

Covert Human Intelligence Sources (Criminal Conduct) Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

LORD HAIN
BARONESS KENNEDY OF THE SHAWES

Page 2, line 11, at end insert—

“(2A) The granting of criminal conduct authorisations under subsection (1) may not take place until a warrant has been issued by the Secretary of State.”

After Clause 1

LORD ROSSER
LORD KENNEDY OF SOUTHWARK

Insert the following new Clause—

“Criminal conduct authorisations: Granting to children and vulnerable sources

After section 29B of the Regulation of Investigatory Powers Act 2000 (inserted by section 1) 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),
 - (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.

After Clause 1 - continued

- (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, 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 the Modern Slavery Act 2015 (meaning of exploitation).
- (7) The “exceptional circumstances” in subsection (2) include—
 - (a) where the criminal conduct authorisation is necessary to protect life and limb, including in relation to the covert human intelligence source; and
 - (b) where the criminal conduct authorisation is necessary on the grounds of national security.”

Member’s explanatory statement

This new Clause would provide additional safeguards for children or vulnerable people who are operating as CHIS, including the use of appropriate adults and a higher threshold for the granting of criminal conduct authorisations.

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13 November 2020
