

# Investigatory Powers (Amendment) Bill [HL]

---

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

*The amendments have been marshalled in accordance with the Instruction of 20th November 2023, as follows –*

Clauses 1 to 13  
Schedule

Clauses 14 to 31  
Title

*[Amendments marked ★ are new or have been altered]*

**Amendment  
No.**

---

**Clause 2**

LORD COAKER  
LORD FOX

- 1** Clause 2, page 3, leave out lines 24 to 27 and insert—
- “(b) the extent to which information contained within the personal data has been made public as a result of steps deliberately taken by the data subject;”

***Member's explanatory statement***

*This amendment would ensure the definition of a low privacy bulk personal dataset is in line with the definition set out in Schedule 10 of the Data Protection Act 2018.*

LORD FOX

- 2** Clause 2, page 3, leave out lines 31 to 34

***Member's explanatory statement***

*This amendment is to probe the extent to which new section 226A(3)(d) and (e) departs from current privacy laws.*

LORD ANDERSON OF IPSWICH  
LORD HOPE OF CRAIGHEAD  
LORD FOX

3 Clause 2, page 3, line 34, at end insert –

“(f) the use to which the data will be put by the intelligence services.”

***Member's explanatory statement***

*This probing amendment would make express allowance for the consideration of a further factor, the relevance of which is suggested by the proposed new section 226BA(3).*

LORD FOX

4 Clause 2, page 4, line 17, leave out “any function” and insert “training and learning functions”

***Member's explanatory statement***

*This amendment is to probe the purpose for which bulk personal datasets will be used by the intelligence services.*

LORD FOX

5 Clause 2, page 4, leave out lines 31 and 32

***Member's explanatory statement***

*This amendment is to probe the circumstances in which an authorisation is urgent and is therefore not authorised in advance by a Judicial Commissioner.*

LORD FOX

6 Clause 2, page 4, line 32, at end insert –

“(6A) In subsection (6)(b), there is an urgent need to grant the authorisation if there is an imminent threat that requires immediate preventive or protective action.”

***Member's explanatory statement***

*This amendment is to probe the circumstances in which an authorisation is urgent and is therefore not authorised in advance by a Judicial Commissioner.*

LORD FOX

7 Clause 2, page 6, line 7, after “must” insert “immediately”

***Member's explanatory statement***

*This amendment requires a person granting an authorisation in urgent cases to immediately notify a Judicial Commissioner that they have done so.*

LORD FOX

8 Clause 2, page 10, line 23, leave out “so far as is reasonably practicable”

***Member's explanatory statement***

*This amendment is to probe the meaning of “reasonably practicable”.*

LORD FOX

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

“(6) Notwithstanding subsection (5), any information or knowledge acquired while the authorisation was in effect must not be used or relied upon for anything once the authorisation ceases to have effect.”

***Member's explanatory statement***

*This amendment is intended to ensure that, when an authorisation ceases to have effect, the intelligence services must ‘forget’ the information or knowledge acquired during the period when the authorisation was in force.*

LORD WEST OF SPITHEAD

10 Clause 2, page 11, line 5, after “State” insert “, the Intelligence and Security Committee of Parliament, and the Investigatory Powers Commissioner,”

***Member's explanatory statement***

*This amendment would ensure that the annual report provided to the Secretary of State, regarding bulk personal datasets authorised under Part 7A to be retained, or retained and examined, by the intelligence service during the period to which the report relates, is also provided to the Intelligence and Security Committee of Parliament and the Investigatory Powers Commissioner, to provide enhanced oversight of the new regime.*

LORD FOX

11 Clause 2, page 11, line 7, at end insert –

“(1A) A report under subsection (1) must include –  
(a) the number of authorisations sought; and  
(b) the number of authorisations granted;  
for each year under this Part.”

***Member's explanatory statement***

*This amendment requires the annual report to include details of the number of authorisations sought and granted under new Part 7A.*

## LORD WEST OF SPITHEAD

- 12 Clause 2, page 11, line 14, after “the Secretary of State” insert “, the Intelligence and Security Committee of Parliament, and the Investigatory Powers Commissioner”

*Member's explanatory statement*

*This amendment would ensure that the annual report provided to the Secretary of State, regarding bulk personal datasets authorised under Part 7A to be retained, or retained and examined, by the intelligence service during the period to which the report relates, is also provided to the Intelligence and Security Committee of Parliament and the Investigatory Powers Commissioner, to provide enhanced oversight of the new regime.*

## LORD WEST OF SPITHEAD

- 13 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 5**

## LORD FOX

- 14 Clause 5, page 14, leave out lines 7 to 9

*Member's explanatory statement*

*This amendment is to probe the circumstances in which information would be available to the intelligence services that is not generally available.*

## LORD ANDERSON OF IPSWICH

## LORD HOPE OF CRAIGHEAD

## LORD FOX

- 15 Clause 5, page 14, leave out line 10

*Member's explanatory statement*

*This amendment would ensure that the requirement for authorisation could not be avoided by the expedient of giving non-electronic access to all or part of a third party bulk personal dataset.*

## LORD COAKER

16★ Clause 5, page 14, line 22, at end insert –

**“226FZA Annual Reporting**

- (1) The head of each intelligence service must provide an annual report to the Intelligence and Security Committee of Parliament and the Investigatory Powers Commissioner about third-party bulk personal datasets which were authorised under this Part to be examined by the intelligence service during the period to which the report relates.
- (2) The first report must be published within one year of this Part fully coming into force.
- (3) A further report must be published at least once a year.”

***Member's explanatory statement***

*This amendment would ensure annual reporting of the use of third-party bulk datasets authorised under part 7B is provided to the Intelligence and Security Committee and the Investigatory Powers Commissioner.*

## LORD COAKER

17★ Clause 5, page 15, line 5, after “crime” insert “as defined within section 263”

***Member's explanatory statement***

*This amendment gives clarity on which definition of serious crime within the Investigatory Powers Act 2016 applies to this section.*

## LORD FOX

18 Clause 5, page 15, line 42, at end insert “and includes genomic and genetic data”

***Member's explanatory statement***

*This amendment is intended to confirm that genomic and genetic data is included in the definition of sensitive data under this section.*

## LORD FOX

19 Clause 5, page 16, line 34, after “must” insert “immediately”

***Member's explanatory statement***

*This amendment requires the Secretary of State granting an authorisation in urgent cases to immediately notify a Judicial Commissioner that they have done so.*

**Clause 11**

LORD FOX

20 Clause 11, page 30, leave out lines 38 and 39

**Member's explanatory statement**

*This amendment is intended to probe the legal basis for surveillance of the type of data described in new subsection (3A)(e).*

**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 14**

LORD WEST OF SPITHEAD

21 Clause 14, page 32, line 35, leave out paragraph (b)

**Member's explanatory statement**

*This is consequential to my other amendment to Clause 14, page 33, leave out lines 17 to 38.*

## LORD WEST OF SPITHEAD

22 Clause 14, page 33, line 10, leave out “or (c)”

***Member's explanatory statement***

*This probing amendment would limit the purposes for which the new, broader target discovery power (Condition D1) could be used to obtain Internet Connection Records. The amendment would mean that the power could only be used “in the interests of national security” or “for the purpose of preventing or detecting serious crime”, and would prevent the Intelligence Agencies from using the new power for the purpose of “the economic well-being of the United Kingdom so far as those interests are also relevant to the interests of national security”.*

## LORD FOX

23 Clause 14, page 33, leave out lines 14 to 16

***Member's explanatory statement***

*This amendment restricts the changes relating to internet connection records in Clause 14 to use by the intelligence services only.*

## LORD WEST OF SPITHEAD

24 Clause 14, page 33, leave out lines 17 to 38

***Member's explanatory statement***

*This probing amendment removes the ability of the Agencies to internally authorise the obtaining of Internet Connection Records to identify which persons or apparatuses are using one or more specified internet services. The Agencies would therefore be required in all cases to seek the approval of the Investigatory Powers Commissioner to grant the authorisation for an application under new Condition D1.*

## LORD FOX

25 Clause 14, page 33, leave out lines 34 to 38

***Member's explanatory statement***

*This amendment restricts the changes relating to internet connection records in Clause 14 to use by the intelligence services only.*

## LORD WEST OF SPITHEAD

26 Clause 14, page 33, line 39, leave out “and (5B)(b)”

***Member's explanatory statement***

*This amendment is consequential to my other amendment to Clause 14, page 33, leave out lines 17 to 38.*

**Clause 16**

LORD FOX

*Lord Fox gives notice of his intention to oppose the Question that Clause 16 stand part of the Bill.*

**Clause 17**

LORD FOX

- 27 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

- 28 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.*

LORD FOX

*Lord Fox gives notice of his intention to oppose the Question that Clause 17 stand part of the Bill.*



**Clause 18**

LORD FOX

- 29 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

- 30 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

- 31 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

- 32 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 20

LORD SHARPE OF EPSOM

- 33 Clause 20, page 39, line 5, leave out “as follows” and insert “in accordance with subsections (2) and (3)”

***Member's explanatory statement***

*This amendment is consequential on the amendment in the name of Lord Sharpe of Epsom at page 41, line 14.*

LORD FOX

- 34 Clause 20, page 39, line 11, at end insert “, subject to the condition in subsection (1A).
- (1A) The condition in this subsection is that the decision to give the notice has been approved by a Judicial Commissioner.
  - (1B) A notice under subsection (1) expires at the end of the period of 14 days from the day on which the notice was first given in writing to the relevant operator.
  - (1C) The Secretary of State may renew a notice by virtue of subsections (1) and (1A) if the Secretary of State considers that the provisions of subsection (5) continue to apply.”

***Member's explanatory statement***

*This amendment requires the decision by the Secretary of State to give a notice requiring operators to notify them of service of system changes is approved by a Judicial Commissioner. It also provides for the expiration of such a notice after 14 days, unless the notice is renewed.*

LORD COAKER

- 35★ Clause 20, page 39, line 35, at end insert—
- “(c) the decision to give the notice has been approved by a Judicial Commissioner.”

***Member's explanatory statement***

*This amendment, along with three others in the name of Lord Coaker, would introduce a double lock process to notices given under the notification of proposed changes to telecommunications services, bringing it in line with the procedure for the three existing types of notices that can be issued to telecommunications operators.*

## LORD COAKER

36★ Clause 20, page 40, line 1, after “notice,” insert –

“(ca) the technical feasibility of complying with the notice,”

***Member's explanatory statement***

*This amendment adds a further factor the Secretary of State must consider when deciding to give a notice under this section, bringing this type of notice into line with the three existing types of notices that can be issued to telecommunications operators.*

## LORD COAKER

37★ Clause 20, page 40, line 24, at end insert –

**“258AA Approval of notices following notification of proposed changes to telecommunications services by Judicial Commissioners**

- (1) In deciding whether to approve a decision to give a notice under section 258A, a Judicial Commissioner must review the Secretary of State’s conclusions as to whether the requirement to be imposed by the notice is necessary and proportionate for one or more of the purposes falling within paragraphs (a) to (c) of section 61(7).
- (2) In doing so, the Judicial Commissioner must –
  - (a) apply the same principles as would be applied by a court on an application for judicial review, and
  - (b) consider the matters referred to in subsection (1) with a sufficient degree of care as to ensure that the Judicial Commissioner complies with the duties imposed by section 2 (general duties in relation to privacy).
- (3) Where a Judicial Commissioner refuses to approve a decision to give a relevant notice, the Judicial Commissioner must give the Secretary of State written reasons for the refusal.
- (4) Where a Judicial Commissioner, other than the Investigatory Powers Commissioner, refuses to approve a decision to give a relevant notice, the Secretary of State may ask the Investigatory Powers Commissioner to decide whether to approve the decision to give the notice.”

***Member's explanatory statement***

*This amendment, along with three others in the name of Lord Coaker, would introduce a double lock process to notices given under the notification of proposed changes to telecommunications services, bringing it in line with the procedure for the three existing types of notices that can be issued to telecommunications operators.*

## LORD COAKER

38★ Clause 20, page 40, line 31, after “notice” insert “given to a person”

**Member's explanatory statement**

*This amendment, along with three others in the name of Lord Coaker, would introduce a potential double-lock process to the variation of notices given under the notification of proposed changes to telecommunications services, bringing it in line with the procedure for variation of the three existing types of notices that can be issued to telecommunications operators.*

LORD COAKER

39★ Clause 20, page 40, line 38, at end insert—

- “(c) the variation would impose further requirements on the person, if the decision to vary the notice has been approved by a Judicial Commissioner.”

**Member's explanatory statement**

*This amendment, along with three others in the name of Lord Coaker, would introduce a potential double-lock process to the variation of notices given under the notification of proposed changes to telecommunications services, bringing it in line with the procedure for variation of the three existing types of notices that can be issued to telecommunications operators.*

LORD SHARPE OF EPSOM

40 Clause 20, page 41, line 2, leave out “(or description of persons)”

**Member's explanatory statement**

*This amendment and the amendment in the name of Lord Sharpe of Epsom at page 41, line 4 correct an inconsistency in clause 20 by omitting references to a notice under section 258A of the Investigatory Powers Act 2016 being given or revoked in relation to a description of persons.*

LORD SHARPE OF EPSOM

41 Clause 20, page 41, line 4, leave out “(or description of persons)”

**Member's explanatory statement**

*See the amendment in the name of Lord Sharpe of Epsom at page 41, line 2.*

LORD SHARPE OF EPSOM

42 Clause 20, page 41, line 14, at end insert—

- “(4) The Regulation of Investigatory Powers Act 2000 is amended as follows.
- (5) In section 65 (the Tribunal)—
- (a) in subsection (5)(czi)—
- (i) for “or 253” substitute “, 253 or 258A”;
- (ii) for “or technical capability” substitute “, technical capability or proposed changes to telecommunications services etc”;

- (b) in subsection (5)(czl)(iii), for “or 253” substitute “, 253 or 258A”;
  - (c) in subsection (8)(bc), for “or 253” substitute “, 253 or 258A”.
- (6) In section 67 (exercise of the Tribunal’s jurisdiction), in subsection (7)(azc), for “or 253” substitute “, 253 or 258A”.
- (7) In section 68 (Tribunal procedure) –
- (a) in subsection (5)(b), for “or 253” substitute “, 253 or 258A”;
  - (b) in subsection (7)(f), for “or 253” substitute “, 253 or 258A”;
  - (c) in subsection (7)(ha), for “or 253” substitute “, 253 or 258A”.

***Member's explanatory statement***

*This amendment provides for the Investigatory Powers Tribunal to consider complaints about notices given under new section 258A of the Investigatory Powers Act 2016 (proposed changes to telecommunications services etc) in the same way as it considers complaints about other notices given under Part 9 of that Act.*

LORD FOX

*Lord Fox gives notice of his intention to oppose the Question that Clause 20 stand part of the Bill.*

**Clause 21**

LORD WEST OF SPITHEAD

- 43 Clause 21, page 41, line 29, leave out “is unavailable to decide whether to give approval under subsection (2)” and insert with “is unable to decide whether to give approval under subsection (2), due to incapacity or inability to access secure communications”

***Member's explanatory statement***

*This amendment would specify that the only exceptional circumstances in which the Prime Minister would be permitted the use of a designate is when he or she is unable to make a decision due to incapacity (ill-health) or lack of access to secure communications.*

LORD ANDERSON OF IPSWICH

LORD HOPE OF CRAIGHEAD

LORD FOX

- 44 Clause 21, page 41, line 29, leave out “unavailable” and insert “unable”

***Member's explanatory statement***

*This amendment (based on the Anderson Report at 8.20) would permit the use of a designate whenever the Prime Minister is unable to make a decision, whether through incapacity, conflict of interest or lack of access to secure communications.*

## LORD COAKER

- 45 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.*

## LORD WEST OF SPITHEAD

- 46 Clause 21, page 41, leave out lines 34 and 35 and insert –
- “(2C) The Prime Minister may designate up to two individuals under this section.
- (2CA) The Prime Minister may designate an individual under this section only if the individual holds the office of Secretary of State and is required in their routine duties to issue warrants under section 19 or section 102.”

***Member's explanatory statement***

*This amendment would permit the Prime Minister to nominate up to two Secretaries of State to act for the Prime Minister if he or she is unable to decide whether to give approval under subsection (2A). The amendment also specifies that those nominated Secretaries of State must already have responsibility for the issuing of warrants under sections 19 or 102 of the Investigatory Powers Act 2016 (which governs warranting for Interception and Examination of Communications, and Equipment Interference).*

## LORD COAKER

- 47 Clause 21, page 41, line 35, at end insert “for the Home Department, Foreign, Commonwealth and Development Affairs, Defence, or Northern Ireland”

***Member's explanatory statement***

*This probing amendment would limit the Secretaries of State designated by the Prime Minister to those most experienced with issuing warrants.*

## LORD WEST OF SPITHEAD

- 48 Clause 21, page 41, line 35, at end insert –
- “(2CA) The Prime Minister must review the individual’s conclusions, as soon as they are able to do so.”

***Member's explanatory statement***

*This amendment would specify that the Prime Minister must review the conclusions and decision of the designated Secretary of State, as soon as is reasonably practicable once they are no longer incapacitated or without access to secure communications.*

## LORD COAKER

49 Clause 21, page 42, line 1, after “of” insert “the relevant”

## After Clause 21

## LORD FOX

50★ After Clause 21, insert the following new Clause –

**“Interception notification for Members of Parliament etc.**

After section 26 of the Investigatory Powers Act 2016 (Members of Parliament etc.) insert –

**“26A Interception notification for Members of Parliament etc.**

- (1) Upon completion of conduct authorised by a warrant under section 26, or the cancellation of a warrant issued under section 26, a Judicial Commissioner must notify the affected party, in writing, of –
  - (a) the conduct that has taken place, and
  - (b) the provisions under which the conduct has taken place.
- (2) The notification under subsection (1) must be sent within thirty days of the completion of the conduct or cancellation of the warrant.
- (3) A Judicial Commissioner may postpone the notification under subsection (1) beyond the time limit under subsection (2) if the Judicial Commissioner assesses that notification may defeat the purposes of an on-going serious crime or national security investigation relating to the affected party.
- (4) A Judicial Commissioner must consult with the person to whom the warrant is addressed in order to fulfil an assessment under subsection (3).”

***Member's explanatory statement***

*This amendment would require that members of a relevant legislation who are targets of interception are notified after the fact, as long as it does not compromise any ongoing investigation.*

## Clause 22

## LORD WEST OF SPITHEAD

51 Clause 22, page 42, line 23, leave out from “Minister” to end of line 24 and insert “is unable to decide whether to give approval under subsection (3) or (as the case may be) (6), due to incapacity or inability to access secure communications”

***Member's explanatory statement***

*This amendment would specify that the only exceptional circumstances in which the Prime Minister would be permitted the use of a designate is when he or she is unable to make a decision due to incapacity (ill-health) or lack of access to secure communications.*

## LORD WEST OF SPITHEAD

52 Clause 22, page 42, leave out lines 28 and 29 and insert –

“(7C) The Prime Minister may designate up to two individuals under this section.

(7D) The Prime Minister may designate an individual under this section only if the individual holds the office of Secretary of State and is required in their routine duties to issue warrants under section 19 or section 102.”

*Member's explanatory statement*

*This amendment would permit the Prime Minister to nominate up to two Secretaries of State to act for the Prime Minister if he or she is unable to decide whether to give approval under subsections (3) or (6). The amendment also specifies that those nominated Secretaries of State must already have responsibility for the issuing of warrants under sections 19 or 102 of the Investigatory Powers Act 2016 (which governs warranting for interception and examination of communications, and equipment interference).*

## LORD WEST OF SPITHEAD

53 Clause 22, page 42, line 29, at end insert –

“(7CA) The Prime Minister must review the individual’s conclusions, as soon as they are able to do so.”

*Member's explanatory statement*

*This amendment would specify that the Prime Minister must review the conclusions and decision of the designated Secretary of State, as soon as is reasonably practicable once they are no longer incapacitated or without access to secure communications.*

**After Clause 22**

## LORD FOX

54★ After Clause 22, insert the following new Clause –

**“Targeted equipment interference notification for Members of Parliament etc.**

After section 111 of the Investigatory Powers Act 2016 (Members of Parliament etc.) insert –

**“111A Targeted equipment interference notification for Members of Parliament etc.**

- (1) Upon completion of conduct authorised by a warrant under section 111, or the cancellation of a warrant issued under section 111, a Judicial Commissioner must notify the affected party, in writing, of –
  - (a) the conduct that has taken place, and
  - (b) the provisions under which the conduct has taken place.



- (2) The notification under subsection (1) must be sent within thirty days of the completion of the conduct or cancellation of the warrant.
- (3) A Judicial Commissioner may postpone the notification under subsection (1) beyond the time limit under subsection (2) if the Judicial Commissioner assesses that notification may defeat the purposes of an on-going serious crime or national security investigation relating to the affected party.
- (4) A Judicial Commissioner must consult with the person to whom the warrant is addressed in order to fulfil an assessment under subsection (3).”

***Member's explanatory statement***

*This amendment would require that members of a relevant legislature who are targets of hacking are notified after the fact, as long as it does not compromise any ongoing investigation.*

LORD FOX

55★ After Clause 22, insert the following new Clause –

**“Annual reporting on surveillance of Members of Parliament etc.**

- (1) Section 234 of the Investigatory Powers Act 2016 is amended as follows.
- (2) In subsection (2) –
  - (a) in paragraph (c), after first “to” insert “Members of Parliament and”
  - (b) after paragraph (d), insert new paragraph (da) –
    - “(da) information in particular about warrants issued, considered or approved that are targeted interception warrants or targeted examination warrants of the kind referred to in section 26 and section 111 (Members of Parliament etc.),”

***Member's explanatory statement***

*This amendment would ensure that the Investigatory Powers Commissioner’s annual reports provide information about the operation of safeguards in relation to surveillance of Members of Parliament etc., (as is already required for journalists); and information in particular about the warrants considered or approved targeted at Members of Parliament etc. (further to the general requirement to provide information on general targeted interception and hacking warrants).*

**Clause 26**

LORD SHARPE OF EPSOM

56 Clause 26, page 44, line 22, at end insert –

- “(3) After paragraph 24 insert –
  - “25 (1) Nothing in section 56(1) prohibits –
    - (a) a disclosure to a relevant coroner conducting an NI investigation or inquest, or

- (b) a disclosure to a qualified person –
  - (i) appointed as legal adviser to an inquest conducted by the coroner, or
  - (ii) employed under section 11(3) of the Coroners Act (Northern Ireland) 1959 (c. 15) (“the 1959 Act”) by a relevant coroner to assist the coroner in an investigation conducted by the coroner,

where, in the course of the investigation or inquest, the relevant coroner (“C”) has ordered the disclosure to be made to C alone or (as the case may be) to C and any qualified person appointed or employed by C as mentioned in paragraph (b).

- (2) A relevant coroner may order a disclosure under sub-paragraph (1) only if the coroner considers that the exceptional circumstances of the case make the disclosure essential in the interests of justice.
  - (3) In a case where a coroner (“C”) conducting, or who has been conducting, an NI investigation or inquest is not a relevant coroner, nothing in section 56(1) prohibits –
    - (a) a disclosure to C that there is intercepted material in existence which is, or may be, relevant to the investigation or inquest;
    - (b) a disclosure to a qualified person appointed by C as legal adviser to the inquest or employed by C under section 11(3) of the 1959 Act to assist C in the investigation, which is made for the purposes of determining –
      - (i) whether any intercepted material is, or may be, relevant to the investigation, and
      - (ii) if so, whether it is necessary for the material to be disclosed to the person conducting the investigation.
  - (4) In sub-paragraph (3) “intercepted material” means –
    - (a) any content of an intercepted communication (within the meaning of section 56), or
    - (b) any secondary data obtained from a communication.
  - (5) In this paragraph –
    - “the 1959 Act” has the meaning given by sub-paragraph (1);
    - “coroner” means a coroner appointed under section 2 of the 1959 Act;
    - “NI investigation or inquest” means an investigation under section 11(1) of the 1959 Act or an inquest under section 13 or 14 of that Act;
    - “qualified person” means a member of the Bar of Northern Ireland, or a solicitor of the Court of Judicature of Northern Ireland);
    - “relevant coroner” means a coroner who is a judge of the High Court or of a county court in Northern Ireland.
- 26 (1) Nothing in section 56(1) prohibits –

- (a) a disclosure to a relevant person conducting an inquiry under the Inquiries into Fatal Accidents and Sudden Deaths etc. (Scotland) Act 2016 (2016 asp 2) (“IFASDA 2016”), or
  - (b) a disclosure to a qualified person appointed under section 24 of that Act to assist a relevant person in the inquiry,
- where, in the course of the inquiry, the person conducting the inquiry has ordered the disclosure to be made to that person alone or (as the case may be) to that person and any qualified person appointed to assist a relevant person in the inquiry.
- (2) A relevant person may order a disclosure under sub-paragraph (1) only if the person considers that the exceptional circumstances of the case make the disclosure essential in the interests of justice.
  - (3) Nothing in section 56(1) prohibits –
    - (a) a disclosure to a relevant person conducting an inquiry under IFASDA 2016, or
    - (b) a disclosure to a qualified person appointed under section 24 of that Act to assist a relevant person in the inquiry,that there is intercepted material in existence which is, or may be, relevant to the inquiry.
  - (4) In sub-paragraph (3) “intercepted material” means –
    - (a) any content of an intercepted communication (within the meaning of section 56), or
    - (b) any secondary data obtained from a communication.
  - (5) In this paragraph “relevant person” means –
    - (a) a sheriff principal,
    - (b) a temporary sheriff principal, or
    - (c) a sheriff or part-time sheriff (but not a summary sheriff or part-time summary sheriff) designated as a specialist under section 37(1) or (3) of IFASDA 2016.
  - (6) In this paragraph “qualified person” means an advocate or solicitor; and “advocate” and “solicitor” have the same meaning as in IFASDA 2016 (see section 40 of that Act).”

***Member's explanatory statement***

*This amendment inserts into Schedule 3 to the Investigatory Powers Act 2016 (exceptions to exclusion of matters from legal proceedings etc) exceptions about disclosures to inquiries or inquests in Northern Ireland or Scotland into a person's death. The exceptions are similar to existing provision in relation to England and Wales.*

**After Clause 27**

LORD COAKER

57★ After Clause 27, insert the following new Clause –

**“Review: transparency and public understanding of investigatory powers and national security**

- (1) Within one year of the day on which this Act is passed, the Secretary of State must publish and lay before Parliament a report on transparency of investigatory powers, national security and serious crime matters, as outlined in subsection (2).
- (2) The report must include but is not limited to –
  - (a) an assessment of the balance between transparency surrounding investigatory powers, national security and serious crime matters and national security, the operational security of the intelligence community, law enforcement and Home Office, and individual privacy;
  - (b) an assessment of the role of public transparency in public understanding of national security issues and investigatory powers;
  - (c) an examination of the case for promoting greater transparency surrounding national security issues and investigatory powers.”

***Member's explanatory statement***

*This requires the Secretary of State to report on how public understanding of national security and investigatory powers can be enhanced by transparency.*

LORD COAKER

58★ After Clause 27, insert the following New Clause –

**“Report on further investigatory powers**

- (1) Within a period of at least one year and no more than two years from the day on which this Act is passed, the Secretary of State must publish a report, as outlined in section (2).
- (2) The report must include but need not be limited to –
  - (a) an assessment of the adequacy of the investigatory powers framework in protecting national security, and
  - (b) a recommendation as to whether further legislation should be brought forward in response to the report.”

***Member's explanatory statement***

*This amendment would ensure the Government publishes a report on the performance of the current legislative framework and what further changes may be required.*

**Clause 29**

LORD SHARPE OF EPSOM

59 Clause 29, page 45, line 12, leave out “to subsection (2)” and insert “as follows”

***Member's explanatory statement***

*This amendment is consequential on the amendment in the name of Lord Sharpe of Epsom at page 45, line 14.*

LORD SHARPE OF EPSOM

60 Clause 29, page 45, line 14, at end insert –

“(3) The power under section 272(6) of the Investigatory Powers Act 2016 may be exercised so as to extend to the Isle of Man or any of the British overseas territories any amendment or repeal made by or under this Act of any part of that Act (with or without modifications).”

***Member's explanatory statement***

*This amendment provides for the power in section 272(6) of the Investigatory Powers Act 2016 (extent) to be capable of being exercised so as to extend to the Isle of Man or any of the British overseas territories any amendments of that Act made by this Bill.*

# Investigatory Powers (Amendment) Bill [HL]

---

---

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

---

*7 December 2023*

---

PUBLISHED BY AUTHORITY OF THE HOUSE OF LORDS