

Covert Human Intelligence Sources (Criminal Conduct) Bill

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

LORD ANDERSON OF IPSWICH

Page 2, line 17, after “person” 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

Page 3, line 2, at end insert –

- “(8A) Where a person grants a criminal conduct authorisation, that person must give notice of that authorisation to the Investigatory Powers Commissioner.
- (8B) A notice under subsection (8A) must –
- (a) be given in writing;
 - (b) be given as soon as soon as reasonably practicable, and in any event within seven days of the grant; and
 - (c) include the matters specified in subsection (8C).
- (8C) Where a person gives notice under subsection (8A) in respect of the granting of a criminal conduct authorisation, the notice must specify –
- (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 (8).
- (8D) Any notice that is required by subsection (8A) to be given in writing may be given, instead, by being transmitted by electronic means.”

Member’s explanatory statement

This amendment would introduce a requirement to notify the Investigatory Powers Commissioner as soon as reasonably practicable of the grant of a criminal conduct authorisation.

Schedule 1

LORD ANDERSON OF IPSWICH

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

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 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 –
 - (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.”

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16 November 2020
