

Investigatory Powers (Amendment) Bill [HL]

COMMONS AMENDMENTS

[The page and line references are to Bill 157, the Bill as first printed for the Commons]

Clause 11

COMMONS AMENDMENT 1

- 1 Clause 11, page 31, line 36, leave out “a court or tribunal” and insert “the Investigatory Powers Tribunal”

COMMONS AMENDMENT 2

- 2 Clause 11, page 32, line 19, at end insert –
- “(1A) In section 65 of the Regulation of Investigatory Powers Act 2000 (the Tribunal) –
- (a) in subsection (2), after paragraph (b) insert –
 - “(ba) to consider and determine any complaints made to them which, in accordance with subsection (4AA), are complaints for which the Tribunal is the appropriate forum;”;
 - (b) after subsection (4) insert –
 - “(4AA) The Tribunal is the appropriate forum for a complaint if it is a complaint by an individual about a relevant personal data breach.
 - (4AB) In subsection (4AA) “relevant personal data breach” means a personal data breach that the individual is informed of under section 235A(5) of the Investigatory Powers Act 2016 (serious personal data breaches).”
- (1B) In section 67 of the Regulation of Investigatory Powers Act 2000 (exercise of the Tribunal’s jurisdiction) –
- (a) in subsection (1)(b), after “65(2)(b)” insert “, (ba)”;
 - (b) in subsection (5) –
 - (i) the words from “section” to the end become paragraph (a), and

- (ii) after that paragraph insert “, or
 - (b) section 65(2)(ba) if it is made more than one year after the personal data breach to which it relates.”;
 - (c) in subsection (6), for “reference” substitute “complaint or reference has been”.
- (1C) In section 68 of the Regulation of Investigatory Powers Act 2000 (Tribunal procedure), for subsection (8) substitute –
 - “(8) In this section “relevant Commissioner” means –
 - (a) the Investigatory Powers Commissioner or any other Judicial Commissioner,
 - (b) the Investigatory Powers Commissioner for Northern Ireland, or
 - (c) the Information Commissioner.””

Clause 14

COMMONS AMENDMENT 3

- 3 Clause 14, page 34, line 14, after “exercise” insert “by a specified public authority”

COMMONS AMENDMENT 4

- 4 Clause 14, page 34, line 26, at end insert –
- “(5A) After subsection (5) insert –
- “(5A) In this section “specified public authority” means a public authority which is –
 - (a) listed in Schedule 2A, or
 - (b) listed in column 1 of the table in Schedule 4.
 - (5B) The Secretary of State or the Treasury may by regulations modify Schedule 2A by –
 - (a) adding a public authority to, or
 - (b) removing a public authority from, the list in that Schedule.””

COMMONS AMENDMENT 5

- 5 Clause 14, page 35, line 6, at end insert –
- “(6A) In section 267 of the Investigatory Powers Act 2016 (regulations), in subsection (5), after paragraph (a) insert –
- “(aa) regulations under section 12(5B).””

COMMONS AMENDMENT 6

6 Clause 14, page 35, line 6, at end insert –

“(6B) In the Investigatory Powers Act 2016, after Schedule 2 insert –

“SCHEDULE 2A

Section 12(5A)

SPECIFIED PUBLIC AUTHORITIES FOR THE PURPOSES OF SECTION 12

1 The Treasury.

2 A local authority.

In this Schedule “local authority” has the same meaning as in Part 3 (see section 86).”

Clause 21

COMMONS AMENDMENT 7

7 Clause 21, page 45, line 7, leave out first “person” and insert “relevant operator”

COMMONS AMENDMENT 8

8 Clause 21, page 45, line 8, leave out “person’s” and insert “relevant operator’s”

COMMONS AMENDMENT 9

9 Clause 21, page 45, line 29, at end insert –

““relevant operator” has the same meaning as in that section.”

COMMONS AMENDMENT 10

10 Clause 21, page 45, line 35, leave out “notice, as varied,” and insert “variation”

COMMONS AMENDMENT 11

11 Clause 21, page 46, line 2, leave out first “person” and insert “relevant operator”

COMMONS AMENDMENT 12

12 Clause 21, page 46, line 2, leave out second “person” and insert “relevant operator”

COMMONS AMENDMENT 13

13 Clause 21, page 46, line 5, leave out “person” and insert “relevant operator”

COMMONS AMENDMENT 14

14 Clause 21, page 46, line 6, leave out “person” and insert “relevant operator”

Clause 22

COMMONS AMENDMENT 15

- 15** Clause 22, page 47, line 17, leave out from “and” to end of line 19 and insert –
- “(b) has the necessary operational awareness to decide whether to give approvals under subsection (2).”

Clause 23

COMMONS AMENDMENT 16

- 16** Clause 23, page 48, line 15, leave out from “and” to end of line 17 and insert –
- “(b) has the necessary operational awareness to decide whether to give approvals under subsection (3) or (6).”

Clause 33

COMMONS AMENDMENT 17

- 17** Clause 33, page 56, line 1, leave out subsection (2)

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