

# Investigatory Powers (Amendment) Bill [HL]

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AMENDMENTS  
TO BE MOVED  
IN COMMITTEE OF THE WHOLE HOUSE

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**Clause 2**

LORD WEST OF SPITHEAD

Clause 2, page 11, line 16, at end insert –

**“226DAA Notification of bulk personal datasets added to category authorisations**

The head of an intelligence service, or a person acting on their behalf, must notify the Investigatory Powers Commissioner as soon as is reasonably practical after a decision has been taken to include a bulk personal dataset within a category authorisation in effect under section 226BA.”

***Member's explanatory statement***

*This amendment would require that the Investigatory Powers Commissioner is notified when a new bulk personal dataset is added by an intelligence Agency to an existing category authorisation.*

**Clause 13**

LORD WEST OF SPITHEAD

*Lord West of Spithead gives notice of his intention to oppose the Question that Clause 13 stand part of the Bill.*

***Member's explanatory statement***

*This is a probing amendment to remove the restoration of disclosure powers for a number of regulatory bodies. The Bill seeks to extend powers to a number of public bodies with no intelligence or law enforcement function allowing them to obtain communications data and removes restrictions which were thought to be necessary in the original legislation.*

**The Schedule**

LORD WEST OF SPITHEAD

*Lord West of Spithead gives notice of his intention to oppose the Question that the Schedule be the Schedule to the Bill.*

**Member's explanatory statement**

*This probing amendment would remove the broad restoration of disclosure powers for a number of regulatory bodies. The Bill seeks to extend powers to a number of public bodies and reduces restrictions on these powers from the original legislation. This amendment seeks further assurance that the extension of powers is warranted, and whether a more limited or specifically defined extension of powers can be substituted.*

**Clause 17**

LORD FOX

Clause 17, page 35, line 33, after the first “person” insert “for a period of 180 days or until the review process is completed (whichever is the shorter)”

**Member's explanatory statement**

*This amendment, together with Lord Fox’s amendments to page 35, line 37, introduces procedural safeguards to the process of referring a notice back to the Secretary of State. They impose a limit on the length of time that the Secretary of State may take to review a national security notice or a technical capability notice. They also import a ‘serious adverse effect’ threshold for the imposition of a stay on changes to a telecommunications service or system pending the outcome of a review by the Secretary of State.*

LORD FOX

Clause 17, page 35, line 37, leave out from “means” to end of line 41 and insert—

- “(a) changes that have not yet been implemented, in whole or in part, and that, if implemented, would have a serious adverse effect on the capability of the person to provide any assistance which the person may be required to provide in relation to any warrant, authorisation or notice issued or given under this Act; but
- (b) do not include any changes which it would not be reasonably practicable for a telecommunications operator located outside the United Kingdom to refrain from implementing in relation to a telecommunication system in or telecommunications services offered to the United Kingdom whilst implementing a change to any system operating or services offered outside the United Kingdom.”

**Member's explanatory statement**

*This amendment, together with Lord Fox’s amendments to page 35, line 33, introduces procedural safeguards to the process of referring a notice back to the Secretary of State. They impose a limit on the length of time that the Secretary of State may take to review a national security notice or a technical capability notice. They also import a ‘serious adverse effect’ threshold for the imposition of a stay on changes to a telecommunications service or system pending the outcome of a review by the Secretary of State.*

**Clause 18**

LORD FOX

Clause 18, page 36, line 12, at end insert “but only in so far as it is reasonably practicable for the person described in subsection (c)(i) to control the provision of that service in the United Kingdom by the other telecommunications operator and excluding the provision of any service by the person described in subsection (c)(i) outside the United Kingdom”

***Member's explanatory statement***

*This probing amendment seeks to confirm whether the changes to the Telecommunications Operator definition is intended to include non-UK entities which do not have a connection with the person providing services in the UK, and non-UK entities in relation to non-UK persons.*

LORD FOX

Clause 18, page 36, line 15, leave out “or another relevant operator” and insert “to whom the notice is to be given (“O”) or another relevant operator (“O1”)

***Member's explanatory statement***

*This amendment, together with Lord Fox’s two amendments to page 36, line 18 would ensure that the Secretary of State can only impose a technical capability notice on a telecommunications operator in respect of the actions of another telecommunications operator if it is reasonably practicable for the telecommunications operator receiving the notice to control the actions of the other telecommunications operator.*

LORD FOX

Clause 18, page 36, line 18, leave out “such operator” and insert “O”

***Member's explanatory statement***

*This amendment, together with Lord Fox’s amendments to page 36, line 15 and page 36, line 18 would ensure that the Secretary of State can only impose a technical capability notice on a telecommunications operator in respect of the actions of another telecommunications operator if it is reasonably practicable for the telecommunications operator receiving the notice to control the actions of the other telecommunications operator.*

LORD FOX

Clause 18, page 36, line 18, at end insert –

- “(iii) after “authorisation” insert “but in respect of the capability of O1 only in so far as it is reasonably practicable for that capability to be secured by O”;

***Member's explanatory statement***

*This amendment, together with Lord Fox’s amendments to page 36, line 15 and page 36, line 18 would ensure that the Secretary of State can only impose a technical capability notice on a telecommunications operator in respect of the actions of another telecommunications operator if*

*it is reasonably practicable for the telecommunications operator receiving the notice to control the actions of the other telecommunications operator.*

**Clause 21**

LORD COAKER

Clause 21, page 41, line 31, after “senior official” insert “serving in the Department of that Secretary of State”

***Member's explanatory statement***

*This amendment would limit the officials permitted to decide on the urgency of a warrant.*



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*6 December 2023*

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