

Investigatory Powers Bill

COMMONS REASONS

[The page and line references are to HL Bill 40, the bill as first printed for the Lords.]

LORDS AMENDMENT 11

Clause 8

- 11** Page 7, line 7, leave out “D” and insert “C”

COMMONS REASON

The Commons disagree to Lords Amendment No. 11 for the following Reason –

- 11A** *Because it is consequential on Lords Amendment No. 13 to which the Commons disagree.*

LORDS AMENDMENT 12

Clause 8

- 12** Page 7, line 14, at end insert “, or
() in the course of its transmission by means of a public telecommunication system.”

COMMONS REASON

The Commons disagree to Lords Amendment No. 12 for the following Reason –

- 12A** *Because it is inappropriate to extend civil liability under clause 8.*

LORDS AMENDMENT 13

Clause 8

- 13** Page 7, line 15, leave out subsection (4)

COMMONS REASON

The Commons disagree to Lords Amendment No. 13 for the following Reason –

- 13A** *Because it is inappropriate to extend civil liability under clause 8.*

LORDS AMENDMENT 14

Clause 8

- 14** Page 7, line 18, leave out “D” and insert “C”

COMMONS REASON

The Commons disagree to Lords Amendment No. 14 for the following Reason –

- 14A** *Because it is consequential on Lords Amendment No. 13 to which the Commons disagree.*

LORDS AMENDMENT 15

After Clause 8

- 15** Insert the following new Clause –

“Interception without lawful authority: award of costs

- (1) This section applies where –
 - (a) a claim is made under section 8 (civil liability for certain unlawful interceptions) against a person (“the defendant”),
 - (b) the defendant was a relevant publisher at the material time, and
 - (c) the claim is related to the publication of news-related material.
- (2) If the defendant was a member of an approved regulator at the time when the claim was commenced (or was unable to be a member at that time for reasons beyond the defendant’s control or it would have been unreasonable in the circumstances for the defendant to have been a member at that time), the court must not award costs against the defendant unless satisfied that –
 - (a) the issues raised by the claim could not have been resolved by using an arbitration scheme of the approved regulator, or
 - (b) it is just and equitable in all the circumstances of the case to award costs against the defendant.
- (3) If the defendant was not a member of an approved regulator at the time when the claim was commenced (but would have been able to be a member at that time and it would have been reasonable in the circumstances for the defendant to have been a member at that time), the court must award costs against the defendant unless satisfied that –
 - (a) the issues raised by the claim could not have been resolved by using an arbitration scheme of the approved regulator (had the defendant been a member), or
 - (b) it is just and equitable in all the circumstances of the case to make a different award of costs or make no award of costs.

- (4) This section is not to be read as limiting any power to make rules of court.
- (5) This section does not apply until such time as a body is first recognised as an approved regulator.
- (6) Subsections (2) and (3) shall apply to any claim issued after this section comes into force.
- (7) For the purposes of this section “approved regulator” shall have the same meaning as in section 42 of the Crime and Courts Act 2013, and “relevant publisher” shall have the same meaning as in section 41 of that Act.”

COMMONS REASON

The Commons disagree to Lords Amendment No. 15 for the following Reason –

- 15A** *Because it would not be appropriate to make such provision in relation to claims under clause 8 while consideration is being given to commencing section 40 of the Crime and Courts Act 2013.*

LORDS AMENDMENT 338

Clause 243

- 338** Page 191, line 38, leave out “(2) and” and insert “(1A) to”

COMMONS REASON

The Commons disagree to Lords Amendment No. 338 for the following Reason –

- 338A** *Because it is consequential on Lords Amendment No. 339 to which the Commons disagree.*

LORDS AMENDMENT 339

Clause 243

- 339** Page 191, line 40, at end insert –
“(1A) Sections 8 and (*Interception without lawful authority: award of costs*) come into force on the day following that on which this Act is passed.”

COMMONS REASON

The Commons disagree to Lords Amendment No. 339 for the following Reason –

- 339A** *Because it is inappropriate for clauses 8 and 9 to come into force before the other provisions of the Bill relating to interception.*

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