4)

LORD ROSSER
BARONESS HAYTER OF KENTISH TOWN

182A Page 155, line 33, leave out “(1)(b), the Prime Minister” and insert “(1A), the Lord Chief Justice”

Clause 203 - continued

LORD PADDICK
BARONESS HAMWEE

- 183 Page 156, line 1, leave out subsection (7)
- 184 Page 156, line 2, after “decide,” insert “appoint as his or her deputy and”
- 185 Page 156, line 3, leave out “any” and insert “one”
- 186 Page 156, line 7, leave out from “Commissioner” to end of line 11

After Clause 203

LORD PADDICK
BARONESS HAMWEE

- 187 Insert the following new Clause—

“Eligibility of Commissioners

- (1) A person is not to be appointed as the Investigatory Powers Commissioner or as another Judicial Commissioner unless the person holds or has held high judicial office within the meaning of Part 3 of the Constitutional Reform Act 2005.
- (2) The Lord Chancellor shall make such recommendations for Orders in Council under sections 2 and 4 of the Senior Courts Act 1981 as the Lord Chancellor considers necessary to fill appointments under this Part without adversely affecting the operation of the Court of Appeal and the High Court.”

Clause 204

LORD ROSSER
BARONESS HAYTER OF KENTISH TOWN

- 187ZA Page 156, line 17, leave out “under section 203(1)” and insert “by the Lord Chief Justice”

LORD PADDICK
BARONESS HAMWEE
LORD ROSSER

- 187A Page 156, line 22, leave out “Prime Minister” and insert “Lord Chief Justice”

LORD PADDICK
BARONESS HAMWEE

- 188 Page 156, line 43, at end insert—
- “(e) the Commissioner is unfit to hold office by reason of inability, neglect of duty or misbehaviour”

Clause 204 - continued

LORD ROSSER
BARONESS HAYTER OF KENTISH TOWN

- 188A Page 156, line 43, at end insert –
“() the Commissioner is found to be dismissible on the grounds of inability and misbehaviour.”

LORD PADDICK
BARONESS HAMWEE

- 189 Page 156, line 43, at end insert –
“() Before removing a Judicial Commissioner the Prime Minister must consult –
(a) the Lord Chief Justice of England and Wales,
(b) the Lord President of the Court of Session,
(c) the Lord Chief Justice of Northern Ireland,
(d) the Scottish Ministers, and
(e) the First Minister and Deputy First Minister in Northern Ireland.”

Clause 205

EARL HOWE

- 190 Page 158, line 44, leave out paragraphs (b) and (c) and insert –
“(b) dealing with the situation where a warrant issued, or modification made, for what was considered to be an urgent need is not approved,
(c) reviewing any decisions taken in dealing with the situation mentioned in paragraph (b),
(d) deciding whether to approve the giving of a notice under section 225 or 226, or
(e) participating in a review under section 230 or deciding whether to give approval under that section.”

After Clause 206

LORD PADDICK
BARONESS HAMWEE

- 191 Insert the following new Clause –
“Notification by the Investigatory Powers Commissioner
(1) The Investigatory Powers Commissioner is to notify the subject or subjects of the use of the investigatory functions mentioned in section 205(1) to (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,

After Clause 206 - continued

- (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 30 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,
 - (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 ongoing serious crime or national security operation or investigation.
- (6) The Investigatory Powers Commissioner must consult the person to whom the warrant is addressed in order to fulfil an assessment under subsection (5).”

Clause 207

LORD PADDICK
BARONESS HAMWEE

- 191A** Page 159, line 37, leave out “must” and insert “may”
- 191B** Page 159, line 38, leave out “the Commissioner considers that”
- 191C** Page 159, line 41, leave out paragraph (b)
- 191D** Page 159, line 44, leave out “significant” and insert “or may cause”
- 191E** Page 160, line 1, leave out subsection (3)
- 191F** Page 160, line 3, at end insert –
“() In making a decision under subsection (1) the Investigatory Powers Commissioner must, in particular, consider the matters that are the subject of section 2.”
- 191G** Page 160, line 22, after “rights,” insert “and to be proportionate,”
- 191H** Page 160, line 39, leave out paragraph (b)
- 191J** Page 160, line 42, at end insert “and include recommendations in reports under section 210”

Clause 210

EARL HOWE

192 Page 163, line 28, at end insert –

“() information about the operational purposes specified during the year in warrants issued under Part 6 or 7,”

After Clause 211

EARL HOWE

193 Insert the following new 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 with a view to the Commissioner carrying out an investigation, inspection or audit into it.
- (2) The Investigatory Powers Commissioner must inform the Intelligence and Security Committee of Parliament of the Commissioner’s decision as to whether to carry out the investigation, inspection or audit.”

LORD JANVRIN

194 Insert the following new Clause –**“Referrals by the Intelligence and Security Committee of Parliament**

- (1) Subsections (2) and (3) apply if the Intelligence and Security Committee of Parliament refers a matter to the Investigatory Powers Commissioner with a view to the Commissioner carrying out an investigation, inspection or audit into it.
- (2) The Investigatory Powers Commissioner must inform the Intelligence and Security Committee of Parliament of the Commissioner’s decision as to whether to carry out the investigation, inspection or audit.
- (3) The Investigatory Powers Commissioner must, subject to the provisions of paragraph 4 of Schedule 1 to the Justice and Security Act 2013 (access to information), provide the Intelligence and Security Committee of Parliament with the outcome of any investigation, inspection or audit which is carried out.”

Clause 213LORD PADDICK
BARONESS HAMWEE**194A** Page 165, line 29, after “such” insert “support, assistance,”**194B** Page 165, line 31, at end insert –

“() The Investigatory Powers Commissioner may lay before Parliament written representations with regard to the matters that are the subject of this section.”

After Clause 213

LORD ROSSER
BARONESS HAYTER OF KENTISH TOWN

194BA Insert the following new Clause—

“Representations to Parliament

The Investigatory Powers Commissioner may lay before Parliament written representations on matters that appear to the Commissioner to be of importance, relating to the funding, staff, accommodation, equipment and other facilities that the Commissioner considers necessary for the carrying out of the Commissioner’s functions.”

Clause 214

LORD PADDICK
BARONESS HAMWEE

194C Page 165, line 33, leave out “modify” and insert “extend or augment”

LORD ROSSER
BARONESS HAYTER OF KENTISH TOWN

194CA Page 165, line 33, leave out “modify the” and insert “extend and augment the oversight”

194CB Page 165, line 34, at end insert “in order that those functions are able to keep up with technological or other developments”

After Clause 218

LORD PADDICK
BARONESS HAMWEE
LORD ROSSER

194D Insert the following new Clause—

“Rules of the Investigatory Powers Tribunal

- (1) Section 69 of the Regulation of Investigatory Powers Act 2000 (tribunal rules) is amended as follows.
- (2) In subsection (1) for “Secretary of State” substitute “Tribunal Procedure Committee”.
- (3) In subsection (6) for “Secretary of State” substitute “Tribunal Procedure Committee”.
- (4) Omit subsection (12).”

Clause 220

LORD PADDICK
BARONESS HAMWEE

194E Page 171, line 8, leave out “is to continue to” and insert “shall”

Clause 220 - continued

194F Page 171, line 20, after “State” insert “or the Investigatory Powers Commissioner”

Clause 131

EARL HOWE

195 Page 104, line 30, after “must” insert “ –
(a) ”

196 Page 104, line 31, at end insert “, and
() 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 2 (general duties in relation to privacy).”

Clause 133

EARL HOWE

197 Page 105, line 10, 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 (“the list of operational purposes”), 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.”

198 Page 105, line 14, leave out from “issued,” to end of line 16 and insert “are specified in the list of operational purposes.

(5A) An operational purpose may be specified in the list of operational purposes 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 129(1)(b) or (2).

(5C) At the end of each relevant three-month period the Secretary of State must give a copy of the list of operational purposes to the Intelligence and Security Committee of Parliament.

(5D) In subsection (5C) “relevant three-month period” means –

(a) the period of three months beginning with the day on which this section comes into force, and

(b) each successive period of three months.

(5E) The Prime Minister must review the list of operational purposes at least once a year.”

Clause 135

EARL HOWE

- 199 Page 105, line 31, leave out “before it would otherwise cease to have effect” and insert “during the renewal period”
- 200 Page 106, line 10, at end insert –
 “() “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.”
- 201 Page 106, line 16, at end insert “, but with the omission of paragraph (d) of subsection (1)”

After Clause 142

LORD BUTLER OF BROCKWELL

- 201A Insert the following new Clause –
- “Offence of unauthorised examination of material**
- (1) A relevant person who, without lawful authority, knowingly or recklessly fails to comply with the safeguards referred to in section 142 is guilty of an offence.
 - (2) In this section “relevant person” means a member of the intelligence services.
 - (3) Subsection (1) does not apply to a relevant person who shows that he or she acted in the reasonable belief that he or she had lawful authority to engage in the activity to which subsection (1) relates.
 - (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),
 - (ii) to a fine, or
 - (iii) to both;
 - (b) on summary conviction in Scotland –
 - (i) to imprisonment for a term not exceeding 12 months,
 - (ii) to a fine not exceeding the statutory maximum, or
 - (iii) to both;
 - (c) on summary conviction in Northern Ireland –
 - (i) to imprisonment for a term not exceeding 6 months,
 - (ii) to a fine not exceeding the statutory maximum, or
 - (iii) to both;
 - (d) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.”

Clause 146

LORD LUCAS

202 Page 115, line 16, at end insert –

“() for the purpose of suppressing less serious crimes perpetrated on a large scale using the internet,”

EARL HOWE

203 Page 115, line 23, at end insert –

“() The fact that the communications data 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 in the interests of national security or on that ground and a ground falling within subsection (2).”

LORD LUCAS

204 Page 115, line 36, at end insert –

“() where speed is of the essence, to collaborate with a person specified in the warrant to source and analyse data in real time,”

Clause 147

EARL HOWE

205 Page 116, line 20, after “must” insert “–

(a) ”

206 Page 116, line 21, at end insert “, and

() 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 2 (general duties in relation to privacy).”

Clause 149

EARL HOWE

207 Page 117, line 1, leave out subsection (4) and insert –

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

208 Page 117, line 5, leave out from “issued,” to end of line 7 and insert “are specified in the list of operational purposes.

(5A) An operational purpose may be specified in the list of operational purposes 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 146(1)(a) or (2).

Clause 149 - continued

- (5C) At the end of each relevant three-month period the Secretary of State must give a copy of the list of operational purposes to the Intelligence and Security Committee of Parliament.
- (5D) In subsection (5C) “relevant three-month period” means –
- (a) the period of three months beginning with the day on which this section comes into force, and
 - (b) each successive period of three months.
- (5E) The Prime Minister must review the list of operational purposes at least once a year.”

Clause 151

EARL HOWE

209 Page 117, line 22, leave out “before it would otherwise cease to have effect” and insert “during the renewal period”

210 Page 117, line 43, at end insert –

- “() “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.”

After Clause 159

LORD BUTLER OF BROCKWELL

210A Insert the following new Clause –

“Offence of unauthorised examination of data

- (1) A relevant person who, without lawful authority, knowingly or recklessly fails to comply with the safeguards referred to in section 159 is guilty of an offence.
- (2) In this section “relevant person” means a member of the intelligence services.
- (3) Subsection (1) does not apply to a relevant person who shows he or she acted in the reasonable belief that he or she had lawful authority to engage in the activity to which subsection (1) relates.
- (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),
 - (ii) to a fine, or
 - (iii) to both;
 - (b) on summary conviction in Scotland –
 - (i) to imprisonment for a term not exceeding 12 months,
 - (ii) to a fine not exceeding the statutory maximum, or
 - (iii) to both;
 - (c) on summary conviction in Northern Ireland –
 - (i) to imprisonment for a term not exceeding 6 months,
 - (ii) to a fine not exceeding the statutory maximum, or

After Clause 159 - continued

- (iii) to both;
- (d) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.”

Clause 165

EARL HOWE

- 211** Page 128, line 23, after “must” insert “ –
(a) ”
- 212** Page 128, line 24, at end insert “, and
() 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 2 (general duties in relation to privacy).”

Clause 169

EARL HOWE

- 213** Page 130, line 22, leave out subsection (5) and insert –
“(5) The operational purposes specified in the warrant must be ones specified, in a list maintained by the heads of the intelligence services (“the list of operational purposes”), as purposes which they consider are operational purposes for which material obtained under bulk equipment interference warrants may be selected for examination.”
- 214** Page 130, line 26, leave out from “issued,” to end of line 28 and insert “are specified in the list of operational purposes.
(6A) An operational purpose may be specified in the list of operational purposes only with the approval of the Secretary of State.
(6B) 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 164(1)(b) or (2).
(6C) At the end of each relevant three-month period, the Secretary of State must give a copy of the list of operational purposes to the Intelligence and Security Committee of Parliament.
(6D) In subsection (6C), “relevant three-month period” means –
(a) the period of three months beginning with the day on which this section comes into force, and
(b) each successive period of three months.
(6E) The Prime Minister must review the list of operational purposes at least once a year.”

Clause 171

EARL HOWE

- 215 Page 131, line 13, leave out “before the end of the relevant” and insert “during the renewal”
- 216 Page 131, line 34, at end insert –
 “() “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 day at the end of which the warrant would otherwise cease to have effect.”
- 217 Page 132, line 8, at end insert –
 “() In this section –
 “the relevant period” has the same meaning as in section 170;
 “urgent warrant” is to be read in accordance with subsection (3) of that section.”

Clause 182

EARL HOWE

- 218 Page 140, line 36, leave out “section” and insert “Part”

After Clause 184

EARL HOWE

- 219 Insert the following new Clause –
“Restriction on use of class BPD warrants
- (1) An intelligence service may not retain, or retain and examine, a bulk personal dataset in reliance on a class BPD warrant if the head of the intelligence service considers –
 - (a) that the bulk personal dataset consists of, or includes, health records, or
 - (b) that a substantial proportion of the bulk personal dataset consists of sensitive personal data.
 - (2) An intelligence service may not retain, or retain and examine, a bulk personal dataset in reliance on a class BPD warrant if the head of the intelligence service considers 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 novel or contentious 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.
 - (3) In subsection (1) –
 “health records” has the same meaning as in section 187;

After Clause 184 - continued

“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.”

Clause 185

EARL HOWE

220 Page 142, line 23, at end insert –

“() The fact that a class BPD warrant would authorise the retention, or the retention and examination, of bulk personal datasets relating to 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 subsection (3)(a).”

Clause 186

EARL HOWE

221 Page 142, line 38, after “but” insert “either –

- (i) the intelligence service is prevented by section (*Restriction on use of class BPD warrants*)(1) or (2) from retaining, or retaining and examining, the bulk personal dataset in reliance on the class BPD warrant, or
- (ii) ”

222 Page 142, line 45, at end insert –

“() Where subsection (3)(b)(i) applies, the application must include an explanation of why the intelligence service is prevented by section (*Restriction on use of class BPD warrants*)(1) or (2) from retaining, or retaining and examining, the bulk personal dataset in reliance on a class BPD warrant.”

223 Page 143, line 22, at end insert –

“() The fact that a specific BPD warrant would authorise the retention, or the retention and examination, of bulk personal datasets relating to 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 subsection (5)(a).”

Clause 188

EARL HOWE

224 Page 144, line 39, after “must” insert “–

(a) ”

225 Page 144, line 40, at end insert “, and

- () 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 2 (general duties in relation to privacy).”

Clause 189

EARL HOWE

226 Page 145, line 5, leave out “believed” and insert “considered”

Clause 192

EARL HOWE

227 Page 147, line 8, leave out subsection (5) and insert –

“(5) The operational purposes specified in a class BPD warrant or a specific BPD warrant must be ones specified, in a list maintained by the heads of the intelligence services (“the list of operational purposes”), as purposes which they consider are operational purposes for which data contained in bulk personal datasets retained in reliance on class BPD warrants or specific BPD warrants may be selected for examination.”

228 Page 147, line 12, leave out from “issued,” to end of line 17 and insert “are specified in the list of operational purposes.

- (6A) An operational purpose may be specified in the list of operational purposes only with the approval of the Secretary of State.
- (6B) 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 185(3)(a) or (as the case may be) section 186(5)(a).
- (6C) At the end of each relevant three-month period, the Secretary of State must give a copy of the list of operational purposes to the Intelligence and Security Committee of Parliament.
- (6D) In subsection (6C), “relevant three-month period” means –
 - (a) the period of three months beginning with the day on which this section comes into force, and
 - (b) each successive period of three months.
- (6E) The Prime Minister must review the list of operational purposes at least once a year.
- (6F) In this Part, “the specified operational purposes”, in relation to a class BPD warrant or a specific BPD warrant, means the operational purposes specified in the warrant in accordance with this section.”

Clause 194

EARL HOWE

229 Page 147, line 43, leave out “before the end of the relevant” and insert “during the renewal”

230 Page 148, line 21, at end insert –

“() “The renewal period” means –

- (a) in the case of an urgent specific BPD warrant which has not been renewed, the relevant period;

Clause 194 - continued

- (b) in any other case, the period of 30 days ending with the day at the end of which the warrant would otherwise cease to have effect.”

231 Page 148, line 27, at end insert –

- “() In this section –
 “the relevant period” has the same meaning as in section 193;
 “urgent specific BPD warrant” is to be read in accordance with subsection (3) of that section.”

After Clause 200

LORD BUTLER OF BROCKWELL

231A Insert the following new Clause –

“Offence of unauthorised examination of bulk personal datasets

- (1) A relevant person who, without lawful authority, knowingly or recklessly fails to comply with the safeguards referred to in section 200 is guilty of an offence.
- (2) In this section “relevant person” means a member of the intelligence services.
- (3) Subsection (1) does not apply to a relevant person who shows that he or she acted in the reasonable belief that he or she had lawful authority to engage in the activity to which subsection (1) relates.
- (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),
 - (ii) to a fine, or
 - (iii) to both;
 - (b) on summary conviction in Scotland –
 - (i) to imprisonment for a term not exceeding 12 months,
 - (ii) to a fine not exceeding the statutory maximum, or
 - (iii) to both;
 - (c) on summary conviction in Northern Ireland –
 - (i) to imprisonment for a term not exceeding 6 months,
 - (ii) to a fine not exceeding the statutory maximum, or
 - (iii) to both;
 - (d) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine, or to both.”

Clause 202

EARL HOWE

232 Page 155, line 3, at end insert –

- ““personal data” has the meaning given by section 182(2);”

Clause 202 - continued

- 233** Page 155, line 7, at end insert –
 ““the specified operational purposes” has the meaning given by section 192(6F);”

Clause 232

LORD PADDICK
 BARONESS HAMWEE

- 234** Page 179, line 21, leave out “5 years and 6 months” and insert “2 years”

Clause 233

LORD PADDICK
 BARONESS HAMWEE

- 235** Page 180, line 27, after “provided” insert “by that operator”

Clause 235

LORD PANNICK
 LORD LESTER OF HERNE HILL
 BARONESS HAYTER OF KENTISH TOWN
 LORD MACKAY OF CLASHFERN

- 236** Page 184, line 27, at end insert –
 “and for the purposes of this Act only, including the application of paragraphs (a), (b) and (c) of this definition, a “criminal purpose” includes the purpose of –
 (i) doing or facilitating anything involving an imminent threat of death or serious injury or an imminent and serious threat to national security, or
 (ii) concealing, or impeding the detection or prevention of, the doing or facilitation of any of those things,”

BARONESS JONES OF MOULSECOOMB

- 236A** Page 184, line 36, at end insert –
 ““national security” means the protection of the existence of the nation and its territorial integrity, or political independence against force or the threat of force,”

LORD PANNICK
 LORD LESTER OF HERNE HILL
 BARONESS HAYTER OF KENTISH TOWN
 LORD MACKAY OF CLASHFERN

- 237** Page 184, line 40, at end insert –
 ““presumptively subject to legal privilege”, in relation to an item, means that disregarding any question of criminal purpose, the item falls to be treated as subject to legal privilege,”

Clause 236

EARL HOWE

238 Page 187, line 33, at end insert “(and paragraph 4A of Schedule 9)”

Clause 238LORD PADDICK
BARONESS HAMWEE

238A Page 189, line 4, leave out “or 242(2)”

238B Page 189, line 4, leave out “or repeal” and insert “, repeal or modify”

239 Page 189, line 7, at end insert –
“() section (*Evidence*),

240 Page 189, line 7, at end insert –
“() section 63,”

240A Page 189, line 13, at end insert –
“() section 242, in the case of regulations modifying an enactment,”

240B Page 189, line 18, leave out “242(2)” and insert “242”

EARL HOWE

241 Page 189, line 26, at end insert –
“() regulations under section 50(3),”

Schedule 9

EARL HOWE

242 Page 236, line 29, at end insert –
“*Definitions of “other relevant crime” and “serious crime”*
4A(1) The definitions of –
(a) “other relevant crime” in section (*Restrictions in relation to internet connection records*)(6), and
(b) “serious crime” in section 235(1),
are to be read, until the appointed day, as if for the words “the age of 18 (or, in relation to Scotland or Northern Ireland, 21)” there were substituted “the age of 21”.
(2) In sub-paragraph (1), “the appointed day” means the day on which the amendment made to section 81(3)(a) of the Regulation of Investigatory Powers Act 2000 by paragraph 211 of Schedule 7 to the Criminal Justice and Court Services Act 2000 comes into force.”

Clause 242

LORD PADDICK
BARONESS HAMWEE

- 242A** Page 191, line 35, at end insert “passed or made before the day on which this Act is passed, but may not modify a provision made by or under an enactment passed or made after that date”

BARONESS HAYTER OF KENTISH TOWN
LORD ROSSER

The above-named Lords give notice of their intention to oppose the Question that Clause 242 stand part of the Bill.

Schedule 10

EARL HOWE

- 243** Page 243, line 5, at end insert –
“*Immigration Act 2016*
In section 7(2)(b) of the Immigration Act 2016 (information gateways: supplementary) for “Part 1 of the Regulation of Investigatory Powers Act 2000” substitute “any of Parts 1 to 7 or Chapter 1 of Part 9 of the Investigatory Powers Act 2016”.”

Clause 243

LORD PADDICK
BARONESS HAMWEE

- 244** Page 191, line 38, after “and (3)” insert “and section 222(1A)”
- 245** Page 192, line 1, after “Sections” insert “222, 223,”

BARONESS HOLLINS
BARONESS O'NEILL OF BENGARVE
LORD DUBS
LORD BLENCATHRA

- 246** Page 192, line 2, at end insert –
“() Section (*Interception without lawful authority to be actionable*) comes into force on the day following that on which this Act is passed.”

Investigatory Powers Bill

THIRD
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE

15 July 2016
