

# Investigatory Powers Bill

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MARSHALLED  
LIST OF AMENDMENTS  
TO BE MOVED  
ON THIRD READING

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*[Amendments marked ★ are new or have been altered]*

Amendment  
No.

**Clause 8**

BARONESS HOLLINS  
BARONESS O'NEILL OF BENGARVE  
LORD WALLACE OF TANKERNES

- 1 Page 7, line 37, at end insert “, or  
( ) in the course of its transmission by means of a public  
telecommunication system.”

**Clause 41**

EARL HOWE

- 2 Page 34, line 28, leave out “to which the warrant relates” and insert “authorised or  
required by the warrant”
- 3 Page 34, line 41, leave out “to which the warrant relates” and insert “authorised or  
required by the warrant”
- 4 Page 35, line 12, leave out “to which the warrant relates” and insert “authorised or  
required by the warrant”

**Clause 49**

EARL HOWE

- 5 Page 40, line 5, after “communication” insert “(whether or not a person)”

**Clause 56**

EARL HOWE

- 6 Page 45, line 20, leave out “The Investigatory Powers Commissioner may” and insert “Unless the Investigatory Powers Commissioner considers that subsection (3B) applies to the item, the Commissioner must”
- 7 Page 45, line 22, after “impose” insert “one or more”
- 8 Page 45, line 22, leave out “disclosure or otherwise making available” and insert “use or retention”
- 9 Page 45, line 23, at end insert –  
 “(3A) If the Investigatory Powers Commissioner considers that subsection (3B) applies to the item, the Commissioner may nevertheless impose such conditions under subsection (3)(b) as the Commissioner considers necessary for the purpose of protecting the public interest in the confidentiality of items subject to legal privilege.  
 (3B) This subsection applies to an item subject to legal privilege if –  
 (a) the public interest in retaining the item outweighs the public interest in the confidentiality of items subject to legal privilege, and  
 (b) retaining the item is necessary in the interests of national security or for the purpose of preventing death or significant injury.”

**Clause 118**

EARL HOWE

- 10 Page 96, line 13, after “the” insert “renewed”

**Clause 132**

EARL HOWE

- 11 Page 109, line 19, leave out from “privilege” to end of line 21 and insert “which has been obtained under a targeted equipment interference warrant is retained, following its examination, for purposes other than the destruction of the item.”
- 12 Page 109, line 25, leave out “The Investigatory Powers Commissioner may” and insert “Unless the Investigatory Powers Commissioner considers that subsection (3B) applies to the item, the Commissioner must”
- 13 Page 109, line 27, after “impose” insert “one or more”
- 14 Page 109, line 27, leave out “disclosure or otherwise making available” and insert “use or retention”

**Clause 132 - continued**

15 Page 109, line 28, at end insert –

“(3A) If the Investigatory Powers Commissioner considers that subsection (3B) applies to the item, the Commissioner may nevertheless impose such conditions under subsection (3)(b) as the Commissioner considers necessary for the purpose of protecting the public interest in the confidentiality of items subject to legal privilege.

(3B) This subsection applies to an item subject to legal privilege if –

- (a) the public interest in retaining the item outweighs the public interest in the confidentiality of items subject to legal privilege, and
- (b) retaining the item is necessary in the interests of national security or for the purpose of preventing death or significant injury.”

**Clause 154**

EARL HOWE

16 Page 127, line 11, after “privilege” insert “which has been”

17 Page 127, line 18, leave out “The Investigatory Powers Commissioner may” and insert “Unless the Investigatory Powers Commissioner considers that subsection (10B) applies to the item, the Commissioner must”

18 Page 127, line 20, after “impose” insert “one or more”

19 Page 127, line 20, leave out “disclosure or otherwise making available” and insert “use or retention”

20 Page 127, line 21, at end insert –

“(10A) If the Investigatory Powers Commissioner considers that subsection (10B) applies to the item, the Commissioner may nevertheless impose such conditions under subsection (10)(b) as the Commissioner considers necessary for the purpose of protecting the public interest in the confidentiality of items subject to legal privilege.

(10B) This subsection applies to an item subject to legal privilege if –

- (a) the public interest in retaining the item outweighs the public interest in the confidentiality of items subject to legal privilege, and
- (b) retaining the item is necessary in the interests of national security or for the purpose of preventing death or significant injury.”

**Clause 159**

EARL HOWE

21 Page 130, line 27, leave out “such data” and insert “communications data obtained under the warrant”

**Clause 169**

EARL HOWE

- 22 Page 136, line 39, leave out “obtained” and insert “as authorised or required”

**Clause 170**

EARL HOWE

- 23 Page 137, line 3, leave out “169(3)” and insert “169(2)”

**Clause 195**

EARL HOWE

- 24 Page 157, line 42, leave out from “privilege” to first “the” in line 44 and insert “which has been obtained under a bulk equipment interference warrant is retained following its examination, for purposes other than the destruction of the item,”
- 25 Page 157, line 49, leave out “The Investigatory Powers Commissioner may” and insert “Unless the Investigatory Powers Commissioner considers that subsection (10B) applies to the item, the Commissioner must”
- 26 Page 158, line 2, after “impose” insert “one or more”
- 27 Page 158, line 2, leave out “disclosure or otherwise making available” and insert “use or retention”
- 28 Page 158, line 3, at end insert –
- “(10A) If the Investigatory Powers Commissioner considers that subsection (10B) applies to the item, the Commissioner may nevertheless impose such conditions under subsection (10)(b) as the Commissioner considers necessary for the purpose of protecting the public interest in the confidentiality of items subject to legal privilege.
- (10B) This subsection applies to an item subject to legal privilege if –
- (a) the public interest in retaining the item outweighs the public interest in the confidentiality of items subject to legal privilege, and
  - (b) retaining the item is necessary in the interests of national security or for the purpose of preventing death or significant injury.”

**Clause 224**

EARL HOWE

- 29 Page 177, line 41, leave out “The Investigatory Powers Commissioner may” and insert “Unless the Investigatory Powers Commissioner considers that subsection (2B) applies to the item, the Commissioner must”
- 30 Page 177, line 43, after “impose” insert “one or more”

**Clause 224 - continued**

- 31 Page 177, line 43, leave out “disclosure or otherwise making available” and insert “use or retention”
- 32 Page 177, line 44, at end insert –  
“(2A) If the Investigatory Powers Commissioner considers that subsection (2B) applies to the item, the Commissioner may nevertheless impose such conditions under subsection (2)(b) as the Commissioner considers necessary for the purpose of protecting the public interest in the confidentiality of items subject to legal privilege.  
(2B) This subsection applies to an item subject to legal privilege if –  
(a) the public interest in retaining the item outweighs the public interest in the confidentiality of items subject to legal privilege, and  
(b) retaining the item is necessary in the interests of national security or for the purpose of preventing death or significant injury.”

**Clause 273**

EARL HOWE

- 33 Page 226, line 1, leave out “and (3)” and insert “to (4)”

**Schedule 3**

EARL HOWE

- 34 Page 246, line 33, at end insert –  
“( ) In sub-paragraph (3) “intercepted material” means –  
(a) any content of an intercepted communication (within the meaning of section 57), or  
(b) any secondary data obtained from a communication.”

**Schedule 10**

EARL HOWE

- 35 Page 273, line 28, leave out sub-paragraph (3) and insert –  
“(3) In paragraph (a) of the definition of “communication” omit “(except in the definition of “postal service” in section 2(1)).”
- 36 Page 283, line 19, leave out “, or Chapter 3 of Part 6,”

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*28 October 2016*

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