

# Investigatory Powers (Amendment) Bill [HL]

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## AMENDMENTS TO BE MOVED ON REPORT

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### Clause 2

LORD FOX

Clause 2, page 6, line 7, after “must” insert “, as soon as possible and in any event within 24 hours,”

***Member's explanatory statement***

*This amendment requires a person granting an authorisation in urgent cases to notify a Judicial Commissioner within, at most, 24 hours that they have done so.*

### Clause 5

LORD FOX

Clause 5, page 16, line 34, after “must” insert “, as soon as possible and in any event within 24 hours,”

***Member's explanatory statement***

*This amendment requires the Secretary of State granting an authorisation in urgent cases to notify a Judicial Commissioner within, at most, 24 hours that they have done so.*

### Clause 16

LORD FOX

Clause 16, page 34, line 29, leave out from “insert” to end of line 30 and insert ““(where the requirement or restriction applies to a person within the United Kingdom)”.”

***Member's explanatory statement***

*This amendment specifies that enforcement of retention notices applies only to UK recipients of such notices.*

**Clause 17**

LORD FOX

Clause 17, page 35, line 14, after second “change” insert “for persons in the United Kingdom”

***Member's explanatory statement***

*This amendment, together with others in the name of Lord Fox, seeks to limit extraterritoriality by ensuring that operators can make changes to their services and systems for users in other jurisdictions.*

LORD FOX

Clause 17, page 35, line 15, leave out “have a negative effect on” and insert “substantially limit”

***Member's explanatory statement***

*This amendment, together with others in the name of Lord Fox, increases the threshold for changes, ensuring that operators can make a wider range of changes while a retention notice is under review.*

LORD FOX

Clause 17, page 35, line 16, after “may” insert “reasonably”

***Member's explanatory statement***

*This amendment, together with others in the name of Lord Fox, increases the threshold for changes, ensuring that operators can make a wider range of changes while a retention notice is under review.*

LORD FOX

Clause 17, page 35, line 18, at end insert—

“(4C) Nothing in subsection (4A) is to be read as preventing an operator from making changes to telecommunications services or telecommunication systems for persons outside the United Kingdom.”

***Member's explanatory statement***

*This amendment, together with others in the name of Lord Fox, seeks to limit extraterritoriality by ensuring that operators can make changes to their services and systems for users in other jurisdictions.*

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 imposes 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.*

LORD FOX

Clause 17, page 35, line 37, after second “change” insert “for persons in the United Kingdom”

**Member's explanatory statement**

*This amendment, together with others in the name of Lord Fox, seeks to limit extraterritoriality by ensuring that operators can make changes to their services and systems for users in other jurisdictions.*

LORD FOX

Clause 17, page 35, line 38, leave out “have a negative effect on” and insert “substantially limit”

**Member's explanatory statement**

*This amendment, together with others in the name of Lord Fox, increases the threshold for changes, ensuring that operators can make a wider range of changes while a retention notice is under review.*

LORD FOX

Clause 17, page 35, line 39, after “may” insert “reasonably”

**Member's explanatory statement**

*This amendment, together with others in the name of Lord Fox, increases the threshold for changes, ensuring that operators can make a wider range of changes while a retention notice is under review.*

LORD FOX

Clause 17, page 35, line 41, at end insert –

“(3C) Nothing in subsection (3A) is to be read as preventing an operator from making changes to telecommunications services or telecommunication systems for persons outside the United Kingdom.”

**Member's explanatory statement**

*This amendment, together with others in the name of Lord Fox, seeks to limit extraterritoriality by ensuring that operators can make changes to their services and systems for users in other jurisdictions.*

**Clause 20**

LORD FOX

Clause 20, page 39, line 23, at end insert –

- “(3A) Before making regulations under this section the Secretary of State must consult the following persons –
- (a) the Technical Advisory Board;
  - (b) persons appearing to the Secretary of State to be likely to be subject to any obligations specified in the regulations;
  - (c) persons representing persons falling within paragraph (b); and
  - (d) persons with statutory functions in relation to persons falling under that paragraph.
- (3B) When making regulations under this section the Secretary of State must have regard to –
- (a) the public interest in the integrity and security of telecommunications systems and postal services;
  - (b) the impact on users arising from any delay to implementing relevant changes;
  - (c) the desirability of encouraging innovation by relevant operators; and
  - (d) any other aspects of the public interest in the protection of privacy.”

***Member's explanatory statement***

*This amendment, together with others in the name of Lord Fox, place a duty on the Secretary of State to consult with relevant persons before making regulations that will specify what a “relevant change” will include.*

LORD FOX

Clause 20, page 39, line 32, leave out “any”

***Member's explanatory statement***

*This amendment, together with others in the name of Lord Fox, aims to provide more proportionality in the process for giving notices that require operators to notify the Secretary of State of any proposed changes. In particular, they include consideration of the impact on users and innovation.*

LORD FOX

Clause 20, page 39, line 33, after “may” insert “reasonably”

***Member's explanatory statement***

*This amendment, together with others in the name of Lord Fox, aims to provide more proportionality in the process for giving notices that require operators to notify the Secretary of State of any proposed changes. In particular, they include consideration of the impact on users and innovation.*

LORD FOX

Clause 20, page 40, line 2, at end insert –

- “(ba) any adverse impact on users arising from any delay to implementing relevant changes;
- (bb) the desirability of encouraging innovation by relevant operators;”

***Member's explanatory statement***

*This amendment, together with others in the name of Lord Fox, aims to provide more proportionality in the process for giving notices that require operators to notify the Secretary of State of any proposed changes. In particular, they include consideration of the impact on users and innovation.*

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