

Covert Human Intelligence Sources (Criminal Conduct) Bill

FOURTH
MARSHALLED
LIST OF AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

The amendments have been marshalled in accordance with the Instruction of 16th November 2020, as follows –

| | |
|-----------------|-----------------|
| Clauses 1 to 3 | Schedule 2 |
| Schedule 1 | Clauses 6 and 7 |
| Clauses 4 and 5 | Title |

[Amendments marked ★ are new or have been altered]

**Amendment
No.**

Clause 1

LORD DAVIES OF GOWER

50

Page 3, line 2, at end insert –

“(8A) A person may grant a criminal conduct authorisation to authorise criminal conduct that has already been committed if the following requirements are met –

- (a) the conduct by or in relation to the person who is specified or described as the covert human intelligence source to whom the authorisation relates was necessary on grounds falling within subsection (5), in the view of the person granting the authorisation, to avert or mitigate a threat to the physical safety of the person specified or described as the covert human intelligence source, or to avert or mitigate a threat to the physical safety of some other person engaged in the conduct;
- (b) the conduct was brought to the attention of the authorising officer immediately or at the first available opportunity, by the person who is specified or described as the covert human intelligence source to whom the authorisation relates;
- (c) the person granting the authorisation is satisfied that the threat to the physical safety of the person specified or described as the covert human intelligence source, or a threat to some other person engaged in the conduct, could not have reasonably been averted or sufficiently mitigated by other conduct which would not have constituted crime.

Clause 1 - continued

- (8B) Subsection (8A)(c) is without prejudice to the need to take into account other matters so far as they are relevant (for example, the requirements of the Human Rights Act 1998).”

BARONESS MASSEY OF DARWEN
LORD DUBS
LORD JUDD

51

Page 3, line 2, at end insert –

- “(8A) A criminal conduct authorisation may not be granted or renewed in relation to a covert human intelligence source who is under the age of 18 unless prior approval has been obtained from a Judicial Commissioner.
- (8B) A Judicial Commissioner may only provide approval under subsection (8A) if he or she is satisfied –
- (a) that the grant or renewal of a criminal conduct authorisation in relation to a source who is under the age of 18 is necessary for an investigation or operation, specified in the authorisation, which is being conducted for the purpose of saving lives or preventing serious physical or mental harm;
 - (b) that the public authority granting the criminal conduct authorisation has made and, in the case of a renewal, updated a risk assessment sufficient to demonstrate that –
 - (i) the nature and magnitude of any risk of physical injury to the source arising in the course of, or as a result of, carrying out the criminal conduct described in the authorisation have been identified and evaluated; and
 - (ii) the nature and magnitude of any risk of psychological distress to the source arising in the course of, or as a result of, carrying out the criminal conduct described in the authorisation have been identified and evaluated;
 - (c) that at the time of granting or renewing the authorisation the person granting or renewing the authorisation –
 - (i) had considered the risk assessment and satisfied him or herself that any risks identified in it are justified and, if they are, that they have been properly explained to and understood by the source;
 - (ii) knew whether the relationship to which the conduct or use would relate is between the source and a relative, guardian or person who has for the time being assumed responsibility for the source's welfare, and, if it is, had given particular consideration to whether the authorisation is justified in the light of that fact; and
 - (d) that the nature and magnitude of any risk of physical injury or psychological distress to the source arising in the course of, or as a result of, carrying out the criminal conduct described in the authorisation are –
 - (i) proportionate to the purpose and likely outcome of the investigation or operation specified in the authorisation;
 - (ii) consistent with the Convention rights of the source; and

Clause 1 - continued

(iii) justified when taking into account the best interests of the source as a primary consideration.

(8C) In subsection (8B)–

“Convention rights” has the meaning given in section 1(1) of the Human Rights Act 1998;

“Judicial Commissioner” has the meaning given in section 227 of the Investigatory Powers Act 2016;

“source” means covert human intelligence source.”

Member’s explanatory statement

This amendment prohibits the authorisation of criminal conduct by children without specific prior judicial approval.

BARONESS HAMWEE

LORD PADDICK

BARONESS DOOCEY

52

Page 3, line 2, at end insert –

“(8A) An authorisation under this section may not be granted to –

(a) a person under the age of 18;

(b) a person about whom a Competent Authority has made a “reasonable grounds” decision that they are a victim of slavery or servitude or forced or compulsory labour or of human trafficking or exploitation within the meaning of the Modern Slavery Act 2015;

(c) a person who has been assessed by an appropriately qualified independent person as likely to be unable to give informed consent to acting as a source;

(d) a person who has been assessed by an appropriately qualified independent person as likely to be adversely affected by being expected to undertake the authorised conduct.

(8B) A person designated to grant criminal conduct authorisations must not grant such an authorisation to a person reasonably suspected of being a victim of slavery or servitude or forced or compulsory labour or of human trafficking or exploitation but must, with the person’s consent, refer the person to the National Referral Mechanism.”

Member’s explanatory statement

This amendment would prohibit the granting of criminal conduct authorisations to children and other vulnerable people.

LORD SIKKA

53

Page 3, line 2, at end insert –

“() A criminal conduct authorisation may not be granted to a person unless that person is employed by the authorising authority.”

Clause 1 - continued

BARONESS JONES OF MOULSECOOMB
BARONESS BLOWER

54 Page 3, line 2, at end insert –

- “(8A) A criminal conduct authorisation may not be granted in relation to a covert human intelligence source who is –
- (a) a vulnerable individual, or
 - (b) a victim of modern slavery or trafficking.
- (8B) In subsection (8A) –
- a “vulnerable individual” is a person who, by reason of mental disorder or vulnerability, other disability, age or illness, is or may be unable to take care of themselves, or to protect themselves against significant harm or exploitation;
- a “victim of modern slavery or trafficking” is a person who the relevant investigating authority believes is or may be a victim of trafficking as defined by section 2 of the Modern Slavery Act 2015 (human trafficking), or exploitation as defined by section 3 of that Act (meaning of exploitation).”

Member’s explanatory statement

This amendment would prohibit the granting of criminal conduct authorisations to vulnerable individuals or victims of modern slavery or trafficking.

BARONESS D'SOUZA

55 Page 3, line 2, at end insert –

- “(8A) The following conduct may never be authorised by a criminal conduct authorisation –
- (a) causing death or grievous bodily harm to a person;
 - (b) violating the sexual integrity of a person; or
 - (c) torture or cruel, inhuman or degrading treatment or punishment.
- (8B) Subsection (8A) does not prevent –
- (a) a decision not to prosecute in the public interest; or
 - (b) the entry of a nolle prosequi.”

BARONESS MASSEY OF DARWEN
LORD DUBS
LORD JUDD

56 Page 3, line 2, at end insert –

- “(8A) A criminal conduct authorisation may not authorise any criminal conduct –
- (a) intentionally causing death or grievous bodily harm to an individual or being reckless as to whether such harm is caused;
 - (b) involving an attempt in any manner to obstruct or pervert the course of justice;
 - (c) amounting to an offence under the Sexual Offences Act 2003, the Sexual Offences (Scotland) Act 2009 or any offence listed in Schedule 3 to the Sexual Offences Act 2003;

Clause 1 - continued

- (d) subjecting an individual to torture or to inhuman or degrading treatment or punishment, within the meaning of Article 3 of Part 1 of Schedule 1 to the Human Rights Act 1998; or
- (e) depriving a person of their liberty, within the meaning of Article 5 of Part 1 of Schedule 1 to the Human Rights Act 1998.”

Member’s explanatory statement

This amendment establishes a prohibition on the authorisation of serious criminal offences, in similar terms to that appearing in the Canadian Security Intelligence Service Act 1985.

LORD PADDICK
BARONESS HAMWEE

56A Page 3, line 2, at end insert –

- “(8A) A criminal conduct authorisation may not be granted unless the conditions under subsection (8B) have been fulfilled.
- (8B) The conditions are that –
 - (a) notification has been given to the Investigatory Powers Commissioner of –
 - (i) the purpose and extent of the deployment, and
 - (ii) the type of criminal activity it is anticipated the covert human intelligence source would participate in, and
 - (b) the Commissioner has approved the deployment.
- (8C) In the event of urgency, prior approval is not required but notification must be given to the Investigatory Powers Commissioner as soon as reasonably practicable and in any event not later than seven days after the deployment.
- (8D) A notification under subsection (8B) or (8C) must be given in writing or transmitted by electronic means.”

Member’s explanatory statement

This amendment seeks to ensure that a criminal conduct authorisation may only be granted, other than in an urgent case, after the nature and extent of the deployment have been approved by the Investigatory Powers Commissioner.

LORD HODGSON OF ASTLEY ABBOTTS

57 Page 3, leave out lines 10 to 16

Member’s explanatory statement

This amendment is tabled to discuss the extent to which the operation of criminal conduct authorisations can be amended by regulation.

LORD PADDICK
BARONESS HAMWEE

58 Page 3, line 10, after “may” insert “following consultation with such persons as are appropriate”

Member's explanatory statement

This amendment would require consultation by the Secretary of State before imposing requirements for the grant of an authorisation, and to probe the requirements that might be imposed.

LORD DUBS
BARONESS MASSEY OF DARWEN
LORD JUDD

59

Page 3, line 16, at end insert –

“29C Approval for criminal conduct authorisations

- (1) This section applies where an authorisation has been granted under section 29B.
- (2) Unless the authorisation is an urgent authorisation, the authorisation has no effect until such time (if any) as a Judicial Commissioner has approved the grant of the authorisation.
- (3) If the authorisation is an urgent authorisation –
 - (a) it is effective when granted; but
 - (b) the authorisation ceases to have effect if it is not approved by a Judicial Commissioner in accordance with this section within 48 hours of being granted.
- (4) A Judicial Commissioner may give approval under this section to the granting of an authorisation under section 29B if, and only if, the Judicial Commissioner is satisfied that –
 - (a) at the time of the grant the person granting the authorisation had reasonable grounds to believe that the requirements of section 29B(4), and any requirements imposed by virtue of section 29B(10), were satisfied in relation to the authorisation;
 - (b) at the time when the Judicial Commissioner is considering the matter, there remain reasonable grounds for believing that the requirements of section 29B(4), and any requirements imposed by virtue of section 29B(10), are satisfied in relation to the authorisation; and
 - (c) the authorisation granted does not authorise conduct that is incompatible with any Convention rights.
- (5) A Judicial Commissioner may only give approval to the granting of an urgent authorisation if the Judicial Commissioner is also satisfied that at the time of the grant the person granting the authorisation had reasonable grounds to believe the authorisation must be granted immediately to avoid loss of life or to avoid the investigation or operation referred to in section 29B(8)(c) being jeopardised.
- (6) In this section –

“Convention rights” has the meaning given in section 1(1) of the Human Rights Act 1998;

“Judicial Commissioner” has the meaning given in section 227 of the Investigatory Powers Act 2016; and

Clause 1 - continued

“urgent authorisation” means an authorisation under section 29B that the person granting it believes must be granted immediately to avoid loss of life or to avoid the investigation or operation referred to in section 29B(8)(c) being jeopardised (unless the need for the authorisation to be granted immediately has arisen as a result of fault by the authorising public authority).”

BARONESS YOUNG OF HORNSEY
THE LORD BISHOP OF DURHAM
LORD KENNEDY OF SOUTHWARK
BARONESS HAMWEE

60

Page 3, line 16, at end insert –

“29C Criminal conduct authorisations: granting to children and vulnerable sources

- (1) This section applies when the source is –
 - (a) under the age of 18,
 - (b) a vulnerable individual, as defined in subsection (5), or
 - (c) a victim of modern slavery or trafficking, as defined in subsection (6).
- (2) No criminal conduct authorisations may be granted for a source to whom subsection (1) applies unless the authorising officer believes that exceptional circumstances apply that necessitate the authorisation.
- (3) Where a criminal conduct authorisation is granted for a source to whom subsection (1) applies, the arrangements referred to in section 29(2)(c) of this Act must be such that there is at all times a person holding an office, rank or position with a relevant investigating authority who has responsibility for ensuring that an appropriate adult is present at all meetings between the source and a person representing any relevant investigating authority.
- (4) In subsection (3) “appropriate adult” means –
 - (a) the parent or guardian of the source;
 - (b) any other person who has for the time being assumed responsibility for his or her welfare; or
 - (c) where no person falling within paragraph (a) or (b) is available and deemed appropriate, any responsible person aged 18 or over who is neither a member of nor employed by any relevant investigating authority.
- (5) A “vulnerable individual” is a person who by reason of mental disorder or vulnerability, other disability, age or illness, is or may be unable to take care of themselves, or unable to protect themselves against significant harm or exploitation.
- (6) A “victim of modern slavery or trafficking” is a person who the relevant investigating authority believes is or may be a victim of trafficking as defined by section 2 of the Modern Slavery Act 2015 (human trafficking), or exploitation as defined by section 3 of that Act (meaning of exploitation).
- (7) The “exceptional circumstances” in subsection (2) are circumstances –

Clause 1 - continued

- (a) where authorisation of the criminal conduct authorisation is necessary and proportionate considering the welfare of the covert human intelligence source;
- (b) where the covert human intelligence source is under 18, the relevant investigating authority has determined in its assessment that the criminal conduct authorisation remains compatible with and does not override the best interests of the covert human intelligence source;
- (c) where all other methods to gain information have been exhausted; and
- (d) where the relevant investigating authority has determined in its assessment that the source to whom subsection (1) applies will not be at risk of any reasonably foreseeable harm (whether physical or psychological) arising from the criminal conduct authorisation.”

BARONESS KENNEDY OF THE SHAWS

LORD JUDD

BARONESS MCINTOSH OF PICKERING

61 Page 3, line 16, at end insert –

“29C Approval for criminal conduct authorisations

- (1) This section applies where an authorisation has been granted under section 29B.
- (2) The authorisation has no effect until such time (if any) as the Judicial Commissioner has approved the grant of the authorisation.
- (3) The Judicial Commissioner may give approval under this section to the granting of an authorisation under section 29B if, and only if, the Judicial Commissioner is satisfied that –
 - (a) at the time of the grant the person granting the authorisation had reasonable grounds to believe that the requirements of section 29B(4), and any requirements imposed by virtue of section 29B(10), were satisfied in relation to the authorisation;
 - (b) at the time when the Judicial Commissioner is considering the matter, there remain reasonable grounds for believing that the requirements of section 29B(4), and any requirements imposed by virtue of section 29B(10), are satisfied in relation to the authorisation; and
 - (c) the authorisation granted does not authorise conduct that is incompatible with any Convention rights.
- (4) In this section –
 - “Convention rights” has the meaning given in section 1(1) of the Human Rights Act 1998; and
 - “Judicial Commissioner” has the meaning given in section 227 of the Investigatory Powers Act 2016.”

Member’s explanatory statement

This new inserted section is consequential on the amendment to Clause 1, page 2, line 8 in the name of Baroness Kennedy of The Shaws.

LORD PADDICK
BARONESS HAMWEE

62 Page 3, line 16, at end insert—

“(6) In section 78(4A) after “under” insert “section 29B or”.”

Member’s explanatory statement

This amendment would require an order under section 29B(4)(c) to be subject to the affirmative procedure.

Clause 2

LORD PADDICK
BARONESS HAMWEE
BARONESS MASSEY OF DARWEN
LORD DUBS

63 Page 4, leave out lines 10 to 23

Member’s explanatory statement

This amendment would restrict the authorities that can grant criminal conduct authorisations to police forces, the National Crime Agency, the Serious Fraud Office and the intelligence services.

LORD CORMACK

64 Page 4, leave out line 15

LORD PADDICK
BARONESS HAMWEE

65 Page 4, leave out line 16

Member’s explanatory statement

To probe the authorisations that might be granted by the Home Office, and by whom.

LORD CORMACK

66 Page 4, leave out lines 19 and 20

BARONESS MCINTOSH OF PICKERING

67 Page 4, leave out line 20

68 Page 4, leave out line 22

LORD CORMACK

69 Page 4, leave out lines 22 and 23

LORD SIKKA

70 Page 4, line 23, at end insert—

“(10) A Minister of the Crown may not amend the list contained in Part A1 of Schedule 1 to that Act (as inserted by subsection (9)) by statutory instrument.”

Clause 2 - continued

BARONESS MCINTOSH OF PICKERING

Baroness McIntosh of Pickering gives notice of her intention to oppose the Question that Clause 2 stand part of the Bill.

After Clause 2

LORD ROSSER

LORD KENNEDY OF SOUTHWARK

LORD JUDD

71 Insert the following new Clause –

“Redress for innocent victims

- (1) Section 65 of the Regulation of Investigatory Powers Act 2000 (the Tribunal) is amended in accordance with subsection (2).
- (2) At the end of subsection (5) insert –
 - “(g) any conduct authorised under section 29B.””

Member’s explanatory statement

This would ensure that innocent victims affected by the authorisation of criminal conduct under this Act are able to seek redress from the Investigatory Powers Tribunal.

Schedule 1

LORD ANDERSON OF IPSWICH

BARONESS MCINTOSH OF PICKERING

72 Page 7, line 9, after “is” insert “reasonably”

Member’s explanatory statement

This amendment would insert a requirement that belief in the necessity and proportionality of a criminal conduct authorisation, and in the existence of satisfactory arrangements, be reasonably held.

LORD ANDERSON OF IPSWICH

LORD BUTLER OF BROCKWELL

LORD CARLILE OF BERRIEW

BARONESS MANNINGHAM-BULLER

73 Page 7, line 34, at end insert –

- “(7A) Where a person grants a criminal conduct authorisation, that person must give notice of that authorisation to the Investigatory Powers Commissioner.
- (7B) A notice under subsection (7A) must –
 - (a) be given in writing;
 - (b) be given as soon as reasonably practicable, and in any event within seven days of the grant; and
 - (c) include the matters specified in subsection (7C).
- (7C) Where a person gives notice under subsection (7A) in respect of the granting of a criminal conduct authorisation, the notice must specify –

Schedule 1 - continued

- (a) the grounds on which the person giving the notice believes the matters specified in subsection (4) are satisfied; and
 - (b) the conduct that is, or is to be authorised under subsection 7.
- (7D) Any notice that is required by subsection (7A) to be given in writing may be given, instead, by being transmitted by electronic means.”

LORD HODGSON OF ASTLEY ABBOTTS

74 Page 7, leave out lines 43 to 49

Member’s explanatory statement

This amendment is tabled to discuss the extent to which the operation of criminal conduct authorisations can be amended by regulation.

Clause 4

LORD ROSSER

LORD KENNEDY OF SOUTHWARK

LORD JUDD

75 Page 5, line 10, at end insert –

- “(4B) Those persons who have granted criminal conduct authorisations under section 29B of the Regulation of Investigatory Powers Act 2000 or section 7A of the Regulation of Investigatory Powers (Scotland) Act 2000 must inform the Investigatory Powers Commissioner within seven days of the granting of the authorisation.”

Member’s explanatory statement

This would require the Investigatory Powers Commissioner to be informed of a criminal conduct authorisation within seven days of it being granted.

BARONESS JONES OF MOULSECOOMB

75A Page 5, line 10, at end insert –

- “(4B) Where the Investigatory Powers Commissioner becomes aware of any potentially unlawful or improper conduct undertaken in connection with a criminal conduct authorisation, which is not authorised by the criminal conduct authorisation, the Commissioner must refer the matter to the police for investigation.”

Member’s explanatory statement

This amendment would introduce a requirement for the Investigatory Powers Commissioner to refer potentially unlawful or improper conduct undertaken through a criminal conduct authorisation to the police for investigation.

75B Page 5, line 10, at end insert –

- “(4B) Where the Investigatory Powers Commissioner becomes aware of any potentially unlawful or improperly granted criminal conduct authorisation, the Commissioner must refer the matter to the relevant oversight body of the authorising authority.”

Member's explanatory statement

This is a probing amendment, which seeks to understand the consequences for authorizing authorities where the Investigatory Powers Commissioner finds potentially unlawful or improperly granted criminal conduct authorisations.

LORD HODGSON OF ASTLEY ABBOTTS

75C

Page 5, line 16, after “authorisations)”, insert “including—

- (i) information on the number and types of criminal conduct authorisations requested and the number granted;
- (ii) whether these authorisations produced any operational benefits;
- (iii) any material damage or civilian harm incurred as a result of acts authorised”

Member's explanatory statement

This amendment is intended to probe the adequacy of information provided to Parliament on criminal conduct authorisations, and to probe how the efficacy of these authorisations will be evaluated.

LORD HUNT OF KINGS HEATH

LORD BACH

76

Page 5, line 16, at end insert—

“(4) In section 234 (annual and other reports of the Investigatory Powers Commissioner), after subsection (11) insert—

“(12) The Investigatory Powers Commissioner must arrange for any information in a report prepared under this section, which relates to a police force and has been included in the report by virtue of subsection (2)(ba) (“the information”), to be sent to the local policing body maintaining the police force to which the information relates and to the chief officer of police of that police force.

(13) The Investigatory Powers Commissioner must exclude anything from the information that the Commissioner considers—

- (a) would be against the interests of national security, or
- (b) might jeopardise the safety of any person.

(14) The local policing body must invite the chief officer of police to submit comments on the information to the body before such date as it may specify.

(15) The local policing body must prepare comments on the information and must arrange for—

- (a) its comments,
- (b) any comments submitted by the chief officer of police, and
- (c) any response which the body has to the comments submitted by the chief officer of police,

to be reported back to the Investigatory Powers Commissioner within a timescale set by the Commissioner.””

After Clause 4

BARONESS CLARK OF KILWINNING
BARONESS WHITAKER
BARONESS JONES OF MOULSECOOMB
LORD MARLESFORD

77 Insert the following new Clause—

“Commissioner approval for authorisations to identify or confirm journalistic sources

- (1) Subsection (2) applies if a designated person has granted a criminal conduct authorisation for the purposes of identifying or confirming a source of journalistic information.
- (2) The authorisation is not to take effect until such time (if any) as a Judicial Commissioner has approved it.
- (3) A Judicial Commissioner may approve the authorisation if, and only if, the Judicial Commissioner considers that—
 - (a) at the time of the grant, there were reasonable grounds for considering that the requirements of this Part were satisfied in relation to the authorisation, and
 - (b) at the time when the Judicial Commissioner is considering the matter, there are reasonable grounds for considering that the requirements of this Part would be satisfied if an equivalent new authorisation were granted at that time.
- (4) In considering whether the position is as mentioned in subsection (3)(a) and (b), the Judicial Commissioner must, in particular, have regard to—
 - (a) the public interest in protecting a source of journalistic information, and
 - (b) the need for there to be another overriding public interest before a relevant public authority seeks to identify or confirm a source of journalistic information.
- (5) Where, on an application under this section, the Judicial Commissioner refuses to approve the grant of the authorisation, the Judicial Commissioner may quash the authorisation.
- (6) In this section “journalistic material” means material created or acquired for the purposes of journalism.”

LORD ROSSER
LORD KENNEDY OF SOUTHWARK
LORD JUDD

78 Insert the following new 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, move a motion in the House of Commons in relation to the report.”

Member's explanatory statement

This would require an annual impact assessment on the use of criminal conduct authorisations on covert operations involving women, children and Black, Asian or minority ethnic communities.

LORD PADDICK
BARONESS HAMWEE

79 Insert the following new Clause—

“Review of criminal conduct authorisations

- (1) The Secretary of State must arrange for a review by a judge of the High Court of England and Wales or of greater seniority of the matters listed in subsection (2).
- (2) The matters are—
 - (a) the grant of criminal conduct authorisations in relation to covert human intelligence sources including (without limitation) persons under the age of 18 and persons who may be considered vulnerable or to lack capacity;
 - (b) the criminal conduct of covert human intelligence sources and conduct which would be criminal in the absence of a criminal conduct authorisation;
 - (c) the oversight and monitoring of, and reporting on, such conduct;
 - (d) the oversight of persons entitled under section 30 of the Regulation of Investigatory Powers Act 2000 to give authorisations under section 29B of that Act and the sanctions available in the event of misuse of those powers; and
 - (e) such other related matters as the judge considers appropriate.
- (3) The review must be commenced within six months after the day on which this Act is passed.
- (4) The Secretary of State must, within the period of three months beginning with the day on which this Act is passed, lay before Parliament a statement providing further details about the review.”

Member's explanatory statement

This amendment would provide for the review by a senior judge of the use of criminal conduct authorisations.

Schedule 2

LORD PADDICK
BARONESS HAMWEE

80 Page 10, leave out lines 20 to 30

Member's explanatory statement

This amendment is consequential on amendment to Clause 2, page 4, line 10.

Clause 6

LORD PADDICK
BARONESS HAMWEE

- 81 Page 5, leave out line 25 and insert “the purpose of providing that different bodies are relevant authorities under Part A1 of Schedule 1 to the Regulation of Investigatory Powers Act 2000.”

Member’s explanatory statement

This amendment would restrict the power to bring different provisions into force at different times and in different areas since all the safeguards provided by the Bill must always apply.

BARONESS JONES OF MOULSECOOMB

- 82 Page 5, line 25, at end insert –

“() Regulations may not be made under this section until –

- (a) the Undercover Policing Inquiry has published its final report, and
- (b) the Secretary of State has laid before both Houses of Parliament a paper detailing actions that will be taken in response to the Inquiry's report with regard to criminal conduct authorisations in relation to covert human intelligence sources.”

Member’s explanatory statement

This is a probing amendment to find out how the Government intends to respond to the Undercover Policing Inquiry.

LORD PADDICK
BARONESS HAMWEE

- 83 Page 5, line 28, leave out subsection (4)

Member’s explanatory statement

This amendment is consequential.

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